

116TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
116-???

WILLIAM M. (MAC) THORNBERRY
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021

CONFERENCE REPORT

TO ACCOMPANY

H.R. 6395



DECEMBER --, 2020.—Ordered to be printed

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WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE
AUTHORIZATION ACT FOR 2021

_____, 2020.—Ordered to be printed

Mr. Smith of Washington, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 6395]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6395), to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “William M. (Mac)
3 Thornberry National Defense Authorization Act for Fiscal
4 Year 2021”.

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

7 (a) DIVISIONS.—This Act is organized into eight divi-
8 sions as follows:

9 (1) Division A—Department of Defense Au-
10 thorizations.

11 (2) Division B—Military Construction Author-
12 izations.

13 (3) Division C—Department of Energy Na-
14 tional Security Authorizations and Other Authoriza-
15 tions.

16 (4) Division D—Funding Tables.

17 (5) Division E—National Artificial Intelligence
18 Initiative Act of 2020

19 (6) Division F—Anti-Money Laundering

20 (7) Division G—Elijah E. Cummings Coast
21 Guard Authorization Act of 2020

22 (8) Division H—Other Matters

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.

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- Sec. 101. Authorization of appropriations.

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- Sec. 111. Modifications to requirement for an interim cruise missile defense capability.
- Sec. 112. Report and limitations on acquisition of Integrated Visual Augmentation System.
- Sec. 113. Assessment of investment and sustainment for procurement of cannon tubes.

Subtitle C—Navy Programs

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- Sec. 122. Limitations on Navy medium and large unmanned surface vessels.
- Sec. 123. Fighter force structure acquisition strategy.
- Sec. 124. Procurement authorities for certain amphibious shipbuilding programs.
- Sec. 125. Land-based test program for the FFG(X) Frigate program.
- Sec. 126. Treatment in future budgets of the President of systems added by Congress.
- Sec. 127. Extension of prohibition on availability of funds for Navy waterborne security barriers.
- Sec. 128. Report on strategy to use ALQ-249 Next Generation Jammer to ensure full spectrum electromagnetic superiority.

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- Sec. 131. Minimum operational squadron level.
- Sec. 132. Modification of force structure objectives for bomber aircraft.
- Sec. 133. Minimum bomber aircraft force level.
- Sec. 134. Required minimum inventory of tactical airlift aircraft.
- Sec. 135. Inventory requirements for air refueling tanker aircraft.
- Sec. 136. Authority to use F-35A fighter aircraft AT-1 through AT-6.
- Sec. 137. F-35 aircraft gun system ammunition.
- Sec. 138. Extension of limitation on availability of funds for retirement of RC-135 aircraft.
- Sec. 139. Modification to limitation on retirement of U-2 and RQ-4 aircraft.
- Sec. 140. Modification of limitation on availability of funds for retirement of E-8 JSTARS aircraft.
- Sec. 141. Limitation on divestment of F-15C aircraft within the European theater.
- Sec. 142. Modernization plan for airborne intelligence, surveillance, and reconnaissance.
- Sec. 143. RC-26B manned intelligence, surveillance, and reconnaissance aircraft.

- Sec. 144. Prohibition on funding for Close Air Support Integration Group.
- Sec. 145. Required solution for KC-46 aircraft remote visual system limitations.
- Sec. 146. Analysis of moving target indicator requirements and Advanced Battle Management System capabilities.
- Sec. 147. Study on measures to assess cost-per-effect for key mission areas.

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

- Sec. 151. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force.
- Sec. 152. Transfer of responsibilities and functions relating to electromagnetic spectrum operations.
- Sec. 153. Cryptographic modernization schedules.
- Sec. 154. Department of Defense participation in the Special Federal Aviation Regulation Working Group.
- Sec. 155. Integrated air and missile defense assessment.
- Sec. 156. Joint strategy for air base defense against missile threats.
- Sec. 157. Joint All Domain Command and Control requirements.
- Sec. 158. Expansion of economic order quantity contracting authority for F-35 aircraft program.
- Sec. 159. Documentation relating to the F-35 aircraft program.
- Sec. 160. F-35 aircraft munitions.
- Sec. 161. Redesign strategy for the Autonomic Logistics Information System for the F-35 fighter aircraft.
- Sec. 162. Briefings on software regression testing for F-35 aircraft.
- Sec. 163. Prohibition on use of funds for the Armed Overwatch Program.
- Sec. 164. Acceleration of development and fielding of counter unmanned aircraft systems across the joint force.
- Sec. 165. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for the United States Special Operations Command.
- Sec. 166. Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command.
- Sec. 167. Notification on efforts to replace inoperable ejection seat aircraft locator beacons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Modification of requirements relating to certain cooperative research and development agreements.
- Sec. 212. Disclosure requirements for recipients of Department of Defense research and development funds.
- Sec. 213. Modification of national security innovation activities and pilot program on strengthening the defense industrial and innovation base.
- Sec. 214. Updates to Defense Quantum Information Science and Technology Research and Development program.
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- Sec. 216. Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
- Sec. 217. Designation of senior officials for critical technology areas supportive of the National Defense Strategy.
- Sec. 218. Executive agent for Autonomy.
- Sec. 219. National security innovation partnerships.
- Sec. 220. Social science, management science, and information science research activities.
- Sec. 221. Accountability measures relating to the Advanced Battle Management System.
- Sec. 222. Activities to improve fielding of Air Force hypersonic capabilities.
- Sec. 223. Disclosure of funding sources in applications for Federal research and development awards.
- Sec. 224. Governance of fifth-generation wireless networking in the Department of Defense.
- Sec. 225. Demonstration project on use of certain technologies for fifth-generation wireless networking services.
- Sec. 226. Research, development, and deployment of technologies to support water sustainment.
- Sec. 227. Limitation on contract awards for certain unmanned vessels.

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- Sec. 232. Modification of joint artificial intelligence research, development, and transition activities.
- Sec. 233. Board of advisors for the Joint Artificial Intelligence Center.
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- Sec. 241. Measuring and incentivizing programming proficiency.
- Sec. 242. Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.
- Sec. 243. Improvements to Technology and National Security Fellowship of Department of Defense.
- Sec. 244. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.
- Sec. 245. Encouragement of contractor science, technology, engineering, and mathematics (STEM) programs.
- Sec. 246. Training program for human resources personnel in best practices for technical workforce.
- Sec. 247. Pilot program on the use of electronic portfolios to evaluate certain applicants for technical positions.
- Sec. 248. Pilot program on self-directed training in advanced technologies.
- Sec. 249. Part-time and term employment of university faculty and students in the Defense science and technology enterprise.
- Sec. 250. National security workforce and educational diversity activities.
- Sec. 251. Coordination of scholarship and employment programs of the Department of Defense.

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Sec. 272. Modification to Test Resource Management Center strategic plan reporting cycle and contents.
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Sec. 274. Element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.
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Sec. 276. Microelectronics and national security.
Sec. 277. Independent evaluation of personal protective and diagnostic testing equipment.
Sec. 278. Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries.
Sec. 279. Annual reports regarding the SBIR program of the Department of Defense.
Sec. 280. Reports on F-35 physiological episodes and mitigation efforts.
Sec. 281. Review and report on next generation air dominance capabilities.
Sec. 282. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
Sec. 283. Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related and defense-related fields.

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- Sec. 301. Authorization of appropriations.

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Sec. 312. Readiness and Environmental Protection Integration Program.
Sec. 313. Extension of real-time sound monitoring at Navy installations where tactical fighter aircraft operate.

- Sec. 314. Modification of authority for environmental restoration projects of National Guard.
- Sec. 315. Modification of authority to carry out military installation resilience projects.
- Sec. 316. Energy resilience and energy security measures on military installations.
- Sec. 317. Modification to availability of energy cost savings for Department of Defense.
- Sec. 318. Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations.
- Sec. 319. Native American lands environmental mitigation program.
- Sec. 320. Study on alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on personnel, activities, and installations of Department of Defense.
- Sec. 321. Pilot program on alternative fuel vehicle purchasing.
- Sec. 322. Budgeting of Department of Defense relating to operational energy improvement.
- Sec. 323. Assessment of Department of Defense operational energy usage.
- Sec. 324. Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense.
- Sec. 325. Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility.
- Sec. 326. Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center.
- Sec. 327. Requirement to update Department of Defense adaptation roadmap.
- Sec. 328. Department of Defense report on greenhouse gas emissions levels.
- Sec. 329. Objectives, performance standards, and criteria for use of wildlife conservation banking programs.
- Sec. 330. Prizes for development of non-PFAS-containing fire-fighting agent.
- Sec. 331. Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam.
- Sec. 332. Interagency body on research related to per- and polyfluoroalkyl substances.
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- Sec. 343. Additional elements for inclusion in Navy ship depot maintenance budget report.

- Sec. 344. Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels.
- Sec. 345. Independent advisory panel on weapon system sustainment.
- Sec. 346. Biannual briefings on status of Shipyard Infrastructure Optimization Plan.
- Sec. 347. Materiel readiness metrics and objectives for major weapon systems.
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- Sec. 352. Explosive Ordnance Disposal Defense Program.
- Sec. 353. Assessment of resilience of Department of Defense munitions enterprise.
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- Sec. 362. Servicewomen's Commemorative Partnerships.
- Sec. 363. Biodefense analysis and budget submission.
- Sec. 364. Update of National Biodefense Implementation Plan.
- Sec. 365. Plans and reports on emergency response training for military installations.
- Sec. 366. Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations.
- Sec. 367. Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work.
- Sec. 368. Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense.
- Sec. 369. Clarification of food ingredient requirements for food or beverages provided by the Department of Defense.
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- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.
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- Sec. 504. Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit.
- Sec. 505. Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters.
- Sec. 506. Number of opportunities for consideration for promotion under alternative promotion authority.
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- Sec. 511. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
- Sec. 512. Expansion of Junior Reserve Officers' Training Corps Program.
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- Sec. 514. Permanent suicide prevention and resilience program for the reserve components.
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- Sec. 516. Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service.
- Sec. 517. Quarantine lodging for members of the reserve components who perform certain service in response to the COVID–19 emergency.
- Sec. 518. Direct employment pilot program for certain members of the reserve components.
- Sec. 519. Pilot programs authorized in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions.

- Sec. 519A. Report regarding full-time National Guard duty in response to the COVID-19 pandemic.
- Sec. 519B. Study and report on National Guard support to States responding to major disasters.
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- Sec. 534. Additional matters for 2021 report of the Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 535. Inclusion of advisory duties on the Coast Guard Academy among duties of Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 536. Modification of reporting and data collection on victims of sexual offenses.
- Sec. 537. Modification of annual report regarding sexual assaults involving members of the Armed Forces.
- Sec. 538. Coordination of support for survivors of sexual trauma.
- Sec. 539. Policy for military service academies on separation of alleged victims and alleged perpetrators in incidents of sexual assault.
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- Sec. 542. Qualifications of judges and standard of review for Courts of Criminal Appeals.
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- Sec. 544. Availability of records for National Instant Criminal Background Check System.
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- Sec. 546. Briefing on mental health support for vicarious trauma for certain personnel in the military justice system.
- Sec. 547. Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system.
- Sec. 548. Legal assistance for veterans and surviving spouses and dependents.
- Sec. 549. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
- Sec. 549A. Multidisciplinary board to evaluate suicide events.
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- Sec. 552. National emergency exception for timing requirements with respect to certain surveys of members of the Armed Forces.
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- Sec. 554. Inspector General oversight of diversity and inclusion in Department of Defense; supremacist, extremist, or criminal gang activity in the Armed Forces.
- Sec. 555. Policy to improve responses to pregnancy and childbirth by certain members of the Armed Forces.
- Sec. 556. Training on certain Department of Defense instructions for members of the Armed Forces.
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- Sec. 572. Expansion of Skillbridge program to include the Coast Guard.
- Sec. 573. Increase in number of permanent professors at the United States Air Force Academy.
- Sec. 574. Additional elements with 2021 and 2022 certifications on the Ready, Relevant Learning initiative of the Navy.
- Sec. 575. Information on nominations and applications for military service academies.
- Sec. 576. Report on potential improvements to certain military educational institutions of the Department of Defense.
- Sec. 577. College of International Security Affairs of the National Defense University.
- Sec. 578. Improvements to the Credentialing Opportunities On-Line programs of the Armed Forces.
- Sec. 579. GAO study regarding transferability of military certifications to civilian occupational licenses and certifications.
- Sec. 579A. Report regarding county, Tribal, and local veterans service officers.

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- Sec. 582. Improvements to Exceptional Family Member Program.
- Sec. 583. Support services for members of special operations forces and immediate family members.
- Sec. 584. Responsibility for allocation of certain funds for military child development programs.
- Sec. 585. Military child care and child development center matters.
- Sec. 586. Expansion of financial assistance under My Career Advancement Account program.
- Sec. 587. Improvements to partner criteria of the Military Spouse Employment Partnership Program.
- Sec. 588. 24-hour child care.
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- Sec. 594. Armed Services Vocational Aptitude Battery Test special purpose adjunct to address computational thinking.
- Sec. 595. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.
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- Sec. 8215. Support of women serving in the Coast Guard.
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- Sec. 8247. Report on Coast Guard defense readiness resources allocation.
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- Sec. 8252. Coast Guard housing; status and authorities briefing.
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- Sec. 8254. Study on Certificate of Compliance inspection program with respect to vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.
- Sec. 8255. Comptroller General of the United States review and report on Coast Guard's International Port Security Program.
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- Sec. 8259. Comptroller General of the United States study and report on access to health care by members of Coast Guard and dependents.
- Sec. 8260. Comptroller General of the United States study and report on medical staffing standards and needs for Coast Guard.
- Sec. 8261. Report on fast response cutters, offshore patrol cutters, and national security cutters.

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- Sec. 8271. Short title.
- Sec. 8272. Coast Guard Academy study.
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- Sec. 8274. Assessment of Coast Guard Academy admission processes.
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- Sec. 8277. Annual board of visitors.
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- Sec. 8281. Strategy on leadership of Coast Guard.
- Sec. 8282. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard.
- Sec. 8283. Access to resources during creosote-related building closures at Coast Guard Base Seattle, Washington.
- Sec. 8284. Southern resident orca conservation and enforcement.
- Sec. 8285. Sense of Congress and report on implementation of policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.
- Sec. 8286. Inspector General report on access to Equal Opportunity Advisors and Equal Employment Opportunity Specialists.
- Sec. 8287. Insider Threat Program.

TITLE LVXXXIII—MARITIME

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- Sec. 8301. Electronic charts; equivalency.
- Sec. 8302. Subrogated claims.
- Sec. 8303. Loan provisions under Oil Pollution Act of 1990.
- Sec. 8304. Oil pollution research and development program.

Subtitle B—Shipping

- Sec. 8311. Passenger vessel security and safety requirements; application.
- Sec. 8312. Small passenger vessels and uninspected passenger vessels.
- Sec. 8313. Non-operating individual.
- Sec. 8314. Conforming amendments: training; public safety personnel.
- Sec. 8315. Maritime transportation assessment.
- Sec. 8316. Engine cut-off switches; use requirement.
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- Sec. 8318. Exemptions and equivalents.
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Subtitle C—Advisory Committees

- Sec. 8331. Advisory committees.
- Sec. 8332. Maritime Transportation System National Advisory Committee.
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Subtitle D—Ports

- Sec. 8341. Port, harbor, and coastal facility security.
- Sec. 8342. Aiming laser pointer at vessel.
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TITLE LVXXXIV—MISCELLANEOUS

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- Sec. 8401. Coastwise trade.
- Sec. 8402. Towing vessels operating outside boundary line.
- Sec. 8403. Sense of Congress regarding the maritime industry of the United States.
- Sec. 8404. Cargo preference study.
- Sec. 8405. Towing vessel inspection fees review.

Subtitle B—Maritime Domain Awareness

- Sec. 8411. Unmanned maritime systems and satellite vessel tracking technologies.
- Sec. 8412. Unmanned aircraft systems testing.
- Sec. 8413. Land-based unmanned aircraft system program of Coast Guard.
- Sec. 8414. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 8415. United States commercial space-based radio frequency maritime domain awareness testing and evaluation program.
- Sec. 8416. Authorization of use of automatic identification systems devices to mark fishing equipment.

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- Sec. 8421. Coast Guard Arctic prioritization.
- Sec. 8422. Arctic PARS Native engagement.
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- Sec. 8424. Report on the Arctic capabilities of the Armed Forces.
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- Sec. 8431. Plan for wing-in-ground demonstration plan.
- Sec. 8432. Northern Michigan oil spill response planning.
- Sec. 8433. Documentation of LNG tankers.
- Sec. 8434. Replacement vessel.
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- Sec. 8436. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 8437. Anchorages.
- Sec. 8438. Comptroller General of the United States study and report on vertical evacuation for tsunamis at Coast Guard Stations in Washington and Oregon.
- Sec. 8439. Authority to enter into agreements with National Coast Guard Museum Association.
- Sec. 8440. Video equipment; access and retention of records.
- Sec. 8441. Regulations for covered small passenger vessels.

TITLE LVXXXV—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

- Sec. 8501. Transfers.
- Sec. 8502. Additional transfers.
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- Sec. 8504. Maritime transportation system.
- Sec. 8505. References to “persons” and “seamen”.
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- Sec. 8507. Miscellaneous technical corrections.
- Sec. 8508. Technical corrections relating to codification of Ports and Waterways Safety Act.
- Sec. 8509. Aids to navigation.
- Sec. 8510. Transfers related to employees of Lighthouse Service.
- Sec. 8511. Transfers related to surviving spouses of Lighthouse Service employees.
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- Sec. 8513. Common appropriation structure.

TITLE LVXXXVI—FEDERAL MARITIME COMMISSION

- Sec. 8601. Short title.
- Sec. 8602. Authorization of appropriations.
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- Sec. 8604. National Shipper Advisory Committee.
- Sec. 8605. Transfer of Federal Maritime Commission provisions.

DIVISION H—OTHER MATTERS

TITLE XC—HOMELAND SECURITY MATTERS

- Sec. 9001. Department of Homeland Security CISA Director.
- Sec. 9002. Sector risk management agencies.
- Sec. 9003. Review and analysis of inland waters seaport security.
- Sec. 9004. Department of Homeland Security reports on digital content forgery technology.
- Sec. 9005. GAO study of cybersecurity insurance.
- Sec. 9006. Strategy to secure email.
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TITLE XCI—VETERANS AFFAIRS MATTERS

- Sec. 9101. Modification of licensure requirements for Department of Veterans Affairs health care professionals providing treatment via telemedicine.
- Sec. 9102. Additional care for newborn children of veterans.
- Sec. 9103. Expansion of eligibility for HUD-VASH.
- Sec. 9104. Study on unemployment rate of women veterans who served on active duty in the Armed Forces after September 11, 2001.
- Sec. 9105. Access of veterans to Individual Longitudinal Exposure Record.
- Sec. 9106. Department of Veterans Affairs report on undisbursed funds.
- Sec. 9107. Transfer of Mare Island Naval Cemetery to Secretary of Veterans Affairs for maintenance by National Cemetery Administration.
- Sec. 9108. Comptroller General report on Department of Veterans Affairs handling of disability compensation claims by certain veterans.
- Sec. 9109. Additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam.

TITLE XCII—COMMUNICATIONS MATTERS

- Sec. 9201. Reliable emergency alert distribution improvement.

- Sec. 9202. Wireless supply chain innovation and multilateral security.
- Sec. 9203. Spectrum information technology modernization efforts.
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TITLE XCIII—INTELLIGENCE MATTERS

- Sec. 9301. Requirement for facilitation of establishment of social media data and threat analysis center.
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- Sec. 9401. Improving national initiative for cybersecurity education.
- Sec. 9402. Development of standards and guidelines for improving cybersecurity workforce of Federal agencies.
- Sec. 9403. Modifications to Federal cyber scholarship-for-service program.
- Sec. 9404. Additional modifications to Federal cyber scholarship-for-service program.
- Sec. 9405. Cybersecurity in programs of the National Science Foundation.
- Sec. 9406. Cybersecurity in STEM programs of the National Aeronautics and Space Administration.
- Sec. 9407. National cybersecurity challenges.

Subtitle B—Other Matters

- Sec. 9411. Established Program to Stimulate Competitive Research.
- Sec. 9412. Industries of the future.
- Sec. 9413. National Institute of Standards and Technology Manufacturing Extension Partnership program supply chain database.
- Sec. 9414. Study on Chinese policies and influence in the development of international standards for emerging technologies.
- Sec. 9415. Coordination with Hollings Manufacturing Extension Partnership Centers.

TITLE XCV—NATURAL RESOURCES MATTERS

- Sec. 9501. Transfer of funds for Oklahoma City national memorial endowment fund.
- Sec. 9502. Workforce issues for military realignments in the Pacific.
- Sec. 9503. Affirmation of authority for non-oil and gas operations on the outer Continental Shelf.

TITLE XCVI—OVERSIGHT AND REFORM MATTERS

- Sec. 9601. Inventory of program activities of Federal agencies.
- Sec. 9602. Preservation of electronic messages and other records.
- Sec. 9603. Continuity of the economy plan.

TITLE XCVII—FINANCIAL SERVICES MATTERS

Subtitle A—Kleptocracy Asset Recovery Rewards Act

- Sec. 9701. Short title.
- Sec. 9702. Sense of Congress.

Sec. 9703. Department of the Treasury Kleptocracy Asset Recovery Rewards Pilot Program.

Subtitle B—Combating Russian Money Laundering

Sec. 9711. Short title.

Sec. 9712. Statement of policy.

Sec. 9713. Sense of Congress.

Sec. 9714. Determination with respect to primary money laundering concern of Russian illicit finance.

Subtitle C—Other Matters

Sec. 9721. Certified notice at completion of an assessment.

Sec. 9722. Ensuring Chinese debt transparency.

Sec. 9723. Accountability for World Bank Loans to China.

Sec. 9724. Fairness for Taiwan nationals regarding employment at international financial institutions.

TITLE XCIX—CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS FOR AMERICA

Sec. 9901. Definitions.

Sec. 9902. Semiconductor incentives.

Sec. 9903. Department of Defense.

Sec. 9904. Department of Commerce study on status of microelectronics technologies in the United States industrial base.

Sec. 9905. Funding for development and adoption of measurably secure semiconductors and measurably secure semiconductors supply chains.

Sec. 9906. Advanced microelectronics research and development.

Sec. 9907. Prohibition relating to foreign entities of concern.

Sec. 9908. Defense Production Act of 1950 efforts.

TITLE C—OTHER MATTERS

Sec. 10001. AMBER Alert nationwide.

Sec. 10002. Improving authority for operation of unmanned aircraft for educational purposes.

Sec. 10003. Prohibition on provision of airport improvement grant funds to certain entities that have violated intellectual property rights of United States entities.

Sec. 10004. Study and report on the affordability of insulin.

Sec. 10005. Waiver authority with respect to institutions located in an area affected by Hurricane Maria.

Sec. 10006. Farm and ranch mental health.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

1 **SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, jointly submitted for printing in the Congressional
7 Record by the Chairmen of the House and Senate Budget
8 Committees, provided that such statement has been sub-
9 mitted prior to the vote on passage in the House acting
10 first on the conference report or amendment between the
11 Houses.

12 **DIVISION A—DEPARTMENT OF**
13 **DEFENSE AUTHORIZATIONS**
14 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Modifications to requirement for an interim cruise missile defense capability.

Sec. 112. Report and limitations on acquisition of Integrated Visual Augmentation System.

Sec. 113. Assessment of investment and sustainment for procurement of cannon tubes.

Subtitle C—Navy Programs

Sec. 121. Limitation on alteration of the Navy fleet mix.

Sec. 122. Limitations on Navy medium and large unmanned surface vessels.

Sec. 123. Fighter force structure acquisition strategy.

Sec. 124. Procurement authorities for certain amphibious shipbuilding programs.

Sec. 125. Land-based test program for the FFG(X) Frigate program.

Sec. 126. Treatment in future budgets of the President of systems added by Congress.

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

- Sec. 128. Report on strategy to use ALQ-249 Next Generation Jammer to ensure full spectrum electromagnetic superiority.

Subtitle D—Air Force Programs

- Sec. 131. Minimum operational squadron level.
 Sec. 132. Modification of force structure objectives for bomber aircraft.
 Sec. 133. Minimum bomber aircraft force level.
 Sec. 134. Required minimum inventory of tactical airlift aircraft.
 Sec. 135. Inventory requirements for air refueling tanker aircraft.
 Sec. 136. Authority to use F-35A fighter aircraft AT-1 through AT-6.
 Sec. 137. F-35 aircraft gun system ammunition.
 Sec. 138. Extension of limitation on availability of funds for retirement of RC-135 aircraft.
 Sec. 139. Modification to limitation on retirement of U-2 and RQ-4 aircraft.
 Sec. 140. Modification of limitation on availability of funds for retirement of E-8 JSTARS aircraft.
 Sec. 141. Limitation on divestment of F-15C aircraft within the European theater.
 Sec. 142. Modernization plan for airborne intelligence, surveillance, and reconnaissance.
 Sec. 143. RC-26B manned intelligence, surveillance, and reconnaissance aircraft.
 Sec. 144. Prohibition on funding for Close Air Support Integration Group.
 Sec. 145. Required solution for KC-46 aircraft remote visual system limitations.
 Sec. 146. Analysis of moving target indicator requirements and Advanced Battle Management System capabilities.
 Sec. 147. Study on measures to assess cost-per-effect for key mission areas.

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

- Sec. 151. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force.
 Sec. 152. Transfer of responsibilities and functions relating to electromagnetic spectrum operations.
 Sec. 153. Cryptographic modernization schedules.
 Sec. 154. Department of Defense participation in the Special Federal Aviation Regulation Working Group.
 Sec. 155. Integrated air and missile defense assessment.
 Sec. 156. Joint strategy for air base defense against missile threats.
 Sec. 157. Joint All Domain Command and Control requirements.
 Sec. 158. Expansion of economic order quantity contracting authority for F-35 aircraft program.
 Sec. 159. Documentation relating to the F-35 aircraft program.
 Sec. 160. F-35 aircraft munitions.
 Sec. 161. Redesign strategy for the Autonomic Logistics Information System for the F-35 fighter aircraft.
 Sec. 162. Briefings on software regression testing for F-35 aircraft.
 Sec. 163. Prohibition on use of funds for the Armed Overwatch Program.
 Sec. 164. Acceleration of development and fielding of counter unmanned aircraft systems across the joint force.
 Sec. 165. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for the United States Special Operations Command.

Sec. 166. Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command.

Sec. 167. Notification on efforts to replace inoperable ejection seat aircraft locator beacons.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MODIFICATIONS TO REQUIREMENT FOR AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

(a) PLAN.—Not later than January 15, 2021, the Secretary of the Army shall submit to the congressional defense committees the plan, including a timeline, to operationally deploy or forward station the interim cruise missile defense capability procured pursuant to section 112 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1660) in an operational theater or theaters.

(b) MODIFICATION OF WAIVER.—Paragraph (4) of section 112(b) of the John S. McCain National Defense

1 Authorization Act for Fiscal Year 2019 (132 Stat. 1661)
2 is amended to read as follows:

3 “(4) WAIVER.—The Secretary of the Army may
4 waive the deadlines specified in paragraph (1):

5 “(A) For the deadline specified in para-
6 graph (1)(A), if the Secretary determines that
7 sufficient funds have not been appropriated to
8 enable the Secretary to meet such deadline.

9 “(B) For the deadline specified in para-
10 graph (1)(B), if the Secretary submits to the
11 congressional defense committees a certification
12 that—

13 “(i) allocating resources toward pro-
14 curement of an integrated enduring capa-
15 bility would provide robust tiered and lay-
16 ered protection to the joint force; or

17 “(ii) additional time is required to
18 complete testing, training, and preparation
19 for operational capability.”.

20 **SEC. 112. REPORT AND LIMITATIONS ON ACQUISITION OF**
21 **INTEGRATED VISUAL AUGMENTATION SYS-**
22 **TEM.**

23 (a) REPORT REQUIRED.—

24 (1) IN GENERAL.—Not later than August 15,
25 2021, but after completion of operational testing of

1 the Integrated Visual Augmentation System (IVAS),
2 the Secretary of the Army shall submit to the con-
3 gressional defense committees a report on the Inte-
4 grated Visual Augmentation System.

5 (2) ELEMENTS.—The report required by para-
6 graph (1) shall include the following:

7 (A) The acquisition strategy for the Inte-
8 grated Visual Augmentation System, including
9 an estimate of the average production unit cost,
10 a schedule for full-rate production, and an iden-
11 tification of any hardware and software changes
12 in the System as a result of operational testing.

13 (B) A description of the technology levels
14 required for full-rate production of the System.

15 (C) A description of operational suitability
16 and soldier acceptability for the production-rep-
17 resentative model System.

18 (b) ASSESSMENT REQUIRED.—Not later than 30
19 days after the submittal of the report required by sub-
20 section (a), the Director of Operational Test and Evalua-
21 tion shall submit to the congressional defense committees
22 an assessment of the matters described pursuant to sub-
23 paragraphs (B) and (C) of subsection (a)(2).

24 (c) LIMITATION ON USE OF FUNDS.—Of the funds
25 authorized to be appropriated by this Act or otherwise

1 made available for fiscal year 2021 for procurement of the
2 Integrated Visual Augmentation System, not more than
3 75 percent may be obligated or expended until the date
4 on which the Secretary submits to the congressional de-
5 fense committees the report required by subsection (a).

6 **SEC. 113. ASSESSMENT OF INVESTMENT AND**
7 **SUSTAINMENT FOR PROCUREMENT OF CAN-**
8 **NON TUBES.**

9 (a) **ASSESSMENT REQUIRED.**—The Secretary of the
10 Army shall conduct an assessment of the development,
11 production, procurement, and modernization of the de-
12 fense industrial base for cannon and large caliber weapon
13 tubes.

14 (b) **SUBMITTAL TO CONGRESS.**—Not later than 90
15 days after the date of the enactment of this Act, the Sec-
16 retary shall submit to the congressional defense commit-
17 tees a report setting forth the assessment conducted under
18 subsection (a).

19 **Subtitle C—Navy Programs**

20 **SEC. 121. LIMITATION ON ALTERATION OF THE NAVY**
21 **FLEET MIX.**

22 (a) **LIMITATION.**—

23 (1) **IN GENERAL.**—The Secretary of the Navy
24 may not deviate from the large surface combatant
25 requirements included in the 2016 Navy Force

1 Structure Assessment until the date on which the
2 Secretary submits to the congressional defense com-
3 mittees the certification under paragraph (2) and
4 the report under subsection (b).

5 (2) CERTIFICATION.—The certification referred
6 to in paragraph (1) is a certification, in writing, that
7 the Navy can mitigate the reduction in multi-mission
8 large surface combatant requirements, including
9 anti-air and ballistic missile defense capabilities, due
10 to having a reduced number of DDG–51 Destroyers
11 with the advanced AN/SPY–6 radar in the next
12 three decades.

13 (b) REPORT.—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary of the Navy
15 shall submit to the congressional defense committees a re-
16 port that includes—

17 (1) a description of likely detrimental impacts
18 to the large surface combatant industrial base, and
19 a plan to mitigate such impacts, if the fiscal year
20 2021 future-years defense program is implemented
21 as proposed;

22 (2) a review of the benefits to the Navy fleet of
23 the new AN/SPY–6 radar to be deployed aboard
24 Flight III variant DDG–51 Destroyers, which are
25 currently under construction, as well as an analysis

1 of impacts to the warfighting capabilities of the fleet
2 should the number of such destroyers be reduced;
3 and

4 (3) a plan to fully implement section 131 of the
5 National Defense Authorization for Fiscal Year
6 2020 (Public Law 116–92; 133 Stat. 1237), includ-
7 ing subsystem prototyping efforts and funding by
8 fiscal year.

9 **SEC. 122. LIMITATIONS ON NAVY MEDIUM AND LARGE UN-**
10 **MANNED SURFACE VESSELS.**

11 (a) MILESTONE B APPROVAL REQUIREMENTS.—
12 Milestone B approval may not be granted for a covered
13 program unless such program accomplishes prior to and
14 incorporates into such approval—

15 (1) qualification by the Senior Technical Au-
16 thority of—

17 (A) at least one representative main pro-
18 pulsion system, including the fuel and lube oil
19 systems; and

20 (B) at least one representative electrical
21 generation and distribution system;

22 (2) final results of test programs of engineering
23 development models or prototypes showing that crit-
24 ical systems designated pursuant to subparagraph
25 (C) of section 8669b(c)(2) of title 10, United States

1 Code, are demonstrated as required by subparagraph
2 (I) of that section; and

3 (3) a determination by the milestone decision
4 authority of the minimum number of vessels, discrete test events, performance parameters to be tested, and schedule required to complete initial operational test and evaluation and demonstrate operational suitability and operational effectiveness.

9 (b) QUALIFICATION REQUIRES OPERATIONAL DEMONSTRATION.—The qualification required in subsection
10 (a)(1) shall include a land-based operational demonstration of the systems concerned in the vessel-representative form, fit, and function for not less than 720 continuous
11 hours without preventative maintenance, corrective maintenance, emergent repair, or any other form of repair or
12 maintenance.
13
14
15
16

17 (c) USE OF QUALIFIED SYSTEMS.—The Secretary of
18 the Navy shall require that covered programs use only
19 main propulsion systems and electrical generation and distribution systems that are qualified under subsection
20 (a)(1).
21

22 (d) LIMITATION ON CONTRACT AWARD OR FUNDING.—
23

24 (1) IN GENERAL.—The Secretary may not
25 award a detail design or construction contract, or

1 obligate funds from a procurement account, for a
2 covered program until such program receives Mile-
3 stone B approval and the milestone decision author-
4 ity notifies the congressional defense committees, in
5 writing, of the actions taken to comply with the re-
6 quirements under this section.

7 (2) EXCEPTION.—The limitation in paragraph
8 (1) does not apply to advanced procurement for gov-
9 ernment-furnished equipment.

10 (e) DEFINITIONS.—In this section:

11 (1) COVERED PROGRAM.—The term “covered
12 program” means a program for—

13 (A) medium unmanned surface vessels; or

14 (B) large unmanned surface vessels.

15 (2) MILESTONE B APPROVAL.—The term “Mile-
16 stone B approval” has the meaning given the term
17 in section 2366(e)(7) of title 10, United States
18 Code.

19 (3) MILESTONE DECISION AUTHORITY.—The
20 term “milestone decision authority” means the offi-
21 cial within the Department of Defense designated
22 with the overall responsibility and authority for ac-
23 quisition decisions for an acquisition program, in-
24 cluding authority to approve entry of the program
25 into the next phase of the acquisition process.

1 (4) SENIOR TECHNICAL AUTHORITY.—The term
2 “Senior Technical Authority” has the meaning pro-
3 vided for in section 8669b of title 10, United States
4 Code.

5 **SEC. 123. FIGHTER FORCE STRUCTURE ACQUISITION**
6 **STRATEGY.**

7 (a) SUBMITTAL OF STRATEGY REQUIRED.—Not later
8 than March 1, 2021, the Secretary of the Navy shall sub-
9 mit to the congressional defense committees a strategy for
10 the Navy for tactical fighter aircraft force structure acqui-
11 sition that aligns with the stated capability and capacity
12 requirements of the Department of the Navy to meet the
13 National Defense Strategy.

14 (b) LIMITATION ON DEVIATION FROM STRATEGY.—
15 The Secretary of the Navy may not deviate from the strat-
16 egy submitted under subsection (a) until—

17 (1) the Secretary of Defense, in consultation
18 with the Chairman of the Joint Chiefs of Staff, ap-
19 proves the deviation, in writing; and

20 (2) the Secretary of Defense provides the con-
21 gressional defense committees the approval of the
22 deviation, together with a justification for the devi-
23 ation.

1 **SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AM-**
2 **PHIBIOUS SHIPBUILDING PROGRAMS.**

3 (a) CONTRACT AUTHORITY.—

4 (1) PROCUREMENT AUTHORIZED.—In fiscal
5 year 2021, the Secretary of the Navy may enter into
6 one or more contracts for the procurement of three
7 San Antonio-class amphibious ships and one Amer-
8 ica-class amphibious ship.

9 (2) PROCUREMENT IN CONJUNCTION WITH EX-
10 ISTING CONTRACTS.—The ships authorized to be
11 procured under paragraph (1) may be procured as
12 additions to existing contracts covering such pro-
13 grams.

14 (b) CERTIFICATION REQUIRED.—A contract may not
15 be entered into under subsection (a) unless the Secretary
16 of the Navy certifies to the congressional defense commit-
17 tees, in writing, not later than 30 days before entry into
18 the contract, each of the following, which shall be prepared
19 by the milestone decision authority for such programs:

20 (1) The use of such a contract is consistent
21 with the projected force structure requirements of
22 the Department of the Navy for amphibious ships.

23 (2) The use of such a contract will result in sig-
24 nificant savings compared to the total anticipated
25 costs of carrying out the program through annual
26 contracts. In certifying cost savings under the pre-

1 ceding sentence, the Secretary shall include a writ-
2 ten explanation of—

3 (A) the estimated end cost and appro-
4 priated funds by fiscal year, by hull, without
5 the authority provided in subsection (a);

6 (B) the estimated end cost and appro-
7 priated funds by fiscal year, by hull, with the
8 authority provided in subsection (a);

9 (C) the estimated cost savings or increase
10 by fiscal year, by hull, with the authority pro-
11 vided in subsection (a);

12 (D) the discrete actions that will accom-
13 plish such cost savings or avoidance; and

14 (E) the contractual actions that will ensure
15 the estimated cost savings are realized.

16 (3) There is a reasonable expectation that
17 throughout the contemplated contract period the
18 Secretary will request funding for the contract at
19 the level required to avoid contract cancellation.

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

23 (5) The estimates of both the cost of the con-
24 tract and the anticipated cost avoidance through the

1 use of a contract authorized under subsection (a)
2 are realistic.

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

5 (7) During the fiscal year in which such con-
6 tract is to be awarded, sufficient funds will be avail-
7 able to perform the contract in such fiscal year, and
8 the future-years defense program (as defined under
9 section 221 of title 10, United States Code) for such
10 fiscal year will include the funding required to exe-
11 cute the program without cancellation.

12 (c) AUTHORITY FOR ADVANCE PROCUREMENT.—The
13 Secretary of the Navy may enter into one or more con-
14 tracts for advance procurement associated with a vessel
15 or vessels for which authorization to enter into a contract
16 is provided under subsection (a), and for systems and sub-
17 systems associated with such vessels in economic order
18 quantities when cost savings are achievable.

19 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (a)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year is
23 subject to the availability of appropriations for that pur-
24 pose for such fiscal year.

1 (e) MILESTONE DECISION AUTHORITY DEFINED.—

2 In this section, the term “milestone decision authority”
3 has the meaning given the term in section 2366a(d) of
4 title 10, United States Code.

5 **SEC. 125. LAND-BASED TEST PROGRAM FOR THE FFG(X)**
6 **FRIGATE PROGRAM.**

7 (a) TEST PROGRAM FOR ENGINEERING PLANT RE-
8 QUIRED.—Prior to the delivery date of the lead ship in
9 the FFG(X) Frigate class of vessels, the Secretary of the
10 Navy shall commence a land-based test program for the
11 engineering plant of such class of vessels.

12 (b) ADMINISTRATION.—The test program required by
13 subsection (a) shall be administered by the Senior Tech-
14 nical Authority for the FFG(X) Frigate class of vessels.

15 (c) ELEMENTS.—The test program required by sub-
16 section (a) shall include, at a minimum, testing of the fol-
17 lowing equipment in vessel-representative form:

- 18 (1) Main Reduction Gear.
- 19 (2) Electrical Propulsion Motors.
- 20 (3) Other propulsion drive train components.
- 21 (4) Main propulsion system.
- 22 (5) Auxiliary propulsion unit.
- 23 (6) Electrical generation system,
- 24 (7) Shipboard control systems.
- 25 (8) Power control modules,

1 (d) TEST OBJECTIVES.—The test program required
2 by subsection (a) shall include, at a minimum, the fol-
3 lowing test objectives demonstrated across the full range
4 of engineering plant operations for the FFG(X) Frigate
5 class of vessels:

6 (1) Test of the full propulsion drive train.

7 (2) Test and facilitation of machinery control
8 systems integration.

9 (3) Simulation of the full range of electrical de-
10 mands to enable the investigation of load dynamics
11 between the Hull, Mechanical and Electrical equip-
12 ment, Combat System, and auxiliary equipment.

13 (e) COMPLETION DATE.—The Secretary shall com-
14 plete the test program required by subsection (a) by not
15 later than the date on which the lead ship in the FFG(X)
16 Frigate class of vessels is scheduled to be available for
17 tasking by operational military commanders.

18 (f) DEFINITIONS.—In this section:

19 (1) DELIVERY DATE.—The term “delivery
20 date” has the meaning provided for in section 8671
21 of title 10, United States Code.

22 (2) SENIOR TECHNICAL AUTHORITY.—The term
23 “Senior Technical Authority” has the meaning pro-
24 vided for in section 8669b of title 10, United States
25 Code.

1 **SEC. 126. TREATMENT IN FUTURE BUDGETS OF THE PRESI-**
2 **DENT OF SYSTEMS ADDED BY CONGRESS.**

3 In the event the procurement quantity for a system
4 authorized by Congress in a National Defense Authoriza-
5 tion Act for a fiscal year, and for which funds for such
6 procurement quantity are appropriated by Congress in the
7 Shipbuilding and Conversion, Navy account for such fiscal
8 year, exceeds the procurement quantity specified in the
9 budget of the President, as submitted to Congress under
10 section 1105 of title 31, United States Code, for such fis-
11 cal year, such excess procurement quantity shall not be
12 specified as a new procurement quantity in any budget
13 of the President, as so submitted, for any fiscal year after
14 such fiscal year.

15 **SEC. 127. EXTENSION OF PROHIBITION ON AVAILABILITY**
16 **OF FUNDS FOR NAVY WATERBORNE SECU-**
17 **RITY BARRIERS.**

18 Section 130(a) of the John S. McCain National De-
19 fense Authorization Act for Fiscal Year 2019 (Public Law
20 115–232; 132 Stat. 1665), as amended by section 126 of
21 the National Defense Authorization Act for Fiscal Year
22 2020 (Public Law 116–92; 133 Stat. 1235), is further
23 amended by striking “for fiscal year 2019 or fiscal year
24 2020” and inserting “for fiscal years 2019, 2020, or
25 2021”.

1 **SEC. 128. REPORT ON STRATEGY TO USE ALQ-249 NEXT**
2 **GENERATION JAMMER TO ENSURE FULL**
3 **SPECTRUM ELECTROMAGNETIC SUPERI-**
4 **ORITY.**

5 (a) REPORT.—Not later than July 30, 2021, the Sec-
6 retary of the Navy, in consultation with the Vice Chairman
7 of the Joint Chiefs, shall submit to the congressional de-
8 fense committees a report with a strategy to ensure full
9 spectrum electromagnetic superiority using the ALQ-249
10 Next Generation Jammer.

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

13 (1) A description of the current procurement
14 strategy for the ALQ-249, and the analysis of its
15 capability to meet the radio frequency (RF) ranges
16 required in highly contested and denied environment
17 conflicts.

18 (2) An assessment of the compatibility and abil-
19 ity of the ALQ-249 to synchronize non-kinetic fires
20 using other Joint Electronic Warfare (EW) plat-
21 forms.

22 (3) A future model of an interlinked/inter-
23 dependent electronic warfare menu of options for
24 commanders at tactical, operational, and strategic
25 levels.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. MINIMUM OPERATIONAL SQUADRON LEVEL.**

3 (a) POLICY ON AIR FORCE AVIATION FORCE STRUC-
4 TURE.—As soon as practicable after the date of the enact-
5 ment of this Act and subject to the availability of appro-
6 priations, the Secretary of the Air Force shall seek to
7 achieve the capabilities provided by a minimum of 386
8 available operational squadrons, or equivalent organiza-
9 tional units. In addition, the Secretary shall seek to
10 achieve not fewer than 3,580 combat coded aircraft within
11 the Air Force.

12 (b) EXCEPTION TO POLICY.—If, based on the fielding
13 of new capabilities and formal force structure capability
14 assessments supporting the most recent National Defense
15 Strategy, the Secretary of the Air Force, in consultation
16 with the Chief of Staff of the Air Force and the Chairman
17 of the Joint Chiefs of Staff, makes a determination that
18 a modification to the quantity of operational squadrons
19 or combat-coded aircraft in subsection (a) is necessary, the
20 Secretary shall submit a report at the earliest opportunity
21 to the congressional defense committees describing the
22 modifications of the revised force structure and how the
23 quantity of combat coded aircraft and operational squad-
24 rons developed supports a moderate operational risk force
25 structure in support of the National Defense Strategy.

1 (c) EXPIRATION OF POLICY.—The policy in sub-
2 section (a) shall expire on September 30, 2025.

3 (d) MODERATE OPERATIONAL RISK DEFINED.—In
4 this section, the term “moderate operational risk” shall
5 be construed as defined in the most recent publication of
6 the Chairman of the Joint Chiefs of Staff Manual 3105.01
7 titled “Joint Risk Analysis”.

8 **SEC. 132. MODIFICATION OF FORCE STRUCTURE OBJEC-**
9 **TIVES FOR BOMBER AIRCRAFT.**

10 (a) MINIMUM LEVEL FOR ALL BOMBER AIR-
11 CRAFT.—

12 (1) IN GENERAL.—During the period beginning
13 on the date of the enactment of this Act and ending
14 on October 1, 2025, the Secretary of the Air Force
15 shall, except as provided in paragraph (2), maintain
16 not less than 92 bomber aircraft based on the Pri-
17 mary Mission Aircraft Inventory (PMAI) of the Air
18 Force.

19 (2) EXCEPTION.—The Secretary may reduce
20 the number of aircraft required by the Primary Mis-
21 sion Aircraft Inventory below the number specified
22 in paragraph (1) if the Secretary determines, on a
23 case-by-case basis, that a bomber aircraft is no
24 longer to be so required because such aircraft is no

1 longer mission capable due to mishap or other dam-
2 age, or being uneconomical to repair.

3 (b) REPEAL OF MINIMUM B-1 INVENTORY REQUIRE-
4 MENT.—Section 9062 of title 10, United States Code, is
5 amended by striking subsection (h).

6 (c) PRESERVATION OF CERTAIN B-1 AIRCRAFT AND
7 MAINTENANCE PERSONNEL.—Until the date on which the
8 Secretary determines that the B-21 bomber aircraft has
9 attained initial operating capability, the Secretary—

10 (1) shall preserve four B-1 aircraft that are re-
11 tired pursuant to subsection (a), in a manner that
12 ensures the components and parts of each such air-
13 craft are maintained in reclaimable condition that is
14 consistent with type 2000 recallable storage, or bet-
15 ter; and

16 (2) may not reduce the number of billets as-
17 signed to maintenance of B-1 aircraft in effect on
18 January 1, 2020.

19 **SEC. 133. MINIMUM BOMBER AIRCRAFT FORCE LEVEL.**

20 (a) IN GENERAL.—Not later than February 1, 2021,
21 the Secretary of the Air Force shall submit to the congres-
22 sional defense committees a report with recommendations
23 for the bomber aircraft force structure that enables the
24 Air Force to meet the requirements of its long-range strike
25 mission under the National Defense Strategy.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include each of the following elements:

3 (1) The bomber force structure necessary to
4 meet the requirements of the long-range strike mis-
5 sion of the Air Force under the National Defense
6 Strategy, including—

7 (A) the total minimum number of bomber
8 aircraft; and

9 (B) the minimum number of primary mis-
10 sion aircraft.

11 (2) The penetrating bomber force structure nec-
12 essary to meet the requirements of the long-range
13 strike mission of the Air Force in contested or de-
14 nied environments under the National Defense
15 Strategy, including—

16 (A) the total minimum number of pene-
17 trating bomber aircraft; and

18 (B) the minimum number of primary mis-
19 sion penetrating bomber aircraft.

20 (3) A roadmap outlining how the Air Force
21 plans to reach the force structure identified under
22 paragraphs (1) and (2), including an established
23 goal date for achieving the minimum number of
24 bomber aircraft.

1 (c) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (d) PUBLICATION.—The Secretary shall make avail-
5 able to the public the unclassified form of the report sub-
6 mitted under subsection (a).

7 (e) BOMBER AIRCRAFT DEFINED.—In this section,
8 the term “bomber aircraft” includes penetrating bombers
9 in addition to B-52H aircraft.

10 **SEC. 134. REQUIRED MINIMUM INVENTORY OF TACTICAL**
11 **AIRLIFT AIRCRAFT.**

12 (a) IN GENERAL.—The Secretary of the Air Force
13 shall maintain—

14 (1) a total primary mission aircraft inventory of
15 230 aircraft; and

16 (2) a total tactical airlift aircraft inventory of
17 not less than 287 aircraft.

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

24 (c) SAVINGS CLAUSE.—During fiscal year 2021, the
25 Secretary of the Air Force is prohibited from reducing the

1 total tactical airlift aircraft inventory entirely from the
2 National Guard.

3 (d) SUNSET.—This section shall not apply after Octo-
4 ber 1, 2021.

5 **SEC. 135. INVENTORY REQUIREMENTS FOR AIR REFUELING**
6 **TANKER AIRCRAFT.**

7 (a) IN GENERAL.—During the period beginning on
8 the date of the enactment of this Act and ending on Octo-
9 ber 1, 2025, the Secretary of the Air Force shall maintain
10 not less than 412 tanker aircraft based on Primary Mis-
11 sion Aircraft Inventory (PMAI) of the Air Force.

12 (b) MINIMUM INVENTORY REQUIREMENTS FOR KC-
13 10A AIRCRAFT.—Except as provided in subsection (e)(1):

14 (1) FISCAL YEAR 2021.—During the period be-
15 ginning on the date of the enactment of this Act and
16 ending on October 1, 2021, the Secretary of the Air
17 Force shall maintain a minimum of 50 KC-10A air-
18 craft designated as primary mission aircraft inven-
19 tory.

20 (2) FISCAL YEAR 2022.—During the period be-
21 ginning on October 1, 2021, and ending on October
22 1, 2022, the Secretary of the Air Force shall main-
23 tain a minimum of 38 KC-10A aircraft designated
24 as primary mission aircraft inventory.

1 (3) FISCAL YEAR 2023.—During the period be-
2 ginning on October 1, 2022, and ending on October
3 1, 2023, the Secretary of the Air Force shall main-
4 tain a minimum of 26 KC-10A aircraft designated
5 as primary mission aircraft inventory.

6 (c) PROHIBITION ON RETIREMENT OF KC-135 AIR-
7 CRAFT.—Except as provided in subsection (e), during the
8 period beginning on the date of the enactment of this Act
9 and ending on October 1, 2023, the Secretary of the Air
10 Force may not retire, or prepare to retire, any KC-135
11 aircraft.

12 (d) KC-135 AIRCRAFT FLEET MANAGEMENT.—
13 None of the funds authorized to be appropriated by this
14 Act or otherwise made available for fiscal year 2021 for
15 the Air Force may be obligated or expended to reduce the
16 number of KC-135 aircraft designated as primary mission
17 aircraft inventory.

18 (e) EXCEPTIONS.—

19 (1) KC-10A AIRCRAFT.—The requirement in
20 subsection (b) shall not apply to an aircraft other-
21 wise required to be maintained by that subsection if
22 the the Secretary of the Air Force determines, on a
23 case-by-case basis, that such aircraft is no longer
24 mission capable due to mishap or other damage, or
25 being uneconomical to repair.

1 (2) KC-135 AIRCRAFT.—The requirement in
2 subsection (c) shall not apply to an aircraft other-
3 wise required to be maintained by that subsection if
4 the Secretary of the Air Force—

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

11 (B) during fiscal year 2023, certifies in
12 writing to the congressional defense committees,
13 not later than 30 days before the date of divest-
14 ment of such aircraft, that the Air Force can
15 meet combatant command tanker aircraft re-
16 quirements by leveraging Air National Guard
17 and Air Force Reserve capacity with increased
18 Military Personnel Appropriation (MPA) Man-
19 day Tours to the reserve force.

20 (f) PRIMARY MISSION AIRCRAFT INVENTORY DE-
21 FINED.—In this section, the term “primary mission air-
22 craft inventory” has the meaning given that term in sec-
23 tion 9062(i)(2)(B) of title 10, United States Code.

1 **SEC. 136. AUTHORITY TO USE F-35A FIGHTER AIRCRAFT**
2 **AT-1 THROUGH AT-6.**

3 (a) IN GENERAL.—Subject to written approval by the
4 Secretary of Defense to the Secretary of the Air Force,
5 the Secretary of the Air Force is authorized to utilize,
6 modify, and operate the six F-35A aircraft designated as
7 AT-1 through AT-6 that are possessed by the United
8 Government and currently reside in long-term storage at
9 Edwards Air Force Base, California.

10 (b) NOTICE ON APPROVAL.—Not later than 15 days
11 after the Secretary of Defense provides written approval
12 to the Secretary of the Air Force as described in sub-
13 section (a), the Secretary of Defense shall provide a copy
14 of the written approval to the congressional defense com-
15 mittees.

16 **SEC. 137. F-35 AIRCRAFT GUN SYSTEM AMMUNITION.**

17 The Director of the F-35 Joint Program Office shall,
18 in consultation with the Secretary of the Air Force, take
19 appropriate actions to ensure that any 25mm ammunition
20 fielded for use by F-35A aircraft—

21 (1) provides effective full-spectrum target en-
22 gagement capability; and

23 (2) meets the required operational employment
24 probability of kill specifications for the F-35A air-
25 craft.

1 **SEC. 138. EXTENSION OF LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR RETIREMENT OF RC-135 AIR-**
3 **CRAFT.**

4 Section 148(a) of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
6 1243) is amended by inserting “, or for fiscal year 2021,”
7 after “for fiscal year 2020”.

8 **SEC. 139. MODIFICATION TO LIMITATION ON RETIREMENT**
9 **OF U-2 AND RQ-4 AIRCRAFT.**

10 Section 136 of the National Defense Authorization
11 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
12 1317) is amended by striking subsection (b) and inserting
13 the following new subsection (b):

14 “(b) **WAIVER.**—The Secretary of Defense may waive
15 a certification requirement under paragraphs (1) or (2)
16 of subsection (a) with respect to U-2 aircraft or RQ-4
17 aircraft if the Secretary—

18 “(1) with respect to the requirement under
19 paragraph (1) of that subsection—

20 “(A) determines, after analyzing sufficient
21 and relevant data, that a greater capability is
22 worth increased operating and sustainment
23 costs; and

24 “(B) provides to the appropriate commit-
25 tees of Congress a certification on such deter-
26 mination and supporting analysis; and

1 “(2) with respect to the requirement under
2 paragraph (2) of that subsection—

3 “(A) determines, after analyzing sufficient
4 and relevant data, that a loss in capacity and
5 capability will not prevent the combatant com-
6 mands from accomplishing their missions at ac-
7 ceptable levels of risk; and

8 “(B) provides to the appropriate commit-
9 tees of Congress a certification of such deter-
10 mination and supporting analysis.”.

11 **SEC. 140. MODIFICATION OF LIMITATION ON AVAILABILITY**
12 **OF FUNDS FOR RETIREMENT OF E-8 JSTARS**
13 **AIRCRAFT.**

14 Section 147 of the John S. McCain National Defense
15 Authorization Act for Fiscal Year 2019 (Public Law 115–
16 232; 132 Stat. 1669) is amended—

17 (1) in subsection (a), by striking “certifies to
18 the congressional defense committees that Increment
19 2 of the Advanced Battle-Management System of the
20 Air Force has declared initial operational capability
21 as defined in the Capability Development Document
22 for the System” and inserting “certifies to the con-
23 gressional defense committees that—

24 “(1) the Secretary has identified—

1 “(A) a capability with sufficient capacity to
2 replace the current fleet of 16 E–8 Joint Sur-
3 veillance Target Attack Radar System aircraft
4 in a manner that meets global combatant com-
5 mand requirements; and

6 “(B) potential global basing locations for
7 such capability; and

8 “(2) such replacement capability delivers capa-
9 bilities that are comparable or superior to the capa-
10 bilities delivered by such aircraft.”; and

11 (2) in subsection (c)—

12 (A) in paragraph (3), by striking “Incre-
13 ment 1, 2, and 3”; and

14 (B) in paragraph (4), by striking “until
15 Increment 2 of the Advanced Battle-Manage-
16 ment System declares initial operational capa-
17 bility” and inserting “until the Advanced Battle
18 Management System delivers equivalent capa-
19 bility”.

20 **SEC. 141. LIMITATION ON DIVESTMENT OF F-15C AIRCRAFT**
21 **WITHIN THE EUROPEAN THEATER.**

22 (a) IN GENERAL.—The Secretary of the Air Force
23 may not divest any F–15C aircraft within the area of re-
24 sponsibility of the United States European Command

1 until 180 days after the report required by subsection (b)
2 is submitted to the congressional defense committees.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than March 1,
5 2021, the Commander of the United States Euro-
6 pean Command shall, in consultation with the Com-
7 mander of United States Air Forces Europe, submit
8 to the congressional defense committees a report
9 that describes the strategy, force structure construct
10 and capacity, and strategy implementation plan to
11 replace the capability and capacity provided by the
12 F-15C aircraft in the area of responsibility of the
13 United States European Command in a manner that
14 maintains an inherent and equal or better air superi-
15 ority capability and capacity to that provided by the
16 F-15C aircraft in that area of responsibility.

17 (2) FORM.—The report under paragraph (1)
18 shall submitted in unclassified form, but may con-
19 tain a classified annex.

20 **SEC. 142. MODERNIZATION PLAN FOR AIRBORNE INTEL-**
21 **LIGENCE, SURVEILLANCE, AND RECONNAIS-**
22 **SANCE.**

23 (a) MODERNIZATION PLAN.—

24 (1) IN GENERAL.—The Secretary of the Air
25 Force shall develop a comprehensive plan for the

1 modernization of airborne intelligence, surveillance,
2 and reconnaissance, which shall—

3 (A) ensure the alignment between require-
4 ments, both current and future, and Air Force
5 budget submissions to meet such requirements;
6 and

7 (B) inform the preparation of future de-
8 fense program and budget requests by the Sec-
9 retary, and the consideration of such requests
10 by Congress.

11 (2) ELEMENTS.—The plan required by para-
12 graph (1) shall include the following:

13 (A) An assessment of all airborne intel-
14 ligence, surveillance, and reconnaissance mis-
15 sions, both current missions and future mis-
16 sions anticipated to be necessary to support the
17 national defense strategy.

18 (B) An analysis of platforms, capabilities,
19 and capacities necessary to fulfill such current
20 and future missions.

21 (C) The anticipated life-cycle budget asso-
22 ciated with each platform, capability, and ca-
23 pacity requirement for both current and antici-
24 pated future requirements.

1 (D) An analysis showing operational, budg-
2 et, and schedule trade-offs between sustainment
3 of currently fielded capabilities, modernization
4 of currently fielded capabilities, and develop-
5 ment and production of new capabilities.

6 (b) REPORT TO CONGRESS.—

7 (1) IN GENERAL.—Not later than March 30,
8 2021, the Secretary of the Air Force shall submit to
9 the congressional defense committees a report that
10 includes—

11 (A) the comprehensive modernization plan
12 required by subsection (a); and

13 (B) a strategy for carrying out such plan
14 through fiscal year 2030.

15 (2) FORM.—The report required under para-
16 graph (1) shall be submitted in unclassified form,
17 but may include a classified annex.

18 **SEC. 143. RC-26B MANNED INTELLIGENCE, SURVEILLANCE,**
19 **AND RECONNAISSANCE AIRCRAFT.**

20 (a) LIMITATION.—Except as provided in subsection
21 (b), none of the funds authorized to be appropriated by
22 this Act or otherwise made available for fiscal year 2021
23 for the Air Force may be obligated or expended to retire,
24 divest, realign, or place in storage or on backup aircraft
25 inventory status, or prepare to retire, divest, realign, or

1 place in storage or on backup aircraft inventory status,
2 any RC-26B aircraft.

3 (b) EXCEPTION.—The limitation in subsection (a)
4 shall not apply to individual RC-26B aircraft that the
5 Secretary of the Air Force determines, on a case-by-case
6 basis, to be no longer mission capable because of mishap
7 or other damage.

8 (c) FUNDING FOR AIRCRAFT PLATFORM.—

9 (1) Of the amount authorized to be appro-
10 priated for fiscal year 2021 by section 301 for oper-
11 ation and maintenance and available for operation
12 and maintenance, Air National Guard, as specified
13 in the funding table in section 4301, the Secretary
14 of the Air Force may transfer up to \$18,500,000 to
15 be used in support of the RC-26B manned intel-
16 ligence, surveillance, and reconnaissance platform.

17 (2) Of the amount authorized to be appro-
18 priated for fiscal year 2021 by section 421 and
19 available for military personnel for military per-
20 sonnel, Air National Guard, specified in the funding
21 table in section 4401, the Secretary of the Air Force
22 may transfer up to \$13,000,000 to be used in sup-
23 port of personnel who operate and maintain the RC-
24 26B manned intelligence, surveillance, and recon-
25 naissance platform.

1 (d) MEMORANDA OF AGREEMENT.—Notwithstanding
2 any other provision of law, the Secretary of Defense may
3 enter into one or more memoranda of agreement or cost
4 sharing agreements with other departments and agencies
5 of the Federal Government under which the RC-26B air-
6 craft may be used to assist with the missions and activities
7 of such departments and agencies.

8 **SEC. 144. PROHIBITION ON FUNDING FOR CLOSE AIR SUP-**
9 **PORT INTEGRATION GROUP.**

10 No funds authorized to be appropriated by this Act
11 may be obligated or expended for the Close Air Support
12 Integration Group (CIG) or its subordinate units at Nellis
13 Air Force Base, Nevada, and the Air Force may not utilize
14 personnel or equipment in support of the CIG or its subor-
15 dinate units.

16 **SEC. 145. REQUIRED SOLUTION FOR KC-46 AIRCRAFT RE-**
17 **MOTE VISUAL SYSTEM LIMITATIONS.**

18 The Secretary of the Air Force shall develop and im-
19 plement a complete, permanent solution to the KC-46 air-
20 craft remote visual system (RVS) operational limitations.
21 Not later than February 1, 2021, the Secretary shall sub-
22 mit to the congressional defense committees an implemen-
23 tation strategy for the solution.

1 **SEC. 146. ANALYSIS OF MOVING TARGET INDICATOR RE-**
2 **QUIREMENTS AND ADVANCED BATTLE MAN-**
3 **AGEMENT SYSTEM CAPABILITIES.**

4 (a) ANALYSIS.—Not later than April 1, 2021, the
5 Secretary of the Air Force, in consultation with the com-
6 manders of the combatant commands, shall develop an
7 analysis of current and future moving target indicator re-
8 quirements across the combatant commands and oper-
9 ational and tactical level command and control capabilities
10 the Advanced Battle Management System (ABMS) will re-
11 quire when fielded.

12 (b) JROC REQUIREMENTS.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the Secretary of the Air Force develops the analysis
15 under subsection (a), the Joint Requirements Over-
16 sight Council (JROC) shall certify that requirements
17 for the Advanced Battle Management System incor-
18 porate the findings of the analysis.

19 (2) CONGRESSIONAL NOTIFICATION.—The Joint
20 Requirements Oversight Council shall notify the con-
21 gressional defense committees upon making the cer-
22 tification required under paragraph (1), and provide
23 a briefing on the requirements and findings de-
24 scribed in such paragraph not later than 30 days
25 after such notification.

1 **SEC. 147. STUDY ON MEASURES TO ASSESS COST-PER-EF-**
2 **FECT FOR KEY MISSION AREAS.**

3 (a) IN GENERAL.—Not later than January 1, 2021,
4 the Secretary of the Air Force shall provide for the per-
5 formance of an independent study designed to devise new
6 measures to assess cost-per-effect for key mission areas
7 of the Air Force. The study shall be conducted by a Feder-
8 ally funded research and development center selected by
9 the Secretary for purposes of the study.

10 (b) SCOPE.—The study conducted pursuant to sub-
11 section (a) shall address the following matters:

12 (1) Number of weapon systems required to
13 meet a specified mission goal.

14 (2) Number of personnel required to meet a
15 specified mission goal.

16 (3) Associated operation and maintenance costs
17 necessary to facilitate respective operational con-
18 structs.

19 (4) Basing requirements for respective force
20 constructs.

21 (5) Mission support elements required to facili-
22 tate specified operations.

23 (6) Defensive measures required to facilitate
24 viable mission operations.

1 (7) Attrition due to enemy countermeasures
2 and other loss factors associated with respective
3 technologies.

4 (8) Associated weapon effects costs compared to
5 alternative forms of power projection.

6 (c) IMPLEMENTATION OF MEASURES.—The Sec-
7 retary shall, as the Secretary considers appropriate, incor-
8 porate the findings of the study conducted pursuant to
9 subsection (a) into the future force development processes
10 of the Air Force. The measures—

11 (1) should be domain and platform agnostic;

12 (2) should focus on how best to achieve mission
13 goals in future operations; and

14 (3) shall consider including cost-per-effect
15 metrics as a key performance parameter for any Air
16 Force acquisition programs that enter the Joint Ca-
17 pabilities Integration and Development System
18 (JCIDS) requirements process of the Department of
19 Defense.

1 **Subtitle E—Defense-wide, Joint,**
2 **and Multiservice Matters**

3 **SEC. 151. BUDGETING FOR LIFE-CYCLE COSTS OF AIR-**
4 **CRAFT FOR THE ARMY, NAVY, AND AIR**
5 **FORCE.**

6 (a) IN GENERAL.—Chapter 9 of title 10, United
7 States Code, is amended by inserting after section 231 the
8 following new section:

9 **“§ 231a. Budgeting for life-cycle costs of aircraft for**
10 **the Army, Navy, and Air Force: annual**
11 **plan and certification**

12 “(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND
13 CERTIFICATION.—Not later than 30 days after the date
14 on which the President submits to Congress the budget
15 for a fiscal year, the Secretary of Defense shall submit
16 to the congressional defense committees the following:

17 “(1) A plan for the procurement of the aircraft
18 specified in subsection (b) for each of the Depart-
19 ment of the Army, the Department of the Navy, and
20 the Department of the Air Force developed in ac-
21 cordance with this section.

22 “(2) A certification by the Secretary that both
23 the budget for such fiscal year and the future-years
24 defense program submitted to Congress in relation
25 to such budget under section 221 of this title pro-

1 vide for funding of the procurement of aircraft at a
2 level that is sufficient for the procurement of the
3 aircraft provided for in the plan under paragraph
4 (1) on the schedule provided in the plan.

5 “(b) COVERED AIRCRAFT.—The aircraft specified in
6 this subsection are the aircraft as follows:

7 “(1) Fighter aircraft.

8 “(2) Attack aircraft.

9 “(3) Bomber aircraft.

10 “(4) Intertheater lift aircraft.

11 “(5) Intratheater lift aircraft.

12 “(6) Intelligence, surveillance, and reconnais-
13 sance aircraft.

14 “(7) Tanker aircraft.

15 “(8) Remotely piloted aircraft.

16 “(9) Rotary-wing aircraft.

17 “(10) Operational support and executive lift
18 aircraft.

19 “(11) Any other major support aircraft des-
20 ignated by the Secretary of Defense for purposes of
21 this section.

22 “(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1)
23 The annual aircraft procurement plan developed for a fis-
24 cal year for purposes of subsection (a) should be designed
25 so that the aviation force provided for under the plan is

1 capable of supporting the national military strategy of the
2 United States as set forth in the most recent National De-
3 fense Strategy submitted under section 113(g) of this title
4 and the most recent National Military Strategy submitted
5 under section 153(b) of this title.

6 “(2) Each annual aircraft procurement plan shall in-
7 clude the following:

8 “(A) A detailed program for the procurement of
9 the aircraft specified in subsection (b) for each of
10 the Department of the Army, the Department of the
11 Navy, and the Department of the Air Force over the
12 next 15 fiscal years.

13 “(B) A description of the aviation force struc-
14 ture necessary to meet the requirements of the na-
15 tional military strategy of the United States.

16 “(C) The estimated levels of annual investment
17 funding necessary to carry out each aircraft pro-
18 gram, together with a discussion of the procurement
19 strategies on which such estimated levels of annual
20 investment funding are based, set forth in aggregate
21 for the Department of Defense and in aggregate for
22 each military department.

23 “(D) The estimated level of annual funding
24 necessary to operate, maintain, sustain, and support
25 each aircraft program throughout the life-cycle of

1 the program, set forth in aggregate for the Depart-
2 ment of Defense and in aggregate for each military
3 department.

4 “(E) For each of the cost estimates required by
5 subparagraphs (C) and (D)—

6 “(i) a description of whether the cost esti-
7 mate is derived from the cost estimate position
8 of the military department concerned or from
9 the cost estimate position of the Office of Cost
10 Assessment and Program Evaluation;

11 “(ii) if the cost estimate position of the
12 military department and the cost estimate posi-
13 tion of the Office of Cost Assessment and Pro-
14 gram Evaluation differ by more than 5 percent
15 for any aircraft program, an annotated cost es-
16 timate difference and sufficient rationale to ex-
17 plain the difference;

18 “(iii) the confidence or certainty level asso-
19 ciated with the cost estimate for each aircraft
20 program; and

21 “(iv) a certification that the calculations
22 from which the cost estimate is derived are
23 based on common cost categories used by the
24 Under Secretary of Defense for Acquisition and

1 Sustainment for calculating the life-cycle cost of
2 an aircraft program.

3 “(F) An assessment by the Secretary of De-
4 fense of the extent to which the combined aircraft
5 forces of the Department of the Army, the Depart-
6 ment of the Navy, and the Department of the Air
7 Force meet the national security requirements of the
8 United States.

9 “(3) For any cost estimate required by subparagraph
10 (C) or (D) of paragraph (2) for any aircraft program for
11 which the Secretary is required to include in a report
12 under section 2432 of this title, the source of the cost in-
13 formation used to prepare the annual aircraft plan shall
14 be derived from the Selected Acquisition Report data that
15 the Secretary plans to submit to the congressional defense
16 committees in accordance with subsection (f) of that sec-
17 tion for the year for which the annual aircraft procure-
18 ment plan is prepared.

19 “(4) Each annual aircraft procurement plan shall be
20 submitted in unclassified form, and shall contain a classi-
21 fied annex. A summary version of the unclassified report
22 shall be made available to the public.

23 “(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT
24 BUDGET IS INSUFFICIENT TO MEET APPLICABLE RE-
25 QUIREMENTS.—If the budget for any fiscal year provides

1 for funding of the procurement of aircraft for the Depart-
2 ment of the Army, the Department of the Navy, or the
3 Department of the Air Force at a level that is not suffi-
4 cient to sustain the aviation force structure specified in
5 the aircraft procurement plan for such Department for
6 that fiscal year under subsection (a), the Secretary shall
7 include with the defense budget materials for that fiscal
8 year an assessment that describes the funding shortfall
9 and discusses the risks associated with the reduced force
10 structure of aircraft that will result from funding aircraft
11 procurement at such level. The assessment shall be coordi-
12 nated in advance with the commanders of the combatant
13 commands.

14 “(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—

15 (1) As part of the annual plan and certification required
16 to be submitted under this section, the Secretary shall in-
17 clude a report on the aircraft in the inventory of the De-
18 partment of Defense.

19 “(2) Each report under paragraph (1) shall include
20 the following, for the year covered by such report, the fol-
21 lowing:

22 “(A) The total number of aircraft in the inven-
23 tory.

24 “(B) The total number of the aircraft in the in-
25 ventory that are active, stated in the following cat-

1 egories (with appropriate subcategories for mission
2 aircraft, training aircraft, dedicated test aircraft,
3 and other aircraft):

4 “(i) Primary aircraft.

5 “(ii) Backup aircraft.

6 “(iii) Attrition and reconstitution reserve
7 aircraft.

8 “(C) The total number of the aircraft in the in-
9 ventory that are inactive, stated in the following cat-
10 egories:

11 “(i) Bailment aircraft.

12 “(ii) Drone aircraft.

13 “(iii) Aircraft for sale or other transfer to
14 foreign governments.

15 “(iv) Leased or loaned aircraft.

16 “(v) Aircraft for maintenance training.

17 “(vi) Aircraft for reclamation.

18 “(vii) Aircraft in storage.

19 “(D) The aircraft inventory requirements ap-
20 proved by the Joint Chiefs of Staff.

21 “(3) Each report under paragraph (1) shall set forth
22 each item specified in paragraph (2) separately for the
23 regular component of each armed force and for each re-
24 serve component of each armed force and, for each such
25 component, shall set forth each type, model, and series of

1 aircraft provided for in the future-years defense program
2 that covers the fiscal year for which the budget accom-
3 panying the plan, certification and report is submitted.

4 “(f) BUDGET DEFINED.—In this section, the term
5 ‘budget’ means the budget of the President for a fiscal
6 year as submitted to Congress pursuant to section 1105
7 of title 31.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 9 of such title is amended by
10 inserting after the item relating to section 231 the fol-
11 lowing new item:

“231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air
Force: annual plan and certification.”.

12 **SEC. 152. TRANSFER OF RESPONSIBILITIES AND FUNC-**
13 **TIONS RELATING TO ELECTROMAGNETIC**
14 **SPECTRUM OPERATIONS.**

15 (a) TRANSFER.—Not later than two years after the
16 date of the enactment of this Act and in accordance with
17 the plan developed pursuant to subsection (b), the Sec-
18 retary of Defense shall transfer to an appropriate entity
19 within the Department of Defense all the responsibilities
20 and functions of the Commander of the United States
21 Strategic Command that are germane to electromagnetic
22 spectrum operations (EMSO), including—

23 (1) advocacy for joint electronic warfare capa-
24 bilities;

1 (2) providing contingency electronic warfare
2 support to other combatant commands; and

3 (3) supporting combatant command joint train-
4 ing and planning related to electromagnetic spec-
5 trum operations.

6 (b) PLAN FOR TRANSFER OF RESPONSIBILITIES.—

7 (1) IN GENERAL.—Not later than 180 days be-
8 fore the date of the transfer of responsibilities re-
9 quired by subsection (a), the Secretary shall develop
10 a plan to carry out the transfer.

11 (2) CONSIDERATIONS.—In developing the plan
12 required by paragraph (1), the Secretary shall con-
13 sider the following:

14 (A) All appropriate entities having poten-
15 tial for designation as the receiving electro-
16 magnetic spectrum operations organization, in-
17 cluding elements of the Joint Staff, the func-
18 tional and geographic combatant commands,
19 Department of Defense offices and agencies,
20 and other organizations, including the establish-
21 ment of a new entity for that purpose within
22 any such entity.

23 (B) Whether the receiving electromagnetic
24 spectrum operations organization should have a
25 unitary structure or hybrid structure (in which

1 operational and capability development and di-
2 rection are headed by separate organizations).

3 (C) The resources required by the receiving
4 electromagnetic spectrum operations organiza-
5 tion to fulfill the responsibilities and functions
6 specified in subsection (a).

7 (D) The results of the evaluations carried
8 out pursuant to subsections (c) and (d).

9 (3) SUBMITTAL TO CONGRESS.—Not later than
10 180 days before the date of the transfer of respon-
11 sibilities required by subsection (a), the Secretary
12 shall submit to Congress the following:

13 (A) The plan developed under paragraph
14 (1).

15 (B) The construct and elements of the re-
16 ceiving electromagnetic spectrum operations or-
17 ganization under the plan, including the alloca-
18 tion of responsibilities among senior officials in
19 such organization.

20 (C) The analysis conducted to determine
21 the electromagnetic spectrum operations organi-
22 zation, including the input in the plan or anal-
23 ysis of the results of consultation with any inde-
24 pendent entities involved in development of the
25 plan.

1 (D) The resources required to implement
2 the plan, and a timeline for the receiving elec-
3 tromagnetic spectrum operations organization
4 to reach initial operational capability and full
5 operational capability.

6 (c) EVALUATIONS OF ARMED FORCES.—

7 (1) IN GENERAL.—Not later than October 1,
8 2021, and annually thereafter through 2025, the
9 Chief of Staff of the Army, the Chief of Naval Oper-
10 ations, the Chief of Staff of the Air Force, the Com-
11 mandant of the Marine Corps, and the Chief of
12 Space Operations shall each carry out an evaluation
13 of the ability of the Armed Force concerned to per-
14 form electromagnetic spectrum operations missions
15 required by each of the following:

16 (A) The Electromagnetic Spectrum Superi-
17 ority Strategy.

18 (B) The Joint Staff-developed concept of
19 operations for electromagnetic spectrum oper-
20 ations.

21 (C) The operations and contingency plans
22 of the combatant commands.

23 (2) ELEMENTS.—Each evaluation under para-
24 graph (1) shall include assessment of the following:

1 (A) Current programs of record, includ-
2 ing—

3 (i) the ability of weapon systems to
4 perform missions in contested electro-
5 magnetic spectrum environments; and

6 (ii) the ability of electronic warfare
7 capabilities to disrupt adversary oper-
8 ations.

9 (B) Future programs of record, includ-
10 ing—

11 (i) the need for distributed or net-
12 work-centric electronic warfare and signals
13 intelligence capabilities; and

14 (ii) the need for automated and ma-
15 chine learning- or artificial intelligence-as-
16 sisted electronic warfare capabilities.

17 (C) Order of battle.

18 (D) Individual and unit training.

19 (E) Tactics, techniques, and procedures,
20 including—

21 (i) maneuver, distribution of assets,
22 and the use of decoys; and

23 (ii) integration of nonkinetic and ki-
24 netic fires.

25 (d) EVALUATIONS OF COMBATANT COMMANDS.—

1 (1) IN GENERAL.—Not later than October 1,
2 2021, and annually thereafter through 2025, the
3 Commander of the United States European Com-
4 mand, the Commander of the United States Pacific
5 Command, and the Commander of the United States
6 Central Command shall each carry out an evaluation
7 of the plans and posture of the command concerned
8 to execute the electromagnetic spectrum operations
9 envisioned in each of the following:

10 (A) The Electromagnetic Spectrum Superi-
11 ority Strategy.

12 (B) The Joint Staff-developed concept of
13 operations for electromagnetic spectrum oper-
14 ations.

15 (2) ELEMENTS.—Each evaluation under para-
16 graph (1) shall include assessment of the following:

17 (A) Operation and contingency plans.

18 (B) The manning, organizational align-
19 ment, and capability of joint electromagnetic
20 spectrum operations cells.

21 (C) Mission rehearsal and exercises.

22 (D) Force positioning, posture, and readi-
23 ness.

24 (e) SEMIANNUAL BRIEFING.—Not less frequently
25 than twice each year until January 1, 2026, the Vice

1 Chairman of the Joint Chiefs of Staff shall brief the Com-
2 mittees on Armed Services of the Senate and the House
3 of Representatives on the implementation of this section
4 by each of the Joint Staff, the Armed Forces, and the
5 combatant commands.

6 **SEC. 153. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.**

7 (a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES
8 REQUIRED.—Each of the Secretaries of the military de-
9 partments and the heads of relevant Defense Agencies and
10 Department of Defense Field Activities shall establish and
11 maintain a cryptographic modernization schedule that
12 specifies, for each pertinent weapon system, command and
13 control system, or data link under the jurisdiction of such
14 Secretary or head, including those that use commercial
15 encryption technologies (as relevant), the following:

16 (1) The last year of use for applicable cryp-
17 tographic algorithms.

18 (2) Anticipated key extension requests for sys-
19 tems where cryptographic modernization is assessed
20 to be overly burdensome and expensive or to provide
21 limited operational utility.

22 (3) The funding and deployment schedule for
23 modernized cryptographic algorithms, keys, and
24 equipment over the future-years defense program
25 submitted to Congress pursuant to section 221 of

1 title 10, United States Code, in 2021 together with
2 the budget of the President for fiscal year 2022.

3 (b) REQUIREMENTS FOR CHIEF INFORMATION OFFI-
4 CER.—The Chief Information Officer of the Department
5 of Defense shall—

6 (1) oversee the construction and implementa-
7 tion of the cryptographic modernization schedules
8 required by subsection (a);

9 (2) establish and maintain an integrated cryp-
10 tographic modernization schedule for the entire De-
11 partment of Defense, collating the cryptographic
12 modernization schedules required under subsection
13 (a); and

14 (3) in coordination with the Director of the Na-
15 tional Security Agency and the Joint Staff Director
16 for Command, Control, Communications, and Com-
17 puters/Cyber, use the budget certification, standard-
18 setting, and policy-making authorities provided in
19 section 142 of title 10, United States Code, to
20 amend Armed Force and Defense Agency and Field
21 Activity plans for key extension requests and cryp-
22 tographic modernization funding and deployment
23 that pose unacceptable risk to military operations.

24 (c) ANNUAL NOTICES.—Not later than January 1,
25 2022, and not less frequently than once each year there-

1 after until January 1, 2026, the Chief Information Officer
2 and the Joint Staff Director shall jointly submit to the
3 congressional defense committees notification of all—

4 (1) delays to or planned delays of Armed Force
5 and Defense Agency and Field Activity funding and
6 deployment of modernized cryptographic algorithms,
7 keys, and equipment over the previous year; and

8 (2) changes in plans or schedules surrounding
9 key extension requests and waivers, including—

10 (A) unscheduled or unanticipated key ex-
11 tension requests; and

12 (B) unscheduled or unanticipated waivers
13 and nonwaivers of scheduled or anticipated key
14 extension requests.

15 **SEC. 154. DEPARTMENT OF DEFENSE PARTICIPATION IN**
16 **THE SPECIAL FEDERAL AVIATION REGULA-**
17 **TION WORKING GROUP.**

18 (a) DESIGNATION OF DoD REPRESENTATIVES.—The
19 Secretary of Defense shall designate the Department of
20 Defense representatives to the Special Federal Aviation
21 Regulation Working Group.

22 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR
23 OSD.—Of the aggregate amount authorized to be appro-
24 priated by this Act for fiscal year 2021 and available for
25 the Office of the Secretary of Defense, not more than 75

1 percent may be obligated or expended until the later of
2 the following:

3 (1) The date on which Secretary certifies, in
4 writing, to the appropriate committees of Congress
5 that the Department representatives to the Special
6 Federal Aviation Regulation Working Group have
7 been designated as required by subsection (a).

8 (2) The date on which the Special Federal
9 Aviation Regulation Working Group submits to the
10 appropriate committees of Congress initial rec-
11 ommendations developed pursuant to subsection
12 (b)(4) of section 1748 of the National Defense Au-
13 thorization Act for Fiscal Year 2020 (Public Law
14 116–92; 133 Stat. 1847).

15 (c) REPORT ON FINDINGS AND RECOMMENDA-
16 TIONS.—

17 (1) IN GENERAL.—Not later than June 30,
18 2021, the Special Federal Aviation Regulation
19 Working Group shall submit to the appropriate com-
20 mittees of Congress a report setting forth the find-
21 ings and recommendations of the Working Group as
22 developed pursuant to subsection (b) of section 1748
23 of the National Defense Authorization Act for Fiscal
24 Year 2020.

1 (2) CONFORMING AMENDMENTS.—Section 1748
2 of the National Defense Authorization Act for Fiscal
3 Year 2020 is amended—

4 (A) by striking subsection (d); and

5 (B) in subsection (e), by striking “sub-
6 section (d)” and inserting “section 154(c)(1) of
7 the William M. (Mac) Thornberry National De-
8 fense Authorization Act for Fiscal Year 2021”.

9 (d) CERTIFICATION IN CONNECTION WITH CON-
10 TRACTS WITH FOREIGN COMPANIES FOR AVIATION SERV-
11 ICES OVERSEAS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the Department of Defense may not enter into a
14 contract with a foreign company as contracted avia-
15 tion support to provide aviation services in an over-
16 seas area unless the Secretary certifies, in writing,
17 to the appropriate committees of Congress each of
18 the following:

19 (A) That the use of foreign companies to
20 provide such services in overseas areas is re-
21 quired for the national security of the United
22 States.

23 (B) That the Department has exhausted
24 all available authorities to use United States

1 companies to provide such services in overseas
2 areas.

3 (2) SUNSET.—The requirement in paragraph
4 (1) shall expire on the later of—

5 (A) the date on which the Special Federal
6 Aviation Regulation Working Group submits to
7 the appropriate committees of Congress the re-
8 port required by subsection (c)(1); and

9 (B) the date on which the Secretary fully
10 implements the recommendations contained in
11 that report.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “appropriate committees of Con-
14 gress” means—

15 (A) the Committee on Armed Services and
16 the Committee on Commerce, Science, and
17 Transportation of the Senate; and

18 (B) the Committee on Armed Services and
19 the Committee on Transportation and Infra-
20 structure of the House of Representatives.

21 (2) The term “Special Federal Aviation Regula-
22 tion Working Group” means the working group es-
23 tablished pursuant to section 1748 of the National
24 Defense Authorization Act for Fiscal Year 2020.

1 **SEC. 155. INTEGRATED AIR AND MISSILE DEFENSE ASSESS-**
2 **MENT.**

3 (a) CERTIFICATION ON DIRECTIVE OF IAMD RE-
4 SPONSIBILITIES AND AUTHORITIES.—Not later than 90
5 days after the date of the enactment of this Act, the Sec-
6 retary of Defense shall, in coordination with the Chairman
7 of the Joint Chiefs of Staff and the Secretaries of the mili-
8 tary departments, certify that Department of Defense Di-
9 rective 5100.01 is current and accurate with respect to
10 integrated air and missile defense (IAMD) responsibilities
11 and authorities in support of joint and combined land, sea,
12 air, space and special forces operations, and in obtaining
13 and maintaining air superiority or supremacy as required.

14 (b) IAMD ASSESSMENT BY CHAIRMAN OF THE
15 JOINT CHIEFS OF STAFF.—

16 (1) IN GENERAL.—The Chairman of the Joint
17 Chiefs of Staff shall, in coordination with the Secre-
18 taries of the military departments and the Director
19 of the Missile Defense Agency, conduct a com-
20 prehensive classified assessment of threats to, and
21 capabilities and capacities of, current and planned
22 integrated air and missile defense technologies and
23 force structure to meet the requirements of the com-
24 batant commands in support of the National De-
25 fense Strategy.

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

3 (A) Characterization and analysis of cur-
4 rent and emerging threats, including the fol-
5 lowing:

6 (i) Cruise, hypersonic, and ballistic
7 missiles.

8 (ii) Unmanned aerial systems.

9 (iii) Rockets and other indirect fire.

10 (iv) Specific and meaningfully varied
11 examples within each of clauses (i) through
12 (iii).

13 (B) Analysis of current and planned inte-
14 grated air and missile defense capabilities to
15 counter the threats characterized and analyzed
16 under subparagraph (A), including the fol-
17 lowing:

18 (i) Projected timelines for develop-
19 ment, procurement, and fielding of needed
20 capabilities to defend against current and
21 anticipated threats, based on intelligence
22 assessments of such threats.

23 (ii) Projected capability and capacity
24 gaps in addressing the threats character-
25 ized and assessed under subparagraph (A),

1 including a delineation of unfulfilled inte-
2 grated air and missile defense require-
3 ments by combatant command.

4 (iii) Risk assessment of projected ca-
5 pability and capacity gaps addressing inte-
6 grated air and missile defense require-
7 ments of the combatant commands and the
8 National Defense Strategy.

9 (iv) Opportunities for acceleration or
10 need for incorporation of interim capabili-
11 ties to address current and projected gaps.

12 (v) Opportunities to leverage allied
13 contributions for integrated air and missile
14 defense capabilities and capacities to meet
15 requirements of the combatant commands.

16 (C) Assessment of the integrated air and
17 missile defense command, control, and intel-
18 ligence systems and architecture, including the
19 following:

20 (i) A description of the integrated air
21 and missile defense architecture, and the
22 component counter unmanned aerial sys-
23 tem (C-UAS) sub-architecture of such ar-
24 chitecture.

1 (ii) Identification of the critical com-
2 mand and control (C2) systems.

3 (iii) Integration or interoperability of
4 the command and control systems.

5 (iv) Integration, interoperability, or
6 compatibility of the command and control
7 systems with planned Joint All Domain
8 Command and Control (JADC2) architec-
9 ture.

10 (3) CHARACTERIZATION.—

11 (A) IN GENERAL.—In carrying out the as-
12 sessment required by paragraph (1), the Chair-
13 man shall clearly, on a technical and oper-
14 ational basis, distinguish between distinctly dif-
15 ferent threats in the same general class.

16 (B) EXAMPLE.—The Chairman shall, for
17 example, ensure that the assessment is not lim-
18 ited to a broad characterization, such as “cruise
19 missiles”, since such characterization does not
20 sufficiently distinguish between current cruise
21 missiles and emerging hypersonic cruise mis-
22 siles, which may require different capabilities to
23 counter them.

24 (4) INTERIM BRIEFING AND REPORT.—

1 (A) INTERIM BRIEFING.—Not later than
2 60 days after the date of the enactment of this
3 Act, the Chairman shall brief the Committees
4 on Armed Services of the Senate and the House
5 of Representatives on the assessment under
6 paragraph (1).

7 (B) REPORT.—Not later than 180 days
8 after the date of the enactment of this Act, the
9 Chairman shall submit to the Committees on
10 Armed Services of the Senate and the House of
11 Representatives a report on the findings of the
12 assessment conducted under paragraph (1).

13 (c) SECRETARY OF THE MILITARY DEPARTMENT
14 BRIEFINGS ON RESPONSE TO IAMD ASSESSMENT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the submittal of the report required by subsection
17 (b)(4)(B), the Secretary of the Army, the Secretary
18 of the Navy, and the Secretary of the Air Force
19 shall each brief the Committees on Armed Services
20 of the Senate and the House of Representatives on
21 the manner in which the military department under
22 the jurisdiction of such Secretary intends to fulfill
23 the global integrated air and missile defense require-
24 ments of the combatant commands in accordance
25 with Department of Defense Directive 5100.01.

1 (2) ELEMENTS.—Each briefing under para-
2 graph (1) shall include, for the military department
3 covered by such briefing, the following:

4 (A) Analysis of current and planned inte-
5 grated air and missile defense capabilities to
6 counter the threats characterized and analyzed
7 under subsection (b)(2)(A), including the fol-
8 lowing:

9 (i) Projected timelines and costs for
10 development, procurement, and fielding of
11 planned integrated air and missile defense
12 capabilities.

13 (ii) Projected capability gaps and an
14 assessment of associated risk.

15 (iii) Opportunities for acceleration or
16 need for incorporation of interim capabili-
17 ties to address current and projected gaps.

18 (B) Analysis of current and planned capac-
19 ity to meet major contingency plan require-
20 ments and ongoing global operations of the
21 combatant commands, including the following:

22 (i) Current and planned numbers of
23 integrated air and missile defense systems
24 and formations, including associated muni-
25 tions.

1 (ii) Capacity gaps, and an assessment
2 of associated risk, in addressing combatant
3 command requirements.

4 (iii) Operations tempo stress on inte-
5 grated air and missile defense formations
6 and personnel.

7 (iv) Plans to sustain or to increase in-
8 tegrated air and missile defense personnel
9 and formations.

10 (C) Assessment of proponency and the dis-
11 tribution of responsibility and authority for pol-
12 icy and program planning, budgeting, and exe-
13 cution within the military department for inte-
14 grated air and missile defense and counter-un-
15 manned aerial systems, including the following:

16 (i) A description of the current
17 proponency structure.

18 (ii) An assessment of the adequacy of
19 the current proponency structure to facili-
20 tate integrated air and missile defense and
21 counter unmanned aerial systems functions
22 for the Department of Defense.

23 (D) Assessment of the feasibility and ad-
24 visability of establishing one or more centers of
25 excellence for integrated air and missile de-

1 fense, counter unmanned aerial systems, or
2 both for purposes of planing, organizing, and
3 managing the military department and joint
4 force efforts to achieve a functional capability
5 and capacity to meet the requirements of the
6 combatant commands.

7 **SEC. 156. JOINT STRATEGY FOR AIR BASE DEFENSE**
8 **AGAINST MISSILE THREATS.**

9 (a) STRATEGY REQUIRED.—The Chief of Staff of the
10 Air Force and the Chief of Staff of the Army shall jointly
11 develop and carry out a strategy to address the defense
12 of air bases and prepositioned sites outside the continental
13 United States against current and emerging missile
14 threats, as validated by the Defense Intelligence Agency.

15 (b) CERTIFICATION AND STRATEGY.—Not later than
16 June 1, 2021, the Chief of Staff of the Air Force and
17 the Chief of Staff of the Army shall jointly submit to the
18 congressional defense committees the following:

19 (1) A certification that the defense of air bases
20 and prepositioned sites outside the continental
21 United States against threats described in sub-
22 section (a) is being addressed jointly.

23 (2) The strategy developed pursuant to sub-
24 section (a).

1 **SEC. 157. JOINT ALL DOMAIN COMMAND AND CONTROL RE-**
2 **QUIREMENTS.**

3 (a) VALIDATION OF REQUIREMENTS BY JOINT RE-
4 QUIREMENTS OVERSIGHT COUNCIL.—Not later than April
5 1, 2021, the Joint Requirements Oversight Council
6 (JROC) shall validate requirements for Joint All Domain
7 Command and Control (JADC2).

8 (b) AIR FORCE CERTIFICATION.—Immediately after
9 the validation of requirements pursuant to subsection (a),
10 the Chief of Staff of the Air Force shall submit to the
11 congressional defense committees a certification that the
12 current Joint All Domain Command and Control effort,
13 including programmatic and architecture efforts, being led
14 by the Air Force will meet the requirements validated by
15 the Joint Requirements Oversight Council.

16 (c) CERTIFICATION BY OTHER ARMED FORCES.—
17 Not later than July 1, 2021, the chief of staff of each
18 Armed Force other than the Air Force shall submit to the
19 congressional defense committees a certification whether
20 the efforts of such Armed Force on multi-domain com-
21 mand and control are compatible with Joint All Domain
22 Command and Control architecture.

23 (d) BUDGETING.—The Secretary of Defense shall in-
24 corporate the expected costs for full development and im-
25 plementation of Joint All Domain Command and Control
26 across the Department of Defense in fiscal year 2022 in

1 the budget of the President for fiscal year 2022 as sub-
2 mitted to Congress under section 1105 of title 31, United
3 States Code.

4 **SEC. 158. EXPANSION OF ECONOMIC ORDER QUANTITY**
5 **CONTRACTING AUTHORITY FOR F-35 AIR-**
6 **CRAFT PROGRAM.**

7 Section 161(a)(2) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
9 Stat. 1246) is amended by striking “\$574,000,000” and
10 inserting “\$1,035,793,000”.

11 **SEC. 159. DOCUMENTATION RELATING TO THE F-35 AIR-**
12 **CRAFT PROGRAM.**

13 The Secretary of Defense shall submit to the congres-
14 sional defense committees, not later than 15 days fol-
15 lowing Milestone C approval for the F–35 aircraft pro-
16 gram pursuant to section 2366c of title 10, United States
17 Code, or entering into a contract for the full-rate produc-
18 tion of F–35 aircraft, the documentation with respect to
19 the F–35 aircraft program as follows:

20 (1) A certification by the Under Secretary of
21 Defense for Acquisition and Sustainment that—

22 (A) all alternative supply contractors for
23 parts, required for the airframe and propulsion
24 prime contractors of the F–35 aircraft program
25 as a result of the removal of the Republic of

1 Turkey from the program, have been identified,
2 and all related undefinitized contract actions
3 have been definitized (as described in section
4 7401 of part 217 of the Defense Federal Acquisition
5 Regulation Supplement);

6 (B) the parts produced by each such contractor
7 have been qualified and certified as
8 meeting applicable technical design and use
9 specifications; and

10 (C) each such contractor has reached the
11 required rate of production to meet supply re-
12 quirements for parts under the program.

13 (2) A cost analysis, prepared by the joint pro-
14 gram office for the F-35 aircraft program, that as-
15 sesses and defines—

16 (A) the manner in which the full integra-
17 tion of Block 4 and Technical Refresh 3 capa-
18 bilities for each lot of Block 4 production air-
19 craft beginning after lot 14 will affect the aver-
20 age procurement unit cost of United States
21 variants of the F-35A, F-35B, and F-35C air-
22 craft; and

23 (B) the manner in which the establishment
24 of alternate sources of production and
25 sustainment of supply and repair parts due to

1 the removal of the Republic of Turkey from the
2 program will affect such unit cost.

3 (3) All reports required by section 167 of the
4 National Defense Authorization Act for Fiscal Year
5 2020 (Public Law 116–92; 133 Stat. 1250).

6 (4) An independent cost estimate, prepared by
7 Director of Cost Assessment and Program Evalua-
8 tion, that defines, for each phase of the F–35 air-
9 craft program, the cost to develop, procure, inte-
10 grate, and retrofit F–35 aircraft with all Block 4 ca-
11 pability requirements that are specified in the most
12 recent Block 4 capabilities development document.

13 (5) A plan to correct or mitigate any deficiency
14 in the F–35 aircraft, identified as of the date of en-
15 actment of this Act that—

16 (A) may cause death, severe injury or oc-
17 cupational illness, or major loss or damage to
18 equipment or a system, and for which there is
19 no identified workaround (commonly known as
20 a “category 1A deficiency”); or

21 (B) critically restricts combat readiness ca-
22 pabilities or results in the inability to attain
23 adequate performance to accomplish mission re-
24 quirements (commonly known as a “category
25 1B deficiency”).

1 (6) A software and hardware capability, up-
2 grade, and aircraft modification plan for the F-35
3 aircraft that defines the cost and schedule for retro-
4 fitting F-35 aircraft that currently have Technical
5 Refresh 2 capabilities installed to ensure compat-
6 ibility with Block 4 and Technical Refresh 3 capa-
7 bilities.

8 (7) The following reports for the F-35 aircraft
9 program, as prepared by the Director of Operational
10 Test and Evaluation:

11 (A) A report on the results of the realistic
12 survivability testing of the F-35 aircraft, as de-
13 scribed in section 2366(d) of title 10, United
14 States Code.

15 (B) A report on the results of the initial
16 operational test and evaluation conducted for
17 program, as described in section 2399(b)(2) of
18 such title.

19 (8) A mitigation strategy and implementation
20 plan to address each critical deficiency in the F-35
21 aircraft autonomic logistics information system that
22 has been identified as of the date of enactment of
23 this Act.

24 (9) A certification that the F-35A aircraft
25 meets required mission reliability performance using

1 an average sortie duration of 2 hours and 30 min-
2 utes.

3 (10) A certification that the Secretary has de-
4 veloped and validated a fully integrated and realistic
5 schedule for the development, production and inte-
6 gration of Block 4 Technical Refresh 3 capabilities
7 for the F-35 aircraft, that includes a strategy for
8 resolving all software technical debt that has accu-
9 mulated within the F-35 operational flight program
10 source code during development, production, and in-
11 tegration of Technical Refresh 1 and Technical Re-
12 fresh 2 capabilities.

13 (11) The following:

14 (A) A complete list of hardware modifica-
15 tions that will be required to integrate Block 4
16 capabilities into lot 16 and lot 17 production
17 F-35 aircraft.

18 (B) An estimate of the costs of any engi-
19 neering changes required as a result of such
20 modifications.

21 (C) A comparison of those engineering
22 changes and costs with the engineering changes
23 and costs for lot 15 production F-35 aircraft.

1 **SEC. 160. F-35 AIRCRAFT MUNITIONS.**

2 Subject to the availability of appropriations, the Sec-
3 retary of the Air Force and the Secretary of the Navy
4 shall, in coordination with the Director of the F-35 Joint
5 Program Office, certify for use by the Armed Forces under
6 the jurisdiction of such Secretary munitions for F-35 air-
7 craft that are qualified on F-35 partner aircraft of North
8 Atlantic Treaty Organization (NATO) member nations as
9 of the date of the enactment of this Act.

10 **SEC. 161. REDESIGN STRATEGY FOR THE AUTONOMIC LO-**
11 **GISTICS INFORMATION SYSTEM FOR THE F-**
12 **35 FIGHTER AIRCRAFT.**

13 (a) IN GENERAL.—Not later than March 1, 2021, the
14 Under Secretary of Defense for Acquisition and
15 Sustainment shall, in consultation with the Director of the
16 F-35 Aircraft Joint Program Office, submit to the con-
17 gressional defense committees the following:

18 (1) A report describing a program-wide process
19 for measuring, collecting, and tracking information
20 on the manner in which the F-35 Autonomic Logis-
21 tics Information System (ALIS) is affecting the per-
22 formance of the F-35 aircraft fleet, including its ef-
23 fects on aircraft availability and mission capability
24 and effectiveness rates.

25 (2) A strategy and implementation plan for the
26 F-35 Operational Data Integrated Network (ODIN)

1 system that is being developed to replace the F-35
2 Autonomic Logistics Information System, including
3 an identification and assessment of goals, key risks
4 or uncertainties, system performance metrics, and
5 costs of designing, procuring, and fielding the F-35
6 Operational Data Integrated Network system.

7 (b) UPDATES.—In each quarterly briefing required
8 by section 155 of the John S. McCain National Defense
9 Authorization Act for Fiscal Year 2019 (Public 115–232;
10 132 Stat. 1672) for a calendar quarter beginning on or
11 after January 1, 2022, the Under Secretary and the Di-
12 rector shall include an update containing current informa-
13 tion on the following:

14 (1) The manner in which the F-35 Autonomic
15 Logistics Information System is affecting fleet per-
16 formance of the F-35 aircraft fleet.

17 (2) The progress being made to develop, pro-
18 cure, and field the F-35 Operational Data Inte-
19 grated Network system.

20 **SEC. 162. BRIEFINGS ON SOFTWARE REGRESSION TESTING**
21 **FOR F-35 AIRCRAFT.**

22 During the quarterly briefing required by section 155
23 of the John S. McCain National Defense Authorization
24 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
25 1672) covering a quarter in which mission systems pro-

1 duction software for the F-35 aircraft was released to
2 units operating such aircraft under the F-35 aircraft con-
3 tinuous capability development and delivery program, the
4 Under Secretary of Defense for Acquisition and
5 Sustainment shall, in consultation with the Director of
6 Operational Test and Evaluation, brief the congressional
7 defense committees with the following with respect to the
8 missions systems production software for the F-35 air-
9 craft:

10 (1) An explanation of the types and methods of
11 regression testing that were completed for the pro-
12 duction release of the software concerned to ensure
13 compatibility and proper functionality with—

14 (A) the fire control radar system of each
15 variant of the F-35 aircraft; and

16 (B) all weapons certified for carriage and
17 employment on each variant of the F-35 air-
18 craft.

19 (2) An identification of any entities that con-
20 ducted regression testing of such software, including
21 any development facilities of the Federal Govern-
22 ment or contractors that conducted such testing.

23 (3) A list of deficiencies identified during re-
24 gression testing of such software, or by operational

1 units, after fielding of such software, and an expla-
2 nation of—

3 (A) any software modifications, including
4 quick-reaction capability, that were completed
5 to resolve or mitigate such deficiencies;

6 (B) with respect to any deficiencies that
7 were not resolved or mitigated, whether the de-
8 ficiencies will be corrected in later releases of
9 the software; and

10 (C) any effects resulting from such defi-
11 ciencies, including—

12 (i) any effects on the cost and sched-
13 ule for delivery of the software; and

14 (ii) in cases in which the deficiencies
15 resulted in additional, unplanned, software
16 releases, any effects on the ongoing testing
17 of software capability releases.

18 **SEC. 163. PROHIBITION ON USE OF FUNDS FOR THE ARMED**
19 **OVERWATCH PROGRAM.**

20 None of the funds authorized to be appropriated by
21 this Act or otherwise made available for the Department
22 of Defense may be used to, and the Department may
23 not—

1 (1) procure armed overwatch aircraft for the
2 United States Special Operations Command in fiscal
3 year 2021; or

4 (2) procure armed overwatch aircraft for the
5 Air Force in fiscal years 2021 through 2023.

6 **SEC. 164. ACCELERATION OF DEVELOPMENT AND FIELD-**
7 **ING OF COUNTER UNMANNED AIRCRAFT SYS-**
8 **TEMS ACROSS THE JOINT FORCE.**

9 (a) IMMEDIATE OBJECTIVE FOR EXECUTIVE AGENT
10 FOR C-sUAS.—The Executive Agent of the Joint Counter
11 Small Unmanned Aircraft Systems (C-sUAS) Office, as
12 designated by the Under Secretary of Defense for Acquisi-
13 tion and Sustainment, shall prioritize the objective of de-
14 veloping and executing a plan to develop, test, and begin
15 production of a counter unmanned aircraft system that
16 can be fielded as early as fiscal year 2021 to meet imme-
17 diate operational needs in countering Group 1, 2, and 3
18 unmanned aircraft systems and, to the extent practical,
19 has the potential to counter other, larger unmanned air-
20 craft systems.

21 (b) DEVELOPMENT AND FIELDING OF C-sUAS SYS-
22 TEMS IN FISCAL YEAR 2021.—In carrying out subsection
23 (a), the Executive Agent shall consider the selection of
24 counter unmanned aircraft systems with specific emphasis
25 on systems that—

1 (1) have undergone successful realistic oper-
2 ational tests or assessments, or have been or are
3 currently deployed;

4 (2) will meet the operational requirements of
5 deployed forces facing current and anticipated un-
6 manned aircraft system (UAS) threats, including ef-
7 fectiveness against unmanned aircraft systems that
8 are not remotely piloted or are not reliant on a com-
9 mand link;

10 (3) use autonomous and semi-autonomous sys-
11 tems and processes;

12 (4) are affordable, with low operating and
13 sustainment costs;

14 (5) build, to the extent practicable, upon sys-
15 tems that were selected for fielding in fiscal year
16 2021;

17 (6) reduce or accelerate the timeline for initial
18 operational capability and full operational capability
19 of the counter unmanned aircraft system prioritized
20 by subsection (a);

21 (7) enable the flexible and continuous integra-
22 tion of different types of sensors and mitigation so-
23 lutions based on the different demands of particular
24 military installations and deployed forces, physical
25 geographies, and threat profiles; and

1 (8) are or include systems or component parts
2 that are commercial items, as required by section
3 3307 of title 41, United States Code, including a
4 common command and control system.

5 (c) BRIEFING.—Not later than 90 days after the date
6 of the enactment of this Act, the Executive Agent shall
7 brief the congressional defense committees on the fol-
8 lowing:

9 (1) The selection process for counter unmanned
10 aircraft system capabilities prioritized by this sec-
11 tion.

12 (2) The plan prioritized by subsection (a).

13 (d) OVERSIGHT.—The Executive Agent shall—

14 (1) oversee the execution of all counter un-
15 manned aircraft systems being developed by the mili-
16 tary departments as of the day before the date of
17 the enactment of this Act; and

18 (2) ensure that the plan prioritized by sub-
19 section (a) guides future programmatic and funding
20 decisions for activities relating to counter unmanned
21 aircraft systems, including any cancellation of such
22 activities.

1 **SEC. 165. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND**
2 **RECONNAISSANCE ACQUISITION ROADMAP**
3 **FOR THE UNITED STATES SPECIAL OPER-**
4 **ATIONS COMMAND.**

5 (a) IN GENERAL.—Not later than December 1, 2021,
6 the Assistant Secretary of Defense for Special Operations
7 and Low-Intensity Conflict and the Commander of the
8 United States Special Operations Command shall jointly
9 submit to the congressional defense committees an acqui-
10 sition roadmap to meet the manned and unmanned air-
11 borne intelligence, surveillance, and reconnaissance re-
12 quirements of United States Special Operations Forces.

13 (b) ELEMENTS.—The roadmap required under sub-
14 section (a) shall include the following:

15 (1) A description of the current platform re-
16 quirements for manned and unmanned airborne in-
17 telligence, surveillance, and reconnaissance capabili-
18 ties to support United States Special Operations
19 Forces.

20 (2) An analysis of the remaining service life of
21 existing manned and unmanned airborne intel-
22 ligence, surveillance, and reconnaissance capabilities
23 currently operated by United States Special Oper-
24 ations Forces.

25 (3) An identification of any current or antici-
26 pated gaps for special operations-peculiar manned

1 and unmanned airborne intelligence, surveillance,
2 and reconnaissance capabilities.

3 (4) A description of anticipated manned and
4 unmanned intelligence, surveillance, and reconnais-
5 sance platform requirements of the United States
6 Special Operations Forces, including range, payload,
7 endurance, ability to operate in contested environ-
8 ments, and other requirements, as appropriate.

9 (5) A description of the manner in which the
10 anticipated requirements described in paragraph (4)
11 are in alignment with the National Defense Strategy
12 and meet the challenge of strategic competition and
13 nation state intelligence collection requirements.

14 (6) An explanation of the anticipated mix of
15 manned and unmanned aircraft, number of plat-
16 forms, and associated aircrew and maintainers for
17 support of United States Special Operations Forces.

18 (7) An explanation of the extent to which serv-
19 ice-provided manned and unmanned airborne intel-
20 ligence, surveillance, and reconnaissance capabilities
21 will be required in support of United States Special
22 Operations Forces, and the manner in which such
23 capabilities will supplement and integrate with the
24 organic capabilities possessed by United States Spe-
25 cial Operations Forces.

1 (8) Any other matters the Assistant Secretary
2 and the Commander jointly consider appropriate.

3 **SEC. 166. PROHIBITION ON DIVESTITURE OF MANNED IN-**
4 **TELLIGENCE, SURVEILLANCE, AND RECON-**
5 **NAISSANCE AIRCRAFT OPERATED BY UNITED**
6 **STATES SPECIAL OPERATIONS COMMAND.**

7 (a) PROHIBITION.—No funds authorized to be appro-
8 priated by this Act may be used to divest any manned
9 intelligence, surveillance, and reconnaissance aircraft op-
10 erated by the United States Special Operations Command,
11 and the Department of Defense may not divest any
12 manned intelligence, surveillance, and reconnaissance air-
13 craft operated by the United States Special Operations
14 Command in fiscal year 2021.

15 (b) EXCEPTION.—The prohibition in subsection (a)
16 does not apply to any divestment of aircraft described in
17 that subsection that is ongoing as of the date of the enact-
18 ment of this Act.

19 **SEC. 167. NOTIFICATION ON EFFORTS TO REPLACE INOP-**
20 **ERABLE EJECTION SEAT AIRCRAFT LOCATOR**
21 **BEACONS.**

22 (a) NOTIFICATION.—Not later than 180 days after
23 the date of the enactment of this Act, and on a semi-an-
24 nual basis thereafter until the date specified in subsection
25 (b), the Under Secretary of Defense for Acquisition and

1 Sustainment shall submit to the congressional defense
2 committees a written notification that describes, with re-
3 spect to the period covered by the notification—

4 (1) the efforts of the service acquisition execu-
5 tives of the Department of the Air Force and the
6 Department of the Navy to replace ejection seat air-
7 craft locator beacons that are—

8 (A) installed on covered aircraft; and

9 (B) inoperable in water or in wet condi-
10 tions; and

11 (2) the funding allocated for such efforts.

12 (b) DATE SPECIFIED.—The date specified in this
13 subsection is the earlier of—

14 (1) the date on which the Under Secretary of
15 Defense for Acquisition and Sustainment determines
16 that all ejection seat aircraft locator beacons in-
17 stalled on covered aircraft are operable in water and
18 wet conditions; or

19 (2) the date that is 5 years after the date of the
20 enactment of this Act.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “covered aircraft” means aircraft
23 of the Air Force, the Navy, and the Marine Corps
24 that are equipped with ejection seats.

1 (2) The term “service acquisition executive of
2 the Department of the Air Force” does not include
3 the Service Acquisition Executive of the Department
4 of the Air Force for Space Systems and Programs
5 described in section 957 of the National Defense Au-
6 thorization Act for Fiscal Year 2020 (Public Law
7 116–92; 10 U.S.C. 9016 note).

8 **TITLE II—RESEARCH, DEVELOP-**
9 **MENT, TEST, AND EVALUA-**
10 **TION**

 Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

 Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Modification of requirements relating to certain cooperative research and development agreements.
- Sec. 212. Disclosure requirements for recipients of Department of Defense research and development funds.
- Sec. 213. Modification of national security innovation activities and pilot program on strengthening the defense industrial and innovation base.
- Sec. 214. Updates to Defense Quantum Information Science and Technology Research and Development program.
- Sec. 215. Establishment of Directed Energy Working Group.
- Sec. 216. Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
- Sec. 217. Designation of senior officials for critical technology areas supportive of the National Defense Strategy.
- Sec. 218. Executive agent for Autonomy.
- Sec. 219. National security innovation partnerships.
- Sec. 220. Social science, management science, and information science research activities.
- Sec. 221. Accountability measures relating to the Advanced Battle Management System.
- Sec. 222. Activities to improve fielding of Air Force hypersonic capabilities.
- Sec. 223. Disclosure of funding sources in applications for Federal research and development awards.
- Sec. 224. Governance of fifth-generation wireless networking in the Department of Defense.
- Sec. 225. Demonstration project on use of certain technologies for fifth-generation wireless networking services.

Sec. 226. Research, development, and deployment of technologies to support water sustainment.

Sec. 227. Limitation on contract awards for certain unmanned vessels.

Subtitle C—Artificial Intelligence and Emerging Technology

Sec. 231. Modification of biannual report on the Joint Artificial Intelligence Center.

Sec. 232. Modification of joint artificial intelligence research, development, and transition activities.

Sec. 233. Board of advisors for the Joint Artificial Intelligence Center.

Sec. 234. Application of artificial intelligence to the defense reform pillar of the National Defense Strategy.

Sec. 235. Acquisition of ethically and responsibly developed artificial intelligence technology.

Sec. 236. Steering committee on emerging technology.

Subtitle D—Education and Workforce Development

Sec. 241. Measuring and incentivizing programming proficiency.

Sec. 242. Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.

Sec. 243. Improvements to Technology and National Security Fellowship of Department of Defense.

Sec. 244. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.

Sec. 245. Encouragement of contractor science, technology, engineering, and mathematics (STEM) programs.

Sec. 246. Training program for human resources personnel in best practices for technical workforce.

Sec. 247. Pilot program on the use of electronic portfolios to evaluate certain applicants for technical positions.

Sec. 248. Pilot program on self-directed training in advanced technologies.

Sec. 249. Part-time and term employment of university faculty and students in the Defense science and technology enterprise.

Sec. 250. National security workforce and educational diversity activities.

Sec. 251. Coordination of scholarship and employment programs of the Department of Defense.

Sec. 252. Study on mechanisms for attracting and retaining high quality talent in the Department of Defense.

Subtitle E—Sustainable Chemistry

Sec. 261. National coordinating entity for sustainable chemistry.

Sec. 262. Strategic plan for sustainable chemistry.

Sec. 263. Agency activities in support of sustainable chemistry.

Sec. 264. Partnerships in sustainable chemistry.

Sec. 265. Prioritization.

Sec. 266. Rule of construction.

Sec. 267. Major multi-user research facility project.

Subtitle F—Plans, Reports, and Other Matters

Sec. 271. Modification to annual report of the Director of Operational Test and Evaluation.

Sec. 272. Modification to Test Resource Management Center strategic plan reporting cycle and contents.

- Sec. 273. Modification of requirements relating to energetics plan to include assessment of feasibility and advisability of establishing a program office for energetics.
- Sec. 274. Element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.
- Sec. 275. Repeal of quarterly updates on the Optionally Manned Fighting Vehicle program.
- Sec. 276. Microelectronics and national security.
- Sec. 277. Independent evaluation of personal protective and diagnostic testing equipment.
- Sec. 278. Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries.
- Sec. 279. Annual reports regarding the SBIR program of the Department of Defense.
- Sec. 280. Reports on F-35 physiological episodes and mitigation efforts.
- Sec. 281. Review and report on next generation air dominance capabilities.
- Sec. 282. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
- Sec. 283. Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related and defense-related fields.

1 **Subtitle A—Authorization of** 2 **Appropriations**

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2021 for the use of the Department of Defense
6 for research, development, test, and evaluation, as speci-
7 fied in the funding table in section 4201.

1 **Subtitle B—Program Require-**
2 **ments, Restrictions, and Limita-**
3 **tions**

4 **SEC. 211. MODIFICATION OF REQUIREMENTS RELATING TO**
5 **CERTAIN COOPERATIVE RESEARCH AND DE-**
6 **VELOPMENT AGREEMENTS.**

7 Section 2350a of title 10, United States Code, is
8 amended—

9 (1) in subsection (b)(2), by striking “and the
10 Under Secretary” and inserting “or the Under Sec-
11 retary”; and

12 (2) in subsection (c)—

13 (A) by striking “Each cooperative” and in-
14 serting “(1) Except as provided in paragraph
15 (2), each cooperative”; and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(2) A cooperative research and development project
19 may be entered into under this section under which costs
20 are shared between the participants on an unequal basis
21 if the Secretary of Defense, or an official specified in sub-
22 section (b)(2) to whom the Secretary delegates authority
23 under this paragraph, makes a written determination that
24 unequal cost sharing provides strategic value to the United
25 States or another participant in the project.

1 “(3) For purposes of this subsection, the term ‘cost’
2 means the total value of cash and non-cash contribu-
3 tions.”.

4 **SEC. 212. DISCLOSURE REQUIREMENTS FOR RECIPIENTS**
5 **OF DEPARTMENT OF DEFENSE RESEARCH**
6 **AND DEVELOPMENT FUNDS.**

7 (a) DISCLOSURE REQUIREMENTS.—

8 (1) IN GENERAL.—Chapter 139 of title 10,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 2374b. Disclosure requirements for recipients of**
12 **research and development funds**

13 “(a) IN GENERAL.—Except as provided in sub-
14 sections (b) and (c), an individual or entity (including a
15 State or local government) that uses funds received from
16 the Department of Defense to carry out research or devel-
17 opment activities shall include, in any public document
18 pertaining to such activities, a clear statement indicating
19 the dollar amount of the funds received from the Depart-
20 ment for such activities.

21 “(b) EXCEPTION.—The disclosure requirement under
22 subsection (a) shall not apply to a public document con-
23 sisting of fewer than 280 characters.

1 “(c) WAIVER.—The Secretary of Defense may waive
2 the disclosure requirement under subsection (a) on a case-
3 by-case basis.

4 “(d) PUBLIC DOCUMENT DEFINED.—In this section,
5 the term ‘public document’ means any document or other
6 written statement made available for public reference or
7 use, regardless of whether such document or statement is
8 made available in hard copy or electronic format.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by adding at the end the following new item:

“2374b. Disclosure requirements for recipients of research and development
funds.”.

12 (b) EFFECTIVE DATE AND APPLICABILITY.—The
13 amendments made by subsection (a) shall take effect on
14 October 1, 2021, and shall apply with respect to funds
15 for research and development that are awarded by the De-
16 partment of Defense on or after that date.

17 **SEC. 213. MODIFICATION OF NATIONAL SECURITY INNOVA-**
18 **TION ACTIVITIES AND PILOT PROGRAM ON**
19 **STRENGTHENING THE DEFENSE INDUSTRIAL**
20 **AND INNOVATION BASE.**

21 (a) NATIONAL SECURITY INNOVATION ACTIVITIES.—
22 Section 230 of the John S. McCain National Defense Au-
23 thorization Act for Fiscal Year 2019 (Public Law 115–
24 232; 10 U.S.C. 2358 note) is amended—

1 (1) by striking subsection (h);

2 (2) by redesignating subsections (e) through (g)

3 as subsections (f) through (h), respectively;

4 (3) by inserting after subsection (d) the fol-
5 lowing new subsection:

6 “(e) ADVISORY ASSISTANCE.—

7 “(1) IN GENERAL.—The Under Secretary shall
8 establish a mechanism to seek advice from existing
9 Federal advisory committees on matters relating
10 to—

11 “(A) the implementation and prioritization
12 of activities established under subsection (a);
13 and

14 “(B) determining how such activities may
15 be used to support the overall technology strat-
16 egy of the Department of Defense.

17 “(2) EXISTING FEDERAL ADVISORY COMMIT-
18 TEES DEFINED.—In this subsection, the term ‘exist-
19 ing Federal advisory committee’ means an advisory
20 committee that—

21 “(A) is established pursuant to a provision
22 of Federal law other than this section; and

23 “(B) has responsibilities relevant to the ac-
24 tivities established under subsection (a), as de-
25 termined by the Under Secretary.”; and

1 (4) in paragraph (1) of subsection (g) (as so re-
2 designated) by striking “strengthening manufac-
3 turing in the defense industrial base” and inserting
4 “strengthening the defense industrial and innovation
5 base”.

6 (b) PLAN.—Not later than April 1, 2021, the Under
7 Secretary of Defense for Research and Engineering shall
8 submit to the congressional defense committees a plan
9 that describes—

10 (1) the mechanism the Under Secretary will use
11 to seek advice from existing Federal advisory com-
12 mittees as required under section 230(e) of the John
13 S. McCain National Defense Authorization Act for
14 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
15 2358 note) (as added by subsection (a) of this sec-
16 tion); and

17 (2) the expected roles and responsibilities of
18 such committees with respect to advising the Under
19 Secretary on the activities established under section
20 230 of such Act.

21 (c) PILOT PROGRAM ON DEFENSE INDUSTRIAL AND
22 INNOVATION BASE.—Section 1711 of the National De-
23 fense Authorization Act for Fiscal Year 2018 (Public Law
24 115–91; 10 U.S.C. 2505 note) is amended—

1 (1) in the section heading, by striking “**MANU-**
2 **FACTURING IN THE DEFENSE INDUSTRIAL**
3 **BASE**” and inserting “**THE DEFENSE INDUSTRIAL**
4 **AND INNOVATION BASE**”;

5 (2) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
7 by inserting “and the defense innovation base”
8 after “industrial base”;

9 (B) in paragraph (1), by inserting “devel-
10 opment, prototyping, and manufacturing” be-
11 fore “production”; and

12 (C) in paragraph (2), by striking “manu-
13 facturing and production” and inserting “devel-
14 opment, prototyping, and manufacturing”;

15 (3) in subsection (b)—

16 (A) by redesignating paragraph (2) as
17 paragraph (3); and

18 (B) by inserting after paragraph (1) the
19 following new paragraph:

20 “(2) Section 230 of the John S. McCain Na-
21 tional Defense Authorization Act for Fiscal Year
22 2019 (Public Law 115–232; 10 U.S.C. 2358 note).”;

23 (4) in subsection (c)—

1 (A) in paragraph (1), by striking “manu-
2 facturing and production” and inserting “devel-
3 opment, prototyping, and manufacturing”;

4 (B) in paragraph (3), by striking “manu-
5 facturing and production”;

6 (C) in paragraph (4), by striking “manu-
7 facturers” and inserting “companies”; and

8 (D) in paragraph (5), by striking “manu-
9 facturers” and inserting “companies”;

10 (5) in subsection (d), by striking “the date that
11 is four years after the date of the enactment of this
12 Act” and inserting “December 31, 2026”; and

13 (6) in subsection (e), by striking “January 31,
14 2022” and inserting “January 31, 2027”.

15 **SEC. 214. UPDATES TO DEFENSE QUANTUM INFORMATION**
16 **SCIENCE AND TECHNOLOGY RESEARCH AND**
17 **DEVELOPMENT PROGRAM.**

18 Section 234 of the John S. McCain National Defense
19 Authorization Act for Fiscal year 2019 (Public Law 115–
20 232; 10 U.S.C. 2358 note) is amended—

21 (1) by redesignating subsection (e) as sub-
22 section (f); and

23 (2) by inserting after subsection (d) the fol-
24 lowing new subsection (e):

1 “(e) USE OF QUANTUM COMPUTING CAPABILI-
2 TIES.—The Secretary of each military department shall—

3 “(1) develop and annually update a list of tech-
4 nical problems and research challenges which are
5 likely to be addressable by quantum computers avail-
6 able for use within in the next one to three years,
7 with a priority for technical problems and challenges
8 where quantum computing systems have perform-
9 ance advantages over traditional computing systems,
10 in order to enhance the capabilities of such quantum
11 computers and support the addressing of relevant
12 technical problems and research challenges; and

13 “(2) establish programs and enter into agree-
14 ments with appropriate medium and small busi-
15 nesses with functional quantum computing capabili-
16 ties to provide such private sector capabilities to gov-
17 ernment, industry, and academic researchers work-
18 ing on relevant technical problems and research ac-
19 tivities.”.

20 **SEC. 215. ESTABLISHMENT OF DIRECTED ENERGY WORK-**
21 **ING GROUP.**

22 Section 219 of the National Defense Authorization
23 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
24 2431 note) is amended—

25 (1) in subsection (c)—

1 (A) by striking paragraph (4); and

2 (B) by redesignating paragraph (5) as
3 paragraph (4); and

4 (2) by adding at the end the following new sub-
5 section:

6 “(d) DIRECTED ENERGY WORKING GROUP.—

7 “(1) IN GENERAL.—Not later than 60 days
8 after the date of the enactment of the National De-
9 fense Authorization Act for fiscal year 2021, the
10 Secretary of Defense shall establish a working group
11 to be known as the ‘Directed Energy Working
12 Group’.

13 “(2) RESPONSIBILITIES.—The Directed Energy
14 Working Group shall—

15 “(A) analyze and evaluate the current and
16 planned directed energy programs of each of
17 the military departments;

18 “(B) make recommendations to the Sec-
19 retary of Defense—

20 “(i) describing how memoranda of un-
21 derstanding may be used to coordinate the
22 directed energy activities conducted by the
23 Department of Defense using amounts au-
24 thorized to be appropriated for research,
25 development, test, and evaluation; and

1 “(ii) proposing the establishment of
2 specific memoranda of understanding be-
3 tween individual organizations and ele-
4 ments of the Department of Defense to fa-
5 cilitate such coordination;

6 “(C) identify methods of quickly fielding
7 directed energy capabilities and programs; and

8 “(D) develop a compendium on the effec-
9 tiveness of directed energy weapon systems and
10 integrate the compendium into an overall Joint
11 Effectiveness Manual under the guidance from
12 the Joint Technical Coordination Group for
13 Munitions Effectiveness.

14 “(3) HEAD OF WORKING GROUP.—The head of
15 the Directed Energy Working Group shall be the
16 Under Secretary of Defense for Research and Engi-
17 neering or the designee of the Under Secretary.

18 “(4) MEMBERSHIP.—The members of the Di-
19 rected Energy Working Group shall be appointed as
20 follows:

21 “(A) One member from each military de-
22 partment, appointed by the Secretary of the
23 military department concerned.

1 “(B) One member appointed by the Under
2 Secretary of Defense for Research and Engi-
3 neering.

4 “(C) One member appointed by the Under
5 Secretary of Defense for Acquisition and
6 Sustainment.

7 “(D) One member appointed by the Direc-
8 tor of the Strategic Capabilities Office of the
9 Department of Defense.

10 “(E) One member appointed by the Direc-
11 tor of the Defense Advanced Research Projects
12 Agency.

13 “(F) One member appointed by the Direc-
14 tor of Operational Test and Evaluation.

15 “(G) One member appointed by the Direc-
16 tor of the Missile Defense Agency.

17 “(H) Such other members as may be ap-
18 pointed by the Secretary of Defense from
19 among individuals serving in the Department of
20 Defense.

21 “(5) DEADLINE FOR APPOINTMENT.—Members
22 of the Directed Energy Working Group shall be ap-
23 pointed not later than 30 days after the date of the
24 establishment of the working group under paragraph
25 (1).

1 “(6) BRIEFINGS TO CONGRESS.—Not later than
2 180 days after the date of the enactment of the Wil-
3 liam M. (Mac) Thornberry National Defense Author-
4 ization Act for Fiscal Year 2021, and not less fre-
5 quently than once every 180 days thereafter, the Di-
6 rected Energy Working Group shall provide to the
7 congressional defense committees a briefing on the
8 progress of each directed energy program that is
9 being adopted or fielded by the Department of De-
10 fense.

11 “(7) TERMINATION.—The Directed Energy
12 Working Group established under this subsection
13 shall terminate 4 years after the date of the enact-
14 ment of the William M. (Mac) Thornberry National
15 Defense Authorization Act for Fiscal Year 2021.”.

16 **SEC. 216. EXTENSION OF PILOT PROGRAM FOR THE EN-**
17 **HANCEMENT OF THE RESEARCH, DEVELOP-**
18 **MENT, TEST, AND EVALUATION CENTERS OF**
19 **THE DEPARTMENT OF DEFENSE.**

20 (a) IN GENERAL.—Section 233 of the National De-
21 fense Authorization Act for Fiscal Year 2017 (Public Law
22 114–328; 10 U.S.C. 2358 note) is amended—

23 (1) in subsection (e), by striking “2022” and
24 inserting “2027”; and

25 (2) in subsection (f)—

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

3 “(1) IN GENERAL.—Not later than one year
4 after the date of the enactment of the William M.
5 (Mac) Thornberry National Defense Authorization
6 Act for Fiscal Year 2021, the Secretary of Defense
7 shall submit to the congressional defense committees
8 a report on the status of the pilot program.”; and

9 (B) in paragraph (2), by adding at the end
10 the following new subparagraph:

11 “(F) With respect to any military depart-
12 ment not participating in the pilot program, an
13 explanation for such nonparticipation, including
14 identification of—

15 “(i) any issues that may be preventing
16 such participation; and

17 “(ii) any offices or other elements of
18 the Department of Defense that may be
19 responsible for the delay in participation.”.

20 (b) TECHNICAL AMENDMENT.—Effective as of De-
21 cember 23, 2016, and as if included therein as enacted,
22 section 233(c)(2)(C)(ii) of the National Defense Author-
23 ization Act for Fiscal Year 2017 (Public Law 114–328;
24 10 U.S.C. 2358 note) is amended by striking “Assistant
25 Secretary of the Army for Acquisition, Technology, and

1 Logistics” and inserting “Assistant Secretary of the Army
2 for Acquisition, Logistics, and Technology”.

3 (c) EXTENSION OF PILOT PROGRAM TO IMPROVE IN-
4 CENTIVES FOR TECHNOLOGY TRANSFER FROM DEPART-
5 MENT OF DEFENSE LABORATORIES.—Subsection (e) of
6 section 233 of the National Defense Authorization Act for
7 Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514
8 note) is amended to read as follows:

9 “(e) SUNSET.—The pilot program under this section
10 shall terminate on September 30, 2025.”.

11 **SEC. 217. DESIGNATION OF SENIOR OFFICIALS FOR CRIT-**
12 **ICAL TECHNOLOGY AREAS SUPPORTIVE OF**
13 **THE NATIONAL DEFENSE STRATEGY.**

14 (a) DESIGNATION OF SENIOR OFFICIALS.—The
15 Under Secretary of Defense for Research and Engineering
16 shall—

17 (1) identify technology areas that the Under
18 Secretary considers critical for the support of the
19 National Defense Strategy; and

20 (2) for each such technology area, designate a
21 senior official of the Department of Defense to co-
22 ordinate research and engineering activities in that
23 area.

1 (b) DUTIES.—The duties of each senior official des-
2 ignated under subsection (a) shall include, with respect to
3 the technology area overseen by such official—

4 (1) developing and continuously updating re-
5 search and technology development roadmaps, fund-
6 ing strategies, and technology transition strategies
7 to ensure—

8 (A) the effective and efficient development
9 of new capabilities in the area; and

10 (B) the operational use of appropriate
11 technologies;

12 (2) conducting annual assessments of work-
13 force, infrastructure, and industrial base capabilities
14 and capacity to support—

15 (A) the roadmaps developed under para-
16 graph (1); and

17 (B) the goals of the National Defense
18 Strategy;

19 (3) reviewing the relevant research and engi-
20 neering budgets of appropriate organizations within
21 the Department of Defense, including the Armed
22 Forces, and advising the Under Secretary on—

23 (A) the consistency of the budgets with the
24 roadmaps developed under paragraph (1);

1 (B) any technical and programmatic risks
2 to the achievement of the research and tech-
3 nology development goals of the National De-
4 fense Strategy;

5 (C) programs, projects, and activities that
6 demonstrate—

7 (i) unwanted or inefficient duplication,
8 including duplication with activities of
9 other government agencies and the com-
10 mercial sector;

11 (ii) lack of appropriate coordination
12 with other organizations; or

13 (iii) inappropriate alignment with or-
14 ganizational missions and capabilities;

15 (4) coordinating the research and engineering
16 activities of the Department with appropriate inter-
17 national, interagency, and private sector organiza-
18 tions; and

19 (5) tasking appropriate intelligence agencies of
20 the Department to develop a direct comparison be-
21 tween the capabilities of the United States in the
22 technology area concerned and the capabilities of ad-
23 versaries of the United States in that area.

24 (c) ANNUAL REPORTS.—

1 (1) IN GENERAL.—Not later than December 1,
2 2021, and not later than December 1 of each year
3 thereafter through December 1, 2025, the Under
4 Secretary shall submit to the congressional defense
5 committees a report on research and engineering ac-
6 tivities and on the status of the technology areas
7 identified under subsection (a)(1), including a de-
8 scription of any programs, projects, or activities in
9 such areas, that have, in the year preceding the date
10 of the report—

11 (A) achieved significant technical progress;

12 (B) transitioned from the research and de-
13 velopment phase to formal acquisition pro-
14 grams;

15 (C) transitioned from the research and de-
16 velopment phase into operational use; or

17 (D) been transferred from the Department
18 of Defense to private sector organizations for
19 further commercial development or commercial
20 sales.

21 (2) FORM.—Each report under paragraph (1)
22 shall submitted in unclassified form that can be
23 made available to the public, but may include a clas-
24 sified annex.

1 (d) COORDINATION OF RESEARCH AND ENGINEER-
2 ING ACTIVITIES.—The Service Acquisition Executive for
3 each military department and the Director of the Defense
4 Advanced Research Projects Agency shall each identify
5 senior officials to ensure coordination of appropriate re-
6 search and engineering activities with each of the senior
7 officials designated under subsection (a).

8 (e) CONFORMING AMENDMENTS.—Section 218 of the
9 John Warner National Defense Authorization Act for Fis-
10 cal Year 2007 (Public Law 109–364; 10 U.S.C. 2358
11 note) is amended—

12 (1) in subsection (a) by striking the second sen-
13 tence and inserting “The Office shall carry out the
14 program and activities described in subsections (b)
15 and (c) and shall have such other responsibilities re-
16 lating to hypersonics as the Secretary shall specify”;

17 (2) by striking subsections (b), (e) and (f);

18 (3) by redesignating subsections (c) and (d) as
19 subsections (b) and (c), respectively;

20 (4) in subsection (b)(1), as so redesignated, by
21 striking “provide the Office with” and all that fol-
22 lows through the period at the end and inserting
23 “provide the Office with foundational and applied
24 hypersonic research, development, and workforce

1 support in areas that the Office determines to be rel-
2 evant for the Department of Defense.”;

3 (5) in subsection (c), as so redesignated—

4 (A) in the matter preceding paragraph (1),
5 by striking “In carrying out the program re-
6 quired by subsection (b), the Office” and insert-
7 ing “The Office”;

8 (B) by amending paragraph (1) to read as
9 follows:

10 “(1) Expedite testing, evaluation, and acquisi-
11 tion of hypersonic technologies to meet the stated
12 needs of the warfighter, including flight testing,
13 ground-based-testing, and underwater launch test-
14 ing.”;

15 (C) by striking paragraphs (2) and (3);

16 (D) by redesignating paragraphs (4), (5),
17 (6), and (7) as paragraphs (2), (3), (4), and
18 (6), respectively;

19 (E) by amending paragraph (2), as so re-
20 designated, to read as follows:

21 “(2) Ensure prototyping demonstration pro-
22 grams on hypersonic systems integrate advanced
23 technologies to speed the maturation and deploy-
24 ment of future hypersonic systems.”;

1 (F) by amending paragraph (3), as so re-
2 designated, to read as follows:

3 “(3) Ensure that any demonstration program
4 on hypersonic systems is carried out only if deter-
5 mined to be consistent with the roadmap for the rel-
6 evant critical technology area supportive of the Na-
7 tional Defense Strategy, as developed by the senior
8 official with responsibility for such area under sec-
9 tion 217 of the William M. (Mac) Thornberry Na-
10 tional Defense Authorization Act for Fiscal Year
11 2021.”;

12 (G) by amending paragraph (4), as so re-
13 designated, to read as follows:

14 “(4) Develop strategies and roadmaps for
15 hypersonic technologies to enable the transition of
16 such technologies to future operational capabilities
17 for the warfighter.”;

18 (H) by inserting after paragraph (4), as so
19 redesignated, the following:

20 “(5) Develop and implement a strategy for en-
21 hancing the current and future hypersonics work-
22 force.”; and

23 (I) by amending paragraph (6), as so re-
24 designated, to read as follows:

1 “(6) Coordinate with relevant stakeholders and
2 agencies to support the technological advantage of
3 the United States in developing hypersonic sys-
4 tems.”.

5 **SEC. 218. EXECUTIVE AGENT FOR AUTONOMY.**

6 (a) IN GENERAL.—Not later than February 1, 2022,
7 the Secretary of the Navy shall designate an existing pro-
8 gram executive officer from within the Department of the
9 Navy to serve as the acquisition executive agent for auton-
10 omy who shall be the official within the Department with
11 primary responsibility for the acquisition of autonomous
12 technology. The officer designated as acquisition executive
13 agent for autonomy shall carry out the responsibilities of
14 such position in addition to the responsibilities otherwise
15 assigned to such officer as a program executive officer.

16 (b) PROGRAM EXECUTIVE OFFICER DEFINED.—In
17 this section, the term “program executive officer” has the
18 meaning given that term in section 1737(a)(4) of title 10,
19 United States Code.

20 **SEC. 219. NATIONAL SECURITY INNOVATION PARTNER-**
21 **SHIPS.**

22 (a) ESTABLISHMENT.—The Secretary of Defense
23 shall establish an activity—

24 (1) to support partnerships between the De-
25 partment of Defense and academic institutions, pri-

1 vate sector firms in defense and commercial sectors,
2 commercial accelerators and incubators, commercial
3 innovation hubs, public sector organizations, and
4 nonprofit entities with missions relating to national
5 security innovation;

6 (2) to expand the national security innovation
7 base, including through engagement with academia,
8 defense industry, commercial industry, government
9 organizations, and the venture capital community;

10 (3) to accelerate the transition of technologies
11 and services into acquisition programs and oper-
12 ational use;

13 (4) to work in coordination with the Under Sec-
14 retary of Defense for Personnel and Readiness,
15 other organizations within the Office of the Sec-
16 retary, and the Armed Forces to create new path-
17 ways and models of national security service that fa-
18 cilitate employment within the Department;

19 (5) to facilitate engagement with entities de-
20 scribed in paragraph (1) for the purpose of devel-
21 oping solutions to national security and defense
22 problems articulated by entities within the Depart-
23 ment, including through programs such as the
24 Hacking for Defense program;

1 (6) to establish physical locations throughout
2 the United States to support partnerships with aca-
3 demic, government, and private sector industry part-
4 ners; and

5 (7) to enhance the capabilities of the Depart-
6 ment in market research, industrial and technology
7 base awareness, source selection, partnerships with
8 private sector capital, and access to commercial
9 technologies.

10 (b) AUTHORITIES.—In addition to the authorities
11 provided under this section, in carrying out this section,
12 the Secretary of Defense may use the following authori-
13 ties:

14 (1) Section 1599g of title 10, United States
15 Code, relating to public-private talent exchanges.

16 (2) Section 2368 of title 10, United States
17 Code, relating to Centers for Science, Technology,
18 and Engineering Partnerships.

19 (3) Section 2374a of title 10, United States
20 Code, relating to prizes for advanced technology
21 achievements.

22 (4) Section 2474 of title 10, United States
23 Code, relating to Centers of Industrial and Technical
24 Excellence.

1 (5) Section 2521 of title 10, United States
2 Code, relating to the Manufacturing Technology
3 Program.

4 (6) Subchapter VI of chapter 33 of title 5,
5 United States Code, relating to assignments to and
6 from States.

7 (7) Chapter 47 of title 5, United States Code,
8 relating to personnel research programs and dem-
9 onstration projects.

10 (8) Section 12 of the Stevenson-Wydler Tech-
11 nology Innovation Act of 1980 (15 U.S.C. 3710a)
12 and section 6305 of title 31, United States Code, re-
13 lating to cooperative research and development
14 agreements.

15 (9) Such other authorities as the Secretary con-
16 siders appropriate.

17 (c) IMPLEMENTATION.—

18 (1) SUPPORT FROM OTHER DEPARTMENT OF
19 DEFENSE ORGANIZATIONS.—The Secretary of De-
20 fense may direct other organizations and elements of
21 the Department of Defense to provide personnel, re-
22 sources, and other support to the activity established
23 under this section, as the Secretary determines ap-
24 propriate.

25 (2) IMPLEMENTATION PLAN.—

1 (A) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the
3 Secretary of Defense shall submit to the con-
4 gressional defense committees a plan for imple-
5 menting the activity established under this sec-
6 tion.

7 (B) ELEMENTS.—The plan required under
8 subparagraph (A) shall include the following:

9 (i) Plans that describe any support
10 that will be provided for the activity by
11 other organizations and elements of the
12 Department of Defense under paragraph
13 (1).

14 (ii) Plans for the implementation of
15 the activity, including plans for—

16 (I) future funding and adminis-
17 trative support of the activity;

18 (II) integration of the activity
19 into the programming, planning,
20 budgeting, and execution process of
21 the Department of Defense;

22 (III) integration of the activity
23 with the other programs and initia-
24 tives within the Department that have
25 missions relating to innovation and

1 outreach to the academic and the pri-
2 vate sector ; and

3 (IV) performance indicators by
4 which the activity will be assessed and
5 evaluated.

6 (iii) A description of any additional
7 authorities the Secretary may require to
8 effectively carry out the responsibilities
9 under this section.

10 **SEC. 220. SOCIAL SCIENCE, MANAGEMENT SCIENCE, AND**
11 **INFORMATION SCIENCE RESEARCH ACTIVI-**
12 **TIES.**

13 (a) ESTABLISHMENT.—The Secretary of Defense,
14 acting through the Under Secretary of Defense for Re-
15 search and Engineering, shall carry out a program of re-
16 search and development in social science, management
17 science, and information science.

18 (b) PURPOSES.—The purposes of the program under
19 subsection (a) are as follows:

20 (1) To ensure that the Department of Defense
21 has access to innovation and expertise in social
22 science, management science, and information
23 science to enable the Department to improve the ef-
24 fectiveness, efficiency, and agility of the Depart-
25 ment's operational and management activities.

1 (2) To develop and manage a portfolio of re-
2 search initiatives in fundamental and applied social
3 science, management science, and information
4 science that is stable, consistent, and balanced
5 across relevant disciplines.

6 (3) To enhance cooperation and collaboration
7 on research and development in the fields of social
8 science, management science, and information
9 science between the Department of Defense and ap-
10 propriate private sector and international entities
11 that are involved in research and development in
12 such fields.

13 (4) To accelerate the development of a research
14 community and industry to support Department of
15 Defense missions in the fields of social science, man-
16 agement science, and information science, including
17 the development of facilities, a workforce, infrastruc-
18 ture, and partnerships in support of such missions.

19 (5) To coordinate all research and development
20 within the Department of Defense in the fields of so-
21 cial science, management science, and information
22 science.

23 (6) To collect, synthesize, and disseminate crit-
24 ical information on research and development in the

1 fields of social science, management science, and in-
2 formation science.

3 (7) To assess and appropriately share, with
4 other departments and agencies of the Federal Gov-
5 ernment and appropriate entities in the private sec-
6 tor—

7 (A) challenges within the Department of
8 Defense that may be addressed through the ap-
9 plication of advances in social science, manage-
10 ment science, and information science; and

11 (B) datasets related to such challenges.

12 (8) To support the identification of organiza-
13 tional and institutional barriers to the implementa-
14 tion of management and organizational enhance-
15 ments and best practices.

16 (9) To accelerate efforts—

17 (A) to transition, and deploy within the
18 Department of Defense, technologies and con-
19 cepts derived from research and development in
20 the fields of social science, management science,
21 and information science; and

22 (B) to establish policies, procedures, and
23 standards for measuring the success of such ef-
24 forts.

1 (10) To integrate knowledge from cross-discipli-
2 nary research on—

3 (A) how factors relating to social science,
4 management science, and information science
5 affect the global security environment; and

6 (B) best practices for management in the
7 public and private sectors.

8 (11) To apply principles, tools, and methods
9 from social science, management science, and infor-
10 mation science—

11 (A) to ensure the Department of Defense
12 is more agile, efficient, and effective in organi-
13 zational management and in deterring and
14 countering current and emerging threats; and

15 (B) to support the National Defense Strat-
16 egy.

17 (c) ADMINISTRATION.—The Under Secretary of De-
18 fense for Research and Engineering shall supervise the
19 planning, management, and coordination of the program
20 under subsection (a).

21 (d) ACTIVITIES.—The Under Secretary of Defense
22 for Research and Engineering, in consultation with the
23 Under Secretary of Defense for Policy, the Secretaries of
24 the military departments, and the heads of relevant De-
25 fense Agencies, shall—

1 (1) prescribe a set of long-term challenges and
2 a set of specific technical goals for the program, in-
3 cluding—

4 (A) optimization of analysis of national se-
5 curity data sets;

6 (B) development of innovative defense-re-
7 lated management activities;

8 (C) improving the operational use of social
9 science, management science, and information
10 science innovations by military commanders and
11 civilian leaders;

12 (D) improving understanding of the funda-
13 mental social, cultural, and behavioral forces
14 that shape the strategic interests of the United
15 States; and

16 (E) developing a Department of Defense
17 workforce capable of developing and leveraging
18 innovations and best practices in the fields of
19 social science, management science, and infor-
20 mation science to support defense missions;

21 (2) develop a coordinated and integrated re-
22 search and investment plan for meeting near-term,
23 mid-term, and long-term national security, defense-
24 related, and Departmental management challenges
25 that—

1 (A) includes definitive milestones;

2 (B) provides for achieving specific tech-
3 nical goals;

4 (C) establishes pathways to address the
5 operational and management missions of the
6 Department through—

7 (i) the evaluation of innovations and
8 advances in social science, management
9 science, and information science for poten-
10 tial implementation within the Depart-
11 ment; and

12 (ii) implementation of such innova-
13 tions and advances within the Department,
14 as appropriate; and

15 (C) builds upon the investments of the De-
16 partment, other departments and agencies of
17 the Federal Government, and the commercial
18 sector in the fields of social science, manage-
19 ment science, and information science;

20 (3) develop plans for—

21 (A) the development of the Department's
22 workforce in social science, management
23 science, and information science; and

24 (B) improving awareness of—

1 (i) the fields of social science, man-
2 agement science, and information science;

3 (ii) advances and innovations in such
4 fields; and

5 (iii) and the ability of such advances
6 and innovations to enhance the efficiency
7 and effectiveness of the Department; and

8 (4) develop memoranda of agreement, joint
9 funding agreements, and such other cooperative ar-
10 rangements as the Under Secretary determines nec-
11 essary—

12 (A) to carry out the program under sub-
13 section (a); and

14 (B) to transition appropriate products,
15 services, and innovations relating social science,
16 management science, and information science
17 into use within the Department.

18 (e) GUIDANCE REQUIRED.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the
21 Under Secretary of Defense for Research and Engi-
22 neering shall develop and issue guidance for defense-
23 related social science, management science, and in-
24 formation science activities, including—

1 (A) classification and data management
2 plans for such activities;

3 (B) policies for control of personnel par-
4 ticipating in such activities to protect national
5 security interests; and

6 (C) ensuring that research findings and in-
7 novations in the fields of social science, man-
8 agement science, and information science are
9 incorporated into the activities and strategic
10 documents of the Department.

11 (2) UPDATES.—The Under Secretary of De-
12 fense for Research and Engineering shall regularly
13 update the guidance issued under paragraph (1).

14 (f) DESIGNATION OF ENTITY.—The Secretary of
15 each military department may establish or designate an
16 entity or activity under the jurisdiction of such Secretary,
17 which may include a Department of Defense Laboratory,
18 an academic institution, or another appropriate organiza-
19 tion, to support interdisciplinary research and develop-
20 ment activities in the fields of social science, management
21 science, and information science, and engage with appro-
22 priate public and private sector organizations, including
23 academic institutions, to enhance and accelerate the re-
24 search, development, and deployment of social science,

1 management science, and information science within the
2 Department.

3 (g) USE OF OTHER AUTHORITY.—The Secretary of
4 Defense shall use the authority provided under section 217
5 of the National Defense Authorization Act for Fiscal Year
6 2018 (Public Law 115–91; 10 U.S.C. 2358 note) to en-
7 hance the ability of the Department of Defense to access
8 technical talent and expertise at academic institutions in
9 support of the purposes of this section.

10 (h) REPORT.—

11 (1) IN GENERAL.—Not later than December 31,
12 2022, the Secretary of Defense shall submit to the
13 congressional defense committees a report on the
14 program under subsection (a).

15 (2) FORM OF REPORT.—The report required
16 under paragraph (1) shall be submitted in unclassi-
17 fied form, but may include a classified annex.

18 **SEC. 221. ACCOUNTABILITY MEASURES RELATING TO THE**
19 **ADVANCED BATTLE MANAGEMENT SYSTEM.**

20 (a) COST ASSESSMENTS.—

21 (1) INITIAL COST ESTIMATE.—Not later than
22 180 days after the date of the enactment of this Act,
23 the Secretary of the Air Force, in consultation with
24 the Director of Cost Assessment and Program Eval-
25 uation, shall—

1 (A) define key technical, programmatic,
2 and operational characteristics for the Ad-
3 vanced Battle Management System; and

4 (B) produce an initial cost estimate for the
5 System that includes—

6 (i) estimated costs for each product
7 category described in the report submitted
8 to Congress under section 236 the Na-
9 tional Defense Authorization Act for Fiscal
10 Year 2020 (Public Law 116–92; 133 Stat.
11 1281); and

12 (ii) a description of each cost esti-
13 mating methodology used in the prepara-
14 tion of the estimate.

15 (2) REVIEW AND REPORT.—Not later than 120
16 days after the completion of the estimate required
17 under paragraph (1), the Air Force Cost Analysis
18 Agency shall—

19 (A) conduct a non-advocate cost assess-
20 ment of the estimate; and

21 (B) submit to the congressional defense
22 committees and the Government Accountability
23 Office a report on the results of the assessment.

24 (b) PROGRAM UPDATE BRIEFINGS.—

1 (1) IN GENERAL.—Beginning not later than
2 January 1, 2021, and on a quarterly basis there-
3 after, the Secretary of the Air Force shall provide to
4 the congressional defense committees a program up-
5 date briefing on the Advanced Battle Management
6 System and all associated technologies.

7 (2) ELEMENTS.—Each briefing under para-
8 graph (1) shall include—

9 (A) a detailed explanation of any on-ramp
10 exercise of the Advanced Battle Management
11 System conducted during the quarter covered
12 by the report, including an explanation of—

13 (i) the objectives achieved by the exer-
14 cise and any data collected for the pur-
15 poses of decision making;

16 (ii) identification of the portions of
17 the exercise that were scripted and
18 unscripted and any technical workarounds
19 or substitutes used for purposes of the ex-
20 ercise; and

21 (iii) the interim capabilities provided
22 to combatant commanders after the con-
23 clusion of the exercise (commonly known
24 as “leave behind” capabilities) and a plan

1 for the sustainment or upgrade of such ca-
2 pabilities; and

3 (iv) the total cost of the exercise and
4 a breakdown of the costs with respect to
5 technology, range and demonstration re-
6 sources, personnel, and logistics; and

7 (B) such other information as the Sec-
8 retary of the Air Force determines appropriate.

9 (c) REPORT ON SECURITY AND RESILIENCY MEAS-
10 URES.—At the same time as the budget of the President
11 for fiscal year 2022 is submitted to Congress pursuant
12 to section 1105(a) of title 31, United States Code, the Sec-
13 retary of the Air Force shall submit to the congressional
14 defense committees a report that describes how the Sec-
15 retary plans to ensure the security and resiliency of the
16 Advanced Battle Management System, including a de-
17 scription of any information assurance and anti-tamper
18 requirements for the System.

19 (d) ADDITIONAL REPORT AND BRIEFINGS.—Not
20 later than April 1, 2021, the Secretary of the Air Force
21 shall submit to the congressional defense committees the
22 following:

23 (1) REPORT ON PLANNED CAPABILITIES.—A
24 report on the planned product line capabilities of the
25 Advanced Battle Management System, including—

1 (A) a description of the technologies need-
2 ed to implement and achieve such product line
3 capabilities;

4 (B) a timeline for the technical maturation
5 of such product line capabilities; and

6 (C) a notional schedule for fielding such
7 product line capabilities over the period covered
8 by the most recent future-years defense pro-
9 gram submitted under section 221 of title 10,
10 United States Code, as of the date of the re-
11 port.

12 (2) BRIEFING ON ACQUISITION AUTHORITIES.—

13 A briefing on the allocation of responsibilities among
14 the individuals and entities responsible for acquisi-
15 tion for the Advanced Battle Management System,
16 including an explanation of how decision-making and
17 governance of the acquisition process is allocated
18 among the Assistant Secretary of the Air Force for
19 Acquisition, Technology, and Logistics, the Chief Ar-
20 chitect Integration Office, the Air Force Warfighting
21 Integration Capability, and other entities within the
22 Department of the Air Force that are expected pro-
23 vide capabilities for the System.

24 (3) BRIEFING ON ALIGNMENT WITH COMMON
25 MISSION CONTROL CENTER.—A briefing, which may

1 be provided in classified or unclassified form, that
2 explains how, and to what extent, the Advanced Bat-
3 tle Management System will be aligned and coordi-
4 nated with the Common Mission Control Center of
5 the Air Force.

6 (e) **ADVANCED BATTLE MANAGEMENT SYSTEM DE-**
7 **FINED.**—In this section, the term “Advanced Battle Man-
8 agement System” has the meaning given that term in sec-
9 tion 236(c) of the National Defense Authorization Act for
10 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

11 (f) **CONFORMING REPEAL.**—Section 147(g) of the
12 John S. McCain National Defense Authorization Act for
13 Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1670)
14 is repealed.

15 **SEC. 222. ACTIVITIES TO IMPROVE FIELDING OF AIR FORCE**
16 **HYPERSONIC CAPABILITIES.**

17 (a) **IMPROVEMENT OF GROUND-BASED TEST FACILI-**
18 **TIES.**—The Secretary of Defense shall take such actions
19 as may be necessary to improve ground-based test facili-
20 ties used for the research, development, test, and evalua-
21 tion of hypersonic capabilities.

22 (b) **INCREASING FLIGHT TEST RATE.**—The Sec-
23 retary of Defense shall increase the rate at which
24 hypersonic capabilities are flight tested to expedite the
25 maturation and fielding of such capabilities.

1 (c) STRATEGY AND PLAN.—Not later than 60 days
2 after the date of the enactment of this Act, the Chief of
3 Staff of the Air Force, in consultation with the Under Sec-
4 retary of Defense for Research and Engineering, shall
5 submit to the congressional defense committees a strategy
6 and plan for fielding air-launched and air-breathing
7 hypersonic weapons capabilities within the period of three
8 years following such date of enactment.

9 (d) REPORT.—In addition to the strategy and plan
10 required under subsection (c), not later than 60 days after
11 the date of the enactment of this Act, the Under Secretary
12 of Defense for Research and Engineering, in consultation
13 with the Director of Operational Test and Evaluation,
14 shall submit to the congressional defense committees a re-
15 port on the testing capabilities and infrastructure used for
16 hypersonic weapons development. The report shall in-
17 clude—

18 (1) an assessment of the sufficiency of the test-
19 ing capabilities and infrastructure used for fielding
20 hypersonic weapons; and

21 (2) a description of any investments in testing
22 capabilities and infrastructure that may be required
23 to support in-flight and ground-based testing for
24 such weapons.

1 **SEC. 223. DISCLOSURE OF FUNDING SOURCES IN APPLICA-**
2 **TIONS FOR FEDERAL RESEARCH AND DEVEL-**
3 **OPMENT AWARDS.**

4 (a) DISCLOSURE REQUIREMENT.—Each Federal re-
5 search agency shall require, as part of any application for
6 a research and development award from such agency—

7 (1) that each covered individual listed on the
8 application—

9 (A) disclose the amount, type, and source
10 of all current and pending research support re-
11 ceived by, or expected to be received by, the in-
12 dividual as of the time of the disclosure;

13 (B) certify that the disclosure is current,
14 accurate, and complete; and

15 (C) agree to update such disclosure at the
16 request of the agency prior to the award of sup-
17 port and at any subsequent time the agency de-
18 termines appropriate during the term of the
19 award; and

20 (2) that any entity applying for such award cer-
21 tify that each covered individual who is employed by
22 the entity and listed on the application has been
23 made aware of the requirements under paragraph
24 (1).

25 (b) CONSISTENCY.—The Director of the Office of
26 Science and Technology Policy, acting through the Na-

1 tional Science and Technology Council and in accordance
2 with the authority provided under section 1746(a) of the
3 National Defense Authorization Act for Fiscal Year 2020
4 (Public Law 116–92; 42 U.S.C. 6601 note) shall ensure
5 that the requirements issued by Federal research agencies
6 under subsection (a) are consistent.

7 (c) ENFORCEMENT.—

8 (1) REJECTION FOR VIOLATION OF LAW OR
9 AGENCY TERMS.—A Federal research agency may
10 reject an application for a research and development
11 award if the current and pending research support
12 disclosed by an individual under subsection (a) vio-
13 lates Federal law or agency terms and conditions.

14 (2) ENFORCEMENT FOR NONCOMPLIANCE.—
15 Subject to paragraph (3), in the event that a covered
16 individual listed on an entity’s application for a re-
17 search and development award knowingly fails to
18 disclose information under subsection (a), a Federal
19 research agency may take one or more of the fol-
20 lowing actions:

21 (A) Reject the application.

22 (B) Suspend or terminate a research and
23 development award made by that agency to the
24 individual or entity.

1 (C) Temporarily or permanently dis-
2 continue any or all funding from that agency
3 for the individual or entity.

4 (D) Temporarily or permanently suspend
5 or debar the individual or entity in accordance
6 with part 180 of title 2, Code of Federal Regu-
7 lations, any successor regulation, or any other
8 appropriate law or regulation, from receiving
9 government funding.

10 (E) Refer the failure to disclose under sub-
11 section (a) to the Inspector General of the
12 agency concerned for further investigation or to
13 Federal law enforcement authorities to deter-
14 mine whether any criminal or civil laws were
15 violated.

16 (F) Place the individual or entity in the
17 Federal Awardee Performance and Integrity In-
18 formation System for noncompliance to alert
19 other agencies.

20 (G) Take such other actions against the in-
21 dividual or entity as are authorized under appli-
22 cable law or regulations.

23 (3) SPECIAL RULE FOR ENFORCEMENT
24 AGAINST ENTITIES.—An enforcement action de-

1 scribed in paragraph (2) may be taken against an
2 entity only in a case in which—

3 (A) the entity did not meet the require-
4 ments of subsection (a)(2);

5 (B) the entity knew that a covered indi-
6 vidual failed to disclose information under sub-
7 section (a)(1) and the entity did not take steps
8 to remedy such nondisclosure before the appli-
9 cation was submitted; or

10 (C) the head of the Federal research agen-
11 cy concerned determines that—

12 (i) the entity is owned, controlled, or
13 substantially influenced by a covered indi-
14 vidual; and

15 (ii) such individual knowingly failed to
16 disclose information under subsection
17 (a)(1).

18 (4) NOTICE.—A Federal research agency that
19 intends to take action under paragraph (1) or (2)
20 shall, as practicable and in accordance with part 180
21 of title 2, Code of Federal Regulations, any suc-
22 cessor regulation, or any other appropriate law or
23 regulation, notify each individual or entity subject to
24 such action about the specific reason for the action,
25 and shall provide such individuals and entities with

1 the opportunity to, and a process by which, to con-
2 test the proposed action.

3 (5) EVIDENTIARY STANDARDS.—A Federal re-
4 search agency seeking suspension or debarment
5 under paragraph (2)(D) shall abide by the proce-
6 dures and evidentiary standards set forth in part
7 180 of title 2, Code of Federal Regulations, any suc-
8 cessor regulation, or any other appropriate law or
9 regulation.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “covered individual” means an in-
12 dividual who—

13 (A) contributes in a substantive, meaning-
14 ful way to the scientific development or execu-
15 tion of a research and development project pro-
16 posed to be carried out with a research and de-
17 velopment award from a Federal research agen-
18 cy; and

19 (B) is designated as a covered individual
20 by the Federal research agency concerned.

21 (2) The term “current and pending research
22 support”—

23 (A) means all resources made available, or
24 expected to be made available, to an individual

1 in support of the individual's research and de-
2 velopment efforts, regardless of—

3 (i) whether the source of the resource
4 is foreign or domestic;

5 (ii) whether the resource is made
6 available through the entity applying for a
7 research and development award or di-
8 rectly to the individual; or

9 (iii) whether the resource has mone-
10 tary value; and

11 (B) includes in-kind contributions requir-
12 ing a commitment of time and directly sup-
13 porting the individual's research and develop-
14 ment efforts, such as the provision of office or
15 laboratory space, equipment, supplies, employ-
16 ees, or students.

17 (3) The term “entity” means an entity that has
18 applied for or received a research and development
19 award from a Federal research agency.

20 (4) The term “Federal research agency” means
21 any Federal agency with an annual extramural re-
22 search expenditure of over \$100,000,000.

23 (5) The term “research and development
24 award” means support provided to an individual or
25 entity by a Federal research agency to carry out re-

1 search and development activities, which may include
2 support in the form of a grant, contract, cooperative
3 agreement, or other such transaction. The term does
4 not include a grant, contract, agreement or other
5 transaction for the procurement of goods or services
6 to meet the administrative needs of a Federal re-
7 search agency.

8 **SEC. 224. GOVERNANCE OF FIFTH-GENERATION WIRELESS**
9 **NETWORKING IN THE DEPARTMENT OF DE-**
10 **FENSE.**

11 (a) TRANSITION OF 5G WIRELESS NETWORKING TO
12 OPERATIONAL USE.—

13 (1) TRANSITION PLAN REQUIRED.—The Under
14 Secretary of Defense for Research and Engineering,
15 in consultation with the cross functional team estab-
16 lished under subsection (c), shall develop a plan to
17 transition fifth-generation (commonly known as
18 “5G”) wireless technology to operational use within
19 the Department of Defense.

20 (2) ELEMENTS.—The transition plan under
21 paragraph (1) shall include the following:

22 (A) A timeline for the transition of respon-
23 sibility for 5G wireless networking to the Chief
24 Information Officer, as required under sub-
25 section (b)(1).

1 (B) A description of the roles and respon-
2 sibilities of the organizations and elements of
3 the Department of Defense with respect to the
4 acquisition, sustainment, and operation of 5G
5 wireless networking for the Department, as de-
6 termined by the Secretary of Defense in accord-
7 ance with subsection (d).

8 (3) INTERIM BRIEFING.—Not later than March
9 31, 2021 the Secretary of Defense shall provide to
10 the congressional defense committees a briefing on
11 the status of the plan required under paragraph (1).

12 (4) FINAL REPORT.—Not later than September
13 30, 2021, the Secretary of Defense shall submit to
14 the congressional defense committees a report that
15 includes the plan developed under paragraph (1).

16 (b) SENIOR OFFICIAL FOR 5G WIRELESS NET-
17 WORKING.—

18 (1) DESIGNATION OF CHIEF INFORMATION OF-
19 FICER.—Not later than October 1, 2023, the Sec-
20 retary of Defense shall designate the Chief Informa-
21 tion Officer as the senior official within Department
22 of Defense with primary responsibility for—

23 (A) policy, oversight, guidance, research,
24 and coordination on matters relating to 5G
25 wireless networking; and

1 (B) making proposals to the Secretary on
2 governance, management, and organizational
3 policy for 5G wireless networking.

4 (2) ROLE OF UNDER SECRETARY OF DEFENSE
5 FOR RESEARCH AND ENGINEERING.—The Under
6 Secretary of Defense for Research and Engineering
7 shall carry out the responsibilities specified in para-
8 graph (1) until the date on which the Secretary of
9 Defense designates the Chief Information Officer as
10 the senior official responsible for 5G wireless net-
11 working under such paragraph.

12 (c) CROSS-FUNCTIONAL TEAM FOR 5G WIRELESS
13 NETWORKING.—

14 (1) ESTABLISHMENT.—Using the authority
15 provided under section 911(c) of the National De-
16 fense Authorization Act for Fiscal Year 2017 (Pub-
17 lic Law 114–328; 10 U.S.C. 111 note), the Sec-
18 retary of Defense shall establish a cross-functional
19 team for 5G wireless networking.

20 (2) DUTIES.—The duties of the cross-functional
21 team established under paragraph (1) shall be—

22 (A) to assist the Secretary of Defense in
23 determining the roles and responsibilities of the
24 organizations and elements of the Department
25 of Defense with respect to the acquisition,

1 sustainment, and operation of 5G wireless net-
2 working, as required under subsection (d);

3 (B) to assist the senior official responsible
4 for 5G wireless networking in carrying out the
5 responsibilities assigned to such official under
6 subsection (b);

7 (C) to oversee the implementation of the
8 strategy developed under section 254 of the Na-
9 tional Defense Authorization Act for Fiscal
10 Year 2020 (Public Law 116–92; 10 U.S.C.
11 2223a note) for harnessing 5G wireless net-
12 working technologies, coordinated across all rel-
13 evant elements of the Department;

14 (D) to advance the adoption of commer-
15 cially available, next-generation wireless com-
16 munication technologies, capabilities, security,
17 and applications by the Department and the de-
18 fense industrial base; and

19 (E) to support public-private partnerships
20 between the Department and industry on mat-
21 ters relating to 5G wireless networking;

22 (F) to coordinate research and develop-
23 ment, implementation and acquisition activities,
24 warfighting concept development, spectrum pol-
25 icy, industrial policy and commercial outreach

1 and partnership relating to 5G wireless net-
2 working in the Department, and interagency
3 and international engagement;

4 (G) to integrate the Department's 5G wire-
5 less networking programs and policies with
6 major initiatives, programs, and policies of the
7 Department relating to secure microelectronics
8 and command and control; and

9 (H) to oversee, coordinate, execute, and
10 lead initiatives to advance 5G wireless network
11 technologies and associated applications devel-
12 oped for the Department.

13 (3) TEAM LEADER.—The Under Secretary of
14 Defense for Research and Engineering shall lead the
15 cross-functional team established under paragraph
16 (1) until the date on which the Secretary of Defense
17 designates the Chief Information Officer as the sen-
18 ior official responsible for 5G wireless networking as
19 required under subsection (b)(1). Beginning on the
20 date of such designation, the Chief Information Offi-
21 cer shall lead the cross functional team.

22 (d) DETERMINATION OF ORGANIZATIONAL ROLES
23 AND RESPONSIBILITIES.—The Secretary of Defense, act-
24 ing through the cross-functional team established under
25 subsection (c), shall determine the roles and responsibil-

ities of the organizations and elements of the Department of Defense with respect to the acquisition, sustainment, and operation of 5G wireless networking for the Department, including the roles and responsibilities of the Office of the Secretary of Defense, the intelligence components of the Department, Defense Agencies and Department of Defense Field Activities, the Armed Forces, combatant commands, and the Joint Staff.

(e) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a briefing on the progress of the Secretary in—

(1) establishing the cross-functional team under subsection (c); and

(2) determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect to 5G wireless networking as required under subsection (d).

(f) 5G PROCUREMENT DECISIONS.—Each Secretary of a military department shall be responsible for decisions relating to the procurement of 5G wireless technology for that department.

(g) TELECOMMUNICATIONS SECURITY PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to identify and

1 mitigate vulnerabilities in the 5G telecommuni-
2 cations infrastructure of the Department of Defense.

3 (2) ELEMENTS.—In carrying out the program
4 under paragraph (1), the Secretary shall—

5 (A) develop a capability to communicate
6 clearly and authoritatively about threats by for-
7 eign adversaries;

8 (B) conduct independent red-team security
9 analysis of systems, subsystems, devices, and
10 components of the Department of Defense in-
11 cluding no-knowledge testing and testing with
12 limited or full knowledge of expected
13 functionalities;

14 (C) verify the integrity of personnel who
15 are tasked with design fabrication, integration,
16 configuration, storage, test, and documentation
17 of noncommercial 5G technology to be used by
18 the Department;

19 (D) verify the efficacy of the physical secu-
20 rity measures used at Department locations
21 where system design, fabrication, integration,
22 configuration, storage, test, and documentation
23 of 5G technology occurs;

24 (E) direct the Chief Information Officer to
25 assess, using existing government evaluation

1 models and schema where applicable, 5G core
2 service providers whose services will be used by
3 the Department through the Department's pro-
4 visional authorization process; and

5 (F) direct the Defense Information Sys-
6 tems Agency and the United States Cyber Com-
7 mand to develop a capability for continuous,
8 independent monitoring of non-commercial, gov-
9 ernment-transiting packet streams for 5G data
10 on frequencies assigned to the Department to
11 validate the availability, confidentiality, and in-
12 tegrity of the Department's communications
13 systems.

14 (3) IMPLEMENTATION PLAN.—Not later than
15 90 days after the date of the enactment of this Act,
16 the Secretary of Defense shall submit to Congress a
17 plan for the implementation of the program under
18 paragraph (1).

19 (4) REPORT.—Not later than 270 days after
20 submitting the plan under paragraph (3), the Sec-
21 retary of Defense shall submit to Congress a report
22 that includes—

23 (A) a comprehensive assessment of the
24 findings and conclusions of the program under
25 paragraph (1);

1 (B) recommendations on how to mitigate
2 vulnerabilities in the telecommunications infra-
3 structure of the Department of Defense; and

4 (C) an explanation of how the Department
5 plans to implement such recommendations.

6 (h) RULE OF CONSTRUCTION.—

7 (1) IN GENERAL.—Nothing in this section shall
8 be construed as providing the Chief Information Of-
9 ficer immediate responsibility for the activities of the
10 Department of Defense in fifth-generation wireless
11 networking experimentation and science and tech-
12 nology development.

13 (2) PURVIEW OF EXPERIMENTATION AND
14 SCIENCE AND TECHNOLOGY DEVELOPMENT.—The
15 activities described in paragraph (1) shall remain
16 within the purview of the Under Secretary of De-
17 fense for Research and Engineering, but shall in-
18 form and be informed by the activities of the cross-
19 functional team established pursuant to subsection
20 (c).

21 **SEC. 225. DEMONSTRATION PROJECT ON USE OF CERTAIN**
22 **TECHNOLOGIES FOR FIFTH-GENERATION**
23 **WIRELESS NETWORKING SERVICES.**

24 (a) DEMONSTRATION PROJECT.—The Secretary of
25 Defense shall carry out a demonstration project to evalu-

1 ate the maturity, performance, and cost of covered tech-
2 nologies to provide additional options for providers of
3 fifth-generation wireless network services.

4 (b) LOCATION.—The Secretary of Defense shall carry
5 out the demonstration project under subsection (a) in at
6 least one location where the Secretary plans to deploy a
7 fifth-generation wireless network.

8 (c) COORDINATION.—The Secretary shall carry out
9 the demonstration project under subsection (a) in coordi-
10 nation with at least one major wireless network service
11 provider based in the United States.

12 (d) COVERED TECHNOLOGIES DEFINED.—In this
13 section, the term “covered technologies” means—

14 (1) a disaggregated or virtualized radio access
15 network and core in which components can be pro-
16 vided by different vendors and interoperate through
17 open protocols and interfaces, including those proto-
18 cols and interfaces utilizing the Open Radio Access
19 Network (commonly known as “Open RAN” or
20 “oRAN”) approach; and

21 (2) one or more massive multiple-input, mul-
22 tiple-output radio arrays, provided by one or more
23 companies based in the United States, that have the
24 potential to compete favorably with radios produced

1 by foreign companies in terms of cost, performance,
2 and efficiency.

3 **SEC. 226. RESEARCH, DEVELOPMENT, AND DEPLOYMENT**
4 **OF TECHNOLOGIES TO SUPPORT WATER**
5 **SUSTAINMENT.**

6 (a) IN GENERAL.—The Secretary of Defense shall re-
7 search, develop, and deploy advanced water harvesting
8 technologies to support and improve water sustainment
9 within the Department of Defense and in geographic re-
10 gions where the Department operates.

11 (b) REQUIRED ACTIVITIES.—In carrying out sub-
12 section (a), the Secretary shall—

13 (1) develop advanced water harvesting systems
14 that reduce weight and logistics support needs com-
15 pared to conventional water supply systems, includ-
16 ing—

17 (A) modular water harvesting systems that
18 are easily transportable; and

19 (B) trailer mounted water harvesting sys-
20 tems that reduce resupply needs;

21 (2) develop and implement storage requirements
22 for water harvesting systems at forward operating
23 bases; and

24 (3) establish cross functional teams to identify
25 geographic regions where the deployment of water

1 harvesting systems could reduce conflict and poten-
2 tially eliminate the need for the presence of the
3 Armed Forces.

4 (c) ADDITIONAL ACTIVITIES.—In addition to the ac-
5 tivities required under subsection (b), the Secretary
6 shall—

7 (1) seek to leverage existing water harvesting
8 techniques and technologies and apply such tech-
9 niques and technologies to military operations car-
10 ried out by the United States;

11 (2) consider using commercially available off-
12 the-shelf items (as defined in section 104 of title 41,
13 United States Code) and near-ready deployment
14 technologies to achieve cost savings and improve the
15 self sufficiency of warfighters; and

16 (3) seek to enter into information sharing ar-
17 rangements with foreign militaries and other organi-
18 zations that have the proven ability to operate in
19 water constrained areas for the purpose of sharing
20 lessons learned and best practices relating to water
21 harvesting.

22 (d) IMPLEMENTATION.—The Secretary shall deploy
23 technologies developed under subsection (b)(1) for use by
24 expeditionary forces not later than January 1, 2025.

1 (e) WATER HARVESTING DEFINED.—In this section,
2 the term “water harvesting”, when used with respect to
3 a system or technology, means a system or technology that
4 is capable of creating useable water by—

5 (1) harvesting water from underutilized envi-
6 ronmental sources, such as by capturing water from
7 ambient humidity; or

8 (2) recycling or otherwise reclaiming water that
9 has previously been used.

10 **SEC. 227. LIMITATION ON CONTRACT AWARDS FOR CER-**
11 **TAIN UNMANNED VESSELS.**

12 (a) LIMITATION.—Not less than 30 days before
13 awarding a contract using any funds from the Research,
14 Development, Test, and Evaluation, Navy account for the
15 purchase of a covered vessel, the Secretary of the Navy
16 shall submit to the congressional defense committees a re-
17 port and certification described in subsection (c) for such
18 contract and covered vessel.

19 (b) COVERED VESSELS.—For purposes of this sec-
20 tion, a covered vessel is one of the following:

21 (1) A large unmanned surface vessel (LUSV).

22 (2) A medium unmanned surface vehicle
23 (MUSV).

1 (c) REPORT AND CERTIFICATION DESCRIBED.—A re-
2 port and certification described in this subsection regard-
3 ing a contract for a covered vessel is—

4 (1) a report—

5 (A) submitted to the congressional defense
6 committees not later than 60 days after the
7 date of the completion of an independent tech-
8 nical risk assessment for such covered vessel;

9 (B) on the findings and recommendations
10 of the Senior Technical Authority for the class
11 of naval vessels that includes the covered vessel
12 with respect to such assessment; and

13 (C) that includes such assessment; and

14 (2) a certification, submitted to the congres-
15 sional defense committees with the report described
16 in paragraph (1), that certifies that—

17 (A) the Secretary has determined, in con-
18 junction with the Senior Technical Authority
19 for the class of naval vessels that includes the
20 covered vessel, that the critical mission, hull,
21 mechanical, and electrical subsystems of the
22 covered vessel—

23 (i) have been demonstrated in vessel-
24 representative form, fit, and function; and

1 (ii) have achieved performance levels
2 equal to or greater than applicable Depart-
3 ment of Defense threshold requirements
4 for such class of vessels or have matura-
5 tion plans in place to achieve such per-
6 formance levels prior to transition to a pro-
7 gram of record, including a detailed de-
8 scription of such achieved performance or
9 maturation plans; and

10 (B) such contract is necessary to meet De-
11 partment research, development, test, and eval-
12 uation objectives for such covered vessel that
13 cannot otherwise be met through further land-
14 based subsystem prototyping or other dem-
15 onstration approaches.

16 (d) LIMITATION ON WEAPON INTEGRATION.—

17 (1) IN GENERAL.—The Secretary may not inte-
18 grate any offensive weapon system into a covered
19 vessel until the date that is 30 days after the date
20 on which the Secretary of the Defense certifies to
21 the congressional defense committees that such cov-
22 ered vessel—

23 (A) will comply with applicable laws, in-
24 cluding the law of armed conflict, with a de-

1 tailed explanation of how such compliance will
2 be achieved; and

3 (B) has been determined to be the most
4 appropriate surface vessel to meet applicable of-
5 fensive military requirements.

6 (2) COMPLETION OF ANALYSIS OF ALTER-
7 NATIVES REQUIRED.—A determination under para-
8 graph (1)(B) shall be made only after the completion
9 of an analysis of alternatives that—

10 (A) is described in subsection (e)(1); and

11 (B) supports such determination.

12 (e) SUBMITTAL OF ANALYSIS OF ALTERNATIVES TO
13 CONGRESS.—

14 (1) ANALYSIS OF ALTERNATIVES REQUIRED.—

15 Not later than one year after the date of the enact-
16 ment of this Act, the Secretary shall submit to the
17 congressional defense committees an analysis of al-
18 ternatives regarding covered vessels with an inte-
19 grated offensive weapon system and the most appro-
20 priate surface vessels to meet applicable offensive
21 military requirements.

22 (2) CONTENTS.—The analysis submitted under
23 paragraph (1) shall include, at a minimum, the fol-
24 lowing elements:

1 (A) Identification of capability needs appli-
2 cable to such covered vessels, including offen-
3 sive strike capability and capacity from the
4 Mark-41 vertical launch system.

5 (B) Projected threats.

6 (C) Projected operational environments.

7 (D) Projected operational concepts.

8 (E) Projected operational requirements.

9 (F) Status quo (baseline) and surface ves-
10 sel alternatives able to meet the capability
11 needs identified in subparagraph (A), includ-
12 ing—

13 (i) modified naval vessel designs, in-
14 cluding amphibious ships, expeditionary
15 fast transports, and expeditionary sea
16 bases;

17 (ii) modified commercial vessel de-
18 signs, including container ships and bulk
19 carriers;

20 (iii) new naval vessel designs; and

21 (iv) new commercial vessel designs.

22 (G) Vessel design, performance, and meas-
23 ures of effectiveness of the baseline and each al-
24 ternative, including a description of critical mis-

1 sion, hull, mechanical, and electrical sub-
2 systems.

3 (H) Estimated research, development, test,
4 and evaluation cost of baseline and each alter-
5 native.

6 (I) Estimated lead vessel and average fol-
7 low-on vessel procurement costs of baseline and
8 each alternative.

9 (J) Life-cycle costs of baseline and each al-
10 ternative.

11 (K) Life-cycle cost per baseline vessel and
12 each alternative vessel.

13 (L) Life-cycle cost per specified quantity of
14 baseline vessels and alternative vessels.

15 (M) Technology readiness assessment of
16 baseline and each alternative.

17 (N) Analysis of alternatives, including rel-
18 ative cost and capability performance of base-
19 line and alternative vessels.

20 (O) Trade-off analysis.

21 (P) Sensitivity analysis.

22 (Q) Conclusions and recommendations,
23 which if the Secretary of Defense deems it ap-
24 propriate, shall include the determination re-
25 quired under subsection (d)(1)(B).

1 (f) DEFINITIONS.—In this section:

2 (1) The term “critical mission, hull, mechanical,
3 and electrical subsystems”, with respect to a covered
4 vessel, includes the following subsystems:

5 (A) Command, control, communications,
6 computers, intelligence, surveillance, and recon-
7 naissance.

8 (B) Autonomous vessel navigation, vessel
9 control, contact management, and contact
10 avoidance.

11 (C) Communications security, including
12 cryptopgraphy, encryption, and decryption.

13 (D) Main engines, including the lube oil,
14 fuel oil, and other supporting systems.

15 (E) Electrical generation and distribution,
16 including supporting systems.

17 (F) Military payloads.

18 (G) Any other subsystem identified as crit-
19 ical by the Senior Technical Authority for the
20 class of naval vessels that includes the covered
21 vessel.

22 (2) The term “Senior Technical Authority”
23 means, with respect to a class of naval vessels, the
24 Senior Technical Authority designated for that class

1 of naval vessels under section 8669b of title 10,
2 United States Code.

3 **Subtitle C—Artificial Intelligence**
4 **and Emerging Technology**

5 **SEC. 231. MODIFICATION OF BIENNIAL REPORT ON THE**
6 **JOINT ARTIFICIAL INTELLIGENCE CENTER.**

7 Section 260(b) of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
9 1293) is amended by adding at the end the following new
10 paragraphs:

11 “(11) The results of an assessment, conducted
12 biannually, on the efforts of the Center and the De-
13 partment of Defense to develop or contribute to the
14 development of standards for artificial intelligence,
15 including—

16 “(A) a description of such efforts;

17 “(B) an evaluation of the need to incor-
18 porate standards for artificial intelligence into
19 the strategies and doctrine of the Department
20 and a description of any efforts undertaken to
21 further the development and adoption of such
22 standards;

23 “(C) an explanation of any collaboration
24 on artificial intelligence standards development
25 with—

1 “(i) other organizations and elements
2 of the Department of Defense (including
3 the Defense Agencies and the military de-
4 partments);

5 “(ii) agencies of the Federal Govern-
6 ment;

7 “(iii) the intelligence community;

8 “(iv) representatives of the defense in-
9 dustrial base and other sectors of private
10 industry; and

11 “(v) any other agencies, entities, orga-
12 nizations, or persons the Secretary con-
13 siders appropriate; and

14 “(D) an explanation of any participation
15 by the Center and the Department of Defense
16 in international or other multi-stakeholder
17 standard-setting bodies.

18 “(12) For each member of the Armed Forces
19 who concluded a formal assignment supporting the
20 Center in the period of six months preceding the
21 date of the report, a position description of the billet
22 that the member transitioned into, as provided to
23 the Center by the Armed Force of the member with-
24 in 30 days of reassignment.

1 “(13) An annual update, developed in consulta-
2 tion with the Armed Forces, on the status of active
3 duty members of the Armed Forces assigned to the
4 Center. This update shall include the following:

5 “(A) An assessment of the effectiveness of
6 such assignments in strengthening the ties be-
7 tween the Center and the Armed Forces for the
8 purposes of—

9 “(i) identifying tactical and oper-
10 ational use cases for artificial intelligence;

11 “(ii) improving data collection relating
12 to artificial intelligence; and

13 “(iii) establishing effective lines of
14 communication between the Center and the
15 Armed Forces to identify and address con-
16 cerns from the Armed Forces relating to
17 the widespread adoption and dissemination
18 of artificial intelligence.

19 “(B) A description of any efforts under-
20 taken to create opportunities for additional non-
21 traditional broadening assignments at the Cen-
22 ter for members of the Armed Forces on active
23 duty.

24 “(C) An analysis of the career trajectories
25 of active duty members of the Armed Forces

1 assigned to the Center, including any potential
2 negative effects of such assignment on the ca-
3 reer trajectories of such members.”.

4 **SEC. 232. MODIFICATION OF JOINT ARTIFICIAL INTEL-**
5 **LIGENCE RESEARCH, DEVELOPMENT, AND**
6 **TRANSITION ACTIVITIES.**

7 Section 238 of the John S. McCain National Defense
8 Authorization Act for Fiscal Year 2019 (Public Law 115–
9 232; 10 U.S.C. 2358 note) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “ac-
12 quire,” before “develop”; and

13 (B) by amending paragraph (2) to read as
14 follows:

15 “(2) EMPHASIS.—The set of activities estab-
16 lished under paragraph (1) shall include—

17 “(A) acquisition and development of ma-
18 ture artificial intelligence technologies in sup-
19 port of defense missions;

20 “(B) applying artificial intelligence and
21 machine learning solutions to operational prob-
22 lems by directly delivering artificial intelligence
23 capabilities to the Armed Forces and other or-
24 ganizations and elements of the Department of
25 Defense;

1 “(C) accelerating the development, testing,
2 and fielding of new artificial intelligence and ar-
3 tificial intelligence-enabling capabilities; and

4 “(D) coordinating and deconflicting activi-
5 ties involving artificial intelligence and artificial
6 intelligence-enabled capabilities within the De-
7 partment.”;

8 (2) by striking subsection (e);

9 (3) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively;

11 (4) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) ORGANIZATION AND ROLES.—

14 “(1) ASSIGNMENT OF ROLES AND RESPON-
15 SIBILITIES.—

16 “(A) IN GENERAL.—In addition to desig-
17 nating an official under subsection (b), the Sec-
18 retary of Defense shall assign to appropriate of-
19 ficials within the Department of Defense roles
20 and responsibilities relating to the research, de-
21 velopment, prototyping, testing, procurement of,
22 requirements for, and operational use of artifi-
23 cial intelligence technologies.

1 “(B) APPROPRIATE OFFICIALS.—The offi-
2 cials assigned roles and responsibilities under
3 subparagraph (A) shall include—

4 “(i) the Under Secretary of Defense
5 for Research and Engineering;

6 “(ii) the Under Secretary of Defense
7 for Acquisition and Sustainment;

8 “(iii) the Director of the Joint Artifi-
9 cial Intelligence Center;

10 “(iv) one or more officials in each
11 military department;

12 “(v) officials of appropriate Defense
13 Agencies; and

14 “(vi) such other officials as the Sec-
15 retary of Defense determines appropriate.

16 “(2) ROLE OF DIRECTOR OF THE JOINT ARTIFI-
17 CIAL INTELLIGENCE CENTER.—

18 “(A) DIRECT REPORT TO DEPUTY SEC-
19 RETARY OF DEFENSE.—During the covered pe-
20 riod, the Director of the Joint Artificial Intel-
21 ligence Center shall report directly to the Dep-
22 uty Secretary of Defense without intervening
23 authority.

24 “(B) CONTINUATION.—The Director of the
25 Joint Artificial Intelligence Center shall con-

1 tinue to report to the Deputy Secretary of De-
2 fense as described in subparagraph (A) after
3 the expiration of the covered period if, not later
4 than 30 days before such period expires, the
5 Deputy Secretary—

6 “(i) determines that the Director
7 should continue to report to Deputy Sec-
8 retary without intervening authority; and

9 “(ii) transmits notice of such deter-
10 mination to the congressional defense com-
11 mittees.

12 “(C) COVERED PERIOD DEFINED.—In this
13 paragraph, the term ‘covered period’ means the
14 period of two years beginning on the date of the
15 enactment of the William M. (Mac) Thornberry
16 National Defense Authorization Act for Fiscal
17 Year 2021.”;

18 (5) in subsection (d), as so redesignated—

19 (A) in paragraph (1), in the matter pre-
20 ceding subparagraph (A), by inserting “ac-
21 quire,” before “develop”;

22 (B) in the heading of paragraph (2), by
23 striking “DEVELOPMENT” and inserting “AC-
24 QUISITION, DEVELOPMENT”; and

25 (C) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “To the degree
3 practicable, the designated official” and in-
4 serting “The official designated under sub-
5 section (b)”;

6 (ii) in subparagraph (A), by striking
7 “development” and inserting “acquisition”;

8 (iii) by redesignating subparagraphs
9 (H) and (I) as subparagraphs (J) and (K),
10 respectively; and

11 (iv) by inserting after subparagraph
12 (G), the following new subparagraphs:

13 “(H) develop standard data formats for
14 the Department that—

15 “(i) aid in defining the relative matu-
16 rity of datasets; and

17 “(ii) inform best practices for cost
18 and schedule computation, data collection
19 strategies aligned to mission outcomes, and
20 dataset maintenance practices;

21 “(I) establish data and model usage agree-
22 ments and collaborative partnership agreements
23 for artificial intelligence product development
24 with each organization and element of the De-

1 partment, including each of the Armed
2 Forces;”;

3 (6) in subsection (e), as so redesignated—

4 (A) by striking “The Secretary shall” and
5 inserting “Not later than 180 days after the
6 date of the enactment of the William M. (Mac)
7 Thornberry National Defense Authorization Act
8 for Fiscal Year 2021, the Secretary of Defense
9 shall issue regulations to”;

10 (B) by striking “the coordination described
11 in subsection (b) and the duties set forth in
12 subsection (c)” and inserting “the duties set
13 forth in subsection (d)”;

14 (C) by adding at the end the following new
15 sentence: “At a minimum, such access shall en-
16 sure that the Director of the Joint Artificial In-
17 telligence Center has the ability to discover, ac-
18 cess, share, and appropriately reuse data and
19 models of the Armed Forces and other organi-
20 zations and elements of the Department of De-
21 fense, build and maintain artificial intelligence
22 capabilities for the Department, and execute the
23 duties assigned to the Director by the Sec-
24 retary.”; and

1 (7) by adding at the end the following new sub-
2 section:

3 “(h) JOINT ARTIFICIAL INTELLIGENCE CENTER DE-
4 FINED.—In this section, term ‘Joint Artificial Intelligence
5 Center’ means the Joint Artificial Intelligence Center of
6 the Department of Defense established pursuant to the
7 memorandum of the Secretary of Defense dated June 27,
8 2018, and titled ‘Establishment of the Joint Artificial In-
9 telligence Center’, or any successor to such Center.”.

10 **SEC. 233. BOARD OF ADVISORS FOR THE JOINT ARTIFICIAL**
11 **INTELLIGENCE CENTER.**

12 (a) ESTABLISHMENT.—The Secretary of Defense
13 shall establish a board of advisors for the Joint Artificial
14 Intelligence Center.

15 (b) DUTIES.—The duties of the board of advisors
16 shall include the following:

17 (1) Provide independent strategic advice and
18 technical expertise to the Secretary and the Director
19 on matters relating to the development and use of
20 artificial intelligence by the Department of Defense.

21 (2) Evaluate and advise the Secretary and the
22 Director on ethical matters relating to the develop-
23 ment and use of artificial intelligence by the Depart-
24 ment.

1 (3) Conduct long-term and long-range studies
2 on matters relating to artificial intelligence, as re-
3 quired.

4 (4) Evaluate and provide recommendations to
5 the Secretary and the Director regarding the De-
6 partment's development of a robust workforce pro-
7 ficient in artificial intelligence.

8 (5) Assist the Secretary and the Director in de-
9 veloping strategic level guidance on artificial intel-
10 ligence-related hardware procurement, supply-chain
11 matters, and other technical matters relating to arti-
12 ficial intelligence.

13 (c) MEMBERSHIP.—The board of advisors shall be
14 composed of appropriate experts from academic or private
15 sector organizations outside the Department of Defense,
16 who shall be appointed by the Secretary.

17 (d) CHAIRPERSON.—The chairperson of the board of
18 advisors shall be selected by the Secretary.

19 (e) MEETINGS.—The board of advisors shall meet not
20 less than once each fiscal quarter and may meet at other
21 times at the call of the chairperson or a majority of its
22 members.

23 (f) REPORTS.—Not later than September 30 of each
24 year through September 30, 2024, the board of advisors
25 shall submit to the congressional defense committees a re-

1 port that summarizes the activities of the board over the
2 preceding year.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “artificial intelligence” has the
5 meaning given that term in section 238(g) of the
6 John S. McCain National Defense Authorization Act
7 for Fiscal Year 2019 (Public Law 115–232; 10
8 U.S.C. 2358 note).

9 (2) The term “Director” means the Director of
10 the Joint Artificial Intelligence Center.

11 (3) The term “Joint Artificial Intelligence Cen-
12 ter” means the Joint Artificial Intelligence Center of
13 the Department of Defense established pursuant to
14 the memorandum of the Secretary of Defense dated
15 June 27, 2018, and titled “Establishment of the
16 Joint Artificial Intelligence Center”, or any suc-
17 cessor to such Center.

18 (4) The term “Secretary” means the Secretary
19 of Defense.

20 **SEC. 234. APPLICATION OF ARTIFICIAL INTELLIGENCE TO**
21 **THE DEFENSE REFORM PILLAR OF THE NA-**
22 **TIONAL DEFENSE STRATEGY.**

23 (a) IDENTIFICATION OF USE CASES.—The Secretary
24 of Defense, acting through such officers and employees of
25 the Department of Defense as the Secretary considers ap-

1 appropriate, including the chief data officers and chief man-
2 agement officers of the military departments, shall iden-
3 tify a set of no fewer than five use cases of the application
4 of existing artificial intelligence enabled systems to sup-
5 port improved management of enterprise acquisition, per-
6 sonnel, audit, or financial management functions, or other
7 appropriate management functions, that are consistent
8 with reform efforts that support the National Defense
9 Strategy.

10 (b) PROTOTYPING ACTIVITIES ALIGNED TO USE
11 CASES.—The Secretary, acting through the Under Sec-
12 retary of Defense for Research and Engineering and in
13 coordination with the Director of the Joint Artificial Intel-
14 ligence Center and such other officers and employees as
15 the Secretary considers appropriate, shall pilot technology
16 development and prototyping activities that leverage com-
17 mercially available technologies and systems to dem-
18 onstrate new artificial intelligence enabled capabilities to
19 support the use cases identified under subsection (a).

20 (c) BRIEFING.—Not later than October 1, 2021, the
21 Secretary shall provide to the congressional defense com-
22 mittees a briefing summarizing the activities carried out
23 under this section.

1 **SEC. 235. ACQUISITION OF ETHICALLY AND RESPONSIBLY**
2 **DEVELOPED ARTIFICIAL INTELLIGENCE**
3 **TECHNOLOGY.**

4 (a) ASSESSMENT REQUIRED.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense, shall conduct an assessment to
8 determine—

9 (A) whether the Department of Defense
10 has the ability, requisite resourcing, and suffi-
11 cient expertise to ensure that any artificial in-
12 telligence technology acquired by the Depart-
13 ment is ethically and responsibly developed; and

14 (B) how the Department can most effec-
15 tively implement ethical artificial intelligence
16 standards in acquisition processes and supply
17 chains.

18 (2) ELEMENTS.—The assessment conducted
19 under paragraph (1) shall address the following:

20 (A) Whether there are personnel occupying
21 relevant roles within the Department of Defense
22 who have sufficient expertise, across multiple
23 disciplines (including ethical, legal, and tech-
24 nical expertise)—

25 (i) to advise on the acquisition of arti-
26 ficial intelligence technology; and

1 (ii) to ensure the acquisition of ethi-
2 cally and responsibly developed artificial
3 intelligence technology.

4 (B) The feasibility and advisability of re-
5 taining outside experts as consultants to assist
6 the Department in strengthening capacity and
7 filling any gaps in expertise identified under
8 subparagraph (A).

9 (C) The extent to which existing acquisi-
10 tion processes encourage or require consultation
11 with relevant experts across multiple disciplines
12 within the Department to ensure that artificial
13 intelligence technology acquired by the Depart-
14 ment is ethically and responsibly developed.

15 (D) Quantitative and qualitative standards
16 for assessing the extent to which experts across
17 multiple disciplines are engaged in the acquisi-
18 tion of artificial intelligence technology by the
19 department.

20 (b) BRIEFING REQUIRED.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date on which the Secretary of Defense com-
23 pletes the assessment under subsection (a), the Sec-
24 retary shall provide to the congressional defense

1 committees a briefing on the results of the assess-
2 ment.

3 (2) ELEMENTS.—The briefing under paragraph
4 (1) shall include, based on the results of the assess-
5 ment—

6 (A) an explanation of whether the Depart-
7 ment of Defense has personnel, in the proper
8 roles and with sufficient expertise across mul-
9 tiple disciplines, to ensure the acquisition of
10 ethically and responsibly developed artificial in-
11 telligence technology;

12 (B) an explanation of whether the Depart-
13 ment has adequate procedures to encourage or
14 require the consultation of such experts as part
15 of the acquisition process for artificial intel-
16 ligence technology;

17 (C) an explanation of any procedures the
18 Department has in place to ensure that activi-
19 ties involving artificial intelligence are con-
20 sistent with the Department's ethical artificial
21 intelligence standards; and

22 (D) with respect to any deficiencies identi-
23 fied under subparagraph (A), (B), or (C), a de-
24 scription of any measures that have been taken,

1 and any additional resources that may be need-
2 ed, to mitigate such deficiencies.

3 **SEC. 236. STEERING COMMITTEE ON EMERGING TECH-**
4 **NOLOGY.**

5 (a) ESTABLISHMENT.—The Secretary of Defense
6 may establish a steering committee on emerging tech-
7 nology and national security threats (referred to in this
8 section as the “Steering Committee”).

9 (b) MEMBERSHIP.—The Steering Committee shall be
10 composed of the following:

11 (1) The Deputy Secretary of Defense.

12 (2) The Vice Chairman of the Joint Chiefs of
13 Staff.

14 (3) The Under Secretary of Defense for Intel-
15 ligence and Security.

16 (4) The Under Secretary of Defense for Re-
17 search and Engineering.

18 (5) The Under Secretary of Defense for Per-
19 sonnel and Readiness.

20 (6) The Under Secretary of Defense for Acqui-
21 sition and Sustainment.

22 (7) The Chief Information Officer.

23 (8) Such other officials of the Department of
24 Defense as the Secretary of Defense determines ap-
25 propriate.

1 (c) RESPONSIBILITIES.—The Steering Committee
2 shall be responsible for—

3 (1) developing a strategy for the organizational
4 change, concept and capability development, and
5 technology investments in emerging technologies
6 that are needed to maintain the technological superi-
7 ority of the United States military as outlined in the
8 National Defense Strategy;

9 (2) providing assessments of emerging threats
10 and identifying investments and advances in emerg-
11 ing technology areas undertaken by adversaries of
12 the United States;

13 (3) making recommendations to the Secretary
14 of Defense on—

15 (A) the implementation of the strategy de-
16 veloped under paragraph (1);

17 (B) steps that may be taken to address the
18 threats identified under paragraph (2);

19 (C) any changes to a program of record
20 that may be required to achieve the strategy
21 under paragraph (1);

22 (D) any changes to the Defense Planning
23 Guidance required by section 113(g)(2)(A) of
24 title 10, United States Code, that may be re-

1 quired to achieve the strategy under paragraph
2 (1); and

3 (E) whether sufficient resources are avail-
4 able for the research activities, workforce, and
5 infrastructure of the Department of Defense to
6 support the development of capabilities to de-
7 feat emerging threats to the United States; and
8 (4) carrying out such other activities as are as-
9 signed to the Steering Committee by the Secretary
10 of Defense.

11 (d) EMERGING TECHNOLOGY DEFINED.—In this sec-
12 tion, the term “emerging technology” means technology
13 determined to be in an emerging phase of development by
14 the Secretary, including quantum information science and
15 technology, data analytics, artificial intelligence, autono-
16 mous technology, advanced materials, software, high per-
17 formance computing, robotics, directed energy,
18 hypersonics, biotechnology, medical technologies, and such
19 other technology as may be identified by the Secretary.

20 (e) SUNSET.—This section shall terminate on Octo-
21 ber 1, 2024.

Subtitle D—Education and Workforce Development

SEC. 241. MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out the following activities:

(1) Leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense that—

(A) measure an individual’s competency in using machine learning tools, in a manner similar to the way the Defense Language Proficiency Test measures competency in foreign language skills;

(B) enable the identification of members of the Armed Forces and civilian employees of the Department of Defense who have varying levels of quantified coding comprehension and skills and a propensity to learn new programming paradigms, algorithms, and data analytics; and

(C) include hands-on coding demonstrations and challenges.

1 (2) Update existing recordkeeping systems to
2 track artificial intelligence and programming certifi-
3 cation testing results in a manner that is com-
4 parable to the system used for tracking and docu-
5 menting foreign language competency, and use that
6 recordkeeping system to ensure that workforce cod-
7 ing and artificial intelligence comprehension and
8 skills are taken into consideration when making as-
9 signments.

10 (3) Implement a system of rewards, including
11 appropriate incentive pay and retention incentives,
12 for members of the Armed Forces and civilian em-
13 ployees of the Department of Defense who perform
14 successfully on specific language coding proficiency
15 and artificial intelligence competency tests and make
16 their skills available to the Department.

17 (b) INFORMATION SHARING WITH OTHER FEDERAL
18 AGENCIES.—The Secretary of Defense shall share infor-
19 mation on the activities carried out under subsection (a)
20 with the Secretary of Homeland Security, the Attorney
21 General, the Director of National Intelligence, and the
22 heads of such other organizations of the intelligence com-
23 munity as the Secretary determines appropriate, for pur-
24 poses of—

1 (1) making information about the coding lan-
2 guage proficiency and artificial intelligence com-
3 petency tests developed under such subsection avail-
4 able to other Federal national security agencies; and

5 (2) encouraging the heads of such agencies to
6 implement tracking and reward systems that are
7 comparable to those implemented by the Department
8 of Defense pursuant to such subsection.

9 (c) SPECIAL PAY FOR PROGRAMMING LANGUAGE
10 PROFICIENCY BENEFICIAL FOR NATIONAL SECURITY IN-
11 TERESTS.—

12 (1) IN GENERAL.—Chapter 81 of title 10,
13 United States Code, is amended by inserting after
14 section 1596b the following new section:

15 **“§ 1596c. Programming language proficiency: special**
16 **pay for proficiency beneficial for national**
17 **security interests**

18 “(a) AUTHORITY.—The Secretary of Defense, under
19 the sole and exclusive discretion of the Secretary, may pay
20 special pay under this section to an employee of the De-
21 partment of Defense who—

22 “(1) has been certified by the Secretary to be
23 proficient in a computer or digital programming lan-
24 guage identified by the Secretary as being a lan-
25 guage in which proficiency by civilian personnel of

1 the Department is necessary because of national se-
2 curity interests; and

3 “(2) is assigned duties requiring proficiency in
4 that programming language.

5 “(b) RATE.—The rate of special pay for an employee
6 under this section shall be prescribed by the Secretary,
7 but may not exceed 20 percent of the employee’s rate of
8 basic pay.

9 “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-
10 ANCES.—Special pay under this section is in addition to
11 any other pay or allowances to which the employee is enti-
12 tled.

13 “(d) REGULATIONS.—The Secretary of Defense shall
14 prescribe regulations to carry out this section.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 81 of such title is
17 amended by inserting after the item relating to sec-
18 tion 1596b the following new item:

“1596c. Programming language proficiency: special pay for proficiency beneficial
for national security interests.”.

19 **SEC. 242. MODIFICATION OF SCIENCE, MATHEMATICS, AND**
20 **RESEARCH FOR TRANSFORMATION (SMART)**
21 **DEFENSE EDUCATION PROGRAM.**

22 Section 2192a of title 10, United States Code, is
23 amended—

1 (1) in subsection (c)(1)(B)(i), by inserting “,
2 including by serving on active duty in the Armed
3 Forces” after “Department”;

4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “; and”
6 and inserting a semicolon;

7 (B) in paragraph (2), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(3) may establish arrangements so that par-
12 ticipants may participate in a paid internship for an
13 appropriate period with an industry sponsor.”; and

14 (3) in subsection (f)—

15 (A) by inserting “(1)” before “The Sec-
16 retary”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2) The Secretary of Defense shall seek to enter into
20 partnerships with minority institutions of higher education
21 and appropriate public and private sector organizations to
22 diversify the participants in the program under subsection
23 (a).”.

1 **SEC. 243. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL**
2 **SECURITY FELLOWSHIP OF DEPARTMENT OF**
3 **DEFENSE.**

4 (a) MODIFICATION REGARDING BASIC PAY.—Sub-
5 paragraph (A) of section 235(a)(4) of National Defense
6 Authorization Act for Fiscal Year 2020 (Public Law 116–
7 92; 10 U.S.C. 1580 note prec.) is amended to read as fol-
8 lows:

9 “(A) shall be compensated at a rate of
10 basic pay that is not less than the minimum
11 rate of basic pay payable for a position at GS–
12 10 of the General Schedule (subchapter III of
13 chapter 53 of title 5, United States Code) and
14 not more than the maximum rate of basic pay
15 payable for a position at GS–15 of such Sched-
16 ule; and”.

17 (b) BACKGROUND CHECKS.—Subsection (b) of such
18 section is amended by adding at the end the following new
19 paragraph:

20 “(3) BACKGROUND CHECK REQUIREMENT.—No
21 individual may participate in the fellows program
22 without first undergoing a background check that
23 the Secretary of Defense considers appropriate for
24 participation in the program.”.

1 **SEC. 244. MODIFICATION OF MECHANISMS FOR EXPEDITED**
2 **ACCESS TO TECHNICAL TALENT AND EXPER-**
3 **TISE AT ACADEMIC INSTITUTIONS.**

4 Section 217 of the National Defense Authorization
5 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
6 2358 note) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “National Defense Au-
10 thorization Act for Fiscal Year 2020” and
11 inserting “William M. (Mac) Thornberry
12 National Defense Authorization Act for
13 Fiscal Year 2021”; and

14 (ii) by striking “not fewer than three”
15 and inserting “not fewer than four”;

16 (B) by redesignating paragraph (2) as
17 paragraph (3);

18 (C) by inserting after paragraph (1) the
19 following new paragraph:

20 “(2) COORDINATION.—In carrying out para-
21 graph (1), the Secretary of Defense may act through
22 the Defense Advanced Research Projects Agency or
23 any other organization or element of the Department
24 of Defense the Secretary considers appropriate.”;
25 and

1 (D) in paragraph (3), as so redesignated,
2 by inserting “training,” after “management,”;
3 (2) in subsection (e)—

4 (A) in paragraph (28) by striking “Infra-
5 structure resilience” and inserting “Additive
6 manufacturing”;

7 (B) by redesignating paragraph (30) as
8 paragraph (31); and

9 (C) by inserting after paragraph (29) the
10 following new paragraph:

11 “(30) 3D and virtual technology training plat-
12 forms.”;

13 (3) by redesignating subsections (f) and (g) as
14 subsection (g) and (h), respectively;

15 (4) by inserting after subsection (e) the fol-
16 lowing new subsection:

17 “(f) REQUIREMENT TO ESTABLISH CONSORTIA.—

18 “(1) IN GENERAL.—In carrying out subsection
19 (a)(1)—

20 “(A) the Secretary of Defense shall seek to
21 establish at least one multi-institution consor-
22 tium through the Office of the Secretary of De-
23 fense;

1 “(B) the Secretary of the Army shall seek
2 to establish at least one multi-institution con-
3 sortium through the Army;

4 “(C) the Secretary of the Navy shall seek
5 to establish at least one multi-institution con-
6 sortium through the Navy; and

7 “(D) the Secretary of the Air Force shall
8 seek to establish at least one multi-institution
9 consortium through the Air Force.

10 “(2) REPORT REQUIRED.—Not later than Sep-
11 tember 30, 2022, the Secretary of Defense shall sub-
12 mit to the congressional defense committees a report
13 on the status of the efforts to establish consortia
14 under paragraph (1).”; and

15 (5) in subsection (g), as so redesignated, by
16 striking “2022” and inserting “2026”.

17 **SEC. 245. ENCOURAGEMENT OF CONTRACTOR SCIENCE,**
18 **TECHNOLOGY, ENGINEERING, AND MATHE-**
19 **MATICS (STEM) PROGRAMS.**

20 (a) IN GENERAL.—The Under Secretary of Defense
21 for Research and Engineering, in coordination with the
22 Under Secretary of Defense for Acquisition and
23 Sustainment, shall develop programs and incentives to en-
24 sure that Department of Defense contractors take appro-
25 priate steps to—

1 (1) enhance undergraduate, graduate, and doc-
2 toral programs in science, technology, engineering,
3 and mathematics (in this section referred to as
4 “STEM”);

5 (2) make investments, such as programming
6 and curriculum development, in STEM programs
7 within elementary schools and secondary schools;

8 (3) encourage employees to volunteer in elemen-
9 tary schools and secondary schools, including schools
10 that the Secretary of Defense determines serve high
11 numbers or percentages of students from low-income
12 families or that serve significant populations of mili-
13 tary dependents, in order to enhance STEM edu-
14 cation and programs;

15 (4) establish partnerships with appropriate enti-
16 ties, including institutions of higher education for
17 the purpose of training students in technical dis-
18 ciplines;

19 (5) make personnel available to advise and as-
20 sist in STEM educational activities aligned with
21 functions of the Department of Defense;

22 (6) award scholarships and fellowships, and es-
23 tablish work-based learning programs in scientific
24 disciplines;

1 (7) conduct recruitment activities to enhance
2 the diversity of the STEM workforce; or

3 (8) make internships available to students of
4 secondary schools, undergraduate, graduate, and
5 doctoral programs in STEM disciplines.

6 (b) AWARD PROGRAM.—The Secretary of Defense
7 shall establish procedures to recognize defense industry
8 contractors that demonstrate excellence in supporting
9 STEM education, partnerships, programming, and other
10 activities to enhance participation in STEM fields.

11 (c) IMPLEMENTATION.—Not later than 270 days
12 after the date of the enactment of this Act, the Under
13 Secretary of Defense for Research and Engineering shall
14 submit to the congressional defense committees a report
15 on the steps taken to implement the requirements of this
16 section.

17 (d) DEFINITIONS.—In this section:

18 (1) The terms “elementary school” and “sec-
19 ondary school” have the meanings given those terms
20 in section 8101 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7801).

22 (2) The term “institution of higher education”
23 has the meaning given such term in section 101 of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1001).

1 (e) CONFORMING REPEAL.—Section 862 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2012
3 (Public Law 112–81; 10 U.S.C. note prec. 2191) is re-
4 pealed.

5 **SEC. 246. TRAINING PROGRAM FOR HUMAN RESOURCES**
6 **PERSONNEL IN BEST PRACTICES FOR TECH-**
7 **NICAL WORKFORCE.**

8 (a) PILOT TRAINING PROGRAM.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense, acting through the Under Sec-
12 retary of Defense for Personnel and Readiness and
13 the Under Secretary of Defense for Research and
14 Engineering, shall develop and implement a pilot
15 program to provide covered human resources per-
16 sonnel with training in public and private sector best
17 practices for attracting and retaining technical tal-
18 ent.

19 (2) TRAINING AREAS.—The pilot program shall
20 include training in the authorities and procedures
21 that may be used to recruit technical personnel for
22 positions in the Department of Defense, including—

- 23 (A) appropriate direct hiring authorities;
24 (B) excepted service authorities;
25 (C) personnel exchange authorities;

1 (D) authorities for hiring special govern-
2 ment employees and highly qualified experts;

3 (E) special pay authorities; and

4 (F) private sector best practices to attract
5 and retain technical talent.

6 (3) METRICS.—The Secretary of Defense shall
7 develop metrics to evaluate the effectiveness of the
8 pilot program in contributing to the ability of the
9 Department of Defense to attract and retain tech-
10 nical talent.

11 (4) PLAN REQUIRED.—The Secretary of De-
12 fense shall develop a plan for the implementation of
13 the pilot program.

14 (b) REPORTS.—

15 (1) REPORT ON PLAN.—Not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the congressional
18 defense committees a report that sets forth the plan
19 required under subsection (a)(4).

20 (2) REPORT ON PILOT PROGRAM.—Not later
21 than three years after the date of the enactment of
22 this Act, the Secretary of Defense shall submit to
23 the congressional defense committees a report on the
24 results of the pilot program.

25 (c) DEFINITIONS.—In this section:

(1) The term “covered human resources personnel” means members of the Armed Forces and civilian employees of the Department of Defense, including human resources professionals, hiring managers, and recruiters, who are responsible for hiring technical talent.

(2) The term “technical talent” means individuals with expertise in high priority technical disciplines.

(d) **TERMINATION.**—The requirement to carry out the pilot program under this section shall terminate five years after the date of the enactment of this Act.

13 SEC. 247. PILOT PROGRAM ON THE USE OF ELECTRONIC
14 PORTFOLIOS TO EVALUATE CERTAIN APPLI-
15 CANTS FOR TECHNICAL POSITIONS.

(a) PILOT PROGRAM.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which certain applicants for technical positions within the Department of Defense will be evaluated, in part, based on electronic portfolios of the applicant’s work, as described in subsection (b).

(b) ACTIVITIES.—Under the pilot program, the human resources manager of each organization of the De-

1 partment of Defense participating in the program, in con-
2 sultation with relevant subject matter experts, shall—

3 (1) identify a subset of technical positions for
4 which the evaluation of electronic portfolios would be
5 appropriate as part of the hiring process; and

6 (2) as appropriate, assess applicants for such
7 positions by reviewing electronic portfolios of the ap-
8 plicants' best work, as selected by the applicant con-
9 cerned.

10 (c) SCOPE OF PROGRAM.—The Secretary of Defense
11 shall carry out the pilot program under subsection (a) in—

12 (1) the Joint Artificial Intelligence Center;

13 (2) the Defense Digital Service;

14 (3) at least one activity of each military depart-
15 ment, as identified by the Secretary of the depart-
16 ment concerned; and

17 (4) such other organizations and elements of
18 the Department of Defense as the Secretary deter-
19 mines appropriate.

20 (d) REPORT.—Not later than two years after the
21 commencement of the pilot program under subsection (a),
22 the Secretary of Defense shall submit to the congressional
23 defense committees a report on the results of the program.
24 At a minimum, the report shall—

1 (1) describe how the use of electronic portfolios
2 in the hiring process affected the timeliness of the
3 hiring process for technical positions in organiza-
4 tions of the Department of Defense participating in
5 the program;

6 (2) assess the level of satisfaction of organiza-
7 tion leaders, hiring authorities, and subject matter
8 experts with the quality of applicants who were hired
9 based on evaluations of electronic portfolios;

10 (3) identify other job series that could benefit
11 from the use of electronic portfolios in the hiring
12 process;

13 (4) recommend whether the use of electronic
14 portfolios in the hiring process should be expanded
15 or made permanent; and

16 (5) recommend any statutory, regulatory, or
17 policy changes required to support the goals of the
18 pilot program under subsection (a).

19 (e) **TECHNICAL POSITION DEFINED.**—In this section,
20 the term “technical position” means a position in the De-
21 partment of Defense that—

22 (1) requires expertise in artificial intelligence,
23 data science, or software development; and

1 (2) is eligible for direct hire authority under
2 section 9905 of title 5, United States Code, or sec-
3 tion 2358a of title 10, United States Code.

4 (f) TERMINATION.—The authority to carry out the
5 pilot program under subsection (a) shall terminate 5 years
6 after the date of the enactment of this Act.

7 **SEC. 248. PILOT PROGRAM ON SELF-DIRECTED TRAINING**
8 **IN ADVANCED TECHNOLOGIES.**

9 (a) ONLINE COURSES.—The Secretary of Defense
10 shall carry out a pilot program under which the Secretary
11 makes available a list of approved online courses relating
12 to advanced technologies that may be taken by civilian em-
13 ployees of the Department of Defense and members of the
14 Armed Forces on a voluntary basis while not engaged in
15 the performance of their duties.

16 (b) PROCEDURES.—The Secretary shall establish
17 procedures for the development, selection, approval, adop-
18 tion, and evaluation of online courses under subsection (a)
19 to ensure that such courses are supportive of the goals
20 of this section and overall goals for the training and edu-
21 cation of the civilian and military workforce of the Depart-
22 ment of Defense.

23 (c) DOCUMENTATION OF COMPLETION.—The Sec-
24 retary of Defense shall develop and implement a system—

1 (1) to confirm whether a civilian employee of
2 the Department of Defense or member of the Armed
3 Forces has completed an online course approved by
4 the Secretary under subsection (a); and

5 (2) to document the completion of such course
6 by such employee or member.

7 (d) INCENTIVES.—The Secretary of Defense shall de-
8 velop and implement incentives to encourage civilian em-
9 ployees of the Department of Defense and members of the
10 Armed Forces to complete online courses approved by the
11 Secretary under subsection (a).

12 (e) METRICS.—The Secretary of Defense shall de-
13 velop metrics to evaluate whether, and to what extent, the
14 pilot program under this section improves the ability of
15 participants—

16 (1) to perform job-related functions; and

17 (2) to execute relevant missions of the Depart-
18 ment of Defense.

19 (f) ADVANCED TECHNOLOGIES DEFINED.—In this
20 section, the term “advanced technologies” means tech-
21 nologies that the Secretary of Defense determines to be
22 in high-demand within the Department of Defense and to
23 which significant research and development efforts are de-
24 voted, including technologies such as artificial intelligence,

1 data science, machine learning, fifth-generation tele-
2 communications technology, and biotechnology.

3 (g) DEADLINE.—The Secretary of Defense shall
4 carry out the activities described in subsections (a)
5 through (e) not later than one year after the date of the
6 enactment of this Act.

7 (h) SUNSET.—This section shall terminate on Octo-
8 ber 1, 2024.

9 **SEC. 249. PART-TIME AND TERM EMPLOYMENT OF UNIVER-**
10 **SITY FACULTY AND STUDENTS IN THE DE-**
11 **FENSE SCIENCE AND TECHNOLOGY ENTER-**
12 **PRISE.**

13 (a) PROGRAM REQUIRED.—Not later than 180 days
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall establish a program under which opportu-
16 nities for part-time and term employment are made avail-
17 able in the Defense science and technology enterprise for
18 faculty and students of institutions of higher education for
19 the purpose of enabling such faculty and students to carry
20 out research projects in accordance with subsection (b).

21 (b) RESEARCH PROJECTS.—

22 (1) FACULTY.—A faculty member who is em-
23 ployed in position made available under subsection

24 (a) shall, in the course of such employment, carry
25 out a research project that—

1 (A) relates to a topic in the field of
2 science, technology, engineering, or mathe-
3 matics; and

4 (B) contributes to the objectives of the De-
5 partment of Defense, as determined by the Sec-
6 retary of Defense.

7 (2) STUDENTS.—A student employed in posi-
8 tion made available under subsection (a) shall assist
9 a faculty member with a research project described
10 in paragraph (1).

11 (c) SELECTION OF PARTICIPANTS.—The Secretary of
12 Defense, acting through the heads of participating organi-
13 zations in the Defense science and technology enterprise,
14 shall select individuals for participation in the program
15 under subsection (a) as follows:

16 (1) Faculty members shall be selected for par-
17 ticipation on the basis of—

18 (A) the academic credentials and research
19 experience of the faculty member; and

20 (B) the extent to which the research pro-
21 posed to be carried out by the faculty member
22 will contribute to the objectives of the Depart-
23 ment of Defense.

1 (2) Students shall be selected to assist with a
2 research project under the program on the basis
3 of—

4 (A) the academic credentials and other
5 qualifications of the student; and

6 (B) the student's ability to fulfill the re-
7 sponsibilities assigned to the student as part of
8 the project.

9 (d) MINIMUM NUMBER OF POSITIONS.—

10 (1) IN GENERAL.—During the first year of the
11 program under subsection (a), the Secretary of De-
12 fense shall establish not fewer than 10 part-time or
13 term positions for faculty.

14 (2) ARTIFICIAL INTELLIGENCE AND MACHINE
15 LEARNING.—Of the positions established under
16 paragraph (1), not fewer than five such positions
17 shall be reserved for faculty who will conduct re-
18 search in the area of artificial intelligence and ma-
19 chine learning.

20 (e) AUTHORITIES.—In carrying out the program
21 under subsection (a), the Secretary of Defense, or the
22 head of an organization in the Defense science and tech-
23 nology enterprise, as applicable, may—

1 (1) use any hiring authority available to the
2 Secretary or the head of such organization, includ-
3 ing—

4 (A) any hiring authority available under a
5 laboratory demonstration program, including
6 the hiring authority provided under section
7 2358a of title 10, United States Code;

8 (B) direct hiring authority under section
9 1599h of title 10, United States Code; and

10 (C) expert hiring authority under section
11 3109 of title 5, United States Code;

12 (2) enter into cooperative research and develop-
13 ment agreements under section 12 of the Stevenson-
14 Wydler Technology Innovation Act of 1980 (15
15 U.S.C. 3710a) to enable the sharing of research and
16 expertise with institutions of higher education and
17 the private sector; and

18 (3) pay referral bonuses to faculty or students
19 participating in the program who identify—

20 (A) students to assist in a research project
21 under the program; or

22 (B) students or recent graduates to par-
23 ticipate in other programs in the Defense
24 science and technology enterprise, including in-
25 ternships at Department of Defense labora-

1 tories and in the Pathways Program of the De-
2 partment.

3 (f) ANNUAL REPORTS.—

4 (1) INITIAL REPORT.—Not later than 30 days
5 after the conclusion of the first year of the program
6 under subsection (a), the Secretary of Defense shall
7 submit to the congressional defense committees a re-
8 port on the status of the program. The report shall
9 include—

10 (A) identification of the number of faculty
11 and students employed under the program;

12 (B) identification of the organizations in
13 the Defense science and technology enterprise
14 that employed such individuals; and

15 (C) a description of the types of research
16 conducted by such individuals.

17 (2) SUBSEQUENT REPORTS.—Not later than 30
18 days after the conclusion of the second and third
19 years of the program under subsection (a), the Sec-
20 retary of Defense shall submit to the congressional
21 defense committees a report on the progress of the
22 program. Each report shall include—

23 (A) the information described in subpara-
24 graphs (A) through (C) of paragraph (1);

1 (B) the results of any research projects
2 conducted under the program; and

3 (C) the number of students and recent
4 graduates who, pursuant to a reference from a
5 faculty member or student participating in the
6 program as described in subsection (e)(3), were
7 hired by the Department of Defense or selected
8 for participation in another program in the De-
9 fense science and technology enterprise.

10 (g) DEFINITIONS.—In this section:

11 (1) The term “Defense science and technology
12 enterprise” means—

13 (A) the research organizations of the mili-
14 tary departments;

15 (B) the science and technology reinvention
16 laboratories (as designated under section 1105
17 of the National Defense Authorization Act for
18 Fiscal Year 2010 (Public Law 111–84; 10
19 U.S.C. 2358 note));

20 (C) the facilities of the Major Range and
21 Test Facility Base (as defined in section
22 2358a(f)(3) of title 10, United States Code);
23 and

24 (D) the Defense Advanced Research
25 Projects Agency.

1 (2) The term “faculty” means an individual
2 who serves as a professor, researcher, or instructor
3 at an institution of higher education.

4 (3) The term “institution of higher education”
5 has the meaning given that term in section 101 of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1001).

8 **SEC. 250. NATIONAL SECURITY WORKFORCE AND EDU-**
9 **CATIONAL DIVERSITY ACTIVITIES.**

10 (a) IN GENERAL.—The Secretary of Defense shall
11 seek to diversify participation in the Science, Mathe-
12 matics, and Research for Transformation (SMART) De-
13 fense Education Program under section 2192a of title 10,
14 United States Code.

15 (b) ACTIVITIES.—In carrying out subsection (a), the
16 Secretary shall—

17 (1) subject to the availability of appropriations
18 for this purpose, set aside funds for financial assist-
19 ance, scholarships, and fellowships for students at
20 historically Black colleges or universities or at mi-
21 nority institutions of higher education and such
22 other institutions as the Secretary considers appro-
23 priate;

24 (2) partner with institutions of higher edu-
25 cation, and such other public and private sector or-

1 organizations as the Secretary considers appropriate,
2 to increase diversity of participants in the program
3 described in subsection (a);

4 (3) establish individual and organizational in-
5 centives, and such other activities as the Secretary
6 considers appropriate, to increase diversity of stu-
7 dent participation in the program described in sub-
8 section (a);

9 (4) increase awareness of opportunities to par-
10 ticipate in the program described in subsection (a);

11 (5) evaluate the potential for new programs, fel-
12 lowships, and other activities at historically Black
13 colleges or universities and minority institutions of
14 higher education to increase diversity in educational
15 and workforce development programs;

16 (6) identify potential changes to the program
17 described in subsection (a) that would improve diver-
18 sity of participants in such program; and

19 (7) establish metrics to evaluate success of ac-
20 tivities under this section.

21 (c) REPORT.—Not later than September 30, 2024,
22 the Secretary of Defense shall submit to the congressional
23 defense committees a report that evaluates the success of
24 activities conducted by the Secretary in increasing diver-
25 sity in appropriate programs of the Department of De-

1 fense and hiring and retaining diverse individuals in the
2 science, mathematics, and research workforce of the public
3 sector.

4 **SEC. 251. COORDINATION OF SCHOLARSHIP AND EMPLOY-**
5 **MENT PROGRAMS OF THE DEPARTMENT OF**
6 **DEFENSE.**

7 (a) ESTABLISHMENT OR DESIGNATION OF ORGANI-
8 ZATION.—The Secretary of Defense shall establish or des-
9 ignate an organization within the Department of Defense
10 which shall have primary responsibility for building cohe-
11 sion and collaboration across the various scholarship and
12 employment programs of the Department.

13 (b) DUTIES.—The organization established or des-
14 ignated under subsection (a) shall have the following du-
15 ties:

16 (1) To establish an interconnected network and
17 database across the scholarship and employment
18 programs of the Department.

19 (2) To aid in matching scholarships to individ-
20 uals pursuing courses of study in high demand skill
21 areas.

22 (3) To build a network of current and former
23 program participants for potential engagement or
24 employment with Department activities.

1 (c) ANNUAL LISTING.—On an annual basis, the orga-
2 nization established or designated under subsection (a)
3 shall publish, on a publicly accessible website of the De-
4 partment, a listing of scholarship and employment pro-
5 grams carried out by the Department.

6 **SEC. 252. STUDY ON MECHANISMS FOR ATTRACTING AND**
7 **RETAINING HIGH QUALITY TALENT IN THE**
8 **DEPARTMENT OF DEFENSE.**

9 (a) STUDY REQUIRED.—The Secretary of Defense
10 shall enter into an agreement with an independent aca-
11 demic institution to conduct a study to develop policy op-
12 tions and recommendations for the establishment of a pro-
13 gram to attract and retain covered individuals for employ-
14 ment in the Department of Defense.

15 (b) ELEMENTS.—The study required under sub-
16 section (a) shall include the following:

17 (1) An analysis of mechanisms the Department
18 may use to engage public and private sector organi-
19 zations to assist in the identification and recruit-
20 ment of covered individuals for employment in the
21 Department of Defense.

22 (2) Identification of statutory, regulatory, and
23 organizational barriers to the development of the
24 program described in subsection (a).

1 (3) An analysis of monetary and nonmonetary
2 incentives that may be provided to retain covered in-
3 dividuals in positions in the Department.

4 (4) An analysis of methods that may be imple-
5 mented to ensure appropriate vetting of covered in-
6 dividuals.

7 (5) An analysis of the size of a program re-
8 quired to advance the competitiveness of the re-
9 search, development, test, and evaluation efforts of
10 the Department in the critical technologies identified
11 in the National Defense Strategy.

12 (6) The type and amount of resources required
13 to implement the program described in subsection
14 (a).

15 (c) REPORTS.—

16 (1) INITIAL REPORT.—Not later than February
17 1, 2021, the Secretary shall submit to the congres-
18 sional defense committees a report on the plan of
19 the Secretary to execute the study required under
20 subsection (a).

21 (2) FINAL REPORT.—Not later than February
22 1, 2022, the Secretary shall submit to the congres-
23 sional defense committees a report on the results of
24 the study conducted under subsection (a).

1 (d) COVERED INDIVIDUAL DEFINED.—In this sec-
2 tion, the term “covered individual” means an individual
3 who—

4 (1) is engaged in work to promote and protect
5 the national security of the United States;

6 (2) is engaged in basic or applied research,
7 funded by the Department of Defense; and

8 (3) possesses scientific or technical expertise
9 that will advance the development of critical tech-
10 nologies identified in the National Defense Strategy
11 or the National Defense Science and Technology
12 Strategy, required by section 218 of the John S.
13 McCain National Defense Authorization Act for Fis-
14 cal Year 2019 (Public Law 115–232; 132 Stat.
15 1679).

16 **Subtitle E—Sustainable Chemistry**

17 **SEC. 261. NATIONAL COORDINATING ENTITY FOR SUSTAIN-** 18 **ABLE CHEMISTRY.**

19 (a) ESTABLISHMENT.—Not later than 180 days after
20 the date of enactment of this title, the Director of the Of-
21 fice of Science and Technology Policy shall convene an
22 interagency entity (referred to in this subtitle as the “En-
23 tity”) under the National Science and Technology Council
24 with the responsibility to coordinate Federal programs and

1 activities in support of sustainable chemistry, including
2 those described in sections 263 and 264.

3 (b) COORDINATION WITH EXISTING GROUPS.—In
4 convening the Entity, the Director of the Office of Science
5 and Technology Policy shall consider overlap and possible
6 coordination with existing committees, subcommittees, or
7 other groups of the National Science and Technology
8 Council, such as—

- 9 (1) the Committee on Environment;
10 (2) the Committee on Technology;
11 (3) the Committee on Science; or
12 (4) related groups or subcommittees.

13 (c) CO-CHAIRS.—The Entity shall be co-chaired by
14 the Director of the Office of Science and Technology Pol-
15 icy and a representative from the Environmental Protec-
16 tion Agency, the National Institute of Standards and
17 Technology, the National Science Foundation, or the De-
18 partment of Energy, as selected by the Director of the
19 Office of Science and Technology Policy.

20 (d) AGENCY PARTICIPATION.—The Entity shall in-
21 clude representatives, including subject matter experts,
22 from the Environmental Protection Agency, the National
23 Institute of Standards and Technology, the National
24 Science Foundation, the Department of Energy, the De-
25 partment of Agriculture, the Department of Defense, the

1 National Institutes of Health, the Centers for Disease
2 Control and Prevention, the Food and Drug Administra-
3 tion, and other related Federal agencies, as appropriate.

4 (e) TERMINATION.—The Entity shall terminate on
5 the date that is 10 years after the date of the enactment
6 of this Act.

7 **SEC. 262. STRATEGIC PLAN FOR SUSTAINABLE CHEMISTRY.**

8 (a) STRATEGIC PLAN.—Not later than 2 years after
9 the date of the enactment of this subtitle, the Entity
10 shall—

11 (1) consult with relevant stakeholders, including
12 representatives from industry, academia, national
13 labs, the Federal Government, and international en-
14 tities, to develop and update, as needed, a consensus
15 definition of “sustainable chemistry” to guide the
16 activities under this subtitle;

17 (2) develop a working framework of attributes
18 characterizing, and metrics for assessing, sustainable
19 chemistry, as described in subsection (b);

20 (3) assess the state of sustainable chemistry in
21 the United States as a key benchmark from which
22 progress under the activities described in this title
23 can be measured, including assessing key sectors of
24 the United States economy, key technology plat-

1 forms, commercial priorities, and barriers to innova-
2 tion;

3 (4) coordinate and support Federal research,
4 development, demonstration, technology transfer,
5 commercialization, education, and training efforts in
6 sustainable chemistry, including budget coordination
7 and support for public-private partnerships, as ap-
8 propriate;

9 (5) identify any Federal regulatory barriers to,
10 and opportunities for, Federal agencies facilitating
11 the development of incentives for development, con-
12 sideration, and use of sustainable chemistry proc-
13 esses and products;

14 (6) identify major scientific challenges, road-
15 blocks, and hurdles to transformational progress in
16 improving the sustainability of the chemical sciences;
17 and

18 (7) review, identify, and make effort to elimi-
19 nate duplicative Federal funding and duplicative
20 Federal research in sustainable chemistry.

21 (b) CHARACTERIZING AND ASSESSING SUSTAINABLE
22 CHEMISTRY.—The Entity shall develop a working frame-
23 work of attributes characterizing, and metrics for assess-
24 ing, sustainable chemistry for the purposes of carrying out

1 this subtitle. In developing this framework, the Entity
2 shall—

3 (1) seek advice and input from stakeholders as
4 described in subsection (c);

5 (2) consider existing definitions of, or frame-
6 works characterizing and metrics for assessing, sus-
7 tainable chemistry already in use at Federal agen-
8 cies;

9 (3) consider existing definitions of, or frame-
10 works characterizing and metrics for assessing, sus-
11 tainable chemistry already in use by international
12 organizations of which the United States is a mem-
13 ber, such as the Organisation for Economic Co-oper-
14 ation and Development; and

15 (4) consider any other appropriate existing defi-
16 nitions of, or frameworks characterizing and metrics
17 for assessing, sustainable chemistry.

18 (c) CONSULTATION.—In carrying out the duties de-
19 scribed in subsections (a) and (b), the Entity shall consult
20 with stakeholders qualified to provide advice and informa-
21 tion to guide Federal activities related to sustainable
22 chemistry through workshops, requests for information, or
23 other mechanisms as necessary. The stakeholders shall in-
24 clude representatives from—

1 (1) business and industry, including trade asso-
2 ciations and small- and medium-sized enterprises
3 from across the value chain;

4 (2) the scientific community, including the Na-
5 tional Academies of Sciences, Engineering, and Med-
6 icine, scientific professional societies, national labs,
7 and academia;

8 (3) the defense community;

9 (4) State, tribal, and local governments, includ-
10 ing nonregulatory State or regional sustainable
11 chemistry programs, as appropriate;

12 (5) nongovernmental organizations; and

13 (6) other appropriate organizations.

14 (d) REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of the enactment of this Act, the Entity
17 shall submit a report to the Committee on Environ-
18 ment and Public Works, the Committee on Com-
19 merce, Science, and Transportation, the Committee
20 on Agriculture, Nutrition, and Forestry, the Com-
21 mittee on Health, Education, Labor, and Pensions,
22 and the Committee on Appropriations of the Senate,
23 and the Committee on Science, Space, and Tech-
24 nology, the Committee on Energy and Commerce,
25 the Committee on Agriculture, the Committee on

1 Education and Labor, and the Committee on Appro-
2 priations of the House of Representatives. In addi-
3 tion to the elements described in subsections (a) and
4 (b), the report shall include—

5 (A) a summary of federally funded sustain-
6 able chemistry research, development, dem-
7 onstration, technology transfer, commercializa-
8 tion, education, and training activities;

9 (B) a summary of the financial resources
10 allocated to sustainable chemistry initiatives by
11 each participating agency;

12 (C) an assessment of the current state of
13 sustainable chemistry in the United States, in-
14 cluding the role that Federal agencies are play-
15 ing in supporting it;

16 (D) an analysis of the progress made to-
17 ward achieving the goals and priorities of this
18 subtitle, and recommendations for future pro-
19 gram activities;

20 (E) an evaluation of steps taken and fu-
21 ture strategies to avoid duplication of efforts,
22 streamline interagency coordination, facilitate
23 information sharing, and spread best practices
24 among participating agencies; and

1 (F) an evaluation of duplicative Federal
2 funding and duplicative Federal research in
3 sustainable chemistry, efforts undertaken by the
4 Entity to eliminate duplicative funding and re-
5 search, and recommendations on how to achieve
6 these goals.

7 (2) SUBMISSION TO GAO.—The Entity shall
8 also submit the report described in paragraph (1) to
9 the Comptroller General of the United States for
10 consideration in future Congressional inquiries.

11 (3) ADDITIONAL REPORTS.—The Entity shall
12 submit a report to Congress and the Comptroller
13 General of the United States that incorporates the
14 information described in subparagraphs (A), (B),
15 (D), (E), and (F) of paragraph (1) every 3 years,
16 commencing after the initial report is submitted
17 until the Entity terminates.

18 **SEC. 263. AGENCY ACTIVITIES IN SUPPORT OF SUSTAIN-**
19 **ABLE CHEMISTRY.**

20 (a) IN GENERAL.—The agencies participating in the
21 Entity shall carry out activities in support of sustainable
22 chemistry, as appropriate to the specific mission and pro-
23 grams of each agency.

24 (b) ACTIVITIES.—The activities described in sub-
25 section (a) shall—

1 (1) incorporate sustainable chemistry into exist-
2 ing research, development, demonstration, tech-
3 nology transfer, commercialization, education, and
4 training programs, that the agency determines to be
5 relevant, including consideration of—

6 (A) merit-based competitive grants to indi-
7 vidual investigators and teams of investigators,
8 including, to the extent practicable, early career
9 investigators, for research and development;

10 (B) grants to fund collaborative research
11 and development partnerships among univer-
12 sities, industry, and nonprofit organizations;

13 (C) coordination of sustainable chemistry
14 research, development, demonstration, and tech-
15 nology transfer conducted at Federal labora-
16 tories and agencies;

17 (D) incentive prize competitions and chal-
18 lenges in coordination with such existing Fed-
19 eral agency programs; and

20 (E) grants, loans, and loan guarantees to
21 aid in the technology transfer and commer-
22 cialization of sustainable chemicals, materials,
23 processes, and products;

24 (2) collect and disseminate information on sus-
25 tainable chemistry research, development, technology

1 transfer, and commercialization, including informa-
2 tion on accomplishments and best practices;

3 (3) expand the education and training of stu-
4 dents at appropriate levels of education, professional
5 scientists and engineers, and other professionals in-
6 volved in all aspects of sustainable chemistry and en-
7 gineering appropriate to that level of education and
8 training, including through—

9 (A) partnerships with industry as de-
10 scribed in section 264;

11 (B) support for the integration of sustain-
12 able chemistry principles into chemistry and
13 chemical engineering curriculum and research
14 training, as appropriate to that level of edu-
15 cation and training; and

16 (C) support for integration of sustainable
17 chemistry principles into existing or new profes-
18 sional development opportunities for profes-
19 sionals including teachers, faculty, and individ-
20 uals involved in laboratory research (product
21 development, materials specification and test-
22 ing, life cycle analysis, and management);

23 (4) as relevant to an agency's programs, exam-
24 ine methods by which the Federal agencies, in col-
25 laboration and consultation with the National Insti-

1 tute of Standards and Technology, may facilitate the
2 development or recognition of validated, standard-
3 ized tools for performing sustainability assessments
4 of chemistry processes or products;

5 (5) through programs identified by an agency,
6 support, including through technical assistance, par-
7 ticipation, financial support, communications tools,
8 awards, or other forms of support, outreach and dis-
9 semination of sustainable chemistry advances such
10 as non-Federal symposia, forums, conferences, and
11 publications in collaboration with, as appropriate, in-
12 dustry, academia, scientific and professional soci-
13 eties, and other relevant groups;

14 (6) provide for public input and outreach to be
15 integrated into the activities described in this section
16 by the convening of public discussions, through
17 mechanisms such as public meetings, consensus con-
18 ferences, and educational events, as appropriate;

19 (7) within each agency, develop or adapt
20 metrics to track the outputs and outcomes of the
21 programs supported by that agency; and

22 (8) incentivize or recognize actions that advance
23 sustainable chemistry products, processes, or initia-
24 tives, including through the establishment of a na-
25 tionally recognized awards program through the En-

1 vironmental Protection Agency to identify, publicize,
2 and celebrate innovations in sustainable chemistry
3 and chemical technologies.

4 (c) LIMITATIONS .—Financial support provided
5 under this section shall—

6 (1) be available only for pre-competitive activi-
7 ties; and

8 (2) not be used to promote the sale of a specific
9 product, process, or technology, or to disparage a
10 specific product, process, or technology.

11 **SEC. 264. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.**

12 (a) IN GENERAL.—The agencies participating in the
13 Entity may facilitate and support, through financial, tech-
14 nical, or other assistance, the creation of partnerships be-
15 tween institutions of higher education, nongovernmental
16 organizations, consortia, or companies across the value
17 chain in the chemical industry, including small- and me-
18 dium-sized enterprises, to—

19 (1) create collaborative sustainable chemistry
20 research, development, demonstration, technology
21 transfer, and commercialization programs; and

22 (2) train students and retrain professional sci-
23 entists, engineers, and others involved in materials
24 specification on the use of sustainable chemistry con-
25 cepts and strategies by methods, including—

1 (A) developing or recognizing curricular
2 materials and courses for undergraduate and
3 graduate levels and for the professional develop-
4 ment of scientists, engineers, and others in-
5 volved in materials specification; and

6 (B) publicizing the availability of profes-
7 sional development courses in sustainable chem-
8 istry and recruiting professionals to pursue
9 such courses.

10 (b) PRIVATE SECTOR PARTICIPATION.—To be eligi-
11 ble for support under this section, a partnership in sus-
12 tainable chemistry shall include at least one private sector
13 organization.

14 (c) SELECTION OF PARTNERSHIPS.—In selecting
15 partnerships for support under this section, the agencies
16 participating in the Entity shall also consider the extent
17 to which the applicants are willing and able to dem-
18 onstrate evidence of support for, and commitment to, the
19 goals outlined in the strategic plan and report described
20 in section 262.

21 (d) PROHIBITED USE OF FUNDS.—Financial support
22 provided under this section may not be used—

23 (1) to support or expand a regulatory chemical
24 management program at an implementing agency
25 under a State law;

1 (2) to construct or renovate a building or struc-
2 ture; or

3 (3) to promote the sale of a specific product,
4 process, or technology, or to disparage a specific
5 product, process, or technology.

6 **SEC. 265. PRIORITIZATION.**

7 In carrying out this subtitle, the Entity shall focus
8 its support for sustainable chemistry activities on those
9 that achieve, to the highest extent practicable, the goals
10 outlined in the subtitle.

11 **SEC. 266. RULE OF CONSTRUCTION.**

12 Nothing in this subtitle shall be construed to alter
13 or amend any State law or action with regard to sustain-
14 able chemistry, as defined by the State.

15 **SEC. 267. MAJOR MULTI-USER RESEARCH FACILITY**
16 **PROJECT.**

17 Section 110 of the American Innovation and Com-
18 petitiveness Act (42 U.S.C. 1862s–2) is amended by strik-
19 ing (g)(2) and inserting the following:

20 “(2) MAJOR MULTI-USER RESEARCH FACILITY
21 PROJECT.—The term ‘major multi-user research fa-
22 cility project’ means a science and engineering facil-
23 ity project that exceeds \$100,000,000 in total con-
24 struction, acquisition, or upgrade costs to the Foun-
25 dation.”.

1 **Subtitle F—Plans, Reports, and**
2 **Other Matters**

3 **SEC. 271. MODIFICATION TO ANNUAL REPORT OF THE DI-**
4 **RECTOR OF OPERATIONAL TEST AND EVAL-**
5 **UATION.**

6 Section 139(h)(2) of title 10, United States Code, is
7 amended—

8 (1) by striking “Engineering,,” and inserting
9 “Engineering,”; and

10 (2) by striking “, through January 31, 2025”
11 and inserting “, through January 31, 2026”.

12 **SEC. 272. MODIFICATION TO TEST RESOURCE MANAGE-**
13 **MENT CENTER STRATEGIC PLAN REPORTING**
14 **CYCLE AND CONTENTS.**

15 (a) QUADRENNIAL STRATEGIC PLAN.—Section 196
16 of title 10, United States Code, is amended—

17 (1) in subsections (e)(1)(C) and (e)(2)(B), by
18 inserting “quadrennial” before “strategic plan”; and

19 (2) in subsection (d)—

20 (A) in the heading, by inserting “QUAD-

21 RENNIAL” before “STRATEGIC PLAN”; and

22 (B) by inserting “quadrennial” before
23 “strategic plan” each place it occurs.

24 (b) TIMING AND COVERAGE OF PLAN.—Subsection
25 (d)(1) of such section, as amended by subsection (a)(2),

1 is further amended, in the first sentence, by striking “two
2 fiscal years” and inserting “four fiscal years, and within
3 one year after release of the National Defense Strategy,”.

4 (c) AMENDMENT TO CONTENTS OF PLAN.—Sub-
5 section (d)(2)(C) of such section is amended by striking
6 “based on current” and all that follows through the end
7 and inserting “for test and evaluation of the Department
8 of Defense major weapon systems based on current and
9 emerging threats.”.

10 (d) ANNUAL UPDATE TO PLAN.—Subsection (d) of
11 such section is amended by adding at the end the following
12 new paragraph:

13 “(5)(A) In addition to the quadrennial strategic plan
14 completed under paragraph (1), the Director of the De-
15 partment of Defense Test Resource Management Center
16 shall also complete an annual update to the quadrennial
17 strategic plan.

18 “(B) Each annual update completed under subpara-
19 graph (A) shall include the following:

20 “(i) A summary of changes to the assessment
21 provided in the most recent quadrennial strategic
22 plan.

23 “(ii) Comments and recommendations the Di-
24 rector considers appropriate.

1 “(iii) Test and evaluation challenges raised
2 since the completion of the most recent quadrennial
3 strategic plan.

4 “(iv) Actions taken or planned to address such
5 challenges.”.

6 (e) TECHNICAL CORRECTION.—Subsection (d)(1) of
7 such, as amended by subsections (a)(2) and (b), is further
8 amended by striking “Test Resources Management Cen-
9 ter” and inserting “Test Resource Management Center”.

10 **SEC. 273. MODIFICATION OF REQUIREMENTS RELATING TO**
11 **ENERGETICS PLAN TO INCLUDE ASSESSMENT**
12 **OF FEASIBILITY AND ADVISABILITY OF ES-**
13 **TABLISHING A PROGRAM OFFICE FOR**
14 **ENERGETICS.**

15 Section 253(a) of the National Defense Authorization
16 Act for Fiscal Year 2020 (133 Stat. 1287; Public Law
17 116–92) is amended—

18 (1) in paragraph (2), by striking “; and” and
19 inserting a semicolon; and

20 (2) in paragraph (3), by striking the period and
21 inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(4) assesses the feasibility and advisability of
25 establishing a program office—

1 “(A) to coordinate energetics research; and
2 “(B) to ensure a robust and sustained
3 energetics material enterprise.”.

4 **SEC. 274. ELEMENT IN ANNUAL REPORTS ON CYBER**
5 **SCIENCE AND TECHNOLOGY ACTIVITIES ON**
6 **WORK WITH ACADEMIC CONSORTIA ON HIGH**
7 **PRIORITY CYBERSECURITY RESEARCH AC-**
8 **TIVITIES IN DEPARTMENT OF DEFENSE CA-**
9 **PABILITIES.**

10 Section 257(b)(2) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
12 Stat. 1291) is amended by adding at end the following
13 new subparagraph:

14 “(J) Efforts to work with academic con-
15 sortia on high priority cybersecurity research
16 activities.”.

17 **SEC. 275. REPEAL OF QUARTERLY UPDATES ON THE OP-**
18 **TIONALLY MANNED FIGHTING VEHICLE PRO-**
19 **GRAM.**

20 Section 261 of the National Defense Authorization
21 Act for Fiscal Year 2020 (Public law 116–92; 133 Stat.
22 1294) is repealed.

1 **SEC. 276. MICROELECTRONICS AND NATIONAL SECURITY.**

2 Section 231 of the National Defense Authorization
3 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
4 2302 note) is amended—

5 (1) in subsection (a)—

6 (A) by inserting “, in collaboration with
7 the Under Secretary of Defense for Acquisition
8 and Sustainment, the Under Secretary for Re-
9 search and Engineering, and the Director of the
10 Defense Advanced Research Projects Agency,”
11 after “shall”; and

12 (B) by striking “September 30, 2019” and
13 inserting “June 1, 2021”;

14 (2) in subsection (b), by adding at the end the
15 following new paragraphs:

16 “(10) An approach to ensuring the continuing
17 production of cutting-edge microelectronics for na-
18 tional security needs, including access to state-of-
19 the-art node sizes through commercial manufac-
20 turing, heterogeneous integration, advantaged sensor
21 manufacturing, boutique chip designs, and variable
22 volume production capabilities.

23 “(11) An assessment of current microelec-
24 tronics supply chain management best practices, in-
25 cluding—

26 “(A) intellectual property controls;

1 “(B) international standards;

2 “(C) guidelines of the National Institute of
3 Standards and Technology;

4 “(D) product traceability and provenance;
5 and

6 “(E) location of design, manufacturing,
7 and packaging facilities.

8 “(12) An assessment of existing risks to the
9 current microelectronics supply chain.

10 “(13) A description of actions that may be car-
11 ried out by the defense industrial base to implement
12 best practices described in paragraph (11) and miti-
13 gate risks described in paragraph (12).

14 “(14) A plan for increasing commercialization
15 of intellectual property developed by the Department
16 of Defense for commercial microelectronics research
17 and development.

18 “(15) An assessment of the feasibility, useful-
19 ness, efficacy, and cost of—

20 “(A) developing a national laboratory ex-
21 clusively focused on the research and develop-
22 ment of microelectronics to serve as a center for
23 Federal Government expertise in high-per-
24 forming, trusted microelectronics and as a hub
25 for Federal Government research into break-

1 through microelectronics-related technologies;
2 and

3 “(B) incorporating into such national lab-
4 oratory a commercial incubator to provide
5 early-stage microelectronics startups, which face
6 difficulties scaling due to the high costs of
7 microelectronics design and fabrication, with ac-
8 cess to funding resources, fabrication facilities,
9 design tools, and shared intellectual property.

10 “(16) The development of multiple models of
11 public-private partnerships to execute the strategy,
12 including in-depth analysis of establishing a semi-
13 conductor manufacturing corporation to leverage pri-
14 vate sector technical, managerial, and investment ex-
15 pertise, and private capital, that would have the au-
16 thority and funds to provide grants or approve in-
17 vestment tax credits, or both, to implement the
18 strategy.

19 “(17) Processes and criteria for competitive se-
20 lection of commercial companies, including compa-
21 nies headquartered in countries that are allies or
22 partners with the United States, to provide design,
23 foundry and assembly, and packaging services and
24 to build and operate the industrial capabilities asso-
25 ciated with such services.

1 “(18) The role that other Federal agencies
2 should play in organizing and supporting the strat-
3 egy, including any required direct or indirect fund-
4 ing support, or legislative and regulatory actions, in-
5 cluding restricting procurement to domestic sources,
6 and providing antitrust and export control relief.

7 “(19) All potential funding sources and mecha-
8 nisms for initial and sustaining investments in
9 microelectronics.

10 “(20) Such other matters as the Secretary of
11 Defense determines to be relevant.”;

12 (3) in subsection (d), by striking “September
13 30, 2019” and inserting “June 1, 2021”;

14 (4) in subsection (e), by striking “September
15 30, 2020” and inserting “June 1, 2021”; and

16 (5) by redesignating subsection (f) as subsection
17 (g);

18 (6) by inserting after subsection (e) the fol-
19 lowing new subsection (f):

20 “(f) SUBMISSION.—Not later than June 1, 2021, the
21 Secretary of Defense shall submit the strategy required
22 in subsection (a), along with any views and recommenda-
23 tions and an estimated budget to implement the strategy,
24 to the President, the National Security Council, and the
25 National Economic Council.”.

1 **SEC. 277. INDEPENDENT EVALUATION OF PERSONAL PRO-**
2 **TECTIVE AND DIAGNOSTIC TESTING EQUIP-**
3 **MENT.**

4 (a) INDEPENDENT EVALUATION REQUIRED.—The
5 Director of Operational Test and Evaluation shall conduct
6 an independent evaluation of whether covered personal
7 protective and diagnostic testing equipment is operation-
8 ally effective and suitable to satisfy the specific needs and
9 required protection of the workforce of the Department
10 of Defense.

11 (b) AVAILABILITY OF INFORMATION.—The Secretary
12 of Defense shall provide the Director of Operational Test
13 and Evaluation with such information as may be necessary
14 for the Director to conduct the evaluations required under
15 subsection (a).

16 (c) REPORT TO CONGRESS.—Not later than 90 days
17 after the completion of each evaluation under subsection
18 (a), the Director of Operational Test and Evaluation shall
19 submit to the congressional defense committees a report
20 on the results of the evaluation.

21 (d) COVERED PERSONAL PROTECTIVE AND DIAG-
22 NOSTIC TESTING EQUIPMENT DEFINED.—In this section,
23 the term “covered personal protective and diagnostic test-
24 ing equipment” means any personal protective equipment
25 or diagnostic testing equipment developed, acquired, or
26 used by the Department of Defense—

1 (1) in response to COVID–19; or

2 (2) as part of any follow-on, long-term acquisi-
3 tion and distribution program for such equipment.

4 **SEC. 278. ASSESSMENT ON UNITED STATES NATIONAL SE-**
5 **CURITY EMERGING BIOTECHNOLOGY EF-**
6 **FORTS AND CAPABILITIES AND COMPARISON**
7 **WITH ADVERSARIES.**

8 (a) ASSESSMENT AND COMPARISON REQUIRED.—

9 (1) IN GENERAL.—The Secretary of Defense,
10 acting through the Under Secretary of Defense for
11 Research and Engineering and the Under Secretary
12 of Defense for Intelligence and Security, shall con-
13 duct an assessment and direct comparison of capa-
14 bilities in emerging biotechnologies for national secu-
15 rity purposes, including applications in material,
16 manufacturing, and health, between the capabilities
17 of the United States and the capabilities of adver-
18 saries of the United States.

19 (2) ELEMENTS.—The assessment and compari-
20 son carried out under paragraph (1) shall include
21 the following:

22 (A) An evaluation of the quantity, quality,
23 and progress of United States fundamental and
24 applied research for emerging biotechnology ini-
25 tiatives for national security purposes.

1 (B) An assessment of the resourcing of
2 United States efforts to harness emerging bio-
3 technology capabilities for national security pur-
4 poses, including the supporting facilities, test
5 infrastructure, and workforce.

6 (C) An intelligence assessment of adver-
7 sary emerging biotechnology capabilities and re-
8 search as well as an assessment of adversary in-
9 tent and willingness to use emerging biotech-
10 nologies for national security purposes.

11 (D) An assessment of the analytic and
12 operational subject matter expertise necessary
13 to assess rapidly-evolving foreign military devel-
14 opments in biotechnology, and the current state
15 of the workforce in the intelligence community.

16 (E) Recommendations to improve and ac-
17 celerate United States capabilities in emerging
18 biotechnologies and the associated intelligence
19 community expertise.

20 (F) Such other matters as the Secretary
21 considers appropriate.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than February 1,
24 2021, the Secretary shall submit to the congres-

1 sional defense committees a report on the assess-
2 ment carried out under subsection (a).

3 (2) FORM.—The report submitted under para-
4 graph (1) shall be submitted in the following for-
5 mats—

6 (A) unclassified form, which may include a
7 classified annex; and

8 (B) publically releasable form, representing
9 appropriate information from the report under
10 subparagraph (A).

11 (c) DEFINITION OF INTELLIGENCE COMMUNITY.—In
12 this section, the term “intelligence community” has the
13 meaning given such term in section 3 of the National Se-
14 curity Act of 1947 (50 U.S.C. 3003).

15 **SEC. 279. ANNUAL REPORTS REGARDING THE SBIR PRO-**
16 **GRAM OF THE DEPARTMENT OF DEFENSE.**

17 (a) REPORTS REQUIRED.—Not later than 90 days
18 after the date of the enactment of this Act, and not later
19 than 120 days after the end of each fiscal years 2021,
20 2022, and 2023, the Secretary of Defense, after consulta-
21 tion with the Secretary of each military department, shall
22 submit to Congress a report that describes the following:

23 (1) The ways in which the Department of De-
24 fense is using incentives under section 9(y)(6)(B) of
25 the Small Business Act (15 U.S.C. 638(y)(6)(B)) to

1 increase the number of Phase II SBIR contracts
2 that lead to technology transition into programs of
3 record or fielded systems.

4 (2) The extent to which the Department has de-
5 veloped simplified and standardized procedures and
6 model contracts throughout the agency for Phase I,
7 Phase II, and Phase III SBIR awards, as required
8 under section 9(hh)(2)(A)(i) of the Small Business
9 Act (15 U.S.C. 638(hh)(2)(A)(i)).

10 (3) The extent to which any incentives de-
11 scribed in this section and implemented by the Sec-
12 retary of Defense have resulted in an increased
13 number of Phase II contracts under the SBIR pro-
14 gram of the Department of Defense leading to tech-
15 nology transition into programs of record or fielded
16 systems.

17 (4) The extent to which Phase I, Phase II, and
18 Phase III projects under the SBIR program of the
19 Department align with the modernization priorities
20 of the Department.

21 (5) Actions taken to ensure that the SBIR pro-
22 gram of the Department aligns with the goals of the
23 program, namely—

24 (A) to stimulate technological innovation;

1 (B) to meet Federal research and develop-
2 ment needs;

3 (C) to foster and encourage participation
4 in innovation and entrepreneurship by women
5 and socially or economically disadvantaged indi-
6 viduals; and

7 (D) to increase private-sector commer-
8 cialization of innovations derived from Federal
9 research and development funding.

10 (6) Any other action taken, and proposed to be
11 taken, to increase the number of Department Phase
12 II SBIR contracts leading to technology transition
13 into programs of record or fielded systems.

14 (b) SBIR DEFINED.—In this section, the term
15 “SBIR” has the meaning given the term in section 9(e)
16 of the Small Business Act (15 U.S.C. 638(e)).

17 **SEC. 280. REPORTS ON F-35 PHYSIOLOGICAL EPISODES**
18 **AND MITIGATION EFFORTS.**

19 (a) STUDY AND REPORT.—

20 (1) IN GENERAL.—The Under Secretary of De-
21 fense for Acquisition and Sustainment shall conduct
22 a study to determine the underlying causes of phys-
23 iological episodes affecting crewmembers of F-35
24 aircraft.

1 (2) ELEMENTS.—The study under subsection

2 (a) shall include—

3 (A) an examination of each physiological
4 episode reported by a crewmember of an F-35
5 aircraft as of the date of the enactment of this
6 Act;

7 (B) a determination as to the underlying
8 cause of the episode; and

9 (C) an examination of—

10 (i) any long-term effects, including po-
11 tential long-term effects, of the episode;
12 and

13 (ii) any additional care an affected
14 crewmember may need.

15 (3) REPORT.—Not later than 180 days after
16 the date of the enactment of this Act, the Under
17 Secretary of Defense for Acquisition and
18 Sustainment shall submit to the congressional de-
19 fense committees a report that includes—

20 (A) the results the study conducted under
21 subsection (a), including a description of each
22 physiological episode examined under the study
23 and an explanation of the underlying cause of
24 the episode;

1 (B) a description of any actions that may
2 be taken to address the underlying causes of
3 such episodes, including any resources that may
4 be required to carry out such actions; and
5 (C) any other findings and recommenda-
6 tions of the study.

7 (b) ANNUAL REPORTS ON MITIGATION EFFORTS.—
8 The Secretary of Defense, in consultation with the Under
9 Secretary of Defense for Acquisition and Sustainment,
10 shall include with the annual report required by section
11 224(d) of the National Defense Authorization Act for Fis-
12 cal Year 2017 (Public Law 114–328; 130 Stat. 2059), a
13 detailed description of—

14 (1) the efforts of the Department of Defense to
15 address physiological episodes affecting crew-
16 members of F–35 aircraft; and
17 (2) the funding allocated for such efforts.

18 **SEC. 281. REVIEW AND REPORT ON NEXT GENERATION AIR**
19 **DOMINANCE CAPABILITIES.**

20 (a) REVIEWS.—

21 (1) IN GENERAL.—The Director of Cost Assess-
22 ment and Program Evaluation shall conduct—

23 (A) a non-advocate review of the next gen-
24 eration air dominance initiative of the Air
25 Force;

1 (B) a non-advocate review of the next gen-
2 eration air dominance initiative of the Navy;
3 and

4 (C) a non-advocate review of the business
5 case analysis developed by the Assistant Sec-
6 retary of the Air Force for Acquisition, Tech-
7 nology, and Logistics regarding the Digital
8 Century Series Aircraft acquisition strategy of
9 the Air Force.

10 (2) ELEMENTS.—(A) The reviews under para-
11 graphs (1)(A) and (1)(B) shall include an assess-
12 ment of—

13 (i) all risks associated with cost, schedule,
14 development, integration, production, fielding,
15 and sustainment of next generation air domi-
16 nance capabilities;

17 (ii) the technological maturity of signifi-
18 cant hardware and software efforts planned or
19 carried out as part of the development of such
20 capabilities; and

21 (iii) affordability goals that the Air Force
22 and the Navy (as the case may be) will be re-
23 quired to achieve during development, produc-
24 tion, and sustainment activities for such capa-
25 bilities that will not jeopardize or otherwise be

1 detrimental to other high-priority future capa-
2 bilities being developed and procured to support
3 and execute other primary core competencies
4 and missions.

5 (B) The review under paragraph (1)(C) shall
6 include an assessment of—

7 (i) methods, objectives, risks, ground rules,
8 and assumptions;

9 (ii) validity, accuracy, and deficiencies in
10 knowledge and data used in support of the
11 analysis;

12 (iii) financial and nonfinancial business
13 benefits and impacts;

14 (iv) likelihood of risks to materialize; and

15 (v) conclusions, recommendations, and any
16 other information the Director believes to be
17 relevant to the review.

18 (b) REPORTS.—The Director of Cost Assessment and
19 Program Evaluation shall submit to the congressional de-
20 fense committees—

21 (1) a report on the results of the review con-
22 ducted under subsection (a)(1)(A) with respect to
23 the Air Force;

1 (2) a report on the results of the review con-
2 ducted under subsection (a)(1)(B) with respect to
3 the Navy; and

4 (3) a report on the results of the review con-
5 ducted under subsection (a)(1)(C).

6 **SEC. 282. PLAN FOR OPERATIONAL TEST AND UTILITY**
7 **EVALUATION OF SYSTEMS FOR LOW-COST AT-**
8 **TRIBUTABLE AIRCRAFT TECHNOLOGY PRO-**
9 **GRAM.**

10 Not later than March 1, 2021, the Assistant Sec-
11 retary of the Air Force for Acquisition, Technology, and
12 Logistics shall—

13 (1) submit to the congressional defense commit-
14 tees an executable plan for the operational test and
15 utility evaluation of systems for the Low-Cost At-
16 tributable Aircraft Technology (LCAAT) program of
17 the Air Force; and

18 (2) provide to the congressional defense com-
19 mittees a briefing on the plan so submitted.

20 **SEC. 283. INDEPENDENT COMPARATIVE ANALYSIS OF EF-**
21 **FORTS BY CHINA AND THE UNITED STATES**
22 **TO RECRUIT AND RETAIN RESEARCHERS IN**
23 **NATIONAL SECURITY-RELATED AND DE-**
24 **FENSE-RELATED FIELDS.**

25 (a) AGREEMENT.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall seek to enter into an agreement with the Na-
3 tional Academies of Sciences, Engineering, and Med-
4 icine for the National Academies of Sciences, Engi-
5 neering, and Medicine to perform the services cov-
6 ered by this section.

7 (2) TIMING.—The Secretary shall seek to enter
8 into the agreement described in paragraph (1) not
9 later than 60 days after the date of the enactment
10 of this Act.

11 (b) REVIEW.—

12 (1) IN GENERAL.—Under an agreement be-
13 tween the Secretary and the National Academies of
14 Sciences, Engineering, and Medicine under this sec-
15 tion, the National Academies of Sciences, Engineer-
16 ing, and Medicine shall carry out a comparative
17 analysis of efforts by China and the United States
18 Government to recruit and retain domestic and for-
19 eign researchers and develop recommendations for
20 the Secretary of Defense and the heads of other
21 Federal agencies as appropriate.

22 (2) ELEMENTS.—The comparative analysis car-
23 ried out under paragraph (1) and the recommenda-
24 tions developed under such paragraph shall include
25 the following:

1 (A) A list of the “talent programs” used
2 by China and a list of the incentive programs
3 used by the United States to recruit and retain
4 researchers in fields relating to national secu-
5 rity or defense research.

6 (B) The types of researchers, scientists,
7 other technical experts, and fields targeted by
8 each talent program listed under subparagraph
9 (A).

10 (C) The number of researchers in aca-
11 demia, the Department of Defense Science and
12 Technology Reinvention Laboratories, and na-
13 tional security science and engineering pro-
14 grams of the National Nuclear Security Admin-
15 istration targeted by the talent programs listed
16 under subparagraph (A).

17 (D) The number of personnel currently
18 participating in the talent programs listed
19 under subparagraph (A) and the number of re-
20 searchers currently participating in the incen-
21 tive programs listed under such subparagraph.

22 (E) The incentives offered by each of the
23 talent programs listed under subparagraph (A)
24 and a description of the incentives offered
25 through incentive programs under such sub-

1 paragraph to recruit and retain researchers, sci-
2 entists, and other technical experts.

3 (F) A characterization of the national se-
4 curity, economic, and scientific benefits China
5 gains through the talent programs listed under
6 subparagraph (A) and a description of similar
7 gains accrued to the United States through in-
8 centive programs listed under such subpara-
9 graph.

10 (G) An assessment of the risks to national
11 security and benefits to the United States of
12 scientific research cooperation between the
13 United States and China, such as that which is
14 performed under the agreement between the
15 United States and the People's Republic of
16 China known as the "Agreement between the
17 Government of the United States of America
18 and the Government of the People's Republic of
19 China on Cooperation in Science and Tech-
20 nology", signed in Washington on January 31,
21 1979, successor agreements, and similar agree-
22 ments, administered by the Secretary of State
23 and the heads of other Federal agencies.

24 (H) A list of findings and recommenda-
25 tions relating to policies that can be imple-

1 mented by the United States, especially the De-
2 partment of Defense and other appropriate
3 Federal agencies, to improve the relative effec-
4 tiveness of United States activities to recruit
5 and retain researchers, scientists, and other
6 technical experts relative to China.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the execution of an agreement
10 under subsection (a), the National Academies of
11 Sciences, Engineering, and Medicine shall—

12 (A) submit to the congressional defense
13 committees a report on the findings National
14 Academies of Sciences, Engineering, and Medi-
15 cine with respect to the review carried out
16 under this section and the recommendations de-
17 veloped under this section; and

18 (B) make available to the public on a pub-
19 licly accessible website a version of report that
20 is suitable for public viewing.

21 (2) FORM.—The report submitted under para-
22 graph (1)(A) shall be submitted in unclassified form,
23 but may include a classified annex.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.

Sec. 312. Readiness and Environmental Protection Integration Program.

Sec. 313. Extension of real-time sound monitoring at Navy installations where tactical fighter aircraft operate.

Sec. 314. Modification of authority for environmental restoration projects of National Guard.

Sec. 315. Modification of authority to carry out military installation resilience projects.

Sec. 316. Energy resilience and energy security measures on military installations.

Sec. 317. Modification to availability of energy cost savings for Department of Defense.

Sec. 318. Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations.

Sec. 319. Native American lands environmental mitigation program.

Sec. 320. Study on alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on personnel, activities, and installations of Department of Defense.

Sec. 321. Pilot program on alternative fuel vehicle purchasing.

Sec. 322. Budgeting of Department of Defense relating to operational energy improvement.

Sec. 323. Assessment of Department of Defense operational energy usage.

Sec. 324. Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense.

Sec. 325. Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility.

Sec. 326. Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center.

Sec. 327. Requirement to update Department of Defense adaptation roadmap.

Sec. 328. Department of Defense report on greenhouse gas emissions levels.

Sec. 329. Objectives, performance standards, and criteria for use of wildlife conservation banking programs.

Sec. 330. Prizes for development of non-PFAS-containing fire-fighting agent.

Sec. 331. Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam.

Sec. 332. Interagency body on research related to per- and polyfluoroalkyl substances.

Sec. 333. Restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid.

Sec. 334. Research and development of alternative to aqueous film-forming foam.

Sec. 335. Notification to agricultural operations located in areas exposed to Department of Defense PFAS use.

- Sec. 336. Reporting on energy savings performance contracts.
- Sec. 337. Increase in funding for Centers for Disease Control Study on health implications of per- and polyfluoroalkyl substances contamination in drinking water.
- Sec. 338. Guaranteeing Equipment Safety for Firefighters Act of 2020.
- Sec. 339. Assessment of Department of Defense excess property programs with respect to need and wildfire risk.

Subtitle C—Logistics and Sustainment

- Sec. 341. National Defense Sustainment and Logistics Review.
- Sec. 342. Repeal of sunset for minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet.
- Sec. 343. Additional elements for inclusion in Navy ship depot maintenance budget report.
- Sec. 344. Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels.
- Sec. 345. Independent advisory panel on weapon system sustainment.
- Sec. 346. Biannual briefings on status of Shipyard Infrastructure Optimization Plan.
- Sec. 347. Materiel readiness metrics and objectives for major weapon systems.
- Sec. 348. Repeal of statutory requirement for notification to Director of Defense Logistics Agency three years prior to implementing changes to any uniform or uniform component.

Subtitle D—Munitions Safety and Oversight

- Sec. 351. Chair of Department of Defense explosive safety board.
- Sec. 352. Explosive Ordnance Disposal Defense Program.
- Sec. 353. Assessment of resilience of Department of Defense munitions enterprise.
- Sec. 354. Report on safety waivers and mishaps in Department of Defense munitions enterprise.

Subtitle E—Other Matters

- Sec. 361. Pilot program for temporary issuance of maternity-related uniform items.
- Sec. 362. Servicewomen's Commemorative Partnerships.
- Sec. 363. Biodefense analysis and budget submission.
- Sec. 364. Update of National Biodefense Implementation Plan.
- Sec. 365. Plans and reports on emergency response training for military installations.
- Sec. 366. Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations.
- Sec. 367. Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work.
- Sec. 368. Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense.
- Sec. 369. Clarification of food ingredient requirements for food or beverages provided by the Department of Defense.

Sec. 370. Commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MILITARY AVIATION AND INSTALLATION ASSUR- ANCE CLEARINGHOUSE FOR REVIEW OF MIS- SION OBSTRUCTIONS.

Section 183a(c) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “If the Clearinghouse” and inserting “(A) If the Clearinghouse”; and

(B) by adding at the end the following new subparagraph:

“(B) After the Clearinghouse issues a notice under subparagraph (A) with respect to an energy

1 project, the parties should seek to identify feasible
2 and affordable actions that can be taken by the De-
3 partment, the developer of such energy project, or
4 others to mitigate any adverse impact on military
5 operations and readiness.”;

6 (2) by redesignating paragraphs (4) through
7 (6) as paragraphs (5) through (7), respectively;

8 (3) by inserting after paragraph (3) the fol-
9 lowing new paragraph (4):

10 “(4) If, after issuing the notices of presumed risk re-
11 quired by paragraphs (2) and (3), the Secretary of De-
12 fense later concludes for any reason that the energy
13 project will not have an adverse impact on military readi-
14 ness, the Clearinghouse shall notify the applicant and the
15 governor in writing of that conclusion.”; and

16 (4) in paragraph (7), as so redesignated, by
17 striking “Any setback for a project pursuant to the
18 previous sentence shall not be more than what is de-
19 termined to be necessary by a technical analysis con-
20 ducted by the Lincoln Laboratory at the Massachu-
21 setts Institute of Technology or any successor enti-
22 ty.”.

1 **SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION**
2 **INTEGRATION PROGRAM.**

3 (a) USE OF FUNDS.—Section 2684a(i) of title 10,
4 United States Code, is amended by adding at the end the
5 following new paragraph:

6 “(3) Funds obligated to carry out an agreement
7 under this section shall be available for use with regard
8 to any property in the geographic scope specified in the
9 agreement—

10 “(A) at the time the funds are obligated; and

11 “(B) in any subsequent modification to the
12 agreement.”.

13 (b) CLARIFICATION OF REFERENCES TO ELIGIBLE
14 ENTITIES.—

15 (1) DEFINITION.—Subsection (b) of section
16 2684a of title 10, United States Code, is amended,
17 in the matter preceding paragraph (1), by striking
18 “An agreement under this section may be entered
19 into with” and inserting “For purposes of this sec-
20 tion, an eligible entity is”.

21 (2) ACQUISITION OF PROPERTY AND INTER-
22 ESTS.—Subsection (d)(1) of such section is amended
23 by striking “the entity or entities” each place it ap-
24 pears and inserting “an eligible entity or entities”.

25 (3) RETROACTIVE APPLICATION.—The amend-
26 ments made by paragraphs (1) and (2) shall apply

1 to any agreement entered into under section 2684a
2 of title 10, United States Code, on or after Decem-
3 ber 2, 2002.

4 (c) FACILITATING AGREEMENTS WITH OTHER FED-
5 ERAL AGENCIES TO LIMIT ENCROACHMENTS.—Section
6 2684a(d)(5) of title 10, United States Code, is amended—

7 (1) in the second sentence of subparagraph (A),
8 by inserting “or another Federal agency” after “to
9 a State” both places it appears; and

10 (2) by striking subparagraph (B) and inserting
11 the following:

12 “(B) Notwithstanding subparagraph (A), if all or a
13 portion of the property or interest acquired under the
14 agreement is initially or subsequently transferred to a
15 State or another Federal agency, before that State or
16 other Federal agency may declare the property or interest
17 in excess to its needs or propose to exchange the property
18 or interest, the State or other Federal agency shall give
19 the Secretary concerned reasonable advance notice of its
20 intent. If the Secretary concerned determines it necessary
21 to preserve the purposes of this section, the Secretary con-
22 cerned may request that administrative jurisdiction over
23 the property be transferred to the Secretary concerned at
24 no cost, and, upon such a request being made, the admin-
25 istrative jurisdiction over the property shall be transferred

1 accordingly. If the Secretary concerned does not make
2 such a request within a reasonable time period, all such
3 rights of the Secretary concerned to request transfer of
4 the property or interest shall remain available to the Sec-
5 retary concerned with respect to future transfers or ex-
6 changes of the property or interest and shall bind all sub-
7 sequent transferees.”.

8 **SEC. 313. EXTENSION OF REAL-TIME SOUND MONITORING**
9 **AT NAVY INSTALLATIONS WHERE TACTICAL**
10 **FIGHTER AIRCRAFT OPERATE.**

11 Section 325(a)(1) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2020 (Public Law 116–92) is
13 amended by striking “a 12-month period” and inserting
14 “two 12-month periods, including one such period that be-
15 gins in fiscal year 2021”.

16 **SEC. 314. MODIFICATION OF AUTHORITY FOR ENVIRON-**
17 **MENTAL RESTORATION PROJECTS OF NA-**
18 **TIONAL GUARD.**

19 (a) IN GENERAL.—Section 2707(e) of title 10,
20 United States Code, is amended—

21 (1) by striking “Notwithstanding” and insert-
22 ing “(1) Notwithstanding”;

23 (2) by inserting “where military activities are
24 conducted by the National Guard of a State under
25 title 32” after “facility”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(2) The Secretary concerned may use the authority
4 under section 2701(d) of this title to carry out environ-
5 mental restoration projects under paragraph (1).”.

6 (b) CORRECTION OF DEFINITION OF FACILITY.—
7 Paragraph (1) of section 2700 of such title is amended—

8 (1) in subparagraph (A), by striking “(A) The
9 terms” and inserting “The term”; and

10 (2) by striking subparagraph (B).

11 **SEC. 315. MODIFICATION OF AUTHORITY TO CARRY OUT**
12 **MILITARY INSTALLATION RESILIENCE**
13 **PROJECTS.**

14 (a) MODIFICATION OF AUTHORITY.—Section 2815 of
15 title 10, United States Code is amended—

16 (1) in subsection (a), by inserting “(except as
17 provided in subsections (d)(3) and (e))” before the
18 period at the end;

19 (2) in subsection (c), by striking “A project”
20 and inserting “Except as provided in subsection
21 (e)(2), a project”;

22 (3) by redesignating subsection (d) as sub-
23 section (f); and

24 (4) by inserting after subsection (c) the fol-
25 lowing new subsections:

1 “(d) LOCATION OF PROJECTS.—Projects carried out
2 pursuant to this section may be carried out—

3 “(1) on a military installation;

4 “(2) on a facility used by the Department of
5 Defense that is owned and operated by a State, the
6 District of Columbia, the Commonwealth of Puerto
7 Rico, American Samoa, Guam, the Commonwealth
8 of the Northern Mariana Islands, or the Virgin Is-
9 lands, even if the facility is not under the jurisdic-
10 tion of the Department of Defense, if the Secretary
11 of Defense determines that the facility is subject to
12 significant use by the armed forces for testing or
13 training; or

14 “(3) outside of a military installation or facility
15 described in paragraph (2) if the Secretary con-
16 cerned determines that the project would preserve or
17 enhance the resilience of—

18 “(A) a military installation;

19 “(B) a facility described in paragraph (2);

20 or

21 “(C) community infrastructure determined
22 by the Secretary concerned to be necessary to
23 maintain, improve, or rapidly reestablish instal-
24 lation mission assurance and mission-essential
25 functions.

1 “(e) ALTERNATIVE FUNDING SOURCE.—(1) In car-
2 rying out a project under this section, the Secretary con-
3 cerned may use amounts available for operation and main-
4 tenance for the military department concerned if the Sec-
5 retary concerned submits a notification to the congres-
6 sional defense committees of the decision to carry out the
7 project using such amounts and includes in the notifica-
8 tion—

9 “(A) the current estimate of the cost of the
10 project;

11 “(B) the source of funds for the project; and

12 “(C) a certification that deferral of the project
13 for inclusion in the next Military Construction Au-
14 thorization Act would be inconsistent with national
15 security or the protection of health, safety, or envi-
16 ronmental quality, as the case may be.

17 “(2) A project carried out under this section using
18 amounts under paragraph (1) may be carried out only
19 after the end of the 7-day period beginning on the date
20 on which a copy of the notification described in paragraph
21 (1) is provided in an electronic medium pursuant to sec-
22 tion 480 of this title.

23 “(3) The maximum aggregate amount that the Sec-
24 retary concerned may obligate from amounts available to
25 the military department concerned for operation and

1 maintenance in any fiscal year for projects under the au-
2 thority of this subsection is \$100,000,000.”.

3 (b) CONSIDERATION OF MILITARY INSTALLATION
4 RESILIENCE IN AGREEMENTS AND INTERAGENCY CO-
5 OPERATION.—Section 2684a of such title is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(B)—

8 (i) by striking clause (ii); and

9 (ii) in clause (i)—

10 (I) by striking “(i)”; and

11 (II) by striking “; or” and insert-
12 ing a semicolon;

13 (B) by redesignating paragraph (3) as
14 paragraph (4); and

15 (C) by inserting after paragraph (2) the
16 following new paragraph (3):

17 “(3) maintaining or improving military installa-
18 tion resilience; or”; and

19 (2) by amending subsection (h) to read as fol-
20 lows:

21 “(h) INTERAGENCY COOPERATION IN CONSERVATION
22 AND RESILIENCE PROGRAMS TO AVOID OR REDUCE AD-
23 VERSE IMPACTS ON MILITARY INSTALLATION RESIL-
24 IENCE AND MILITARY READINESS ACTIVITIES.—In order
25 to facilitate interagency cooperation and enhance the ef-

1 fectiveness of actions that will protect the environment,
2 military installation resilience, and military readiness, the
3 recipient of funds provided pursuant to an agreement
4 under this section or under the Sikes Act (16 U.S.C. 670
5 et seq.) may, with regard to the lands and waters within
6 the scope of the agreement, use such funds to satisfy any
7 matching funds or cost-sharing requirement of any con-
8 servation or resilience program of any Federal agency not-
9 withstanding any limitation of such program on the source
10 of matching or cost-sharing funds.”.

11 **SEC. 316. ENERGY RESILIENCE AND ENERGY SECURITY**
12 **MEASURES ON MILITARY INSTALLATIONS.**

13 (a) IN GENERAL.—Subchapter I of chapter 173 of
14 title 10, United States Code, is amended by inserting after
15 section 2919 the following new section:

16 **“§ 2920. Energy resilience and energy security meas-**
17 **ures on military installations**

18 “(a) ENERGY RESILIENCE MEASURES.—(1) The
19 Secretary of Defense shall, by the end of fiscal year 2030,
20 provide that 100 percent of the energy load required to
21 maintain the critical missions of each installation have a
22 minimum level of availability of 99.9 percent per fiscal
23 year.

24 “(2) The Secretary of Defense shall issue standards
25 establishing levels of availability relative to specific critical

1 missions, with such standards providing a range of not
2 less than 99.9 percent availability per fiscal year and not
3 more than 99.9999 percent availability per fiscal year, de-
4 pending on the criticality of the mission.

5 “(3) The Secretary may establish interim goals to
6 take effect prior to fiscal year 2025 to ensure the require-
7 ments under this subsection are met.

8 “(4) The Secretary of each military department and
9 the head of each Defense Agency shall ensure that their
10 organizations meet the requirements of this subsection.

11 “(b) PLANNING.—(1) The Secretary of Defense shall
12 require the Secretary of each military department and the
13 head of each Defense Agency to plan for the provision of
14 energy resilience and energy security for installations.

15 “(2) Planning under paragraph (1) shall—

16 “(A) promote the use of multiple and diverse
17 sources of energy, with an emphasis favoring energy
18 resources originating on the installation such as
19 modular generation;

20 “(B) promote installing microgrids to ensure
21 the energy security and energy resilience of critical
22 missions; and

23 “(C) favor the use of full-time, installed energy
24 sources rather than emergency generation.

1 “(c) DEVELOPMENT OF INFORMATION.—The plan-
2 ning required by subsection (b) shall identify each of the
3 following for each installation:

4 “(1) The critical missions of the installation.

5 “(2) The energy requirements of those critical
6 missions.

7 “(3) The duration that those energy require-
8 ments are likely to be needed in the event of a dis-
9 ruption or emergency.

10 “(4) The current source of energy provided to
11 those critical missions.

12 “(5) The duration that the currently provided
13 energy would likely be available in the event of a dis-
14 ruption or emergency.

15 “(6) Any currently available sources of energy
16 that would provide uninterrupted energy to critical
17 missions in the event of a disruption or emergency.

18 “(7) Alternative sources of energy that could be
19 developed to provide uninterrupted energy to critical
20 missions in the event of a disruption or emergency.

21 “(d) TESTING AND MEASURING.—(1)(A) The Sec-
22 retary of Defense shall require the Secretary of each mili-
23 tary department and head of each Defense Agency to con-
24 duct monitoring, measuring, and testing to provide the
25 data necessary to comply with this section.

1 “(B) Any data provided under subparagraph (A)
2 shall be made available to the Assistant Secretary of De-
3 fense for Sustainment upon request.

4 “(2)(A) The Secretary of Defense shall require that
5 black start exercises be conducted to assess the energy re-
6 silience and energy security of installations for periods es-
7 tablished to evaluate the ability of the installation to per-
8 form critical missions without access to off-installation en-
9 ergy resources.

10 “(B) A black start exercise conducted under subpara-
11 graph (A) may exclude, if technically feasible, housing
12 areas, commissaries, exchanges, and morale, welfare, and
13 recreation facilities.

14 “(C) The Secretary of Defense shall—

15 “(i) provide uniform policy for the military de-
16 partments and the Defense Agencies with respect to
17 conducting black start exercises; and

18 “(ii) establish a schedule of black start exer-
19 cises for the military departments and the Defense
20 Agencies, with each military department and De-
21 fense Agency scheduled to conduct such an exercise
22 on a number of installations each year sufficient to
23 allow that military department or Defense Agency to
24 meet the goals of this section, but in any event not

1 fewer than five installations each year for each mili-
2 tary department through fiscal year 2027.

3 “(D)(i) Except as provided in clause (ii), the Sec-
4 retary of each military department shall, notwithstanding
5 any other provision of law, conduct black start exercises
6 in accordance with the schedule provided for in subpara-
7 graph (C)(ii), with any such exercise not to last longer
8 than five days.

9 “(ii) The Secretary of a military department may
10 conduct more black start exercises than those identified
11 in the schedule provided for in subparagraph (C)(ii).

12 “(e) CONTRACT REQUIREMENTS.—For contracts for
13 energy and utility services, the Secretary of Defense
14 shall—

15 “(1) specify methods and processes to measure,
16 manage, and verify compliance with subsection (a);
17 and

18 “(2) ensure that such contracts include require-
19 ments appropriate to ensure energy resilience and
20 energy security, including requirements for metering
21 to measure, manage, and verify energy consumption,
22 availability, and reliability consistent with this sec-
23 tion and the energy resilience metrics and standards
24 under section 2911(b) of this title.

1 “(f) EXCEPTION.—This section does not apply to
2 fuels used in aircraft, vessels, or motor vehicles.

3 “(g) REPORT.—If by the end of fiscal year 2029, the
4 Secretary determines that the Department will be unable
5 to meet the requirements under subsection (a), not later
6 than 90 days after the end of such fiscal year, the Sec-
7 retary shall submit to the Committees on Armed Services
8 of the Senate and House of Representatives a report de-
9 tailing—

10 “(1) the projected shortfall;

11 “(2) reasons for the projected shortfall;

12 “(3) any statutory, technological, or monetary
13 impediments to achieving such requirements;

14 “(4) any impact to readiness or ability to meet
15 the national defense posture; and

16 “(5) any other relevant information as the Sec-
17 retary considers appropriate.

18 “(h) DEFINITIONS.—In this section:

19 “(1) The term ‘availability’ means the avail-
20 ability of required energy at a stated instant of time
21 or over a stated period of time for a specific pur-
22 pose.

23 “(2) The term ‘black start exercise’ means an
24 exercise in which delivery of energy provided from
25 off an installation is terminated before backup gen-

1 eration assets on the installation are turned on.

2 Such an exercise shall—

3 “(A) determine the ability of the backup
4 systems to start independently, transfer the
5 load, and carry the load until energy from off
6 the installation is restored;

7 “(B) align organizations with critical mis-
8 sions to coordinate in meeting critical mission
9 requirements;

10 “(C) validate mission operation plans, such
11 as continuity of operations plans;

12 “(D) identify infrastructure interdepend-
13 encies; and

14 “(E) verify backup electric power system
15 performance.

16 “(3) The term ‘critical mission’—

17 “(A) means those aspects of the missions
18 of an installation, including mission essential
19 operations, that are critical to successful per-
20 formance of the strategic national defense mis-
21 sion;

22 “(B) may include operational headquarters
23 facilities, airfields and supporting infrastruc-
24 ture, harbor facilities supporting naval vessels,
25 munitions production and storage facilities,

1 missile fields, radars, satellite control facilities,
2 cyber operations facilities, space launch facili-
3 ties, operational communications facilities, and
4 biological defense facilities; and

5 “(C) does not include military housing (in-
6 cluding privatized military housing), morale,
7 welfare, and recreation facilities, exchanges,
8 commissaries, or privately owned facilities.

9 “(4) The term ‘energy’ means electricity, nat-
10 ural gas, steam, chilled water, and heated water.

11 “(5) The term ‘installation’ has the meaning
12 given the term ‘military installation’ in section
13 2801(c)(4) of this title.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of subchapter I of chapter 173 of such
16 title is amended by inserting after the item relating to sec-
17 tion 2919 the following new item:

“2920. Energy resilience and energy security measures on military installa-
tions.”.

18 **SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY**
19 **COST SAVINGS FOR DEPARTMENT OF DE-**
20 **FENSE.**

21 Section 2912(a) of title 10, United States Code, is
22 amended by inserting “and, in the case of operational en-
23 ergy, from both training and operational missions,” after
24 “under section 2913 of this title,”.

1 **SEC. 318. INCREASED TRANSPARENCY THROUGH REPORT-**
2 **ING ON USAGE AND SPILLS OF AQUEOUS**
3 **FILM-FORMING FOAM AT MILITARY INSTAL-**
4 **LATIONS.**

5 (a) IN GENERAL.—Chapter 160 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 2712. Reporting on usage and spills of aqueous**
9 **film-forming foam**

10 “(a) IN GENERAL.—Not later than 48 hours after
11 the Deputy Assistant Secretary of Defense for Environ-
12 ment receives notice of the usage or spill of aqueous film
13 forming foam, either as concentrate or mixed foam, at any
14 military installation, the Deputy Assistant Secretary shall
15 submit to the Committees on Armed Services of the Sen-
16 ate and the House of Representatives notice of a usage
17 or spill of greater than 10 gallons of concentrate, or great-
18 er than 300 gallons of mixed foam. Each such notice shall
19 include each of the following information:

20 “(1) The name of the installation where the
21 usage or spill occurred.

22 “(2) The date on which the usage or spill oc-
23 curred.

24 “(3) The amount, type, and specified concentra-
25 tion of aqueous film-forming foam that was used or
26 spilled.

1 “(4) The cause of the usage or spill.

2 “(5) A summary narrative of the usage or spill.

3 “(b) ACTION PLAN.—Not later than 60 days after
4 submitting notice of a usage or spill under subsection (a),
5 the Deputy Assistant Secretary shall submit to the Com-
6 mittees on Armed Services of the Senate and the House
7 of Representatives an action plan for addressing such
8 usage or spill. The action plan shall include the following:

9 “(1) A description of what actions have been
10 taken to arrest and clean up a spill.

11 “(2) A description of any coordination with rel-
12 evant local and State environmental protection agen-
13 cies.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by adding
16 at the end the following new item:

“2712. Reporting on usage and spills of aqueous film-forming foam.”.

17 **SEC. 319. NATIVE AMERICAN LANDS ENVIRONMENTAL**
18 **MITIGATION PROGRAM.**

19 (a) IN GENERAL.—Chapter 160 of title 10, United
20 States Code, as amended by section 318(a), is further
21 amended by adding at the end the following new section:

22 **“§ 2713. Native American lands environmental mitiga-**
23 **tion program**

24 “(a) ESTABLISHMENT.—The Secretary of Defense
25 may establish and carry out a program to mitigate the

1 environmental effects of actions by the Department of De-
2 fense on Indian lands and on other locations where the
3 Department, an Indian tribe, and the current land owner
4 agree that such mitigation is appropriate.

5 “(b) PROGRAM ACTIVITIES.—The activities that may
6 be carried out under the program established under sub-
7 section (a) are the following:

8 “(1) Identification, investigation, and docu-
9 mentation of suspected environmental effects attrib-
10 utable to past actions by the Department of De-
11 fense.

12 “(2) Development of mitigation options for such
13 environmental effects, including development of cost-
14 to-complete estimates and a system for prioritizing
15 mitigation actions.

16 “(3) Direct mitigation actions that the Sec-
17 retary determines are necessary and appropriate to
18 mitigate the adverse environmental effects of past
19 actions by the Department.

20 “(4) Demolition and removal of unsafe build-
21 ings and structures used by, under the jurisdiction
22 of, or formerly used by or under the jurisdiction of
23 the Department.

24 “(5) Training, technical assistance, and admin-
25 istrative support to facilitate the meaningful partici-

1 pation of Indian tribes in mitigation actions under
2 the program.

3 “(6) Development and execution of a policy gov-
4 erning consultation with Indian tribes that have
5 been or may be affected by action by the Depart-
6 ment, including training personnel of the Depart-
7 ment to ensure compliance with the policy.

8 “(c) COOPERATIVE AGREEMENTS.—(1) In carrying
9 out the program established under subsection (a), the Sec-
10 retary of Defense may enter into a cooperative agreement
11 with an Indian tribe or an instrumentality of tribal govern-
12 ment.

13 “(2) Notwithstanding chapter 63 of title 31, a coop-
14 erative agreement under this section may be used to ac-
15 quire property or services for the direct benefit of the
16 United States Government.

17 “(3) A cooperative agreement under this section for
18 the procurement of severable services may begin in one
19 fiscal year and end in another fiscal year only if the total
20 period of performance does not exceed two calendar years.

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘Indian land’ includes—

23 “(A) any land located within the bound-
24 aries and a part of an Indian reservation, pueb-
25 lo, or rancheria;

1 “(B) any land that has been allotted to an
2 individual Indian but has not been conveyed to
3 such Indian with full power of alienation;

4 “(C) Alaska Native village and regional
5 corporation lands; and

6 “(D) lands and waters upon which any
7 federally recognized Indian tribe has rights re-
8 served by treaty, Act of Congress, or action by
9 the President.

10 “(2) The term ‘Indian tribe’ means any Indian
11 tribe, band, nation, or other organized group or com-
12 munity, including any Alaska Native village or re-
13 gional or village corporation as defined in or estab-
14 lished pursuant to the Alaska Native Claims Settle-
15 ment Act (43 U.S.C. 1601 et seq.), which is recog-
16 nized as eligible for the special programs and serv-
17 ices provided by the United States to Indians be-
18 cause of their status as Indians.

19 “(e) LIMITATION.—Nothing in this section shall be
20 interpreted to require, compel, or otherwise authorize ac-
21 cess to any lands without the landowner’s consent.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 160 of such title, as amended
24 by section 318(b), is further amended by inserting after
25 the item relating to section 2712 the following new item:

“2713. Native American lands environmental mitigation program.”.

1 **SEC. 320. STUDY ON ALTERNATIVES TO ADDRESS IMPACTS**
2 **OF TRANSBOUNDARY FLOWS, SPILLS, OR DIS-**
3 **CHARGES OF POLLUTION OR DEBRIS FROM**
4 **THE TIJUANA RIVER ON PERSONNEL, ACTIVI-**
5 **TIES, AND INSTALLATIONS OF DEPARTMENT**
6 **OF DEFENSE.**

7 (a) STUDY.—Not later than 90 days after the date
8 of the enactment of this Act, the Secretary of Defense,
9 in coordination with the Administrator of the Environ-
10 mental Protection Agency, the Secretary of State, and the
11 United States Commissioner of the International Bound-
12 ary and Water Commission, shall develop criteria for the
13 selection of project alternatives to address the impacts of
14 transboundary flows, spills, or discharges of pollution or
15 debris from the Tijuana River on the personnel, activities,
16 and installations of the Department of Defense.

17 (b) ELEMENTS.—The projects referred to in sub-
18 section (b) shall address the short-term, long-term, pri-
19 mary, and secondary impacts of transboundary flows,
20 spills, or discharges of pollution or debris from the Ti-
21 juana River and include recommendations to mitigate such
22 impacts.

23 **SEC. 321. PILOT PROGRAM ON ALTERNATIVE FUEL VEHI-**
24 **CLE PURCHASING.**

25 (a) IN GENERAL.—The Secretary of Defense, in co-
26 ordination with the Secretary of Energy and the Adminis-

1 trator of the General Services Administration, shall carry
2 out a pilot program under which the Secretary of Defense
3 may, notwithstanding section 400AA of the Energy Policy
4 and Conservation Act (42 U.S.C. 6374), purchase new al-
5 ternative fuel vehicles for which the initial cost of such
6 vehicles exceeds the initial cost of a comparable gasoline
7 or diesel fueled vehicle by not more than 10 percent.

8 (b) LOCATIONS.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall carry out the pilot program under subsection
11 (a) at not fewer than 2 facilities or installations of
12 each military department in the continental United
13 States that—

14 (A) have the largest total number of at-
15 tached noncombat vehicles as compared to other
16 facilities or installations of the Department of
17 Defense; and

18 (B) are located within 20 miles of public or
19 private refueling or recharging stations.

20 (2) AIR FORCE LOGISTICS CENTER.—One of the
21 facilities or installations selected under paragraph
22 (1) shall be an Air Force Logistics Center.

23 (c) ALTERNATIVE FUEL VEHICLE DEFINED.—In
24 this section, the term “alternative fuel vehicle” includes
25 a vehicle that uses—

1 (1) a fuel or power source described in the first
2 sentence of section 241(2) of the Clean Air Act (42
3 U.S.C. 7581(2)); or

4 (2) propane.

5 **SEC. 322. BUDGETING OF DEPARTMENT OF DEFENSE RE-**
6 **LATING TO OPERATIONAL ENERGY IMPROVE-**
7 **MENT.**

8 The Secretary of Defense shall include in the annual
9 budget submission of the President under section 1105(a)
10 of title 31, United States Code, a dedicated budget line
11 item for fielding operational energy improvements, includ-
12 ing such improvements for which funds from the Oper-
13 ational Energy Capability Improvement Fund have been
14 expended to create the operational and business case for
15 broader employment.

16 **SEC. 323. ASSESSMENT OF DEPARTMENT OF DEFENSE**
17 **OPERATIONAL ENERGY USAGE.**

18 (a) IN GENERAL.—Not later than 60 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall enter into an agreement with a federally funded re-
21 search and development center with relevant expertise
22 under which such center shall conduct an assessment of
23 Department of Defense operational energy usage, includ-
24 ing an agency-wide view and breakdowns of progress by
25 service branch.

1 (b) ELEMENTS.—The assessment required under
2 subsection (a) shall include—

3 (1) an analysis of the extent to which the De-
4 partment of Defense developed an integrated oper-
5 ational energy strategy and the extent to which each
6 of the military departments has implemented such
7 strategy;

8 (2) an analysis of the viability of implementing
9 net zero initiatives within the operational energy en-
10 terprise without negatively impacting mission capa-
11 bility;

12 (3) an analysis of ways to overcome contested
13 logistics challenges such as the tyranny of distance
14 within the United States Indo-Pacific Command, in-
15 cluding—

16 (A) strategies to improve the energy pro-
17 duction, storage, and distribution system that
18 enhance logistics supply chain resiliency; and

19 (B) ways to reduce the demand for resup-
20 ply to decrease the strain on the logistics supply
21 chain; and

22 (4) an analysis of the integration between en-
23 ergy offices with program offices, budget, and oper-
24 ational planners within the Department of Defense

1 and military departments, and recommendations for
2 improving coordination.

3 (c) FORM OF REPORT.—The report required under
4 this section shall be submitted in unclassified form, but
5 may contain a classified annex.

6 **SEC. 324. IMPROVEMENT OF THE OPERATIONAL ENERGY**
7 **CAPABILITY IMPROVEMENT FUND OF THE**
8 **DEPARTMENT OF DEFENSE.**

9 (a) MANAGEMENT OF THE OPERATIONAL ENERGY
10 CAPABILITY IMPROVEMENT FUND.—The Assistant Sec-
11 retary of Defense for Energy, Installations, and Environ-
12 ment shall exercise authority, direction, and control over
13 the Operational Energy Capability Improvement Fund of
14 the Department of Defense (in this section referred to as
15 the “OECIF”).

16 (b) ALIGNMENT AND COORDINATION WITH RELATED
17 PROGRAMS.—

18 (1) REALIGNMENT OF OECIF.—Not later than
19 60 days after the date of the enactment of this Act,
20 the Secretary of Defense shall realign the OECIF
21 under the Assistant Secretary of Defense for En-
22 ergy, Installations, and Environment, with such re-
23 alignment to include personnel positions adequate
24 for the mission of the OECIF.

1 (2) BETTER COORDINATION WITH RELATED
2 PROGRAMS.—The Assistant Secretary shall ensure
3 that the placement under the authority of the Assist-
4 ant Secretary of the OECIF along with the Strategic
5 Environmental Research Program, the Environ-
6 mental Security Technology Certification Program,
7 and the Operational Energy Prototyping Program is
8 utilized to advance common goals of the Depart-
9 ment, promote organizational synergies, and avoid
10 unnecessary duplication of effort.

11 (c) PROGRAM FOR OPERATIONAL ENERGY PROTO-
12 TYPING.—

13 (1) IN GENERAL.—Commencing not later than
14 90 days after the date of the enactment of this Act,
15 the Secretary of Defense, through the Assistant Sec-
16 retary of Defense for Energy, Installations, and En-
17 vironment, shall carry out a program for the dem-
18 onstration of technologies related to operational en-
19 ergy prototyping, including demonstration of oper-
20 ational energy technology and validation prototyping.

21 (2) OPERATION OF PROGRAM.—The Secretary
22 shall ensure that the program under paragraph (1)
23 operates in conjunction with the OECIF to promote
24 the transfer of innovative technologies that have suc-

1 cessfully established proof of concept for use in pro-
2 duction or in the field.

3 (3) PROGRAM ELEMENTS.—In carrying out the
4 program under paragraph (1) the Secretary shall—

5 (A) identify and demonstrate the most
6 promising, innovative, and cost-effective tech-
7 nologies and methods that address high-priority
8 operational energy requirements of the Depart-
9 ment of Defense;

10 (B) in conducting demonstrations under
11 subparagraph (A)—

12 (i) collect cost and performance data
13 to overcome barriers against employing an
14 innovative technology because of concerns
15 regarding technical or programmatic risk;
16 and

17 (ii) ensure that components of the De-
18 partment have time to establish new re-
19 quirements where necessary and plan, pro-
20 gram, and budget for technology transition
21 to programs of record;

22 (C) utilize project structures similar to
23 those of the OECIF to ensure transparency and
24 accountability throughout the efforts conducted
25 under the program; and

1 (D) give priority, in conjunction with the
2 OECIF, to the development and fielding of
3 clean technologies that reduce reliance on fossil
4 fuels.

5 (4) TOOL FOR ACCOUNTABILITY AND TRANSI-
6 TION.—

7 (A) IN GENERAL.—In carrying out the
8 program under paragraph (1) the Secretary
9 shall develop and utilize a tool to track relevant
10 investments in operational energy from applied
11 research to transition to use to ensure user or-
12 ganizations have the full picture of technology
13 maturation and development.

14 (B) TRANSITION.—The tool developed and
15 utilized under subparagraph (A) shall be de-
16 signed to overcome transition challenges with
17 rigorous and well-documented demonstrations
18 that provide the information needed by all
19 stakeholders for acceptance of the technology.

20 (5) LOCATIONS.—

21 (A) IN GENERAL.—The Secretary shall
22 carry out the testing and evaluation phase of
23 the program under paragraph (1) at installa-
24 tions of the Department of Defense or in con-
25 junction with exercises conducted by the Joint

1 Staff, a combatant command, or a military de-
2 partment.

3 (B) FORMAL DEMONSTRATIONS.—The Sec-
4 retary shall carry out any formal demonstra-
5 tions under the program under paragraph (1)
6 at installations of the Department or in oper-
7 ational settings to document and validate im-
8 proved warfighting performance and cost sav-
9 ings.

10 **SEC. 325. FIVE-YEAR REVIEWS OF CONTAINMENT TECH-**
11 **NOLOGIES RELATING TO RED HILL BULK**
12 **FUEL STORAGE FACILITY.**

13 (a) REVIEWS.—

14 (1) REVIEWS REQUIRED.—At least once every 5
15 years, concurrently with the Department of the
16 Navy's Tank Upgrade Alternative (TUA) decision
17 review, the Secretary of the Navy shall conduct a re-
18 view of available technologies relating to the contain-
19 ment of fuel to determine whether any such tech-
20 nology may be used to improve the containment of
21 fuel with respect to storage tanks located at the Red
22 Hill Bulk Fuel Storage Facility, Hawaii.

23 (2) DEADLINE FOR INITIAL REVIEW.—The Sec-
24 retary shall conduct the first review under para-
25 graph (1) concurrent with the first TUA decision re-

1 view conducted after the date of the enactment of
2 this Act.

3 (b) BRIEFINGS.—Not later than 60 days after the
4 date on which a review conducted under subsection (a) is
5 completed, the Secretary shall provide to the congressional
6 defense committees a briefing on—

7 (1) any technology identified in such review
8 that the Secretary determines may be used to im-
9 prove the containment of fuel with respect to storage
10 tanks located at the Red Hill Bulk Fuel Storage Fa-
11 cility; and

12 (2) the feasibility and cost of implementing any
13 such technology at the Red Hill Bulk Fuel Storage
14 Facility.

15 (c) TERMINATION.—The requirements to conduct re-
16 views under subsection (a) and provide briefings under
17 subsection (b) shall terminate on the date on which the
18 Red Hill Bulk Fuel Storage Facility ceases operation, as
19 determined by the Secretary of the Navy.

20 **SEC. 326. LIMITATION ON USE OF FUNDS FOR ACQUISITION**
21 **OF FURNISHED ENERGY FOR RHINE ORD-**
22 **NANCE BARRACKS ARMY MEDICAL CENTER.**

23 None of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2021
25 for the Department of Defense may be used to enter into

1 a contract for the acquisition of furnished energy for the
2 new Rhine Ordnance Barracks Army Medical Center
3 (hereafter referred to as the “Medical Center”) before the
4 date on which Secretary of Defense submits to the con-
5 gressional defense committees a written certification that
6 the Medical Center does not use any energy sourced from
7 inside the Russian Federation as a means of generating
8 the furnished energy.

9 **SEC. 327. REQUIREMENT TO UPDATE DEPARTMENT OF DE-**
10 **FENSE ADAPTATION ROADMAP.**

11 (a) IN GENERAL.—Not later than February 1, 2022,
12 the Secretary of Defense shall submit to the Committees
13 on Armed Services of the Senate and House of Represent-
14 atives an update to the Department of Defense 2014 Ad-
15 aptation Roadmap. Such update shall include an outline
16 of the strategy and implementation plan of the Depart-
17 ment to address the current and foreseeable effects of ex-
18 treme weather and sea level fluctuations on the mission
19 of the Department of Defense.

20 (b) ELEMENTS OF STRATEGY AND IMPLEMENTATION
21 PLAN.—The strategy and implementation plan required to
22 be included in the update under subsection (a) shall in-
23 clude—

1 (1) a description of the overarching approach of
2 the Department to extreme weather, sea level fluctu-
3 tuations, and associated mitigation measures; and

4 (2) a discussion of the current and foreseeable
5 effects of extreme weather and seal level fluctuations
6 on—

7 (A) plans and operations, including—

8 (i) military readiness;

9 (ii) increased frequency, if any, of ex-
10 treme weather events, including flooding,
11 drought, desertification, wildfires, thawing
12 permafrost, hurricanes, and extreme heat;

13 (iii) geopolitical instability, if any,
14 caused by climate events, including ex-
15 treme weather;

16 (iv) increased demand, if any for De-
17 fense Support for Civil Authorities and dis-
18 aster or humanitarian relief operations;

19 (v) the operating environment of the
20 Arctic and of the strategic and geopolitical
21 implications of an ice-free Arctic Ocean;
22 and

23 (vi) alteration or limitation on oper-
24 ation environments;

25 (B) training and testing, including—

1 (i) changes in land carrying capacity;

2 (ii) increased maintenance and repair
3 requirements for equipment and infrastruc-
4 ture;

5 (iii) mitigation of heat stress and
6 heat-related illnesses resulting from in-
7 creasing temperatures;

8 (iv) increased dust generation and fire
9 hazards; and

10 (v) maintaining testing and training
11 capacity to support increased operations
12 and civil support missions;

13 (C) built and natural infrastructure, in-
14 cluding—

15 (i) military installation resilience, as
16 such term is defined in section 101(e)(8)
17 of title 10, United States Code, of installa-
18 tions both within and outside the United
19 States and its possessions and territories
20 and of the State-owned National Guard in-
21 stallations of the several States;

22 (ii) resilience of the air and sea ports
23 of our allies and partners that are critical
24 to the training, deployment, and operations

1 of the Armed Forces of the United States
2 and its allies and partners;

3 (iii) resilience of the deployment sys-
4 tem and structure of the Department of
5 Defense and of the United States, includ-
6 ing the strategic highway network, the
7 strategic rail network, and designated stra-
8 tegic air and sea ports;

9 (iv) best practices for modeling and
10 mitigating risks posed to military installa-
11 tions by increased inundation, erosion,
12 flood, wind, and fire damage;

13 (v) changing energy demand at mili-
14 tary installations to include heating and
15 cooling, particularly in communities experi-
16 encing grid stress;

17 (vi) disruption and competition for re-
18 liable energy and water resources;

19 (vii) increased maintenance and
20 sustainment costs;

21 (viii) damage to natural and con-
22 structed infrastructure from thawing per-
23 mafrost and sea ice; and

24 (ix) the effects of extreme weather
25 and sea level fluctuations on community

1 support infrastructure, including roads,
2 transportation hubs, and medical facilities;

3 (D) acquisition and supply chain, includ-
4 ing—

5 (i) measures to ensure that the cur-
6 rent and projected future scale and im-
7 pacts of extreme weather and sea level
8 fluctuations are fully considered in the re-
9 search, development, testing, and acquisi-
10 tion of major weapon systems and of asso-
11 ciated supplies and equipment;

12 (ii) required alterations of stockpiles;

13 (iii) reduced or changed availability
14 and access to materials, equipment, and
15 supplies, including water and food sources;

16 (iv) disruptions in fuel availability and
17 distribution;

18 (v) estimated investments required to
19 address foreseeable costs incurred or influ-
20 enced by extreme weather and sea level
21 fluctuations for each of the lines of effort
22 in this report, to include extreme weather
23 response, over the next 5, 10, and 20
24 years, with topline estimates and a quali-

1 tative discussion of cost drivers for each;
2 and

3 (vi) equipment and infrastructure in-
4 vestments required to address a changing
5 Arctic environment; and

6 (E) such other matters as the Secretary
7 determines appropriate; and

8 (c) ASSESSMENTS AND PROJECTIONS.—In preparing
9 the update as required under subsection (a), the Secretary
10 shall consider—

11 (1) climate projections from the Global Change
12 Research Office, National Climate Assessment, the
13 National Oceanic and Atmospheric Administration,
14 and other Federal agencies; and

15 (2) data on, and analysis of, the national secu-
16 rity effects of climate prepared by the Climate Secu-
17 rity Advisory Council of the Office of the Director
18 of National Intelligence established pursuant to sec-
19 tion 120 of the National Security Act of 1947 (50
20 U.S.C. 3060) and by other elements of the intel-
21 ligence community.

22 (d) FORM.—The update to the adaptation roadmap
23 required under subsection (a) shall be submitted in an un-
24 classified form, but may contain a classified annex. If the
25 Secretary determines that the inclusion of a classified

1 annex is necessary, the Secretary shall conduct an in-per-
2 son briefing for Members of the Committees on Armed
3 Services of the Senate and House of Representatives by
4 not later than 90 days after the date of the submission
5 of the update.

6 **SEC. 328. DEPARTMENT OF DEFENSE REPORT ON GREEN-**
7 **HOUSE GAS EMISSIONS LEVELS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall submit to the Committees on Armed Services of the
11 Senate and House of Representatives and to the Comp-
12 troller General a report on the total level of greenhouse
13 gas emissions for each of the last 10 fiscal years. Such
14 emissions levels shall include the agency-wide total, break-
15 downs by military department, and delineations between
16 installation and operational emissions.

17 (b) FORM OF REPORT.—The report required under
18 this section shall be submitted in unclassified form, but
19 may contain a classified annex.

20 **SEC. 329. OBJECTIVES, PERFORMANCE STANDARDS, AND**
21 **CRITERIA FOR USE OF WILDLIFE CONSERVA-**
22 **TION BANKING PROGRAMS.**

23 (a) IN GENERAL.—To ensure opportunities for De-
24 partment of Defense participation in wildlife conservation
25 banking programs pursuant to section 2694c of title 10,

1 United States Code, the Secretary of the Interior, acting
2 through the Director of the United States Fish and Wild-
3 life Service, shall issue regulations of general applicability
4 establishing objectives, measurable performance stand-
5 ards, and criteria for use, consistent with the Endangered
6 Species Act (16 U.S.C. 1531 et seq.), for mitigation bank-
7 ing offsetting effects on a species, or habitat of such spe-
8 cies, that is endangered, threatened, a candidate for list-
9 ing, or otherwise at risk under such Act. To the maximum
10 extent practicable, the regulatory standards and criteria
11 shall maximize available credits and opportunities for miti-
12 gation, provide flexibility for characteristics of various spe-
13 cies, and apply equivalent standards and criteria to all
14 mitigation banks.

15 (b) DEADLINE FOR REGULATIONS.—The Secretary
16 of the Interior, acting through the Director of the United
17 States Fish and Wildlife Service, shall publish an advance
18 notice of proposed rulemaking for the regulations required
19 by subsection (a) by not later than 1 year after the date
20 of the enactment of this Act.

21 **SEC. 330. PRIZES FOR DEVELOPMENT OF NON-PFAS-CON-**
22 **TAINING FIRE-FIGHTING AGENT.**

23 (a) AUTHORITY.—The Secretary of Defense, acting
24 through the Assistant Secretary of Defense for
25 Sustainment and the Strategic Environmental Research

1 and Development Program, may carry out a program to
2 award cash prizes and other types of prizes that the Sec-
3 retary determines are appropriate to recognize out-
4 standing achievements in the development of a non-PFAS-
5 containing fire-fighting agent to replace aqueous film-
6 forming foam with the potential for application to the per-
7 formance of the military missions of the Department of
8 Defense.

9 (b) COMPETITION REQUIREMENTS.—A program
10 under subsection (a) shall use a competitive process for
11 the selection of recipients of cash prizes. The process shall
12 include the widely-advertised solicitation of submissions of
13 research results, technology developments, and prototypes.

14 (c) LIMITATIONS.—The following limitations shall
15 apply to a program under subsection (a):

16 (1) No prize competition may result in the
17 award of a prize with a fair market value of more
18 than \$5,000,000.

19 (2) No prize competition may result in the
20 award of more than \$1,000,000 in cash prizes with-
21 out the approval of the Assistant Secretary of De-
22 fense for Sustainment.

23 (3) No prize competition may result in the
24 award of a solely nonmonetary prize with a fair mar-
25 ket value of more than \$10,000 without the approval

1 of the Assistant Secretary of Defense for
2 Sustainment.

3 (d) RELATIONSHIP TO OTHER AUTHORITY.—A pro-
4 gram under subsection (a) may be carried out in conjunc-
5 tion with or in addition to the exercise of any other author-
6 ity of the Department of Defense.

7 (e) USE OF PRIZE AUTHORITY.—Use of prize author-
8 ity under this section shall be considered the use of com-
9 petitive procedures for the purposes of section 2304 of
10 title 10, United States Code.

11 (f) PFAS DEFINED.—In this section, the term
12 “PFAS” means—

13 (1) man-made chemicals of which all of the car-
14 bon atoms are fully fluorinated carbon atoms; and

15 (2) man-made chemicals containing a mix of
16 fully fluorinated carbon atoms, partially fluorinated
17 carbon atoms, and nonfluorinated carbon atoms.

18 (g) TERMINATION.—The authority to carry out a
19 program under this section shall terminate on October 1,
20 2024.

1 **SEC. 331. SURVEY OF TECHNOLOGIES FOR DEPARTMENT**
2 **OF DEFENSE APPLICATION IN PHASING OUT**
3 **THE USE OF FLUORINATED AQUEOUS FILM-**
4 **FORMING FOAM.**

5 (a) SURVEY OF TECHNOLOGIES.—The Secretary of
6 Defense shall conduct a survey of relevant technologies,
7 other than fire-fighting agent solutions, to determine
8 whether any such technologies are available and can be
9 adapted for use by the Department of Defense to facilitate
10 the phase-out of fluorinated aqueous film-forming foam.
11 The technologies surveyed under this subsection shall in-
12 clude hangar flooring systems, fire-fighting agent delivery
13 systems, containment systems, and other relevant tech-
14 nologies the Secretary determines appropriate.

15 (b) BRIEFING.—Not later than 1 year after the date
16 of enactment of this Act, the Secretary shall provide the
17 congressional defense committees a briefing on the results
18 of the survey conducted under subsection (a). The briefing
19 shall include—

20 (1) a description of the technologies included in
21 the survey;

22 (2) a list of the technologies that were consid-
23 ered for further testing or analysis; and

24 (3) any technologies that are undergoing addi-
25 tional analysis for possible application within the
26 Department.

1 **SEC. 332. INTERAGENCY BODY ON RESEARCH RELATED TO**
2 **PER- AND POLYFLUOROALKYL SUBSTANCES.**

3 (a) **ESTABLISHMENT.**—The Director of the Office of
4 Science and Technology Policy, acting through the Na-
5 tional Science and Technology Council, shall establish, or
6 designate, an interagency working group to coordinate
7 Federal activities related to PFAS research and develop-
8 ment.

9 (b) **AGENCY PARTICIPATION.**—The interagency work-
10 ing group shall include a representative of each of—

- 11 (1) the Environmental Protection Agency;
- 12 (2) the National Institute of Environmental
13 Health Sciences;
- 14 (3) the Agency for Toxic Substances and Dis-
15 ease Registry;
- 16 (4) the National Science Foundation;
- 17 (5) the Department of Defense;
- 18 (6) the National Institutes of Health;
- 19 (7) the National Institute of Standards and
20 Technology;
- 21 (8) the National Oceanic and Atmospheric Ad-
22 ministration;
- 23 (9) the Department of the Interior;
- 24 (10) the Department of Transportation;
- 25 (11) the Department of Homeland Security;

1 (12) the National Aeronautics and Space Ad-
2 ministration;

3 (13) the National Toxicology Program;

4 (14) the Department of Agriculture;

5 (15) the Geological Survey;

6 (16) the Department of Commerce;

7 (17) the Department of Energy;

8 (18) the Office of Information and Regulatory
9 Affairs;

10 (19) the Office of Management and Budget;

11 and

12 (20) any such other Federal department or
13 agency as the Director of the Office of Science and
14 Technology Policy considers appropriate.

15 (c) CO-CHAIRS.—The Interagency working group
16 shall be co-chaired by the Director of the Office of Science
17 and Technology Policy and, on a biannual rotating basis,
18 a representative from a member agency, as selected by the
19 Director of the Office of Science and Technology Policy.

20 (d) RESPONSIBILITIES OF THE WORKING GROUP.—
21 The interagency working group established under sub-
22 section (a) shall—

23 (1) provide for interagency coordination of fed-
24 erally funded PFAS research and development; and

1 (2) not later than 12 months after the date of
2 enactment of this Act, develop and make publicly
3 available a strategic plan for Federal support for
4 PFAS research and development (to be updated not
5 less frequently than once every three years) that—

6 (A) identifies all current federally funded
7 PFAS research and development, including the
8 nature and scope of such research and develop-
9 ment and the amount of funding associated
10 with such research and development during the
11 current fiscal year, disaggregated by agency;

12 (B) identifies all federally funded PFAS
13 research and development having taken place in
14 the last three years, excluding the research list-
15 ed under subparagraph (A), including the na-
16 ture and scope of such research and develop-
17 ment and the amount of funding associated
18 with such research and development during the
19 current fiscal year, disaggregated by agency;

20 (C) identifies scientific and technological
21 challenges that must be addressed to under-
22 stand and to significantly reduce the environ-
23 mental and human health impacts of PFAS and
24 to identify cost-effective—

1 (i) alternatives to PFAS that are de-
2 signed to be safer and more environ-
3 mentally friendly;

4 (ii) methods for removal of PFAS
5 from the environment; and

6 (iii) methods to safely destroy or de-
7 grade PFAS;

8 (D) establishes goals, priorities, and
9 metrics for federally funded PFAS research and
10 development that takes into account the current
11 state of research and development identified in
12 subparagraph (A) and the challenges identified
13 in subparagraph (C); and

14 (E) an implementation plan for Federal
15 agencies and, for each update to the strategic
16 plan under this paragraph, a description of how
17 Federal agencies have been following the imple-
18 mentation plan.

19 (e) CONSULTATION.—In developing the strategic plan
20 under subsection (d)(2), the interagency working group
21 shall consult with States, tribes, territories, local govern-
22 ments, appropriate industries, academic institutions and
23 nongovernmental organizations with expertise in PFAS re-
24 search and development, treatment, management, and al-
25 ternative development.

1 (f) SUNSET.—The strategic plan requirement de-
2 scribed under section (d)(2) shall cease on the date that
3 is 20 years after the initial strategic plan is developed.

4 (g) DEFINITIONS.—In this section:

5 (1) PFAS.—The term “PFAS” means—

6 (A) man-made chemicals of which all of
7 the carbon atoms are fully fluorinated carbon
8 atoms; and

9 (B) man-made chemicals containing a mix
10 of fully fluorinated carbon atoms, partially
11 fluorinated carbon atoms, and nonfluorinated
12 carbon atoms.

13 (2) PFAS RESEARCH AND DEVELOPMENT DE-
14 FINED.—The term “PFAS research and develop-
15 ment” includes any research or project that has the
16 goal of accomplishing the following:

17 (A) The removal of PFAS from the envi-
18 ronment.

19 (B) The safe destruction or degradation of
20 PFAS.

21 (C) The development and deployment of
22 safer and more environmentally friendly alter-
23 native substances that are functionally similar
24 to those made with PFAS.

1 (D) The understanding of sources of envi-
2 ronmental PFAS contamination and pathways
3 to exposure for the public.

4 (E) The understanding of the toxicity of
5 PFAS to humans and animals.

6 **SEC. 333. RESTRICTION ON DEPARTMENT OF DEFENSE**
7 **PROCUREMENT OF CERTAIN ITEMS CON-**
8 **TAINING PERFLUOROOCTANE SULFONATE**
9 **OR PERFLUOROOCTANOIC ACID.**

10 (a) PROHIBITION.—The Department of Defense may
11 not procure any covered item that contains
12 perfluorooctane sulfonate (PFOS) or perfluorooctanoic
13 acid (PFOA).

14 (b) DEFINITIONS.—In this section, the term “covered
15 item” means—

16 (1) nonstick cookware or cooking utensils for
17 use in galleys or dining facilities; and

18 (2) upholstered furniture, carpets, and rugs
19 that have been treated with stain-resistant coatings.

20 (c) EFFECTIVE DATE.—This section shall take effect
21 on April 1, 2023.

22 **SEC. 334. RESEARCH AND DEVELOPMENT OF ALTERNATIVE**
23 **TO AQUEOUS FILM-FORMING FOAM.**

24 (a) IN GENERAL.—The Secretary of Defense, acting
25 through the National Institute of Standards and Tech-

1 nology and in consultation with appropriate stakeholders
2 and manufactures, research institutions, and other Fed-
3 eral agencies shall award grants and carry out other ac-
4 tivities to—

5 (1) promote and advance the research and de-
6 velopment of additional alternatives to aqueous film-
7 forming foam (in this section referred to as
8 “AFFF”) containing per- and polyfluoroalkyl sub-
9 stances (in this section referred to as “PFAS”) to
10 facilitate the development of a military specification
11 and subsequent fielding of a PFAS-free fire-fighting
12 foam;

13 (2) advance the use of green and sustainable
14 chemistry for a fluorine-free alternative to AFFF;

15 (3) increase opportunities for sharing best prac-
16 tices within the research and development sector
17 with respect to AFFF;

18 (4) assist in the testing of potential alternatives
19 to AFFF; and

20 (5) provide guidelines on priorities with respect
21 to an alternative to AFFF.

22 (b) ADDITIONAL REQUIREMENTS.—In carrying out
23 the program required under subsection (a), the Secretary
24 shall—

1 (1) take into consideration the different uses of
2 AFFF and the priorities of the Department of De-
3 fense in finding an alternative;

4 (2) prioritize green and sustainable chemicals
5 that do not pose a threat to public health or the en-
6 vironment; and

7 (3) use and leverage research from existing De-
8 partment of Defense programs.

9 (c) REPORT.—The Secretary shall submit to Con-
10 gress a report on—

11 (1) the priorities and actions taken with respect
12 to finding an alternative to AFFF and the imple-
13 mentation of such priorities; and

14 (2) any alternatives the Secretary has denied,
15 and the reason for any such denial.

16 (d) USE OF FUNDS.—This section shall be carried
17 out using amounts authorized to be available for the Stra-
18 tegic Environmental Research and Development Program.

19 **SEC. 335. NOTIFICATION TO AGRICULTURAL OPERATIONS**
20 **LOCATED IN AREAS EXPOSED TO DEPART-**
21 **MENT OF DEFENSE PFAS USE.**

22 (a) NOTIFICATION REQUIRED.—Not later than 60
23 days after the date of the enactment of this Act, the Sec-
24 retary of Defense, in consultation with the Secretary of
25 Agriculture, shall provide a notification described in sub-

1 section (b) to any agricultural operation located within one
2 mile down gradient of a military installation or National
3 Guard facility where covered PFAS—

4 (1) has been detected in groundwater;

5 (2) has been hydrologically linked to a local ag-
6 ricultural or drinking water source, including a
7 water well; and

8 (3) is suspected to be, or known to be, the re-
9 sult of the use of PFAS at an installation of the De-
10 partment of Defense located in the United States or
11 State-owned facility of the National Guard.

12 (b) NOTIFICATION REQUIREMENTS.—The notifica-
13 tion required under subsection (a) shall include the fol-
14 lowing information:

15 (1) The name of the Department of Defense in-
16 stallation or National Guard facility from which the
17 covered PFAS in groundwater originated.

18 (2) The specific covered PFAS detected in
19 groundwater.

20 (3) The levels of the covered PFAS detected.

21 (4) Relevant governmental information regard-
22 ing the health and safety of the covered PFAS de-
23 tected, including relevant Federal or State standards
24 for PFAS in groundwater, livestock, food commod-
25 ities and drinking water, and any known restrictions

1 for sale of agricultural products that have been irri-
2 gated or watered with water containing PFAS.

3 (c) ADDITIONAL TESTING RESULTS.—The Secretary
4 of Defense shall provide to an agricultural operation that
5 receives a notice under subsection (a) any pertinent up-
6 dated information, including any results of new elevated
7 testing, by not later than 15 days after receiving validated
8 test results.

9 (d) REPORT TO CONGRESS.—Not later than 90 days
10 after the date of the enactment of this Act, and annually
11 thereafter, the Secretary of Defense shall submit to the
12 Committee on Agriculture, Nutrition, and Forestry of the
13 Senate and the Committee on Agriculture of the House
14 of Representatives a report on the status of providing no-
15 tice under subsection (a). Such report shall include, for
16 the period covered by the report—

17 (1) the approximate locations of such oper-
18 ations relative to installations of the Department of
19 Defense located in the United States and State-
20 owned facilities of the National Guard;

21 (2) the covered PFAS detected in groundwater;
22 and

23 (3) the levels of covered PFAS detected.

24 (e) DEFINITIONS.—In this section:

1 (1) The term “covered PFAS” means each of
2 the following:

3 (A) Perfluorooctanoic acid (commonly re-
4 ferred to as “PFOA”) (Chemical Abstracts
5 Service No. 335–67–1) detected in groundwater
6 above 70 parts per trillion, individually or in
7 combination with PFOS.

8 (B) Perfluorooctane sulfonic acid (com-
9 monly referred to as “PFOS”) (Chemical Ab-
10 stracts Service No. 1763–23–1) detected in
11 groundwater above 70 parts per trillion, individ-
12 ually or in combination with PFOA.

13 (C) Perfluorobutanesulfonic acid (com-
14 monly referred to as “PFBS”) (Chemical Ab-
15 stracts Service No. 375–73–5) detected in
16 groundwater above 40 parts per billion.

17 (2) The term “PFAS” means a perfluoroalkyl
18 or polyfluoroalkyl substance with at least one fully
19 fluorinated carbon atom, including the chemical
20 GenX.

21 **SEC. 336. REPORTING ON ENERGY SAVINGS PERFORMANCE**

22 **CONTRACTS.**

23 (a) IN GENERAL.—Section 2925(a) of title 10,
24 United States Code, is amended—

1 (1) by redesignating paragraph (7) as para-
2 graph (8); and

3 (2) by inserting after paragraph (6) the fol-
4 lowing new paragraph:

5 “(7) A description of the use of energy savings
6 performance contracts (in this paragraph referred to
7 as ‘ESPCs’) by the Department of Defense, includ-
8 ing—

9 “(A) the total investment value of the total
10 number of ESPCs per service for the previous
11 five fiscal years;

12 “(B) the location of facilities with ESPCs
13 for the previous five fiscal years;

14 “(C) any limitations on expanding ESPCs
15 throughout the Department of Defense;

16 “(D) the effect ESPCs have on military
17 readiness; and

18 “(E) any additional information the Sec-
19 retary determines relevant.”.

20 (b) **APPLICABILITY.**—The reporting requirement
21 under paragraph (7) of section 2925(a) of title 10, United
22 States Code, as added by subsection (a) of this section,
23 applies to reports submitted under such section 2925 for
24 fiscal year 2021 and thereafter.

1 **SEC. 337. INCREASE IN FUNDING FOR CENTERS FOR DIS-**
2 **EASE CONTROL STUDY ON HEALTH IMPLICA-**
3 **TIONS OF PER- AND POLYFLUOROALKYL SUB-**
4 **STANCES CONTAMINATION IN DRINKING**
5 **WATER.**

6 Section 316(a)(2)(B)(ii) of the National Defense Au-
7 thorization Act for Fiscal Year 2018 (Public Law 115–
8 91; 131 Stat. 1350) is amended by striking
9 “\$10,000,000” and inserting “\$15,000,000”.

10 **SEC. 338. GUARANTEEING EQUIPMENT SAFETY FOR FIRE-**
11 **FIGHTERS ACT OF 2020.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “Guaranteeing Equipment Safety for Firefighters Act of
14 2020”.

15 (b) **NATIONAL INSTITUTE OF STANDARDS AND**
16 **TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL**
17 **SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT**
18 **WORN BY FIREFIGHTERS.**—

19 (1) **IN GENERAL.**—Not later than 3 years after
20 the date of the enactment of this Act, the Director
21 of the National Institute of Standards and Tech-
22 nology shall, subject to availability of appropriations,
23 in consultation with the Director of the National In-
24 stitute for Occupational Safety and Health, complete
25 a study of the contents and composition of new and

1 unused personal protective equipment worn by fire-
2 fighters.

3 (2) CONTENTS OF STUDY.—In carrying out the
4 study required by paragraph (1), the Director of the
5 National Institute of Standards and Technology
6 shall examine—

7 (A) the identity, prevalence, and concentra-
8 tion of per- and polyfluoroalkyl substances
9 (commonly known as “PFAS”) in the personal
10 protective equipment worn by firefighters;

11 (B) the conditions and extent to which per-
12 and polyfluoroalkyl substances are released into
13 the environment over time from the degradation
14 of personal protective equipment from normal
15 use by firefighters; and

16 (C) the relative risk of exposure to per-
17 and polyfluoroalkyl substances faced by fire-
18 fighters from—

19 (i) their use of personal protective
20 equipment; and

21 (ii) degradation of personal protective
22 equipment from normal use by firefighters.

23 (3) REPORTS.—

24 (A) PROGRESS REPORTS.—Not less fre-
25 quently than once each year for the duration of

1 the study conducted under paragraph (1), the
2 Director shall submit to Congress a report on
3 the progress of the Director in conducting such
4 study.

5 (B) FINAL REPORT.—Not later than 90
6 days after the date on which the Director com-
7 pletes the study required by paragraph (1), the
8 Director shall submit to Congress a report de-
9 scribing—

10 (i) the findings of the Director with
11 respect to the study; and

12 (ii) recommendations on what addi-
13 tional research or technical improvements
14 to personal protective equipment materials
15 or components should be pursued to avoid
16 unnecessary occupational exposure among
17 firefighters to per- and polyfluoroalkyl sub-
18 stances through personal protective equip-
19 ment.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated \$2,500,000
22 for each of fiscal years 2021 and 2022.

23 (c) RESEARCH ON PER- AND POLYFLUOROALKYL
24 SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT
25 WORN BY FIREFIGHTERS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the submittal of the report required
3 by subsection (b)(3)(B), the Director of the National
4 Institute of Standards and Technology shall, subject
5 to the availability of appropriations—

6 (A) issue a solicitation for research pro-
7 posals to carry out the research recommenda-
8 tions identified in the report submitted under
9 subsection (b)(3)(B); and

10 (B) award grants to applicants that submit
11 research proposals to develop safe alternatives
12 to per- and polyfluoroalkyl substances in per-
13 sonal protective equipment.

14 (2) CRITERIA.—The Director shall select re-
15 search proposals to receive a grant under paragraph
16 (1) on the basis of merit, using criteria identified by
17 the Director, including the likelihood that the re-
18 search results will address the findings of the Direc-
19 tor with respect to the study conducted under sub-
20 section (b)(1).

21 (3) ELIGIBLE ENTITIES.—Any entity or group
22 of 2 or more entities may submit to the Director a
23 research proposal in response to the solicitation for
24 research proposals under paragraph (1), including—

25 (A) State and local agencies;

1 (B) public institutions, including public in-
2 stitutions of higher education;

3 (C) private corporations; and

4 (D) nonprofit organizations.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated \$5,000,000
7 for fiscal year 2023, \$5,000,000 for fiscal year
8 2024, and \$5,000,000 for fiscal year 2025 to carry
9 out this section.

10 (d) AUTHORITY FOR DIRECTOR OF THE NATIONAL
11 INSTITUTE OF STANDARDS AND TECHNOLOGY TO CON-
12 SULT WITH EXPERTS ON MATTERS RELATING TO PER-
13 AND POLYFLUOROALKYL SUBSTANCES.—In carrying out
14 this section, the Director of the National Institute of
15 Standards and Technology may consult with Federal
16 agencies, nongovernmental organizations, State and local
17 governments, and science and research institutions deter-
18 mined by the Director to have scientific or material inter-
19 est in reducing unnecessary occupational exposure to per-
20 and polyfluoroalkyl substances by firefighters.

21 **SEC. 339. ASSESSMENT OF DEPARTMENT OF DEFENSE EX-**
22 **CESS PROPERTY PROGRAMS WITH RESPECT**
23 **TO NEED AND WILDFIRE RISK.**

24 (a) ASSESSMENT OF PROGRAMS.—

1 (1) IN GENERAL.—The Secretary of Defense,
2 acting through the Director of the Defense Logistics
3 Agency, jointly with the Secretary of Agriculture,
4 acting through the Chief of the Forest Service, shall
5 assess the Firefighter Property Program (FFP) and
6 the Federal Excess Personal Property Program
7 (FEPP) implementation and best practices, taking
8 into account community need and risk, including
9 whether a community is an at-risk community (as
10 defined in section 101(1) of the Healthy Forests
11 Restoration Act of 2003 (16 U.S.C. 6511(1)).

12 (2) COLLABORATION.—In carrying out the as-
13 sessment required under paragraph (1), the Sec-
14 retary of Defense, acting through the Director of the
15 Defense Logistics Agency, and the Secretary of Ag-
16 riculture, acting through the Chief of the Forest
17 Service, shall consult with State foresters and par-
18 ticipants in the programs described in such para-
19 graph.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of Defense,
22 acting through the Director of the Defense Logistics
23 Agency, jointly with the Secretary of Agriculture, acting
24 through the Chief of the Forest Service, shall submit to
25 the Committee on Armed Services and the Committee on

1 Agriculture of the House of Representatives and the Com-
2 mittee on Armed Services and the Committee on Agri-
3 culture, Forestry, and Nutrition of the Senate a report
4 on the assessment required under paragraph (1) of sub-
5 section (a) and any findings and recommendations with
6 respect to the programs described in such paragraph.

7 **Subtitle C—Logistics and** 8 **Sustainment**

9 **SEC. 341. NATIONAL DEFENSE SUSTAINMENT AND LOGIS-** 10 **TICS REVIEW.**

11 (a) IN GENERAL.—Chapter 2 of title 10, United
12 States Code, is amended by inserting after section 118 the
13 following new section:

14 **“§ 118a. National Defense Sustainment and Logistics** 15 **Review**

16 “(a) REVIEW REQUIRED.—Upon submission of each
17 national defense strategy under section 113(g) of this title,
18 the Secretary of Defense shall conduct a comprehensive
19 review of the sustainment and logistics requirements nec-
20 essary to support the force structure, force modernization,
21 infrastructure, force deployment capabilities, and other
22 elements of the defense program and policies of the United
23 States during the subsequent 5-, 10-, and 25-year periods.
24 Each such review shall be known as the ‘National Defense
25 Sustainment and Logistics Review’. Each such review

1 shall be conducted in consultation with the Secretaries of
2 the military departments, the Chiefs of Staff of the Armed
3 Forces, all functional and geographic combatant com-
4 manders, and the Director of the Defense Logistics Agen-
5 cy.

6 “(b) REPORT TO CONGRESS.—(1) Not later than the
7 first Monday in February of the year following the fiscal
8 year during which the National Defense Strategy was sub-
9 mitted under section 113(g) of this title, the Secretary
10 shall submit to the congressional defense committees a re-
11 port on the review required by subsection (a). Each such
12 report shall include each of the following:

13 “(A) An assessment of the strategic, oper-
14 ational, and tactical maritime logistics force (includ-
15 ing non-military assets provided by Military Sealift
16 Command, the Maritime Administration, and
17 through the Voluntary Intermodal Sealift Agreement
18 and Voluntary Tanker Agreement) required to sup-
19 port sealift, at sea logistics, and over-the-shore logis-
20 tics of forces to meet steady state and contingency
21 requirements and the strategic and intra-theater
22 movement of supplies, personnel, and equipment.

23 “(B) An assessment of the strategic, oper-
24 ational, and tactical airlift and tankers (including
25 non-military assets provided by the Civil Reserve Air

1 Fleet) required to meet steady state and contingency
2 requirements.

3 “(C) An assessment of the location, configura-
4 tion, material condition, and inventory of
5 prepositioned materiel, equipment, and war reserves
6 programs, as well as the ability to store and dis-
7 tribute these items to deployed military forces, re-
8 quired to meet steady state and contingency require-
9 ments.

10 “(D) An assessment of the location, infrastruc-
11 ture, and storage capacity for petroleum, oil, and lu-
12 bricant products, as well as the ability to store,
13 transport, and distribute such products from storage
14 supply points to deployed military forces, required to
15 meet steady state and contingency requirements.

16 “(E) An assessment of the capabilities, capac-
17 ity, and infrastructure of the Department of Defense
18 organic industrial base and private sector industrial
19 base required to meet steady-state and surge soft-
20 ware and depot maintenance requirements.

21 “(F) An assessment of the production capa-
22 bility, capacity, and infrastructure, of the Depart-
23 ment of Defense organic industrial base and private
24 sector industrial base required to meet steady-state

1 and surge production requirements for ammunition
2 and other military munitions.

3 “(G) An assessment of the condition, capacity,
4 location, and survivability under likely threats of
5 military infrastructure located both inside the conti-
6 nental United States and outside the continental
7 United States, including agreements with and infra-
8 structure provided by international partners, re-
9 quired to generate, project, and sustain military
10 forces to meet steady-state and contingency require-
11 ments.

12 “(H) An assessment of the cybersecurity risks
13 to military and commercial logistics networks and
14 information technology systems.

15 “(I) An assessment of the gaps between the re-
16 quirements identified under subparagraphs (A)
17 through (H) compared to the actual force structure
18 and infrastructure capabilities, capacity, and posture
19 and the risks associated with each gap as it relates
20 to the ability to meet the national defense strategy.

21 “(J) A discussion of the identified mitigations
22 being pursued to address each gap and risk identi-
23 fied under subparagraph (I) as well as the initiatives
24 and resources planned to address such gaps, as in-
25 cluded in the Department of Defense budget request

1 submitted during the same year as the report and
2 the applicable future-years defense program.

3 “(K) An assessment of the extent to which
4 wargames incorporate logistics capabilities and
5 threats and a description of the logistics constraints
6 and restraints to operations identified through such
7 wargames.

8 “(L) An assessment of the ability of the De-
9 partment of Defense, the Armed Forces, and the
10 combatant commands to leverage and integrate
11 emergent logistics related technologies and advanced
12 computing systems.

13 “(M) Such other matters the Secretary of De-
14 fense considers appropriate.

15 “(2) In preparing the report under paragraph (1), the
16 Secretary of Defense shall consult with, and consider the
17 recommendations of, the Chairman of the Joint Chiefs of
18 Staff.

19 “(3) The report required under this subsection shall
20 be submitted in classified form and shall include an un-
21 classified summary.

22 “(c) COMPTROLLER GENERAL REVIEW.—Not later
23 than 180 days after the date on which Secretary submits
24 each report required under subsection (b), the Comptroller
25 General shall submit to the congressional defense commit-

1 tees a report that includes an assessment of each of the
2 following:

3 “(1) Whether the report includes each of the
4 elements referred to in subsection (b).

5 “(2) The strengths and weaknesses of the ap-
6 proach and methodology used in conducting the re-
7 view required under subsection (a) that is covered by
8 the report.

9 “(3) Any other matters relating to sustainment
10 that may arise from the report, as the Comptroller
11 General considers appropriate.

12 “(d) RELATIONSHIP TO BUDGET.—Nothing in this
13 section shall be construed to affect section 1105(a) of title
14 31.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 118 the following new
18 item:

 “118a. National Defense Sustainment and Logistics Review.”.

19 (c) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—
20 Notwithstanding the deadline in subsection (b)(1) of sec-
21 tion 118a of title 10, United States Code, as added by
22 subsection (a), the Secretary of Defense shall submit the
23 first report under such section not later than the date that
24 is 18 months after the date of the enactment of this Act,

1 unless a new National Defense Strategy is released prior
2 to such date.

3 **SEC. 342. REPEAL OF SUNSET FOR MINIMUM ANNUAL PUR-**
4 **CHASE AMOUNT FOR CARRIERS PARTICI-**
5 **PATING IN THE CIVIL RESERVE AIR FLEET.**

6 Section 9515 of title 10, United States Code, is
7 amended by striking subsection (k).

8 **SEC. 343. ADDITIONAL ELEMENTS FOR INCLUSION IN NAVY**
9 **SHIP DEPOT MAINTENANCE BUDGET RE-**
10 **PORT.**

11 Section 363(b) of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92) is amended
13 by adding at the end the following new paragraphs:

14 “(6) The execution of the planned schedule,
15 categorized by class of ship, for each of the three
16 preceding fiscal years, including—

17 “(A) the actual contract award compared
18 to the milestone;

19 “(B) the planned completion date com-
20 pared to the actual completion date; and

21 “(C) each regional maintenance center’s
22 availability schedule performance for on-time
23 availability completion.

24 “(7) In accordance with the findings of the
25 Government Accountability Office (GAO 20–370)—

1 “(A) in 2021, an analysis plan for the
2 evaluation of pilot program availabilities funded
3 by the Other Procurement, Navy account; and
4 “(B) in 2022, a report on the Navy’s
5 progress implementing such analysis plan.”.

6 **SEC. 344. CLARIFICATION OF LIMITATION ON LENGTH OF**
7 **OVERSEAS FORWARD DEPLOYMENT OF CUR-**
8 **RENTLY DEPLOYED NAVAL VESSELS.**

9 Section 323(b) of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019 (Public Law
11 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amend-
12 ed by striking “In the case of any naval vessel” and insert-
13 ing “In the case of any aircraft carrier, amphibious ship,
14 cruiser, destroyer, frigate, or littoral combat ship”.

15 **SEC. 345. INDEPENDENT ADVISORY PANEL ON WEAPON**
16 **SYSTEM SUSTAINMENT.**

17 (a) ESTABLISHMENT.—The Secretary of Defense
18 shall establish an independent advisory panel (in this sec-
19 tion referred to as the “panel”) on the weapon system
20 sustainment ecosystem. The National Defense University
21 and the Defense Acquisition University shall sponsor the
22 panel, including by providing administrative support.

23 (b) MEMBERSHIP.—

24 (1) COMPOSITION.—The panel shall be com-
25 prised of nine members, of whom—

1 (A) five shall be appointed by the Sec-
2 retary of Defense;

3 (B) one shall be appointed by the Chair-
4 man of the Committee on Armed Services of
5 the Senate;

6 (C) one shall be appointed by the Ranking
7 Member of the Committee on Armed Services of
8 the Senate;

9 (D) one shall be appointed by the Chair-
10 man of the Committee on Armed Services of
11 the House of Representatives; and

12 (E) one shall be appointed by the Ranking
13 Member of the Committee on Armed Services of
14 the House of Representatives.

15 (2) EXPERTISE.—In making appointments
16 under this subsection, consideration should be given
17 to individuals with expertise in public and private-
18 sector acquisition, sustainment, and logistics policy
19 in aviation, ground, maritime systems, and space
20 systems and their related components.

21 (3) APPOINTMENT DATE.—The appointment of
22 the members of the panel shall be made not later
23 than 120 days after the date of the enactment of
24 this Act.

25 (c) DUTIES.—The panel shall—

1 (1) review the weapon system sustainment eco-
2 system from development, production, and
3 sustainment of the weapon system through use in
4 the field, depot and field-level maintenance, modi-
5 fication, and disposal with a goal of—

6 (A) maximizing the availability and mis-
7 sion capabilities of weapon systems;

8 (B) reducing overall life-cycle costs of
9 weapon systems during fielding, operation and
10 sustainment; and

11 (C) aligning weapon system sustainment
12 functions to the most recent national defense
13 strategy submitted pursuant to section 113 of
14 title 10, United States Code; and

15 (2) using information from the review of the
16 weapon system sustainment ecosystem, make rec-
17 ommendations related to statutory, regulatory, pol-
18 icy, or operational best practices the panel considers
19 necessary.

20 (d) REPORT.—

21 (1) INTERIM REPORT.—Not later than 1 year
22 after the date on which all members of the panel
23 have been appointed, the panel shall provide to the
24 Secretary of Defense and the Committees on Armed
25 Services of the Senate and House of Representatives

1 a briefing on the interim findings and recommenda-
2 tions of the panel.

3 (2) FINAL REPORT.—Not later than 2 years
4 after the date on which all members of the panel
5 have been appointed, the panel shall submit to the
6 Secretary of Defense and the Committees on Armed
7 Services of the Senate and House of Representatives
8 a report setting forth a detailed statement of the
9 findings and conclusions of the panel as a result of
10 the review described in subsection (c), together with
11 such recommendations related to statutory, regu-
12 latory, policy, or operational practices as the panel
13 considers appropriate in light of the results of the
14 review.

15 (e) ADMINISTRATIVE MATTERS.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall provide the panel with timely access to appro-
18 priate information, data, resources, analysis, and lo-
19 gistics support so that the panel may conduct a
20 thorough and independent assessment as required
21 under this section.

22 (2) EFFECT OF LACK OF APPOINTMENT BY AP-
23 POINTMENT DATE.—If any member has not been ap-
24 pointed by the date specified in subsection (b)(3),
25 the authority to appoint such member under sub-

1 section (b)(1) shall expire, and the number of mem-
2 bers of the panel shall be reduced by the number
3 equal to the number of appointments so not made.

4 (3) PERIOD OF APPOINTMENT; VACANCIES.—
5 Members of the panel shall be appointed for the du-
6 ration of the panel. Any vacancy in the panel shall
7 not affect its powers, but shall be filled in the same
8 manner as the original appointment.

9 (4) CHAIR.—The panel shall select a Chair
10 from among its members. The Chair may not be a
11 Federal officer or employee.

12 (f) TERMINATION.—The panel shall terminate 90
13 days after the date on which the panel submits the report
14 required under subsection (d)(2).

15 **SEC. 346. BIENNIAL BRIEFINGS ON STATUS OF SHIPYARD**
16 **INFRASTRUCTURE OPTIMIZATION PLAN.**

17 (a) BRIEFINGS REQUIRED.—During the period be-
18 ginning on July 1, 2020, and ending on July 1, 2025,
19 the Secretary of the Navy shall provide to the congres-
20 sional defense committees biennial briefings on the status
21 of the Shipyard Infrastructure Optimization Plan.

22 (b) ELEMENTS OF BRIEFINGS.—Each briefing under
23 subsection (a) shall include a discussion of the status of
24 each of the following elements:

1 (1) A master plan for infrastructure develop-
2 ment, including projected military construction and
3 capital equipment projects.

4 (2) A planning and design update for military
5 construction, minor military construction, and facil-
6 ity sustainment projects over the subsequent five-
7 year period.

8 (3) A human capital management and develop-
9 ment plan.

10 (4) A workload management plan that includes
11 synchronization requirements for each shipyard and
12 ship class.

13 (5) Performance metrics and an assessment
14 plan.

15 (6) A funding and authority plan that includes
16 funding lines across the future years defense pro-
17 gram.

18 (7) A listing of equipment from Federal Supply
19 Classes 3411 (Boring Machines), 3416 (Lathes) and
20 3441 (Bending and Forming Machines) that has
21 been unserviceable for over 30 consecutive days, in-
22 cluding, for each such piece of equipment—

23 (A) the reason for the delayed repair;

24 (B) the availability of technical representa-
25 tives from the manufacturer to provide assist-

1 ance in diagnosing and repairing the discrep-
2 ancy; and

3 (C) the estimated time to repair.

4 **SEC. 347. MATERIEL READINESS METRICS AND OBJEC-**
5 **TIVES FOR MAJOR WEAPON SYSTEMS.**

6 (a) IN GENERAL.—Section 118 of title 10, United
7 States Code, is amended—

8 (1) by amending the section heading to read as
9 follows: “**Materiel readiness metrics and**
10 **objectives for major weapon systems**”;

11 (2) by striking “Not later than five days” and
12 inserting the following:

13 “(d) BUDGET JUSTIFICATION.—Not later than five
14 days”;

15 (3) by inserting before subsection (d) (as des-
16 ignated by paragraph (2)) the following new sub-
17 sections:

18 “(a) MATERIEL READINESS METRICS.—Each head
19 of an element of the Department specified in paragraphs
20 (1) through (10) of section 111(b) of this title shall estab-
21 lish and maintain materiel readiness metrics to enable as-
22 sessment of the readiness of members of the armed forces
23 to carry out—

24 “(1) the strategic framework required by sec-
25 tion 113(g)(1)(B)(vii) of this title; and

1 “(2) guidance issued by the Secretary of De-
2 fense pursuant to section 113(g)(1)(B) of this title.

3 “(b) REQUIRED METRICS.—At a minimum, the ma-
4 teriel readiness metrics required by subsection (a) shall
5 address the materiel availability, operational availability,
6 operational capability, and materiel reliability of each
7 major weapon system by designated mission, design series,
8 variant, or class.

9 “(c) MATERIEL READINESS OBJECTIVES.—(1) Not
10 later than one year after the date of the enactment of this
11 subsection, each head of an element described in sub-
12 section (a) shall establish the metrics required by sub-
13 section (b) necessary to support the strategic framework
14 and guidance referred to in paragraph (1) and (2) of sub-
15 section (a).

16 “(2) Annually, each head of an element described in
17 subsection (a) shall review and revise the metrics required
18 by subsection (b) and include any such revisions in the
19 materials submitted to Congress in support of the budget
20 of the President under section 1105 of title 31.”;

21 (4) in subsection (d) (as designated by para-
22 graph (2))—

23 (A) in paragraph (1)—

24 (i) by striking “materiel reliability,
25 and mean down time metrics for each

1 major weapons system” and inserting
2 “operational availability, and materiel reli-
3 ability for each major weapon system”;
4 and

5 (ii) by inserting “and” at the end;

6 (B) in paragraph (2), by striking “; and”
7 and inserting a period at the end; and

8 (C) by striking paragraph (3); and

9 (5) by adding at the end the following new sub-
10 section:

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘major weapon system’ has the
13 meaning given in section 2379(f) of this title.

14 “(2) The term ‘materiel availability’ means a
15 measure of the percentage of the total inventory of
16 a major weapon system that is operationally capable
17 of performing an assigned mission.

18 “(3) The term ‘materiel reliability’ means the
19 probability that a major weapon system will perform
20 without failure over a specified interval.

21 “(4) The term ‘operational availability’ means a
22 measure of the percentage of time a major weapon
23 system is operationally capable.

24 “(5) The term ‘operationally capable’ means a
25 materiel condition indicating that a major weapon

1 system is capable of performing its assigned mission
2 and has no discrepancies with a subsystem of a
3 major weapon system.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 2 of title 10, United States
6 Code, is amended by striking the item relating to section
7 118 and inserting the following new item:

 “118. Materiel readiness metrics and objectives for major defense acquisition
 programs.”.

8 **SEC. 348. REPEAL OF STATUTORY REQUIREMENT FOR NO-**
9 **TIFICATION TO DIRECTOR OF DEFENSE LO-**
10 **GISTICS AGENCY THREE YEARS PRIOR TO IM-**
11 **PLEMENTING CHANGES TO ANY UNIFORM OR**
12 **UNIFORM COMPONENT.**

13 Section 356 of the John S. McCain National Defense
14 Authorization Act for Fiscal Year 2019 (Public Law 115–
15 232; 10 U.S.C. 771 note prec.) is amended—

16 (1) by striking subsection (a);

17 (2) by redesignating subsections (b) and (c) as
18 subsections (a) and (b), respectively; and

19 (3) in subsections (a) and (b), as so redesign-
20 nated, by striking “Commander” each place it ap-
21 pears and inserting “Director”.

1 **Subtitle D—Munitions Safety and**
2 **Oversight**

3 **SEC. 351. CHAIR OF DEPARTMENT OF DEFENSE EXPLOSIVE**
4 **SAFETY BOARD.**

5 (a) RESPONSIBILITIES.—Section 172 of title 10,
6 United States Code, is amended by adding at the end the
7 following new subsections:

8 “(c) RESPONSIBILITIES OF CHAIR.—The chair of the
9 explosive safety board shall carry out the following respon-
10 sibilities:

11 “(1) To act as the principal executive represent-
12 ative and advisor of the Secretary on explosive and
13 chemical agent safety matters related to Department
14 of Defense military munitions.

15 “(2) To perform the hazard classification ap-
16 proval duties assigned to the chair.

17 “(3) To preside over meetings of the explosive
18 safety board.

19 “(4) To direct the staff of the explosive safety
20 board.

21 “(5) To performs other functions relating to ex-
22 plosives safety management, as directed by the As-
23 sistant Secretary of Defense for Sustainment.

24 “(6) To provide impartial and objective advice
25 related to explosives safety management to the Sec-

1 retary of Defense and the heads of the military de-
2 partments.

3 “(7) To serve as the principal representative
4 and advisor of the Department of Defense on mat-
5 ters relating to explosives safety management.

6 “(8) To provide assistance and advice to the
7 Under Secretary of Defense for Acquisition and
8 Sustainment and the Deputy Director of Land War-
9 fare and Munitions in munitions acquisition over-
10 sight and technology advancement for Department
11 of Defense military munitions, especially in the areas
12 of explosives and chemical agent safety and demili-
13 tarization.

14 “(9) To provide assistance and advice to the
15 Assistant Secretary of Defense for Logistics and
16 Material Readiness in sustainment oversight of De-
17 partment of Defense military munitions, especially in
18 the areas of explosives and chemical agent safety,
19 storage, transportation, and demilitarization.

20 “(10) To develop and recommend issuances to
21 define the functions of the explosive safety board.

22 “(11) To establishes joint hazard classification
23 procedures with covered components of the Depart-
24 ment.

1 “(12) To make recommendations to the Under
2 Secretary of Defense for Acquisition and
3 Sustainment with respect to explosives and chemical
4 agent safety tenets and requirements.

5 “(13) To conducts oversight of Department of
6 Defense explosive safety management programs.

7 “(14) To carry out such other responsibilities
8 as the Secretary of Defense determines appropriate.

9 “(d) RESPONSIBILITIES OF EXECUTIVE DIRECTOR
10 AND CIVILIAN MEMBERS.—The executive director and ci-
11 vilian members of the explosive safety board shall—

12 “(1) provide assistance to the chair in carrying
13 out the responsibilities specified in subsection (c);
14 and

15 “(2) carry out such other responsibilities as the
16 chair determines appropriate.

17 “(e) MEETINGS.—(1) The explosive safety board
18 shall meet not less frequently than quarterly.

19 “(2) The chair shall submit to the congressional de-
20 fense committees an annual report describing the activities
21 conducted at the meetings of the board.

22 “(f) EXCLUSIVE RESPONSIBILITIES.—The explosive
23 safety board shall have exclusive responsibility within the
24 Department of Defense for—

1 “(1) recommending new and updated explosive
2 and chemical agent safety regulations and standards
3 to the Assistant Secretary of Defense for Energy In-
4 stallations and Environment for submittal to the
5 Under Secretary of Defense for Acquisition and
6 Sustainment; and

7 “(2) acting as the primary forum for coordina-
8 tion among covered components of the Department
9 on all matters related to explosive safety manage-
10 ment.

11 “(g) COVERED COMPONENTS.—In this section, the
12 covered components of the Department are each of the fol-
13 lowing:

14 “(1) The Office of the Secretary of Defense.

15 “(2) The military departments.

16 “(3) The Office of the Chairman of the Joint
17 Chiefs of Staff and the Joint Staff, the Combatant
18 Commands.

19 “(4) The Office of the Inspector General of the
20 Department.

21 “(5) The Defense Agencies.

22 “(6) The Department of Defense field activities.

23 “(7) All other organizational entities within the
24 Department.”.

1 (b) DEADLINE FOR APPOINTMENT.—By not later
2 than 90 days after the date of the enactment of this Act,
3 the Secretary of Defense shall take such steps as may be
4 necessary to ensure that the explosive safety board of the
5 Department of Defense, as authorized under section 172
6 of title 10, United States Code, has a chair who is a mili-
7 tary officer and whose responsibilities include the day-to-
8 day management of the explosive safety board and the re-
9 sponsibilities provided in subsection (c) of such section.

10 (c) LIMITATION ON USE OF FUNDS.—Of the
11 amounts authorized to be appropriated or otherwise made
12 available in this Act for the Office of the Under Secretary
13 of Defense for Acquisition and Sustainment for fiscal year
14 2021, not more than 75 percent may be obligated or ex-
15 pended until the date on which the Under Secretary of
16 Defense certifies to the congressional defense committees
17 that all board member positions, including the chair, of
18 the Department of Defense explosive safety board, as au-
19 thorized under section 172 of title 10, United States Code,
20 as amended by this section, have been filled by military
21 officers as required by such section.

22 **SEC. 352. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PRO-**
23 **GRAM.**

24 (a) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—
25 Section 2284(b) of title 10, United States Code, as amend-

1 ed by section 1052 of the National Defense Authorization
2 Act for Fiscal Year 2020 (Public Law 116–92), is further
3 amended—

4 (1) in paragraph (1)(A)—

5 (A) by inserting “and” before “integra-
6 tion”; and

7 (B) by striking “an Assistant Secretary of
8 Defense” and inserting “the Assistant Sec-
9 retary of Defense for Special Operations and
10 Low Intensity Conflict”;

11 (2) in paragraph (2), by striking “to whom re-
12 sponsibility is assigned under paragraph (1)(A)” and
13 inserting “for Special Operations and Low Intensity
14 Conflict”;

15 (3) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively; and

17 (4) by inserting after paragraph (2) the fol-
18 lowing new paragraph (3):

19 “(3) the Assistant Secretary of Defense for
20 Special Operations and Low Intensity Conflict shall
21 coordinate with—

22 “(A) the Under Secretary of Defense for
23 Intelligence on explosive ordnance technical in-
24 telligence;

1 “(B) the Under Secretary of Defense for
2 Acquisition and Sustainment on explosive ord-
3 nance disposal research, development, acquisi-
4 tion, and sustainment;

5 “(C) the Under Secretary of Defense for
6 Research and Engineering on explosive ord-
7 nance disposal research, development, test, and
8 evaluation;

9 “(D) the Assistant Secretary of Defense
10 for Homeland Security and Global Security on
11 explosive ordnance disposal on defense support
12 of civil authorities; and

13 “(E) the Assistant Secretary of Defense
14 for Nuclear, Chemical, and Biological Defense
15 programs on explosive ordnance disposal for
16 combating weapons of mass destruction;”.

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Defense,
19 in coordination with the Secretaries of the military depart-
20 ments, shall submit to the Committees on Armed Services
21 of the Senate and House of Representatives a report of
22 the Explosive Ordnance Disposal Defense Program under
23 section 2284 of title 10, United States Code. Such report
24 shall include each of the following:

1 (1) The status of the establishment and organi-
2 zation of the Program and the compliance with the
3 requirements of such section, as amended by section
4 1052 of the National Defense Authorization Act for
5 Fiscal Year 2020.

6 (2) An assessment of the feasibility and advis-
7 ability of designating the Joint Program Executive
8 Officer for Armaments and Ammunition as the joint
9 program executive officer for the explosive ordnance
10 disposal program, establishing a rotation of the role
11 between an Army, Navy, and Air Force entity on a
12 periodic basis, or other options determined appro-
13 priate.

14 (3) An assessment of the feasibility and advis-
15 ability of designating the Director of the Defense
16 Threat Reduction Agency with management respon-
17 sibility for a Defense-wide program element for ex-
18 plosive ordnance disposal research, development,
19 test, and evaluation transactions other than con-
20 tracts, cooperative agreements, and grants related to
21 section 2371 of title 10, United States Code, during
22 research projects including rapid prototyping and
23 limited procurement urgent activities and acquisi-
24 tion.

1 **SEC. 353. ASSESSMENT OF RESILIENCE OF DEPARTMENT**
2 **OF DEFENSE MUNITIONS ENTERPRISE.**

3 (a) ASSESSMENT.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall enter into an agreement with a federally-funded re-
6 search and development center with relevant expertise
7 under which such center shall conduct an assessment of
8 the resilience of the Department of Defense munitions en-
9 terprise.

10 (b) ELEMENTS.—The assessment required under
11 subsection (a) shall include the following elements:

12 (1) An identification of the points of failure
13 with respect to the munitions enterprise, including
14 physical locations, materials, suppliers, contractors,
15 and other relevant elements, that, if failure occurs,
16 would have the largest negative impact on the capac-
17 ity, resiliency, and safety of the enterprise.

18 (2) An evaluation of the efforts of the Depart-
19 ment of Defense to address the points of failure
20 identified under paragraph (1).

21 (3) Recommendation with respect to any addi-
22 tional efforts or actions that could be taken to pro-
23 vide for mitigation or solutions with respect to such
24 points of failure.

1 (4) An evaluation of the capacity of the muni-
2 tions enterprise to support a sudden surge in de-
3 mand to support a contingency.

4 (5) An evaluation of the capacity of the muni-
5 tions enterprise to withstand intentional disruption
6 during a conflict.

7 (c) REPORT AND BRIEFINGS.—The Secretary shall—

8 (1) submit to the congressional defense commit-
9 tees a report on the results of assessment conducted
10 under this section by not later than December 31,
11 2021; and

12 (2) provide for such committees interim brief-
13 ings on such assessment upon request.

14 (d) POINT OF FAILURE.—In this section, the term
15 “point of failure” means, with respect to the munitions
16 enterprise, an aspect of the enterprise, that, if it were to
17 fail or be significantly negatively impacted would cause the
18 portion of the enterprise it supports to either fail or be
19 significantly negatively impacted.

20 **SEC. 354. REPORT ON SAFETY WAIVERS AND MISHAPS IN**
21 **DEPARTMENT OF DEFENSE MUNITIONS EN-**
22 **TERPRISE.**

23 (a) REPORT REQUIRED.—The Secretary shall include
24 with the Department of Defense materials submitted to
25 Congress with the budget of the President for each of fis-

1 cal years 2022 through 2025 (as submitted to Congress
2 pursuant to section 1105 of title 31, United States Code),
3 a report on safety waivers provided in the Department of
4 Defense munitions enterprise. Each such report shall in-
5 clude each of the following for the year covered by the
6 report and each of the preceding 3 years:

7 (1) A list of each waiver, exemption, and secre-
8 tarial exemption or certification provided with re-
9 spect to any Department of Defense munitions safe-
10 ty standard.

11 (2) For each such waiver, exemption, or certifi-
12 cation provided—

13 (A) the location where the waiver, exemp-
14 tion, or certification was provided;

15 (B) a summary of the justification used for
16 providing the waiver, exemption, or certifi-
17 cation;

18 (C) the time period during which the waiv-
19 er, exemption, or certification applies and the
20 number of times such a waiver, exemption, or
21 certification has been provided at that location;
22 and

23 (D) a list of all safety-related mishaps that
24 occurred at locations where waivers, exemp-
25 tions, or certifications were in place, and for

1 each such mishap, whether or not a subsequent
2 investigation determined the waiver, exemption,
3 or certification was related or may have been
4 related to the mishap.

5 (3) A list and summary of all class A through
6 class E mishaps related to the construction, storage,
7 transportation, usage, and demilitarization of muni-
8 tions.

9 (4) Any mitigation efforts in place at any loca-
10 tion where a waiver, exemption, or certification has
11 been provided or where a safety-related mishap has
12 occurred.

13 (5) Such other matters as the Secretary deter-
14 mines appropriate.

15 (b) MUNITIONS DEFINED.—In this section, the term
16 “munitions” includes ammunition, explosives, and chem-
17 ical agents.

18 **Subtitle E—Other Matters**

19 **SEC. 361. PILOT PROGRAM FOR TEMPORARY ISSUANCE OF** 20 **MATERNITY-RELATED UNIFORM ITEMS.**

21 (a) PILOT PROGRAM.—The Director of the Defense
22 Logistics Agency, in coordination with the Secretaries con-
23 cerned, shall carry out a pilot program for issuing mater-
24 nity-related uniform items to pregnant members of the
25 Armed Forces, on a temporary basis and at no cost to

1 such member. In carrying out the pilot program, the Di-
2 rector shall take the following actions:

3 (1) The Director shall maintain a stock of each
4 type of maternity-related uniform item determined
5 necessary by the Secretary concerned, including
6 service uniforms items, utility uniform items, and
7 other items relating to the command and duty as-
8 signment of the member requiring issuance.

9 (2) The Director shall ensure that such items
10 have not been treated with the chemical permethrin.

11 (3) The Director, in coordination with the Sec-
12 retary concerned, shall determine a standard number
13 of maternity-related uniform items that may be
14 issued per member.

15 (4) The Secretary concerned shall ensure that
16 any member receiving a maternity-related uniform
17 item returns such item to the relevant office estab-
18 lished under paragraph (1) on the date on which the
19 Secretary concerned determines the member no
20 longer requires such item.

21 (5) The Secretary concerned shall inspect, proc-
22 ess, repair, clean, and re-stock items returned by a
23 member pursuant to paragraph (4) for re-issuance
24 from such relevant office.

1 (6) The Director, in coordination with the Sec-
2 retaries concerned, may issue such guidance and
3 regulations as necessary to carry out the pilot pro-
4 gram.

5 (b) TERMINATION.—No maternity-related uniform
6 items may be issued to a member of the Armed Forces
7 under the pilot program after September 30, 2026.

8 (c) REPORT.—Not later than September 30, 2025,
9 the Director of the Defense Logistics Agency, in coordina-
10 tion with the Secretaries concerned, shall submit to the
11 congressional defense committees a report on the pilot
12 program. Such report shall include each of the following:

13 (1) For each year during which the pilot pro-
14 gram was carried out, the number of members of the
15 Armed Forces who received a maternity-related uni-
16 form item under the pilot program.

17 (2) An overview of the costs associated with,
18 and any savings realized by, the pilot program, in-
19 cluding a comparison of the cost of maintaining a
20 stock of maternity-related uniform items for
21 issuance under the pilot program versus the cost of
22 providing allowances to members for purchasing
23 such items.

24 (3) A recommendation on whether the pilot pro-
25 gram should be extended after the date of termi-

1 nation under subsection (b) and whether legislation
2 is necessary for such extension.

3 (4) Any other matters that the Secretary of De-
4 fense determines appropriate.

5 **SEC. 362. SERVICEWOMEN'S COMMEMORATIVE PARTNER-**
6 **SHIPS.**

7 (a) IN GENERAL.—The Secretary of the Army may
8 enter into a contract, partnership, or grant with a non-
9 profit organization for the purpose of providing financial
10 support for the maintenance and sustainment of infra-
11 structure and facilities at military service memorials and
12 museums that highlight the role of women in the military.
13 Such a contract, partnership, or grant shall be referred
14 to as a “Servicewomen’s Commemorative Partnership”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
16 amounts authorized to be appropriated for fiscal year
17 2021, as identified in division D of this Act, \$3,000,000
18 shall be available for Servicewomen’s Commemorative
19 Partnerships under subsection (a).

20 **SEC. 363. BIODEFENSE ANALYSIS AND BUDGET SUBMIS-**
21 **SION.**

22 (a) ANNUAL ANALYSIS.—For each fiscal year, begin-
23 ning in fiscal year 2023, the Director of the Office of Man-
24 agement and Budget, in consultation with the Secretary
25 of Health and Human Services shall—

1 (1) conduct a detailed and comprehensive anal-
2 ysis of Federal biodefense programs; and

3 (2) develop an integrated biodefense budget
4 submission.

5 (b) DEFINITION OF BIODEFENSE.—In accordance
6 with the National Biodefense Strategy, the Director shall
7 develop and disseminate to all Federal departments and
8 agencies a unified definition of the term “biodefense” to
9 identify which programs and activities are included in the
10 annual budget submission required under subsection (a).

11 (c) REQUIREMENTS FOR ANALYSIS.—The analysis
12 required under subsection (a) shall include—

13 (1) the display of all funds requested for bio-
14 defense activities, both mandatory and discretionary,
15 by agency and categorized by biodefense enterprise
16 element, such as threat awareness, prevention, deter-
17 rence, preparedness, surveillance and detection, re-
18 sponse, attribution (including bioforensic capabili-
19 ties), recovery, and mitigation; and

20 (2) detailed explanations of how each program
21 and activity included aligns with biodefense goals
22 and objectives as part of the National Biodefense
23 Strategy required under section 1086 of the Na-
24 tional Defense Authorization Act for Fiscal Year
25 2017 (6 U.S.C. 104).

1 (d) SUBMITTAL TO CONGRESS.—The Director, in
2 consultation with the Secretary of Health and Human
3 Services, shall submit to Congress the analysis required
4 under subsection (a) for a fiscal year concurrently with
5 the President’s annual budget request for that fiscal year.

6 **SEC. 364. UPDATE OF NATIONAL BIODEFENSE IMPLEMEN-**
7 **TATION PLAN.**

8 (a) IN GENERAL.—The Secretaries of Health and
9 Human Services, Defense, Agriculture, Homeland Secu-
10 rity, and all other Departments and agencies with respon-
11 sibilities for biodefense, such as the Department of State,
12 in consultation with the Assistant to the President for Na-
13 tional Security Affairs and the Director of the Office of
14 Management and Budget, as appropriate, shall jointly,
15 after reviewing the biodefense threat assessment described
16 in subsection (d) and any relevant input from external
17 stakeholders, as appropriate, update the National Bio-
18 defense Implementation Plan developed under section
19 1086 of the National Defense Authorization Act for Fiscal
20 Year 2017 (6 U.S.C. 104) to clearly document established
21 processes, roles, and responsibilities related to the Na-
22 tional Biodefense Strategy.

23 (b) SPECIFIC UPDATES.—The updated National Bio-
24 defense Implementation Plan shall—

1 (1) describe the roles and responsibilities of the
2 Federal departments and agencies, including inter-
3 nal and external coordination procedures, in identi-
4 fying and sharing information between and among
5 Federal departments and agencies, as described in
6 section 1086(b)(4) of the National Defense Author-
7 ization Act for Fiscal Year 2017 (6 U.S.C.
8 104(b)(4)) and consistent with the statutory roles
9 and authorities of such departments and agencies;

10 (2) describe roles, responsibilities, and processes
11 for decisionmaking, including decisions regarding
12 use of resources for effective risk management
13 across the enterprise;

14 (3) describe resource plans for each department
15 and agency with responsibility for biodefense to sup-
16 port implementation of the strategy within the juris-
17 diction of such department or agency, including for
18 the Biodefense Coordination Team, as appropriate;

19 (4) describe guidance and methods for ana-
20 lyzing the data collected from agencies to include
21 non-Federal resources and capabilities to the extent
22 practicable; and

23 (5) describe and update, as appropriate,
24 short-, medium-, and long-term goals for executing

1 the National Biodefense Strategy and metrics for
2 meeting each objective of the Strategy.

3 (c) SUBMITTAL TO CONGRESS.—The Secretary of
4 Health and Human Services, the Secretary of Defense, the
5 Secretary of Agriculture, and the Secretary of Homeland
6 Security shall, not later than 6 months after the date of
7 the completion of the assessment in subsection (d)(1)(A),
8 submit the updated Implementation Plan to the appro-
9 priate congressional committees.

10 (d) UPDATED BIODEFENSE THREAT ASSESSMENT.—

11 (1) IN GENERAL.—The Secretaries of Health
12 and Human Services, Defense, Agriculture, and
13 Homeland Security, shall jointly, and in consultation
14 with the Director of National Intelligence, and other
15 agency heads as appropriate—

16 (A) conduct an assessment of current and
17 potential biological threats against the United
18 States, both naturally occurring and man-made,
19 either accidental or deliberate, including the po-
20 tential for catastrophic biological threats, such
21 as a pandemic;

22 (B) not later than 1 year after the date of
23 enactment of this section, submit the findings
24 of the assessment conducted under subpara-
25 graph (A) to the Federal officials described in

1 subsection (d)(1) and the appropriate congress-
2 sional committees described in subsection (e);

3 (C) not later than 30 days after the date
4 on which the assessment is submitted under
5 subparagraph (B), conduct a briefing for the
6 appropriate congressional committees on the
7 findings of the assessment;

8 (D) update the assessment under subpara-
9 graph (A) biennially, as appropriate, and pro-
10 vide the findings of such updated assessments
11 to the Federal officials described in subsection
12 (d)(1) and the appropriate congressional com-
13 mittees; and

14 (E) conduct briefings for the appropriate
15 congressional committees as needed any time an
16 assessment under this paragraph is updated.

17 (2) CLASSIFICATION AND FORMAT.—Assess-
18 ments under paragraph (1) shall be submitted in an
19 unclassified format and include a classified annex, as
20 appropriate.

21 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congress-
23 sional committees” means the following:

24 (1) The Committees on Armed Services of the
25 House of Representatives and the Senate.

1 (2) The Committee on Energy and Commerce
2 of the House of Representatives and the Committee
3 on Health, Education, Labor, and Pensions of the
4 Senate.

5 (3) The Committee on Homeland Security of
6 the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the
8 Senate.

9 (4) The Committee on Agriculture of the House
10 of Representatives and the Committee on Agri-
11 culture, Nutrition, and Forestry of the Senate.

12 (5) The Permanent Select Committee on Intel-
13 ligence of the House of Representatives and the Se-
14 lect Committee on Intelligence of the Senate.

15 (6) The Committee on Foreign Affairs of the
16 House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to alter, limit, or duplicate the
20 roles, responsibilities, authorities, or current activities, as
21 established in statute or otherwise through existing prac-
22 tice or policy, of each Federal department or agency with
23 responsibilities for biodefense or otherwise relevant to im-
24 plementation of the National Biodefense Strategy.

1 **SEC. 365. PLANS AND REPORTS ON EMERGENCY RESPONSE**
2 **TRAINING FOR MILITARY INSTALLATIONS.**

3 (a) PLANS.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall ensure that each military installa-
7 tion under the jurisdiction of the Secretary that does
8 not conduct live emergency response training on an
9 annual basis or more frequently with the civilian law
10 enforcement and emergency response agencies re-
11 sponsible for responding to an emergency at the in-
12 stallation develops a plan to conduct such training.

13 (2) ELEMENTS.—Each plan developed under
14 paragraph (1) with respect to an installation—

15 (A) shall include—

16 (i) the cost of implementing training
17 described in paragraph (1) at the installa-
18 tion;

19 (ii) a description of any obstacles to
20 the implementation of such training; and

21 (iii) recommendations for mitigating
22 any such obstacles; and

23 (B) shall be designed to ensure that the ci-
24 vilian law enforcement and emergency response
25 agencies described in paragraph (1) are familiar
26 with—

1 (i) the physical features of the instal-
2 lation, including gates, buildings, armories,
3 headquarters, command and control cen-
4 ters, and medical facilities; and

5 (ii) the emergency response personnel
6 and procedures of the installation.

7 (3) SUBMITTAL OF PLANS.—

8 (A) SUBMITTAL TO SECRETARY.—Not
9 later than 90 days after the date of the enact-
10 ment of this Act, the commander of each mili-
11 tary installation required to develop a plan
12 under paragraph (1) shall submit such plan to
13 the Secretary of Defense.

14 (B) SUBMITTAL TO CONGRESS.—Not later
15 than 180 days after the date of the enactment
16 of this Act, the Secretary shall submit to the
17 Committees on Armed Services of the Senate
18 and the House of Representatives a summary of
19 the plans submitted to the Secretary under sub-
20 paragraph (A).

21 (b) REPORTS ON TRAINING CONDUCTED.—

22 (1) LIST OF INSTALLATIONS.—Not later than
23 March 1, 2021, the Secretary shall submit to the
24 Committees on Armed Services of the Senate and
25 the House of Representatives a list of all military in-

1 stallations under the jurisdiction of the Secretary
2 that conduct live emergency response training on an
3 annual basis or more frequently with the civilian law
4 enforcement and emergency response agencies re-
5 sponsible for responding to an emergency at the in-
6 stallation.

7 (2) ANNUAL REPORTS.—

8 (A) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, and
10 annually thereafter, the commander of each
11 military installation under the jurisdiction of
12 the Secretary shall submit to the Secretary a
13 report on each live emergency response training
14 conducted during the year covered by the report
15 with the civilian law enforcement and emer-
16 gency response agencies responsible for re-
17 sponding to an emergency at the installation.

18 (B) ELEMENTS.—Each report submitted
19 under subparagraph (A) shall include, with re-
20 spect to each training exercise, the following:

21 (i) The date and duration of the exer-
22 cise.

23 (ii) A detailed description of the exer-
24 cise.

1 (iii) An identification of all military
2 and civilian personnel who participated in
3 the exercise.

4 (iv) Any recommendations resulting
5 from the exercise.

6 (v) The actions taken, if any, to im-
7 plement such recommendations.

8 (C) INCLUSION IN ANNUAL BUDGET SUB-
9 MISSION.—

10 (i) IN GENERAL.—The Secretary shall
11 include in the budget submitted to Con-
12 gress by the President pursuant to section
13 1105(a) of title 31, United States Code, a
14 summary of any report submitted to the
15 Secretary under subparagraph (A) during
16 the one-year period preceding the sub-
17 mittal of the budget.

18 (ii) CLASSIFIED FORM.—The sum-
19 mary submitted under clause (i) may be
20 submitted in classified form.

21 (D) SUNSET.—The requirement to submit
22 annual reports under subparagraph (A) shall
23 terminate upon the submittal of the budget de-
24 scribed in subparagraph (C)(i) for fiscal year
25 2024.

1 **SEC. 366. INAPPLICABILITY OF CONGRESSIONAL NOTIFICA-**
2 **TION AND DOLLAR LIMITATION REQUIRE-**
3 **MENTS FOR ADVANCE BILLINGS FOR CER-**
4 **TAIN BACKGROUND INVESTIGATIONS.**

5 Section 2208(l) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraph (4) as para-
8 graph (5); and

9 (2) by inserting after paragraph (3) the fol-
10 lowing new paragraph (4):

11 “(4) This subsection shall not apply to advance bill-
12 ing for background investigation and related services per-
13 formed by the Defense Counterintelligence and Security
14 Agency.”.

15 **SEC. 367. ADJUSTMENT IN AVAILABILITY OF APPROPRIA-**
16 **TIONS FOR UNUSUAL COST OVERRUNS AND**
17 **FOR CHANGES IN SCOPE OF WORK.**

18 Section 8683 of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(c) **TREATMENT OF AMOUNTS APPROPRIATED**
22 **AFTER END OF PERIOD OF OBLIGATION.**—In the applica-
23 tion of section 1553(c) of title 31 to funds appropriated
24 in the Operation and Maintenance, Navy account that are
25 available for ship overhaul, the Secretary of the Navy may

1 treat the limitation specified in paragraph (1) of such sec-
2 tion to be ‘\$10,000,000’ rather than ‘\$4,000,000’.”.

3 **SEC. 368. REQUIREMENT THAT SECRETARY OF DEFENSE**
4 **IMPLEMENT SECURITY AND EMERGENCY RE-**
5 **SPONSE RECOMMENDATIONS RELATING TO**
6 **ACTIVE SHOOTER OR TERRORIST ATTACKS**
7 **ON INSTALLATIONS OF DEPARTMENT OF DE-**
8 **FENSE.**

9 (a) REQUIREMENT.—Not later than 90 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall implement the applicable security and emergency re-
12 sponse recommendations relating to active shooter or ter-
13 rorist attacks on installations of the Department of De-
14 fense made in the following reports:

15 (1) The report by the Government Account-
16 ability Office dated July 2015 entitled, “Insider
17 Threats: DOD Should Improve Information Sharing
18 and Oversight to Protect U.S. Installations” (GAO–
19 15–543).

20 (2) The report prepared by the Department of
21 the Navy relating to the Washington Navy Yard
22 shooting in 2013.

23 (3) The report by the Department of the Army
24 dated August 2010 entitled “Fort Hood, Army In-
25 ternal Review Team: Final Report”.

1 (4) The independent review by the Department
2 of Defense dated January 2010 entitled “Protecting
3 the Force: Lessons from Fort Hood”.

4 (5) The report by the Department of the Air
5 Force dated October 2010 entitled “Air Force Fol-
6 low-On Review: Protecting the Force: Lessons from
7 Fort Hood”.

8 (b) NOTIFICATION OF INAPPLICABLE RECOMMENDA-
9 TIONS.—

10 (1) IN GENERAL.—If the Secretary determines
11 that a recommendation described in subsection (a) is
12 outdated, is no longer applicable, or has been super-
13 seded by more recent separate guidance or rec-
14 ommendations set forth by the Government Account-
15 ability Office, the Department of Defense, or an-
16 other entity in related contracted review, the Sec-
17 retary shall notify the Committees on Armed Serv-
18 ices of the Senate and the House of Representatives
19 not later than 45 days after the date of the enact-
20 ment of this Act.

21 (2) IDENTIFICATION AND JUSTIFICATION.—The
22 notification under paragraph (1) shall include an
23 identification, set forth by report specified in sub-
24 section (a), of each recommendation that the Sec-

1 retary determines should not be implemented, with
2 a justification for each such determination.

3 **SEC. 369. CLARIFICATION OF FOOD INGREDIENT REQUIRE-**
4 **MENTS FOR FOOD OR BEVERAGES PROVIDED**
5 **BY THE DEPARTMENT OF DEFENSE.**

6 (a) IN GENERAL.—Before making any final rule,
7 statement, or determination regarding the limitation or
8 prohibition of any food or beverage ingredient in military
9 food service, military medical foods, commissary food, or
10 commissary food service, the Secretary of Defense shall
11 publish in the Federal Register a notice of a preliminary
12 rule, statement, or determination (in this section referred
13 to as a “proposed action”) and provide opportunity for
14 public comment.

15 (b) MATTERS TO BE INCLUDED.—The Secretary
16 shall include in any notice published under subsection (a)
17 the following:

18 (1) The date of the notice.

19 (2) Contact information for the appropriate of-
20 fice at the Department of Defense.

21 (3) A summary of the notice.

22 (4) A date for comments to be submitted and
23 specific methods for submitting comments.

24 (5) A description of the substance of the pro-
25 posed action.

1 (6) Findings and a statement of reasons sup-
2 porting the proposed action.

3 (c) WAIVER AUTHORITY.—

4 (1) MILITARY OPERATIONS AND EMERGENCY
5 RESPONSE.—The Secretary may waive subsections
6 (a) and (b) if the Secretary determines that such a
7 waiver is necessary for military operations or for the
8 response to a national emergency declared by the
9 President under the National Emergencies Act (50
10 U.S.C. 1601 et seq.), a medical emergency, or a
11 pandemic.

12 (2) PROTECTION OF HUMAN HEALTH.—The
13 Secretary may waive subsections (a) and (b) if the
14 Food and Drug Administration, the Surgeon Gen-
15 eral of the United States, or the Surgeons General
16 of the Department of Defense makes a recall or pro-
17 hibition determination due to certain ingredients
18 being harmful for human consumption.

19 (3) NOTIFICATION REQUIRED.—

20 (A) IN GENERAL.—The Secretary shall no-
21 tify the congressional defense committees not
22 later than 60 days after exercising waiver au-
23 thority under paragraph (1).

1 (B) ELEMENTS.—The notification required
2 under subparagraph (A) shall include, with re-
3 spect to each waiver, the following elements:

4 (i) The date, time, and location of the
5 issuance of the waiver.

6 (ii) A detailed justification for the
7 issuance of the waiver.

8 (iii) An identification of the rule,
9 statement, or determination for which the
10 Secretary issued the waiver, including the
11 proposed duration of such rule, statement,
12 or determination.

13 **SEC. 370. COMMISSION ON THE NAMING OF ITEMS OF THE**
14 **DEPARTMENT OF DEFENSE THAT COMMEMO-**
15 **RATE THE CONFEDERATE STATES OF AMER-**
16 **ICA OR ANY PERSON WHO SERVED VOLUN-**
17 **TARILY WITH THE CONFEDERATE STATES OF**
18 **AMERICA.**

19 (a) REMOVAL.—Not later than three years after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall implement the plan submitted by the commission de-
22 scribed in paragraph (b) and remove all names, symbols,
23 displays, monuments, and paraphernalia that honor or
24 commemorate the Confederate States of America (com-
25 monly referred to as the “Confederacy”) or any person

1 who served voluntarily with the Confederate States of
2 America from all assets of the Department of Defense.

3 (b) IN GENERAL.—The Secretary of Defense shall es-
4 tablish a commission relating to assigning, modifying, or
5 removing of names, symbols, displays, monuments, and
6 paraphernalia to assets of the Department of Defense that
7 commemorate the Confederate States of America or any
8 person who served voluntarily with the Confederate States
9 of America.

10 (c) DUTIES.—The Commission shall—

11 (1) assess the cost of renaming or removing
12 names, symbols, displays, monuments, or para-
13 phernalia that commemorate the Confederate States
14 of America or any person who served voluntarily
15 with the Confederate States of America;

16 (2) develop procedures and criteria to assess
17 whether an existing name, symbol, monument, dis-
18 play, or paraphernalia commemorates the Confed-
19 erate States of America or person who served volun-
20 tarily with the Confederate States of America;

21 (3) recommend procedures for renaming assets
22 of the Department of Defense to prevent commemo-
23 ration of the Confederate States of America or any
24 person who served voluntarily with the Confederate
25 States of America;

1 (4) develop a plan to remove names, symbols,
2 displays, monuments, or paraphernalia that com-
3 memorate the Confederate States of America or any
4 person who served voluntarily with the Confederate
5 States of America from assets of the Department of
6 Defense, within the timeline established by this Act;
7 and

8 (5) include in the plan procedures and criteria
9 for collecting and incorporating local sensitivities as-
10 sociated with naming or renaming of assets of the
11 Department of Defense.

12 (d) MEMBERSHIP.—The Commission shall be com-
13 posed of eight members, of whom—

14 (1) four shall be appointed by the Secretary of
15 Defense;

16 (2) one shall be appointed by the Chairman of
17 the Committee on Armed Services of the Senate;

18 (3) one shall be appointed by the Ranking
19 Member of the Committee on Armed Services of the
20 Senate;

21 (4) one shall be appointed by the Chairman of
22 the Committee on Armed Services of the House of
23 Representatives; and

1 (5) one shall be appointed by the Ranking
2 Member of the Committee on Armed Services of the
3 House of Representatives.

4 (e) APPOINTMENT.—Members of the Commission
5 shall be appointed not later than 45 days after the date
6 of the enactment of this Act.

7 (f) INITIAL MEETING.—The Commission shall hold
8 its initial meeting on the date that is 60 days after the
9 enactment of this Act.

10 (g) BRIEFINGS AND REPORTS.—Not later than Octo-
11 ber 1, 2021, the Commission shall brief the Committees
12 on Armed Services of the Senate and House of Represent-
13 atives detailing the progress of the requirements under
14 subsection (c). Not later than October 1, 2022, and not
15 later than 90 days before the implementation of the plan
16 in subsection (c)(4), the Commission shall present a brief-
17 ing and written report detailing the results of the require-
18 ments under subsection (c), including:

19 (1) A list of assets to be removed or renamed.

20 (2) Costs associated with the removal or renam-
21 ing of assets in subsection (g)(1).

22 (3) Criteria and requirements used to nominate
23 and rename assets in subsection (g)(1).

1 (4) Methods of collecting and incorporating
2 local sensitivities associated with the removal or re-
3 naming of assets in subsection (g)(1).

4 (h) FUNDING.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated \$2,000,000
7 to carry out this section.

8 (2) OFFSET.—The amount authorized to be ap-
9 propriated by the Act for fiscal year 2021 for Oper-
10 ations and Maintenance, Army, sub activity group
11 434 - other personnel support is hereby reduced by
12 \$2,000,000.

13 (i) ASSETS DEFINED.—In this section, the term “as-
14 sets” includes any base, installation, street, building, facil-
15 ity, aircraft, ship, plane, weapon, equipment, or any other
16 property owned or controlled by the Department of De-
17 fense.

18 (j) EXEMPTION FOR GRAVE MARKERS.—Shall not
19 cover monuments but shall exempt grave markers. Con-
20 gress expects the commission to further define what con-
21 stitutes a grave marker.

22 **TITLE IV—MILITARY**
23 **PERSONNEL AUTHORIZATIONS**

 Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revisions to permanent active duty end strength minimum levels.

Sec. 403. Modification of the authorized number and accounting method for senior enlisted personnel.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 415. Separate authorization by Congress of minimum end strengths for non-temporary military technicians (dual status) and end strengths for temporary military technicians (dual status).

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

1 **Subtitle A—Active Forces**

2 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

3 The Armed Forces are authorized strengths for active
4 duty personnel as of September 30, 2021, as follows:

5 (1) The Army, 485,900.

6 (2) The Navy, 347,800.

7 (3) The Marine Corps, 181,200.

8 (4) The Air Force, 333,475.

9 **SEC. 402. REVISIONS TO PERMANENT ACTIVE DUTY END**
10 **STRENGTH MINIMUM LEVELS.**

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

13 (1) in the heading, by striking “**two major**
14 **regional contingencies**” and inserting “**the**
15 **National Defense Strategy**”;

16 (2) in subsection (a)—

1 (A) by striking “a national defense strat-
2 egy calling for” and inserting “the national de-
3 fense strategy of”; and

4 (B) by striking “to be able to successfully
5 conduct two nearly simultaneous major regional
6 contingencies”;

7 (3) in subsection (b), by striking paragraphs
8 (1) through (4) and inserting the following new
9 paragraphs:

10 “(1) For the Army, 485,900.

11 “(2) For the Navy, 347,800.

12 “(3) For the Marine Corps, 181,200.

13 “(4) For the Air Force, 333,475.”; and

14 (4) in subsection (e)—

15 (A) by inserting “or the Secretary con-
16 cerned” after “Secretary of Defense”; and

17 (B) by striking “reduce a number specified
18 in subsection (b) by not more than 2 percent”
19 and inserting “vary a number specified in sub-
20 section (b) in accordance with section 115 of
21 this title”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 39 of such title is amended
24 by striking the item relating to section 691 and inserting
25 the following:

“691. Permanent end strength levels to support the National Defense Strategy”.

1 **SEC. 403. MODIFICATION OF THE AUTHORIZED NUMBER**
2 **AND ACCOUNTING METHOD FOR SENIOR EN-**
3 **LISTED PERSONNEL.**

4 (a) IN GENERAL.—Section 517 of title 10, United
5 States Code, is amended—

6 (1) in the section heading, by striking “**daily**
7 **average**” and inserting “**enlisted end**
8 **strength**”;

9 (2) in subsection (a)—

10 (A) by striking “daily average number of”
11 and inserting “end strength for”;

12 (B) by striking “in a fiscal year” and in-
13 serting “as of the last day of a fiscal year”;

14 (C) by striking “2.5 percent” and inserting
15 “3.0 percent”; and

16 (D) by striking “on the first day of that
17 fiscal year”; and

18 (3) by striking subsection (b).

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 31 of such title is amended
21 by striking the item relating to section 517 and inserting
22 the following new item:

“517. Authorized enlisted end strength: members in pay grades E–8 and E–9.”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2021, as follows:

6 (1) The Army National Guard of the United
7 States, 336,500.

8 (2) The Army Reserve, 189,800.

9 (3) The Navy Reserve, 58,800.

10 (4) The Marine Corps Reserve, 38,500.

11 (5) The Air National Guard of the United
12 States, 108,100.

13 (6) The Air Force Reserve, 70,300.

14 (7) The Coast Guard Reserve, 7,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2021, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,595.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,215.
- 25 (4) The Marine Corps Reserve, 2,386.

1 (5) The Air National Guard of the United
2 States, 25,333.

3 (6) The Air Force Reserve, 5,256.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 (a) IN GENERAL.—The minimum number of military
7 technicians (dual status) as of the last day of fiscal year
8 2021 for the reserve components of the Army and the Air
9 Force (notwithstanding section 129 of title 10, United
10 States Code) shall be the following:

11 (1) For the Army National Guard of the United
12 States, 22,294.

13 (2) For the Army Reserve, 6,492.

14 (3) For the Air National Guard of the United
15 States, 10,994.

16 (4) For the Air Force Reserve, 7,947.

17 (b) LIMITATION.—Under no circumstances may a
18 military technician (dual status) employed under the au-
19 thority of this section be coerced by a State into accepting
20 an offer of realignment or conversion to any other military
21 status, including as a member of the Active, Guard, and
22 Reserve program of a reserve component. If a military
23 technician (dual status) declines to participate in such re-
24 alignment or conversion, no further action will be taken
25 against the individual or the individual's position.

1 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

4 During fiscal year 2021, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

9 (1) The Army National Guard of the United
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

17 **SEC. 415. SEPARATE AUTHORIZATION BY CONGRESS OF**
18 **MINIMUM END STRENGTHS FOR NON-TEM-**
19 **PORARY MILITARY TECHNICIANS (DUAL STA-**
20 **TUS) AND END STRENGTHS FOR TEMPORARY**
21 **MILITARY TECHNICIANS (DUAL STATUS).**

22 (a) IN GENERAL.—Section 115(d) of title 10, United
23 States Code, is amended—

24 (1) in the first sentence, by striking “the end
25 strength for military technicians (dual status)” and
26 inserting “both the minimum end strength for non-

1 temporary military technicians (dual status) and the
2 end strength for temporary military technicians
3 (dual status)”; and

4 (2) in the third sentence, by striking “the end
5 strength requested for military technicians (dual sta-
6 tus)” and inserting “the minimum end strength for
7 non-temporary military technicians (dual status),
8 and the end strength for temporary military techni-
9 cians (dual status), requested”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect on the day after the date
12 of the enactment of this Act. The amendment made by
13 subsection (a)(2) shall apply with respect to budgets sub-
14 mitted by the President to Congress under section 1105
15 of title 31, United States Code, after such effective date.

16 **Subtitle C—Authorization of** 17 **Appropriations**

18 **SEC. 421. MILITARY PERSONNEL.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized to be appropriated for fiscal year
21 2021 for the use of the Armed Forces and other activities
22 and agencies of the Department of Defense for expenses,
23 not otherwise provided for, for military personnel, as spec-
24 ified in the funding table in section 4401.

1 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
2 thorization of appropriations in the subsection (a) super-
3 sedes any other authorization of appropriations (definite
4 or indefinite) for such purpose for fiscal year 2021.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strengths of general and flag officers on active duty.
Sec. 502. Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer.
Sec. 503. Diversity in selection boards.
Sec. 504. Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit.
Sec. 505. Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters.
Sec. 506. Number of opportunities for consideration for promotion under alternative promotion authority.
Sec. 507. Mandatory retirement for age.
Sec. 508. Clarifying and improving restatement of rules on the retired grade of commissioned officers.
Sec. 509. Repeal of authority for original appointment of regular Navy officers designated for engineering duty, aeronautical engineering duty, and special duty.
Sec. 509A. Permanent programs on direct commissions to cyber positions.
Sec. 509B. Review of Seaman to Admiral–21 program.

Subtitle B—Reserve Component Management

- Sec. 511. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
Sec. 512. Expansion of Junior Reserve Officers' Training Corps Program.
Sec. 513. Grants to support STEM education in the Junior Reserve Officers' Training Corps.
Sec. 514. Permanent suicide prevention and resilience program for the reserve components.
Sec. 515. Modification of education loan repayment program for members of Selected Reserve.
Sec. 516. Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service.
Sec. 517. Quarantine lodging for members of the reserve components who perform certain service in response to the COVID–19 emergency.
Sec. 518. Direct employment pilot program for certain members of the reserve components.

- Sec. 519. Pilot programs authorized in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions.
- Sec. 519A. Report regarding full-time National Guard duty in response to the COVID-19 pandemic.
- Sec. 519B. Study and report on National Guard support to States responding to major disasters.
- Sec. 519C. Report on guidance for use of unmanned aircraft systems by the National Guard.
- Sec. 519D. Study and report on ROTC recruitment.

Subtitle C—General Service Authorities and Correction of Military Records

- Sec. 521. Increased access to potential recruits.
- Sec. 522. Sunset and transfer of functions of the Physical Disability Board of Review.
- Sec. 523. Honorary promotion matters.
- Sec. 524. Exclusion of official photographs of members from records furnished to promotion selection boards.
- Sec. 525. Report regarding reviews of discharges and dismissals based on sexual orientation.

Subtitle D—Prevention and Response To Sexual Assault, Harassment, and Related Misconduct

- Sec. 531. Modification of time required for expedited decisions in connection with applications for change of station or unit transfer of members who are victims of sexual assault or related offenses.
- Sec. 532. Confidential reporting of sexual harassment.
- Sec. 533. Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 534. Additional matters for 2021 report of the Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 535. Inclusion of advisory duties on the Coast Guard Academy among duties of Defense Advisory Committee for the Prevention of Sexual Misconduct.
- Sec. 536. Modification of reporting and data collection on victims of sexual offenses.
- Sec. 537. Modification of annual report regarding sexual assaults involving members of the Armed Forces.
- Sec. 538. Coordination of support for survivors of sexual trauma.
- Sec. 539. Policy for military service academies on separation of alleged victims and alleged perpetrators in incidents of sexual assault.
- Sec. 539A. Safe-to-report policy applicable across the Armed Forces.
- Sec. 539B. Accountability of leadership of the Department of Defense for discharging the sexual harassment policies and programs of the Department.
- Sec. 539C. Reports on status of investigations of alleged sex-related offenses.
- Sec. 539D. Report on ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform duties.
- Sec. 539E. Briefing on Special Victims' Counsel program.
- Sec. 539F. Briefing on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods.

Subtitle E—Military Justice and Other Legal Matters

- Sec. 541. Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings.
- Sec. 542. Qualifications of judges and standard of review for Courts of Criminal Appeals.
- Sec. 543. Preservation of court-martial records.
- Sec. 544. Availability of records for National Instant Criminal Background Check System.
- Sec. 545. Removal of personally identifying and other information of certain persons from investigative reports, the Department of Defense Central Index of Investigations, and other records and databases.
- Sec. 546. Briefing on mental health support for vicarious trauma for certain personnel in the military justice system.
- Sec. 547. Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system.
- Sec. 548. Legal assistance for veterans and surviving spouses and dependents.
- Sec. 549. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
- Sec. 549A. Multidisciplinary board to evaluate suicide events.
- Sec. 549B. Improvements to Department of Defense tracking of and response to incidents of child abuse, adult crimes against children, and serious harmful behavior between children and youth involving military dependents on military installations.
- Sec. 549C. Independent analysis and recommendations on domestic violence in the Armed Forces.

Subtitle F—Diversity and Inclusion

- Sec. 551. Diversity and inclusion reporting requirements and related matters.
- Sec. 552. National emergency exception for timing requirements with respect to certain surveys of members of the Armed Forces.
- Sec. 553. Questions regarding racism, anti-Semitism, and supremacism in workplace surveys administered by the Secretary of Defense.
- Sec. 554. Inspector General oversight of diversity and inclusion in Department of Defense; supremacist, extremist, or criminal gang activity in the Armed Forces.
- Sec. 555. Policy to improve responses to pregnancy and childbirth by certain members of the Armed Forces.
- Sec. 556. Training on certain Department of Defense instructions for members of the Armed Forces.
- Sec. 557. Evaluation of barriers to minority participation in certain units of the Armed Forces.
- Sec. 558. Comptroller General of the United States report on equal opportunity at the military service academies.

Subtitle G—Decorations and Awards

- Sec. 561. Extension of time to review World War I Valor Medals.
- Sec. 562. Authorizations for certain awards.

- Sec. 563. Feasibility study on establishment of service medal for radiation-exposed veterans.
- Sec. 564. Expressing support for the designation of Silver Star Service Banner Day.

Subtitle H—Member Education, Training, Transition, and Resilience

- Sec. 571. Mentorship and career counseling program for officers to improve diversity in military leadership.
- Sec. 572. Expansion of Skillbridge program to include the Coast Guard.
- Sec. 573. Increase in number of permanent professors at the United States Air Force Academy.
- Sec. 574. Additional elements with 2021 and 2022 certifications on the Ready, Relevant Learning initiative of the Navy.
- Sec. 575. Information on nominations and applications for military service academies.
- Sec. 576. Report on potential improvements to certain military educational institutions of the Department of Defense.
- Sec. 577. College of International Security Affairs of the National Defense University.
- Sec. 578. Improvements to the Credentialing Opportunities On-Line programs of the Armed Forces.
- Sec. 579. GAO study regarding transferability of military certifications to civilian occupational licenses and certifications.
- Sec. 579A. Report regarding county, Tribal, and local veterans service officers.

Subtitle I—Military Family Readiness and Dependents' Education

- Sec. 581. Family readiness: definitions; communication strategy; review; report.
- Sec. 582. Improvements to Exceptional Family Member Program.
- Sec. 583. Support services for members of special operations forces and immediate family members.
- Sec. 584. Responsibility for allocation of certain funds for military child development programs.
- Sec. 585. Military child care and child development center matters.
- Sec. 586. Expansion of financial assistance under My Career Advancement Account program.
- Sec. 587. Improvements to partner criteria of the Military Spouse Employment Partnership Program.
- Sec. 588. 24-hour child care.
- Sec. 589. Pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 589A. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 589B. Staffing of Department of Defense Education Activity schools to maintain maximum student-to-teacher ratios.
- Sec. 589C. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.
- Sec. 589D. Pilot program on expanded eligibility for Department of Defense Education Activity Virtual High School program.
- Sec. 589E. Training program regarding foreign malign influence campaigns.
- Sec. 589F. Study on cyberexploitation and online deception of members of the Armed Forces and their families.
- Sec. 589G. Matters relating to education for military dependent students with special needs.

Sec. 589H. Studies and reports on the performance of the Department of Defense Education Activity.

Subtitle J—Other Matters and Reports

Sec. 591. Expansion of Department of Defense STARBASE Program.

Sec. 592. Inclusion of certain outlying areas in the Department of Defense
STARBASE Program.

Sec. 593. Postponement of conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army.

Sec. 594. Armed Services Vocational Aptitude Battery Test special purpose adjunct to address computational thinking.

Sec. 595. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.

Sec. 596. Plan on performance of funeral honors details by members of other Armed Forces when members of the Armed Force of the deceased are unavailable.

Sec. 597. Study on financial impacts of the Coronavirus Disease 2019 on members of the Armed Forces and best practices to prevent future financial hardships.

Sec. 598. Limitation on implementation of Army Combat Fitness Test.

Sec. 599. Semiannual reports on implementation of recommendations of the Comprehensive Review of Special Operations Forces Culture and Ethics.

Sec. 599A. Report on impact of children of certain Filipino World War II veterans on national security, foreign policy, and economic and humanitarian interests of the United States.

1 **Subtitle A—Officer Personnel**
2 **Policy**

3 SEC. 501. AUTHORIZED STRENGTHS OF GENERAL AND
4 FLAG OFFICERS ON ACTIVE DUTY.

(a) EXCLUSION OF CERTAIN GENERAL AND FLAG OFFICERS OF RESERVE COMPONENTS ON ACTIVE DUTY FROM STRENGTH LIMITATIONS.—Section 526a of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

1 “(c) EXCLUSION OF CERTAIN OFFICERS OF RE-
2 SERVE COMPONENTS.—The limitations of this section do
3 not apply to the following:

4 “(1) A general or flag officer of a reserve com-
5 ponent who is on active duty—

6 “(A) for training; or

7 “(B) under a call or order specifying a pe-
8 riod of less than 180 days.

9 “(2)(A) A general or flag officer of a reserve
10 component who is authorized by the Secretary of the
11 military department concerned to serve on active
12 duty for a period of at least 180 days and not longer
13 than 365 days.

14 “(B) The Secretary of the military department
15 concerned may authorize a number, determined
16 under subparagraph (C), of officers in the reserve
17 component of each armed force under the jurisdic-
18 tion of that Secretary to serve as described in sub-
19 paragraph (A).

20 “(C) Each number described in subparagraph
21 (B) may not exceed 10 percent of the number of
22 general or flag officers, as the case may be, author-
23 ized to serve in the armed force concerned under
24 section 12004 of this title. In determining a number
25 under this subparagraph, any fraction shall be

1 rounded down to the next whole number that is
2 greater than zero.

3 “(3)(A) A general or flag officer of a reserve
4 component who is on active duty for a period longer
5 than 365 days and not longer than three years.

6 “(B) The number of officers described in sub-
7 paragraph (A) who do not serve in a position that
8 is a joint duty assignment for purposes of chapter
9 38 of this title may not exceed five per armed force,
10 unless authorized by the Secretary of Defense.”.

11 (b) ALLOCATION OF BILLETS AND POSITIONS
12 AMONG THE ARMED FORCES AND FOR JOINT DUTY AS-
13 SIGNMENTS.—

14 (1) REPORT REQUIRED.—Not later than May 1,
15 2021, the Secretary of Defense shall submit to the
16 Committees on Armed Services of the Senate and
17 the House of Representatives a report on the results
18 of a study, conducted by the Secretary for purposes
19 of the report, on the following:

20 (A) The allocation among the Armed
21 Forces of billets and positions for general and
22 flag officers on active duty.

23 (B) The allocation for joint duty assign-
24 ments of billets and positions for general and
25 flag officers on active duty.

1 (2) CONSULTATION.—The Secretary of Defense
2 shall carry out paragraph (1) in the consultation
3 with the Secretaries of the military departments and
4 the Chairman of the Joint Chiefs of Staff.

5 (3) ELEMENTS.—The report required by para-
6 graph (1) shall include the following:

7 (A) A final plan to meet the authorized
8 strengths of general and flag officers on active
9 duty after December, 31, 2022, as required by
10 section 526a of title 10, United States Code,
11 which plan shall set forth the intended disposi-
12 tion of each billet or position for general or flag
13 officer in effect as of the date of the enactment
14 of this Act in order to meet the objectives of the
15 plan.

16 (B) A recommendation by the Secretary of
17 Defense as to the appropriate grade level or lev-
18 els for the billet or position of commander of a
19 component command within a combatant com-
20 mand.

21 (C) A recommendation by the Chairman of
22 the Joint Chief of Staff as to whether the billet
23 or position of commander of a component com-
24 mand within a combatant command should be
25 considered a joint duty assignment for purposes

1 of section 526(b) or 526a(b) of title 10, United
2 States Code.

3 (D) A recommendation by the Secretary of
4 Defense as to the allocation of billets and posi-
5 tions for general and flag officers on active duty
6 among the Armed Forces within the aggregate
7 limitation specified in section 526a(a) of title
8 10, United States Code, including the allocation
9 of such billets and positions within the Space
10 Force.

11 (E) Such other matters as the Secretary of
12 Defense considers appropriate.

13 (c) INCREASE IN ARMY AUTHORIZATION FOR GEN-
14 ERAL OFFICERS SERVING IN GRADE O-10.—

15 (1) INCREASE.—Section 525(a)(1)(A) of title
16 10, United States Code, is amended by striking “7”
17 and inserting “8”.

18 (2) CONFORMING DECREASE IN STRENGTH LIM-
19 ITATIONS FOR JOINT DUTY REQUIREMENTS.—Sec-
20 tion 526(b)(3)(A) of such title is amended by strik-
21 ing “20” and inserting “19”.

22 (3) CONSTRUCTION OF DECREASE AS APPLYING
23 TO GENERALS.—The reduction in number of posi-
24 tions excluded from authorized strength limitations

1 resulting from the amendment made by paragraph
2 (2) shall apply to positions in the grade of general.

3 **SEC. 502. TEMPORARY EXPANSION OF AVAILABILITY OF**
4 **ENHANCED CONSTRUCTIVE SERVICE CREDIT**
5 **IN A PARTICULAR CAREER FIELD UPON**
6 **ORIGINAL APPOINTMENT AS A COMMIS-**
7 **SIONED OFFICER.**

8 (a) REGULAR OFFICERS.—Subparagraph (D) of sec-
9 tion 533(b)(1) of title 10, United States Code, is amended
10 to read as follows:

11 “(D) Additional credit as follows:

12 “(i) For special training or experience in a
13 particular officer field as designated by the Sec-
14 retary concerned, if such training or experience
15 is directly related to the operational needs of
16 the armed force concerned.

17 “(ii) During fiscal years 2021 through
18 2025, for advanced education in an officer field
19 so designated, if such education is directly re-
20 lated to the operational needs of the armed
21 force concerned.”.

22 (b) RESERVE OFFICERS.—Section 12207(b)(1) of
23 such title is amended—

24 (1) in the matter preceding subparagraph (A),
25 “or a designation in” and all that follows through

1 “education or training,” and inserting “and who has
2 special training or experience, or advanced education
3 (if applicable),”; and

4 (2) by striking subparagraph (D) and inserting
5 the following new subparagraph (D):

6 “(D) Additional credit as follows:

7 “(i) For special training or experience in a
8 particular officer field as designated by the Sec-
9 retary concerned, if such training or experience
10 is directly related to the operational needs of
11 the armed force concerned.

12 “(ii) During fiscal years 2021 through
13 2025, for advanced education in an officer field
14 so designated, if such education is directly re-
15 lated to the operational needs of the armed
16 force concerned.”.

17 (c) ANNUAL REPORT.—

18 (1) IN GENERAL.—Not later than February 1,
19 2022, and every four years thereafter, each Sec-
20 retary of a military department shall submit to the
21 Committees on Armed Services of the Senate and
22 the House of Representatives a report on the use of
23 the authorities in subparagraph (D) of section
24 553(b)(1) of title 10, United States Code (as amend-
25 ed by subsection (a)), and subparagraph (D) of sec-

1 tion 12207(b)(1) of such title (as amended by sub-
2 section (b)) (each referred to in this subsection as a
3 “constructive credit authority”) during the preceding
4 fiscal year for the Armed Forces under the jurisdic-
5 tion of such Secretary.

6 (2) ELEMENTS.—Each report under paragraph
7 (1) shall include, for the fiscal year and Armed
8 Forces covered by such report, the following:

9 (A) The manner in which constructive
10 service credit was calculated under each con-
11 structive credit authority.

12 (B) The number of officers credited con-
13 structive service credit under each constructive
14 credit authority.

15 (C) A description and assessment of the
16 utility of the constructive credit authorities in
17 meeting the operational needs of the Armed
18 Force concerned.

19 (D) Such other matters in connection with
20 the constructive credit authorities as the Sec-
21 retary of the military department concerned
22 considers appropriate.

23 **SEC. 503. DIVERSITY IN SELECTION BOARDS.**

24 (a) REQUIREMENT FOR DIVERSE MEMBERSHIP OF
25 ACTIVE DUTY PROMOTION SELECTION BOARDS.—

1 (1) OFFICERS.—Section 612(a)(1) of title 10,
2 United States Code, is amended by adding at the
3 end the following new sentence: “The members of a
4 selection board shall represent the diverse population
5 of the armed force concerned to the extent prac-
6 ticable.”.

7 (2) WARRANT OFFICERS.—Section 573(b) of
8 title 10, United States Code, is amended by adding
9 at the end the following new sentence: “The mem-
10 bers of a selection board shall represent the diverse
11 population of the armed force concerned to the ex-
12 tent practicable.”.

13 (b) REQUIREMENT FOR DIVERSE MEMBERSHIP OF
14 RESERVE COMPONENT PROMOTION SELECTION
15 BOARDS.—Section 14102(b) of title 10, United States
16 Code, is amended by adding at the end the following new
17 sentence: “The members of a selection board shall rep-
18 resent the diverse population of the armed force concerned
19 to the extent practicable.”.

20 (c) OTHER SELECTION BOARDS.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall ensure that the members of each selection
23 board described in paragraph (2) represent the di-
24 verse population of the Armed Force concerned to
25 the extent practicable.

1 (2) SELECTION BOARD DESCRIBED.—A selec-
2 tion board described in this paragraph (1) is any se-
3 lection board used with respect to the promotion,
4 education, or command assignments of members of
5 the Armed Forces that is not covered by the amend-
6 ments made by this section.

7 **SEC. 504. REQUIREMENT FOR PROMOTION SELECTION**
8 **BOARD RECOMMENDATION OF HIGHER**
9 **PLACEMENT ON PROMOTION LIST OF OFFI-**
10 **CERS OF PARTICULAR MERIT.**

11 (a) IN GENERAL.—Section 616(h) of title 10, United
12 States Code, is amended—

13 (1) in paragraph (1)—

14 (A) by striking “may” and inserting
15 “shall”; and

16 (B) by inserting “pursuant to guidelines
17 and procedures prescribed by the Secretary,”
18 after “officers of particular merit,”; and

19 (2) in paragraph (3), by inserting “, pursuant
20 to guidelines and procedures prescribed by the Sec-
21 retary concerned,” after “shall recommend”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on the date of the enact-
24 ment of this Act, and shall apply with respect to officers

1 recommended for promotion by promotion selection boards
2 convened on or after that date.

3 **SEC. 505. SPECIAL SELECTION REVIEW BOARDS FOR RE-**
4 **VIEW OF PROMOTION OF OFFICERS SUBJECT**
5 **TO ADVERSE INFORMATION IDENTIFIED**
6 **AFTER RECOMMENDATION FOR PROMOTION**
7 **AND RELATED MATTERS.**

8 (a) REGULAR OFFICERS.—

9 (1) IN GENERAL.—Subchapter III of chapter
10 36 of title 10, United States Code, is amended by
11 inserting after section 628 the following new section:

12 **“§ 628a. Special selection review boards**

13 “(a) IN GENERAL.—(1) If the Secretary of the mili-
14 tary department concerned determines that a person rec-
15 ommended by a promotion board for promotion to a grade
16 at or below the grade of major general, rear admiral in
17 the Navy, or an equivalent grade in the Space Force is
18 the subject of credible information of an adverse nature,
19 including any substantiated adverse finding or conclusion
20 described in section 615(a)(3)(A) of this title, that was
21 not furnished to the promotion board during its consider-
22 ation of the person for promotion as otherwise required
23 by such section, the Secretary shall convene a special se-
24 lection review board under this section to review the per-

1 son and recommend whether the recommendation for pro-
2 motion of the person should be sustained.

3 “(2) If a person and the recommendation for pro-
4 motion of the person is subject to review under this section
5 by a special selection review board convened under this
6 section, the name of the person—

7 “(A) shall not be disseminated or publicly re-
8 leased on the list of officers recommended for pro-
9 motion by the promotion board recommending the
10 promotion of the person; and

11 “(B) shall not be forwarded to the Secretary of
12 Defense, the President, or the Senate, as applicable,
13 or included on a promotion list under section 624(a)
14 of this title.

15 “(b) CONVENING.—(1) Any special selection review
16 board convened under this section shall be convened in ac-
17 cordance with the provisions of section 628(f) of this title.

18 “(2) Any special selection review board convened
19 under this section may review such number of persons,
20 and recommendations for promotion of such persons, as
21 the Secretary of the military department concerned shall
22 specify in convening such special selection review board.

23 “(c) INFORMATION CONSIDERED.—(1) In reviewing
24 a person and recommending whether the recommendation
25 for promotion of the person should be sustained under this

1 section, a special selection review board convened under
2 this section shall be furnished and consider the following:

3 “(A) The record and information concerning
4 the person furnished in accordance with section
5 615(a)(2) of this title to the promotion board that
6 recommended the person for promotion.

7 “(B) Any credible information of an adverse na-
8 ture on the person, including any substantiated ad-
9 verse finding or conclusion from an officially docu-
10 mented investigation or inquiry described in section
11 615(a)(3)(A) of this title.

12 “(2) The furnishing of information to a special selec-
13 tion review board under paragraph (1)(B) shall be gov-
14 erned by the standards and procedures referred to in para-
15 graph (3)(C) of section 615(a) of this title applicable to
16 the furnishing of information described in paragraph
17 (3)(A) of such section to selection boards in accordance
18 with that section.

19 “(3)(A) Before information on a person described in
20 paragraph (1)(B) is furnished to a special selection review
21 board for purposes of this section, the Secretary of the
22 military department concerned shall ensure that—

23 “(i) such information is made available to the
24 person; and

1 “(ii) subject to subparagraphs (C) and (D), the
2 person is afforded a reasonable opportunity to sub-
3 mit comments on such information to the special se-
4 lection review board before its review of the person
5 and the recommendation for promotion of the person
6 under this section.

7 “(B) If information on a person described in para-
8 graph (1)(B) is not made available to the person as other-
9 wise required by subparagraph (A)(i) due to the classifica-
10 tion status of such information, the person shall, to the
11 maximum extent practicable, be furnished a summary of
12 such information appropriate to the person’s authorization
13 for access to classified information.

14 “(C)(i) An opportunity to submit comments on infor-
15 mation is not required for a person under subparagraph
16 (A)(ii) if—

17 “(I) such information was made available to the
18 person in connection with the furnishing of such in-
19 formation under section 615(a) of this title to the
20 promotion board that recommended the promotion of
21 the person subject to review under this section; and

22 “(II) the person submitted comments on such
23 information to that promotion board.

1 “(ii) The comments on information of a person de-
2 scribed in clause (i)(II) shall be furnished to the special
3 selection review board.

4 “(D) A person may waive either or both of the fol-
5 lowing:

6 “(i) The right to submit comments to a special
7 selection review board under subparagraph (A)(ii).

8 “(ii) The furnishing of comments to a special
9 selection review board under subparagraph (C)(ii).

10 “(d) CONSIDERATION.—(1) In considering the record
11 and information on a person under this section, the special
12 selection review board shall compare such record and in-
13 formation with an appropriate sampling of the records of
14 those officers of the same competitive category who were
15 recommended for promotion by the promotion board that
16 recommended the person for promotion, and an appro-
17 priate sampling of the records of those officers who were
18 considered by and not recommended for promotion by that
19 promotion board.

20 “(2) Records and information shall be presented to
21 a special selection review board for purposes of paragraph
22 (1) in a manner that does not indicate or disclose the per-
23 son or persons for whom the special selection review board
24 was convened.

1 “(3) In considering whether the recommendation for
2 promotion of a person should be sustained under this sec-
3 tion, a special selection review board shall, to the greatest
4 extent practicable, apply standards used by the promotion
5 board that recommended the person for promotion.

6 “(4) The recommendation for promotion of a person
7 may be sustained under this section only if the special se-
8 lection review board determines that the person—

9 “(A) ranks on an order of merit created by the
10 special selection review board as better qualified for
11 promotion than the sample officer highest on the
12 order of merit list who was considered by and not
13 recommended for promotion by the promotion board
14 concerned; and

15 “(B) is comparable in qualification for pro-
16 motion to those sample officers who were rec-
17 ommended for promotion by that promotion board.

18 “(5) A recommendation for promotion of a person
19 may be sustained under this section only by a vote of a
20 majority of the members of the special selection review
21 board.

22 “(6) If a special selection review board does not sus-
23 tain a recommendation for promotion of a person under
24 this section, the person shall be considered to have failed
25 of selection for promotion.

1 “(e) REPORTS.—(1) Each special selection review
2 board convened under this section shall submit to the Sec-
3 retary of the military department concerned a written re-
4 port, signed by each member of the board, containing the
5 name of each person whose recommendation for promotion
6 it recommends for sustainment and certifying that the
7 board has carefully considered the record and information
8 of each person whose name was referred to it.

9 “(2) The provisions of sections 617(b) and 618 of
10 this title apply to the report and proceedings of a special
11 selection review board convened under this section in the
12 same manner as they apply to the report and proceedings
13 of a promotion board convened under section 611(a) of
14 this title.

15 “(f) APPOINTMENT OF PERSONS.—(1) If the report
16 of a special selection review board convened under this sec-
17 tion recommends the sustainment of the recommendation
18 for promotion to the next higher grade of a person whose
19 name was referred to it for review under this section, and
20 the President approves the report, the person shall, as
21 soon as practicable, be appointed to that grade in accord-
22 ance with subsections (b) and (c) of section 624 of this
23 title.

24 “(2) A person who is appointed to the next higher
25 grade as described in paragraph (1) shall, upon that ap-

1 pointment, have the same date of rank, the same effective
2 date for the pay and allowances of that grade, and the
3 same position on the active-duty list as the person would
4 have had pursuant to the original recommendation for
5 promotion of the promotion board concerned.

6 “(g) REGULATIONS.—(1) The Secretary of Defense
7 shall prescribe regulations to carry out this section. Such
8 regulations shall apply uniformly across the military de-
9 partments.

10 “(2) Any regulation prescribed by the Secretary of
11 a military department to supplement the regulations pre-
12 scribed pursuant to paragraph (1) may not take effect
13 without the approval of the Secretary of Defense, in writ-
14 ing.

15 “(h) PROMOTION BOARD DEFINED.—In this section,
16 the term ‘promotion board ’means a selection board con-
17 vened by the Secretary of a military department under sec-
18 tion 611(a) of this title.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of subchapter III of chapter
21 36 of such title is amended by inserting after the
22 item relating to section 628 the following new item:

“628a. Special selection review boards.”.

23 (3) DELAY IN PROMOTION.—Section 624(d) of
24 such title is amended—

25 (A) in paragraph (1)—

1 (i) in subparagraph (D), by striking
2 “or” at the end;

3 (ii) in subparagraph (E), by striking
4 the period at the end and inserting “; or”;
5 and

6 (iii) by inserting after subparagraph
7 (E) the following new subparagraph (F):

8 “(F) the Secretary of the military department
9 concerned determines that credible information of an
10 adverse nature, including a substantiated adverse
11 finding or conclusion described in section
12 615(a)(3)(A) of this title, with respect to the officer
13 will result in the convening of a special selection re-
14 view board under section 628a of this title to review
15 the officer and recommend whether the rec-
16 ommendation for promotion of the officer should be
17 sustained.”;

18 (B) by redesignating paragraphs (3) and
19 (4) as paragraphs (4) and (5), respectively;

20 (C) by inserting after paragraph (2) the
21 following new paragraph (3):

22 “(3) In the case of an officer whose promotion is de-
23 layed pursuant to paragraph (1)(F) and whose rec-
24 ommendation for promotion is sustained, authorities for

1 the promotion of the officer are specified in section
2 628a(f) of this title.”; and

3 (D) in paragraph (4), as redesignated by
4 subparagraph (B)—

5 (i) by striking “The appointment”
6 and inserting “(A) Except as provided in
7 subparagraph (B), the appointment”; and

8 (ii) by adding at the end the following
9 new subparagraph:

10 “(B) In the case of an officer whose promotion is de-
11 layed pursuant to paragraph (1)(F), requirements applica-
12 ble to notice and opportunity for response to such delay
13 are specified in section 628a(c)(3) of this title.”.

14 (b) RESERVE OFFICERS.—

15 (1) IN GENERAL.—Chapter 1407 of title 10,
16 United States Code, is amended by inserting after
17 section 14502 the following new section:

18 **“§ 14502a. Special selection review boards**

19 “(a) IN GENERAL.—(1) If the Secretary of the mili-
20 tary department concerned determines that a person rec-
21 ommended by a promotion board for promotion to a grade
22 at or below the grade of major general or rear admiral
23 in the Navy is the subject of credible information of an
24 adverse nature, including any substantiated adverse find-
25 ing or conclusion described in section 14107(a)(3)(A) of

1 this title, that was not furnished to the promotion board
2 during its consideration of the person for promotion as
3 otherwise required by such section, the Secretary shall
4 convene a special selection review board under this section
5 to review the person and recommend whether the rec-
6 ommendation for promotion of the person should be sus-
7 tained.

8 “(2) If a person and the recommendation for pro-
9 motion of the person is subject to review under this section
10 by a special selection review board convened under this
11 section, the name of the person—

12 “(A) shall not be disseminated or publicly re-
13 leased on the list of officers recommended for pro-
14 motion by the promotion board recommending the
15 promotion of the person; and

16 “(B) shall not be forwarded to the Secretary of
17 Defense, the President, or the Senate, as applicable,
18 or included on a promotion list under section
19 14308(a) of this title.

20 “(b) CONVENING.—(1) Any special selection review
21 board convened under this section shall be convened in ac-
22 cordance with the provisions of section 14502(b)(2) of this
23 title.

24 “(2) Any special selection review board convened
25 under this section may review such number of persons,

1 and recommendations for promotion of such persons, as
2 the Secretary of the military department concerned shall
3 specify in convening such special selection review board.

4 “(c) INFORMATION CONSIDERED.—(1) In reviewing
5 a person and recommending whether the recommendation
6 for promotion of the person should be sustained under this
7 section, a special selection review board convened under
8 this section shall be furnished and consider the following:

9 “(A) The record and information concerning
10 the person furnished in accordance with section
11 14107(a)(2) of this title to the promotion board that
12 recommended the person for promotion.

13 “(B) Any credible information of an adverse na-
14 ture on the person, including any substantiated ad-
15 verse finding or conclusion from an officially docu-
16 mented investigation or inquiry described in section
17 14107(a)(3)(A) of this title.

18 “(2) The furnishing of information to a special selec-
19 tion review board under paragraph (1)(B) shall be gov-
20 erned by the standards and procedures referred to in para-
21 graph (3)(B) of section 14107(a) of this title applicable
22 to the furnishing of information described in paragraph
23 (3)(A) of such section to promotion boards in accordance
24 with that section.

1 “(3)(A) Before information on person described in
2 paragraph (1)(B) is furnished to a special selection review
3 board for purposes of this section, the Secretary of the
4 military department concerned shall ensure that—

5 “(i) such information is made available to the
6 person; and

7 “(ii) subject to subparagraphs (C) and (D), the
8 person is afforded a reasonable opportunity to sub-
9 mit comments on such information to the special se-
10 lection review board before its review of the person
11 and the recommendation for promotion of the person
12 under this section.

13 “(B) If information on an officer described in para-
14 graph (1)(B) is not made available to the person as other-
15 wise required by subparagraph (A)(i) due to the classifica-
16 tion status of such information, the person shall, to the
17 maximum extent practicable, be furnished a summary of
18 such information appropriate to the person’s authorization
19 for access to classified information.

20 “(C)(i) An opportunity to submit comments on infor-
21 mation is not required for a person under subparagraph
22 (A)(ii) if—

23 “(I) such information was made available to the
24 person in connection with the furnishing of such in-
25 formation under section 14107(a) of this title to the

1 promotion board that recommended the promotion of
2 the person subject to review under this section; and

3 “(II) the person submitted comments on such
4 information to that promotion board.

5 “(ii) The comments on information of a person de-
6 scribed in clause (i)(II) shall be furnished to the special
7 selection review board.

8 “(D) A person may waive either or both of the fol-
9 lowing:

10 “(i) The right to submit comments to a special
11 selection review board under subparagraph (A)(ii).

12 “(ii) The furnishing of comments to a special
13 selection review board under subparagraph (C)(ii).

14 “(d) CONSIDERATION.—(1) In considering the record
15 and information on a person under this section, the special
16 selection review board shall compare such record and in-
17 formation with an appropriate sampling of the records of
18 those officers of the same competitive category who were
19 recommended for promotion by the promotion board that
20 recommended the person for promotion, and an appro-
21 priate sampling of the records of those officers who were
22 considered by and not recommended for promotion by that
23 promotion board.

24 “(2) Records and information shall be presented to
25 a special selection review board for purposes of paragraph

1 (1) in a manner that does not indicate or disclose the per-
2 son or persons for whom the special selection review board
3 was convened.

4 “(3) In considering whether the recommendation for
5 promotion of a person should be sustained under this sec-
6 tion, a special selection review board shall, to the greatest
7 extent practicable, apply standards used by the promotion
8 board that recommended the person for promotion.

9 “(4) The recommendation for promotion of a person
10 may be sustained under this section only if the special se-
11 lection review board determines that the person—

12 “(A) ranks on an order of merit created by the
13 special selection review board as better qualified for
14 promotion than the sample officer highest on the
15 order of merit list who was considered by and not
16 recommended for promotion by the promotion board
17 concerned; and

18 “(B) is comparable in qualification for pro-
19 motion to those sample officers who were rec-
20 ommended for promotion by that promotion board.

21 “(5) A recommendation for promotion of a person
22 may be sustained under this section only by a vote of a
23 majority of the members of the special selection review
24 board.

1 “(6) If a special selection review board does not sus-
2 tain a recommendation for promotion of a person under
3 this section, the person shall be considered to have failed
4 of selection for promotion.

5 “(e) REPORTS.—(1) Each special selection review
6 board convened under this section shall submit to the Sec-
7 retary of the military department concerned a written re-
8 port, signed by each member of the board, containing the
9 name of each person whose recommendation for promotion
10 it recommends for sustainment and certifying that the
11 board has carefully considered the record and information
12 of each person whose name was referred to it.

13 “(2) The provisions of sections 14109(c), 14110, and
14 14111 of this title apply to the report and proceedings
15 of a special selection review board convened under this sec-
16 tion in the same manner as they apply to the report and
17 proceedings of a promotion board convened under section
18 14101(a) of this title.

19 “(f) APPOINTMENT OF PERSONS.—(1) If the report
20 of a special selection review board convened under this sec-
21 tion recommends the sustainment of the recommendation
22 for promotion to the next higher grade of a person whose
23 name was referred to it for review under this section, and
24 the President approves the report, the person shall, as

1 soon as practicable, be appointed to that grade in accord-
2 ance with section 14308 of this title.

3 “(2) A person who is appointed to the next higher
4 grade as described in paragraph (1) shall, upon that ap-
5 pointment, have the same date of rank, the same effective
6 date for the pay and allowances of that grade, and the
7 same position on the reserve active-status list as the per-
8 son would have had pursuant to the original recommenda-
9 tion for promotion of the promotion board concerned.

10 “(g) REGULATIONS.—(1) The Secretary of Defense
11 shall prescribe regulations to carry out this section. Such
12 regulations shall apply uniformly across the military de-
13 partments.

14 “(2) Any regulation prescribed by the Secretary of
15 a military department to supplement the regulations pre-
16 scribed pursuant to paragraph (1) may not take effect
17 without the approval of the Secretary of Defense, in writ-
18 ing.

19 “(h) PROMOTION BOARD DEFINED.—In this section,
20 the term ‘promotion board ’means a selection board con-
21 vened by the Secretary of a military department under sec-
22 tion 14101(a) of this title.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 1407 of such title

1 is amended by inserting after the item relating to
2 section 14502 the following new item:

“14502a. Special selection review boards.”.

3 (3) DELAY IN PROMOTION.—Section 14311 of
4 such title is amended—

5 (A) in subsection (a)—

6 (i) in paragraph (1), by adding at the
7 end the following new subparagraph:

8 “(F) The Secretary of the military department
9 concerned determines that credible information of
10 adverse nature, including a substantiated adverse
11 finding or conclusion described in section
12 14107(a)(3)(A) of this title, with respect to the offi-
13 cer will result in the convening of a special selection
14 review board under section 14502a of this title to re-
15 view the officer and recommend whether the rec-
16 ommendation for promotion of the officer should be
17 sustained.”; and

18 (ii) by adding at the end the following
19 new paragraph:

20 “(3) In the case of an officer whose promotion is de-
21 layed pursuant to paragraph (1)(F) and whose rec-
22 ommendation for promotion is sustained, authorities for
23 the promotion of the officer are specified in section
24 14502a(f) of this title.”; and

1 (B) in subsection (c), by adding at the end
2 the following new paragraph:

3 “(3) Notwithstanding paragraphs (1) and (2), in the
4 case of an officer whose promotion is delayed pursuant
5 to subsection (a)(1)(F), requirements applicable to notice
6 and opportunity for response to such delay are specified
7 in section 14502a(c)(3) of this title.”.

8 (c) REQUIREMENTS FOR FURNISHING ADVERSE IN-
9 FORMATION ON REGULAR OFFICERS TO PROMOTION SE-
10 LECTION BOARDS.—

11 (1) EXTENSION OF REQUIREMENTS TO SPACE
12 FORCE REGULAR OFFICERS.—Subparagraph (B)(i)
13 of section 615(a)(3) of title 10, United States Code,
14 is amended by striking “or, in the case of the Navy,
15 lieutenant” and inserting “, in the case of the Navy,
16 lieutenant, or in the case of the Space Force, the
17 equivalent grade”.

18 (2) SATISFACTION OF REQUIREMENTS
19 THROUGH SPECIAL SELECTION REVIEW BOARDS.—
20 Such section is further amended by adding at the
21 end the following new subparagraph:

22 “(D) With respect to the consideration of an officer
23 for promotion to a grade at or below major general, in
24 the case of the Navy, rear admiral, or, in the case of the
25 Space Force, the equivalent grade, the requirements in

1 subparagraphs (A) and (C) may be met through the con-
2 vening and actions of a special selection review board with
3 respect to the officer under section 628a of this title.”.

4 (3) DELAYED APPLICABILITY OF REQUIRE-
5 MENTS TO BOARDS FOR PROMOTION OF OFFICERS
6 TO NON-GENERAL AND FLAG OFFICER GRADES.—
7 Subsection (c) of section 502 of the National De-
8 fense Authorization Act for Fiscal Year 2020 (Pub-
9 lic Law 116–92; 133 Stat. 1344) is amended to read
10 as follows:

11 “(c) EFFECTIVE DATE AND APPLICABILITY.—

12 “(1) EFFECTIVE DATE.—The amendments
13 made by this section shall take effect on December
14 20, 2019, and shall, except as provided in paragraph
15 (2), apply with respect to the proceedings of pro-
16 motion selection boards convened under section
17 611(a) of title 10, United States Code, after that
18 date.

19 “(2) DELAYED APPLICABILITY FOR BOARDS
20 FOR PROMOTION TO NON-GENERAL AND FLAG OFFI-
21 CER GRADES.—The amendments made this section
22 shall apply with respect to the proceedings of pro-
23 motion selection boards convened under section
24 611(a) of title 10, United States Code, for consider-
25 ation of officers for promotion to a grade below the

1 grade of brigadier general or, in the case of the
2 Navy, rear admiral (lower half), only if such boards
3 are so convened after January 1, 2021.”.

4 (d) REQUIREMENTS FOR FURNISHING ADVERSE IN-
5 FORMATION ON RESERVE OFFICERS TO PROMOTION SE-
6 LECTION BOARDS.—Section 14107(a)(3) of title 10,
7 United States Code, is amended—

8 (1) by inserting “(A)” after “(3)”;

9 (2) in subparagraph (A), as designated by para-
10 graph (1), by striking “colonel, or, in the case of the
11 Navy, captain” and inserting “lieutenant colonel, or,
12 in the case of the Navy, commander”; and

13 (3) by adding at the end the following new sub-
14 paragraphs

15 “(B) The standards and procedures referred to in
16 subparagraph (A) shall require the furnishing to the selec-
17 tion board, and to each individual member of the board,
18 the information described in that subparagraph with re-
19 gard to an officer in a grade specified in that subpara-
20 graph at each stage or phase of the selection board, con-
21 current with the screening, rating, assessment, evaluation,
22 discussion, or other consideration by the board or member
23 of the official military personnel file of the officer, or of
24 the officer.

1 “(C) With respect to the consideration of an officer
2 for promotion to a grade at or below major general or,
3 in the Navy, rear admiral, the requirements in subpara-
4 graphs (A) and (B) may be met through the convening
5 and actions of a special selection board with respect to
6 the officer under section 14502a of this title.”.

7 **SEC. 506. NUMBER OF OPPORTUNITIES FOR CONSIDER-**
8 **ATION FOR PROMOTION UNDER ALTER-**
9 **NATIVE PROMOTION AUTHORITY.**

10 Section 649c of title 10, United States Code, is
11 amended—

12 (1) by redesignating subsection (d) as sub-
13 section (e); and

14 (2) by inserting after subsection (c) the fol-
15 lowing new subsection (d):

16 “(d) INAPPLICABILITY OF REQUIREMENT RELATING
17 TO OPPORTUNITIES FOR CONSIDERATION FOR PRO-
18 MOTION.—Section 645(1)(A)(i)(I) of this title shall not
19 apply to the promotion of officers described in subsection
20 (a) to the extent that such section is inconsistent with a
21 number of opportunities for promotion specified pursuant
22 to section 649d of this title.”.

23 **SEC. 507. MANDATORY RETIREMENT FOR AGE.**

24 (a) GENERAL RULE.—Subsection (a) of section 1251
25 of title 10, United States Code, is amended—

1 (1) by striking “or Marine Corps,” and insert-
2 ing “Marine Corps, or Space Force”; and

3 (2) by inserting “or separated, as specified in
4 subsection (e),” after “shall be retired”.

5 (b) DEFERRED RETIREMENT OR SEPARATION OF
6 HEALTH PROFESSIONS OFFICERS.—Subsection (b) of
7 such section is amended—

8 (1) in the subsection heading, by inserting “OR
9 SEPARATION” after “RETIREMENT”; and

10 (2) in paragraph (1), by inserting “or separa-
11 tion” after “retirement”.

12 (c) DEFERRED RETIREMENT OR SEPARATION OF
13 OTHER OFFICERS.—Subsection (c) of such section is
14 amended—

15 (1) in the subsection heading, by striking “OF
16 CHAPLAINS” and inserting “OR SEPARATION OF
17 OTHER OFFICERS”;

18 (2) by inserting “or separation” after “retire-
19 ment”; and

20 (3) by striking “an officer who is appointed or
21 designated as a chaplain” and inserting “any officer
22 other than a health professions officer described in
23 subsection (b)(2)”.

24 (d) RETIREMENT OR SEPARATION BASED ON YEARS
25 OF CREDITABLE SERVICE.—Such section is further

1 amended by adding at the end the following new sub-
2 section:

3 “(e) RETIREMENT OR SEPARATION BASED ON YEARS
4 OF CREDITABLE SERVICE.—(1) The following rules shall
5 apply to a regular commissioned officer who is to be re-
6 tired or separated under subsection (a):

7 “(A) If the officer has at least 6 but fewer than
8 20 years of creditable service, the officer shall be
9 separated, with separation pay computed under sec-
10 tion 1174(d)(1) of this title.

11 “(B) If the officer has fewer than 6 years of
12 creditable service, the officer shall be separated
13 under subsection (a).

14 “(2) Notwithstanding paragraph (1), in the case of
15 a regular commissioned officer who was added to the re-
16 tired list before the date of the enactment of the William
17 M. (Mac) Thornberry National Defense Authorization Act
18 for Fiscal Year 2021, the officer shall be retired, with re-
19 tired pay computed under section 1401 of this title.”.

20 **SEC. 508. CLARIFYING AND IMPROVING RESTATEMENT OF**
21 **RULES ON THE RETIRED GRADE OF COMMIS-**
22 **SIONED OFFICERS.**

23 (a) RESTATEMENT.—

1 (1) IN GENERAL.—Chapter 69 of title 10,
2 United States Code, is amended by striking section
3 1370 and inserting the following new sections:

4 **“§ 1370. Regular commissioned officers**

5 “(a) RETIREMENT IN HIGHEST GRADE IN WHICH
6 SERVED SATISFACTORILY.—

7 “(1) IN GENERAL.—Unless entitled to a dif-
8 ferent retired grade under some other provision of
9 law, a commissioned officer (other than a commis-
10 sioned warrant officer) of the Army, Navy, Air
11 Force, Marine Corps, or Space Force who retires
12 under any provision of law other than chapter 61 or
13 1223 of this title shall be retired in the highest per-
14 manent grade in which such officer is determined to
15 have served on active duty satisfactorily.

16 “(2) DETERMINATION OF SATISFACTORY SERV-
17 ICE.—The determination of satisfactory service of an
18 officer in a grade under paragraph (1) shall be made
19 as follows:

20 “(A) By the Secretary of the military de-
21 partment concerned, if the officer is serving in
22 a grade at or below the grade of major general,
23 rear admiral in the Navy, or the equivalent
24 grade in the Space Force.

1 “(B) By the Secretary of Defense, if the
2 officer is serving or has served in a grade above
3 the grade of major general, rear admiral in the
4 Navy, or the equivalent grade in the Space
5 Force.

6 “(3) EFFECT OF MISCONDUCT IN LOWER
7 GRADE IN DETERMINATION.—If the Secretary of a
8 military department or the Secretary of Defense, as
9 applicable, determines that an officer committed
10 misconduct in a lower grade than the retirement
11 grade otherwise provided for the officer by this sec-
12 tion—

13 “(A) such Secretary may deem the officer
14 to have not served satisfactorily in any grade
15 equal to or higher than such lower grade for
16 purposes of determining the retirement grade of
17 the officer under this section; and

18 “(B) the grade next lower to such lower
19 grade shall be the retired grade of the officer
20 under this section.

21 “(4) NATURE OF RETIREMENT OF CERTAIN RE-
22 SERVE OFFICERS AND OFFICERS IN TEMPORARY
23 GRADES.—A reserve officer, or an officer appointed
24 to a position under section 601 of this title, who is
25 notified that the officer will be released from active

1 duty without the officer's consent and thereafter re-
2 quests retirement under section 7311, 8323, or 9311
3 of this title and is retired pursuant to that request
4 is considered for purposes of this section to have
5 been retired involuntarily.

6 “(5) NATURE OF RETIREMENT OF CERTAIN RE-
7 MOVED OFFICERS.—An officer retired pursuant to
8 section 1186(b)(1) of this title is considered for pur-
9 poses of this section to have been retired voluntarily.
10 “(b) RETIREMENT OF OFFICERS RETIRING VOLUN-
11 TARILY.—

12 “(1) SERVICE-IN-GRADE REQUIREMENT.—In
13 order to be eligible for voluntary retirement under
14 any provision of this title in a grade above the grade
15 of captain in the Army, Air Force, or Marine Corps,
16 lieutenant in the Navy, or the equivalent grade in
17 the Space Force, a commissioned officer of the
18 Army, Navy, Air Force, Marine Corps, or Space
19 Force must have served on active duty in that grade
20 for a period of not less than three years, except
21 that—

22 “(A) subject to subsection (c), the Sec-
23 retary of Defense may reduce such period to a
24 period of not less than two years for any offi-
25 cer; and

1 “(B) in the case of an officer to be retired
2 in a grade at or below the grade of major gen-
3 eral in the Army, Air Force, or Marine Corps,
4 rear admiral in the Navy, or an equivalent
5 grade in the Space Force, the Secretary of De-
6 fense may authorize the Secretary of the mili-
7 tary department concerned to reduce such pe-
8 riod to a period of not less than two years.

9 “(2) LIMITATION ON DELEGATION.—The au-
10 thority of the Secretary of Defense in subparagraph
11 (A) of paragraph (1) may not be delegated. The au-
12 thority of the Secretary of a military department in
13 subparagraph (B) of paragraph (1), as delegated to
14 such Secretary pursuant to such subparagraph, may
15 not be further delegated.

16 “(3) WAIVER OF REQUIREMENT.—Subject to
17 subsection (c), the President may waive the applica-
18 tion of the service-in-grade requirement in para-
19 graph (1) to officers covered by that paragraph in
20 individual cases involving extreme hardship or excep-
21 tional or unusual circumstances. The authority of
22 the President under this paragraph may not be dele-
23 gated.

24 “(4) LIMITATION ON REDUCTION OR WAIVER
25 OF REQUIREMENT FOR OFFICERS UNDER INVES-

1 TIGATION OR PENDING MISCONDUCT.—In the case of
2 an officer to be retired in a grade above the grade
3 of colonel in the Army, Air Force, or Marine Corps,
4 captain in the Navy, or the equivalent grade in the
5 Space Force, the service-in-grade requirement in
6 paragraph (1) may not be reduced pursuant to that
7 paragraph, or waived pursuant to paragraph (3),
8 while the officer is under investigation for alleged
9 misconduct or while there is pending the disposition
10 of an adverse personnel action against the officer.

11 “(5) GRADE AND FISCAL YEAR LIMITATIONS ON
12 REDUCTION OR WAIVER OF REQUIREMENTS.—The
13 aggregate number of members of an armed force in
14 a grade for whom reductions are made under para-
15 graph (1), and waivers are made under paragraph
16 (3), in a fiscal year may not exceed—

17 “(A) in the case of officers to be retired in
18 a grade at or below the grade of major in the
19 Army, Air Force, or Marine Corps, lieutenant
20 commander in the Navy, or the equivalent
21 grade in the Space Force, the number equal to
22 two percent of the authorized active-duty
23 strength for that fiscal year for officers of that
24 armed force in that grade;

1 “(B) in the case of officers to be retired in
2 the grade of lieutenant colonel or colonel in the
3 Army, Air Force, or Marine Corps, commander
4 or captain in the Navy, or an equivalent grade
5 in the Space Force, the number equal to four
6 percent of the authorized active-duty strength
7 for that fiscal year for officers of that armed
8 force in the applicable grade; or

9 “(C) in the case of officers to be retired in
10 the grade of brigadier general or major general
11 in the Army, Air Force, or Marine Corps, rear
12 admiral (lower half) or rear admiral in the
13 Navy, or an equivalent grade in the Space
14 Force, the number equal to 10 percent of the
15 authorized active-duty strength for that fiscal
16 year for officers of that armed force in the ap-
17 plicable grade.

18 “(6) NOTICE TO CONGRESS ON REDUCTION OR
19 WAIVER OF REQUIREMENTS FOR GENERAL, FLAG,
20 AND EQUIVALENT OFFICER GRADES.—In the case of
21 an officer to be retired in a grade that is a general
22 or flag officer grade, or an equivalent grade in the
23 Space Force, who is eligible to retire in that grade
24 only by reason of an exercise of the authority in
25 paragraph (1) to reduce the service-in-grade require-

1 ment in that paragraph, or the authority in para-
2 graph (3) to waive that requirement, the Secretary
3 of Defense or the President, as applicable, shall, not
4 later than 60 days prior to the date on which the
5 officer will be retired in that grade, notify the Com-
6 mittees on Armed Services of the Senate and the
7 House of Representatives of the exercise of the ap-
8 plicable authority with respect to that officer.

9 “(7) RETIREMENT IN NEXT LOWEST GRADE
10 FOR OFFICERS NOT MEETING REQUIREMENT.—An
11 officer described in paragraph (1) whose length of
12 service in the highest grade held by the officer while
13 on active duty does not meet the period of the serv-
14 ice-in-grade requirement applicable to the officer
15 under this subsection shall, subject to subsection (c),
16 be retired in the next lower grade in which the offi-
17 cer served on active duty satisfactorily, as deter-
18 mined by the Secretary of the military department
19 concerned or the Secretary of Defense, as applicable.

20 “(c) OFFICERS IN O–9 AND O–10 GRADES.—

21 “(1) IN GENERAL.—An officer of the Army,
22 Navy, Air Force, Marine Corps, or Space Force who
23 is serving or has served in a position of importance
24 and responsibility designated by the President to
25 carry the grade of lieutenant general or general in

1 the Army, Air Force, or Marine Corps, vice admiral
2 or admiral in the Navy, or an equivalent grade in
3 the Space Force under section 601 of this title may
4 be retired in such grade under subsection (a) only
5 after the Secretary of Defense certifies in writing to
6 the President and the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives
8 that the officer served on active duty satisfactorily
9 in such grade.

10 “(2) PROHIBITION ON DELEGATION.—The au-
11 thority of the Secretary of Defense to make a certifi-
12 cation with respect to an officer under paragraph (1)
13 may not be delegated.

14 “(3) REQUIREMENTS IN CONNECTION WITH
15 CERTIFICATION.—A certification with respect to an
16 officer under paragraph (1) shall—

17 “(A) be submitted by the Secretary of De-
18 fense such that it is received by the President
19 and the Committees on Armed Services of the
20 Senate and the House of Representatives not
21 later than 60 days prior to the date on which
22 the officer will be retired in the grade con-
23 cerned;

24 “(B) include an up-to-date copy of the
25 military biography of the officer; and

1 “(C) include the statement of the Sec-
2 retary as to whether or not potentially adverse,
3 adverse, or reportable information regarding the
4 officer was considered by the Secretary in mak-
5 ing the certification.

6 “(4) CONSTRUCTION WITH OTHER NOTICE.—In
7 the case of an officer under paragraph (1) to whom
8 a reduction in the service-in-grade requirement
9 under subsection (b)(1) or waiver under subsection
10 (b)(3) applies, the requirement for notification under
11 subsection (b)(6) is satisfied if the notification is in-
12 cluded in the certification submitted by the Sec-
13 retary of Defense under paragraph (1).

14 “(d) CONDITIONAL RETIREMENT GRADE AND RE-
15 TIREMENT FOR OFFICERS PENDING INVESTIGATION OR
16 ADVERSE ACTION.—

17 “(1) IN GENERAL.—When an officer serving in
18 a grade at or below the grade of major general in
19 the Army, Air Force, or Marine Corps, rear admiral
20 in the Navy, or an equivalent grade in the Space
21 Force is under investigation for alleged misconduct
22 or pending the disposition of an adverse personnel
23 action at the time of retirement, the Secretary of the
24 military department concerned may—

1 “(A) conditionally determine the highest
2 permanent grade of satisfactory service on ac-
3 tive duty of the officer pending completion of
4 the investigation or resolution of the personnel
5 action, as applicable; and

6 “(B) retire the officer in that conditional
7 grade, subject to subsection (e).

8 “(2) OFFICERS IN O-9 AND O-10 GRADES.—
9 When an officer described by subsection (c)(1) is
10 under investigation for alleged misconduct or pend-
11 ing the disposition of an adverse personnel action at
12 the time of retirement, the Secretary of Defense
13 may—

14 “(A) conditionally determine the highest
15 permanent grade of satisfactory service on ac-
16 tive duty of the officer, pending completion of
17 the investigation or personnel action, as appli-
18 cable; and

19 “(B) retire the officer in that conditional
20 grade, subject to subsection (e).

21 “(3) REDUCTION OR WAIVER OF SERVICE-IN-
22 GRADE REQUIREMENT PROHIBITED FOR GENERAL,
23 FLAG, AND EQUIVALENT OFFICER GRADES.—In con-
24 ditionally determining the retirement grade of an of-
25 ficer under paragraph (1)(A) or (2)(A) of this sub-

1 section to be a grade above the grade of colonel in
2 the Army, Air Force, or Marine Corps, captain in
3 the Navy, or the equivalent grade in the Space
4 Force, the service-in-grade requirement in subsection
5 (b)(1) may not be reduced pursuant to subsection
6 (b)(1) or waived pursuant to subsection (b)(3).

7 “(4) PROHIBITION ON DELEGATION.—The au-
8 thority of the Secretary of a military department
9 under paragraph (1) may not be delegated. The au-
10 thority of the Secretary of Defense under paragraph
11 (2) may not be delegated.

12 “(e) FINAL RETIREMENT GRADE FOLLOWING RESO-
13 LUTION OF PENDING INVESTIGATION OR ADVERSE AC-
14 TION.—

15 “(1) NO CHANGE FROM CONDITIONAL RETIRE-
16 MENT GRADE.—If the resolution of an investigation
17 or personnel action with respect to an officer who
18 has been retired in a conditional retirement grade
19 pursuant to subsection (d) results in a determination
20 that the conditional retirement grade in which the
21 officer was retired will not be changed, the condi-
22 tional retirement grade of the officer shall, subject
23 to paragraph (3), be the final retired grade of the
24 officer.

1 “(2) CHANGE FROM CONDITIONAL RETIREMENT
2 GRADE.—If the resolution of an investigation or per-
3 sonnel action with respect to an officer who has been
4 retired in a conditional retirement grade pursuant to
5 subsection (d) results in a determination that the
6 conditional retirement grade in which the officer was
7 retired should be changed, the changed retirement
8 grade shall be the final retired grade of the officer
9 under this section, except that if the final retirement
10 grade provided for an officer pursuant to this para-
11 graph is the grade of lieutenant general or general
12 in the Army, Air Force, or Marine Corps, vice admi-
13 ral or admiral in the Navy, or an equivalent grade
14 in the Space Force, the requirements in subsection
15 (c) shall apply in connection with the retirement of
16 the officer in such final retirement grade.

17 “(3) RECALCULATION OF RETIRED PAY.—

18 “(A) IN GENERAL.—If the final retired
19 grade of an officer is as a result of a change
20 under paragraph (2), the retired pay of the offi-
21 cer under chapter 71 of this title shall be recal-
22 culated accordingly, with any modification of
23 the retired pay of the officer to go into effect
24 as of the date of the retirement of the officer.

1 “(B) PAYMENT OF HIGHER AMOUNT FOR
2 PERIOD OF CONDITIONAL RETIREMENT
3 GRADE.—If the recalculation of the retired pay
4 of an officer results in an increase in retired
5 pay, the officer shall be paid the amount by
6 which such increased retired pay exceeded the
7 amount of retired pay paid the officer for re-
8 tirement in the officer’s conditional grade dur-
9 ing the period beginning on the date of the re-
10 tirement of the officer in such conditional grade
11 and ending on the effective date of the change
12 of the officer’s retired grade. For an officer
13 whose retired grade is determined pursuant to
14 subsection (c), the effective date of the change
15 of the officer’s retired grade for purposes of
16 this subparagraph shall be the date that is 60
17 days after the date on which the Secretary of
18 Defense submits to the Committees on Armed
19 Services of the Senate and the House of Rep-
20 resentatives the certification required by sub-
21 section (c) in connection with the retired grade
22 of the officer.

23 “(C) RECOUPMENT OF OVERAGE DURING
24 PERIOD OF CONDITIONAL RETIREMENT
25 GRADE.—If the recalculation of the retired pay

1 of an officer results in a decrease in retired
2 pay, there shall be recouped from the officer the
3 amount by which the amount of retired pay
4 paid the officer for retirement in the officer's
5 conditional grade exceeded such decreased re-
6 tired pay during the period beginning on the
7 date of the retirement of the officer in such
8 conditional grade and ending on the effective
9 date of the change of the officer's retired grade.

10 “(f) FINALITY OF RETIRED GRADE DETERMINA-
11 TIONS.—

12 “(1) IN GENERAL.—Except for a conditional
13 determination authorized by subsection (d), a deter-
14 mination of the retired grade of an officer pursuant
15 to this section is administratively final on the day
16 the officer is retired, and may not be reopened, ex-
17 cept as provided in paragraph (2).

18 “(2) REOPENING.—A final determination of the
19 retired grade of an officer may be reopened as fol-
20 lows:

21 “(A) If the retirement or retired grade of
22 the officer was procured by fraud.

23 “(B) If substantial evidence comes to light
24 after the retirement that could have led to de-
25 termination of a different retired grade under

1 this section if known by competent authority at
2 the time of retirement.

3 “(C) If a mistake of law or calculation was
4 made in the determination of the retired grade.

5 “(D) If the applicable Secretary deter-
6 mines, pursuant to regulations prescribed by
7 the Secretary of Defense, that good cause exists
8 to reopen the determination of retired grade.

9 “(3) APPLICABLE SECRETARY.—For purposes
10 of this subsection, the applicable Secretary for pur-
11 poses of a determination or action specified in this
12 subsection is—

13 “(A) the Secretary of the military depart-
14 ment concerned, in the case of an officer retired
15 in a grade at or below the grade of major gen-
16 eral in the Army, Air Force, or Marine Corps,
17 rear admiral in the Navy, or the equivalent
18 grade in the Space Force; or

19 “(B) the Secretary of Defense, in the case
20 of an officer retired in a grade of lieutenant
21 general or general in the Army, Air Force, or
22 Marine Corps, vice admiral or admiral in the
23 Navy, or an equivalent grade in the Space
24 Force.

1 “(4) NOTICE AND LIMITATION.—If a final de-
2 termination of the retired grade of an officer is re-
3 opened in accordance with paragraph (2), the appli-
4 cable Secretary—

5 “(A) shall notify the officer of the reopen-
6 ing; and

7 “(B) may not make an adverse determina-
8 tion on the retired grade of the officer until the
9 officer has had a reasonable opportunity to re-
10 spond regarding the basis for the reopening of
11 the officer’s retired grade.

12 “(5) ADDITIONAL NOTICE ON REOPENING FOR
13 OFFICERS RETIRED IN O-9 AND O-10 GRADES.—If
14 the determination of the retired grade of an officer
15 whose retired grade was provided for pursuant to
16 subsection (c) is reopened, the Secretary of Defense
17 shall also notify the President and the Committees
18 on Armed Services of the Senate and the House of
19 Representatives.

20 “(6) MANNER OF MAKING OF CHANGE.—If the
21 retired grade of an officer is proposed to be changed
22 through the reopening of the final determination of
23 an officer’s retired grade under this subsection, the
24 change in grade shall be made—

1 “(A) in the case of an officer whose retired
2 grade is to be changed to a grade at or below
3 the grade of major general in the Army, Air
4 Force or Marine Corps, rear admiral in the
5 Navy, or the equivalent grade in the Space
6 Force, in accordance with subsections (a) and
7 (b)—

8 “(i) by the Secretary of Defense (who
9 may delegate such authority only as au-
10 thorized by clause (ii)); or

11 “(ii) if authorized by the Secretary of
12 Defense, by the Secretary of the military
13 department concerned (who may not fur-
14 ther delegate such authority);

15 “(B) in the case of an officer whose retired
16 grade is to be changed to the grade of lieuten-
17 ant general or general in the Army, Air Force,
18 or Marine Corps, vice admiral or admiral in the
19 Navy, or an equivalent grade in the Space
20 Force, by the President, by and with the advice
21 and consent of the Senate.

22 “(7) RECALCULATION OF RETIRED PAY.—If the
23 final retired grade of an officer is changed through
24 the reopening of the officer’s retired grade under
25 this subsection, the retired pay of the officer under

1 chapter 71 of this title shall be recalculated. Any
2 modification of the retired pay of the officer as a re-
3 sult of the change shall go into effect on the effec-
4 tive date of the change of the officer's retired grade,
5 and the officer shall not be entitled or subject to any
6 changed amount of retired pay for any period before
7 such effective date. An officer whose retired grade is
8 changed as provided in paragraph (6)(B) shall not
9 be entitled or subject to a change in retired pay for
10 any period before the date on which the Senate pro-
11 vides advice and consent for the retirement of the of-
12 ficer in such grade.

13 “(g) HIGHEST PERMANENT GRADE DEFINED.—In
14 this section, the term ‘highest permanent grade’ means a
15 grade at or below the grade of major general in the Army,
16 Air Force, or Marine Corps, rear admiral in the Navy,
17 or an equivalent grade in the Space Force.

18 **“§ 1370a. Officers entitled to retired pay for non-reg-**
19 **ular service**

20 “(a) RETIREMENT IN HIGHEST GRADE HELD SATIS-
21 FACTORILY.—Unless entitled to a different grade, or to
22 credit for satisfactory service in a different grade under
23 some other provision of law, a person who is entitled to
24 retired pay under chapter 1223 of this title shall, upon
25 application under section 12731 of this title, be credited

1 with satisfactory service in the highest permanent grade
2 in which that person served satisfactorily at any time in
3 the armed forces, as determined by the Secretary of the
4 military department concerned in accordance with this
5 section.

6 “(b) SERVICE-IN-GRADE REQUIREMENT FOR OFFI-
7 CERS IN GRADES BELOW O-5.—In order to be credited
8 with satisfactory service in an officer grade (other than
9 a warrant officer grade) below the grade of lieutenant
10 colonel or commander (in the case of the Navy), a person
11 covered by subsection (a) must have served satisfactorily
12 in that grade (as determined by the Secretary of the mili-
13 tary department concerned) as a reserve commissioned of-
14 ficer in an active status, or in a retired status on active
15 duty, for not less than six months.

16 “(c) SERVICE-IN-GRADE REQUIREMENT FOR OF-
17 FICES IN GRADES ABOVE O-4.—

18 “(1) IN GENERAL.—In order to be credited with
19 satisfactory service in an officer grade above major
20 or lieutenant commander (in the case of the Navy),
21 a person covered by subsection (a) must have served
22 satisfactorily in that grade (as determined by the
23 Secretary of the military department concerned) as
24 a reserve commissioned officer in an active status, or

1 in a retired status on active duty, for not less than
2 three years.

3 “(2) SATISFACTION OF REQUIREMENT BY CER-
4 TAIN OFFICERS NOT COMPLETING THREE YEARS.—
5 A person covered by paragraph (1) who has com-
6 pleted at least six months of satisfactory service in
7 grade may be credited with satisfactory service in
8 the grade in which serving at the time of transfer
9 or discharge, notwithstanding failure of the person
10 to complete three years of service in that grade, if
11 the person is transferred from an active status or
12 discharged as a reserve commissioned officer—

13 “(A) solely due to the requirements of a
14 nondiscretionary provision of law requiring that
15 transfer or discharge due to the person’s age or
16 years of service; or

17 “(B) because the person no longer meets
18 the qualifications for membership in the Ready
19 Reserve solely because of a physical disability,
20 as determined in accordance with chapter 61 of
21 this title, and at the time of such transfer or
22 discharge the person (pursuant to section
23 12731b of this title or otherwise) meets the
24 service requirements established by section
25 12731(a) of this title for eligibility for retired

1 pay under chapter 1223 of this title, unless the
2 disability is described in section 12731b of this
3 title.

4 “(3) REDUCTION IN SERVICE-IN-GRADE RE-
5 QUIREMENTS.—

6 “(A) OFFICERS IN GRADES BELOW GEN-
7 ERAL AND FLAG OFFICER GRADES.—In the case
8 of a person to be retired in a grade below briga-
9 dier general or rear admiral (lower half) in the
10 Navy, the Secretary of Defense may authorize
11 the Secretary of a military department to re-
12 duce, subject to subparagraph (B), the three-
13 year period of service-in-grade required by para-
14 graph (1) to a period not less than two years.
15 The authority of the Secretary of a military de-
16 partment under this subparagraph may not be
17 delegated.

18 “(B) LIMITATION.—The number of reserve
19 commissioned officers of an armed force in the
20 same grade for whom a reduction is made
21 under subparagraph (A) during any fiscal year
22 in the period of service-in-grade otherwise re-
23 quired by paragraph (1) may not exceed the
24 number equal to 2 percent of the strength au-
25 thorized for that fiscal year for reserve commis-

1 sioned officers of that armed force in an active
2 status in that grade.

3 “(C) OFFICERS IN GENERAL AND FLAG
4 OFFICERS GRADES.—The Secretary of Defense
5 may reduce the three-year period of service-in-
6 grade required by paragraph (1) to a period not
7 less than two years for any person, including a
8 person who, upon transfer to the Retired Re-
9 serve or discharge, is to be credited with satis-
10 factory service in a general or flag officer grade
11 under that paragraph. The authority of the
12 Secretary of Defense under this subparagraph
13 may not be delegated.

14 “(D) NOTICE TO CONGRESS ON REDUC-
15 TION IN SERVICE-IN-GRADE REQUIREMENTS
16 FOR GENERAL AND FLAG OFFICER GRADES.—
17 In the case of a person to be credited under
18 this section with satisfactory service in a grade
19 that is a general or flag officer grade who is eli-
20 gible to be credited with such service in that
21 grade only by reason of an exercise of authority
22 in subparagraph (C) to reduce the three-year
23 service-in-grade requirement otherwise applica-
24 ble under paragraph (1), the Secretary of De-
25 fense shall, not later than 60 days prior to the

1 date on which the person will be credited with
2 such satisfactory service in that grade, notify
3 the Committees on Armed Services of the Sen-
4 ate and the House of Representatives of the ex-
5 ercise of authority in subparagraph (C) with re-
6 spect to that person.

7 “(4) OFFICERS SERVING IN GRADES ABOVE O-
8 6 INVOLUNTARILY TRANSFERRED FROM ACTIVE STA-
9 TUS.—A person covered by paragraph (1) who has
10 completed at least six months of satisfactory service
11 in a grade above colonel or (in the case of the Navy)
12 captain and, while serving in an active status in
13 such grade, is involuntarily transferred (other than
14 for cause) from active status may be credited with
15 satisfactory service in the grade in which serving at
16 the time of such transfer, notwithstanding failure of
17 the person to complete three years of service in that
18 grade.

19 “(5) ADJUTANTS AND ASSISTANT ADJUTANTS
20 GENERAL.—If a person covered by paragraph (1)
21 has completed at least six months of satisfactory
22 service in grade, the person was serving in that
23 grade while serving in a position of adjutant general
24 required under section 314 of title 32 or while serv-
25 ing in a position of assistant adjutant general subor-

1 dinate to such a position of adjutant general, and
2 the person has failed to complete three years of serv-
3 ice in that grade solely because the person's appoint-
4 ment to such position has been terminated or va-
5 cated as described in section 324(b) of such title, the
6 person may be credited with satisfactory service in
7 that grade, notwithstanding the failure of the person
8 to complete three years of service in that grade.

9 “(6) OFFICERS RECOMMENDED FOR PRO-
10 MOTION SERVING IN CERTAIN GRADE BEFORE PRO-
11 MOTION.—To the extent authorized by the Secretary
12 of the military department concerned, a person who,
13 after having been recommended for promotion in a
14 report of a promotion board but before being pro-
15 moted to the recommended grade, served in a posi-
16 tion for which that grade is the minimum authorized
17 grade may be credited for purposes of paragraph (1)
18 as having served in that grade for the period for
19 which the person served in that position while in the
20 next lower grade. The period credited may not in-
21 clude any period before the date on which the Senate
22 provides advice and consent for the appointment of
23 that person in the recommended grade.

24 “(7) OFFICERS QUALIFIED FOR FEDERAL REC-
25 OGNITION SERVING IN CERTAIN GRADE BEFORE AP-

1 POINTMENT.—To the extent authorized by the Sec-
2 retary of the military department concerned, a per-
3 son who, after having been found qualified for Fed-
4 eral recognition in a higher grade by a board under
5 section 307 of title 32, serves in a position for which
6 that grade is the minimum authorized grade and is
7 appointed as a reserve officer in that grade may be
8 credited for the purposes of paragraph (1) as having
9 served in that grade. The period of the service for
10 which credit is afforded under the preceding sen-
11 tence may be only the period for which the person
12 served in the position after the Senate provides ad-
13 vice and consent for the appointment.

14 “(8) RETIREMENT IN NEXT LOWEST GRADE
15 FOR OFFICERS NOT MEETING SERVICE-IN-GRADE RE-
16 QUIREMENTS.—A person whose length of service in
17 the highest grade held does not meet the service-in-
18 grade requirements specified in this subsection shall
19 be credited with satisfactory service in the next
20 lower grade in which that person served satisfac-
21 torily (as determined by the Secretary of the mili-
22 tary department concerned) for not less than six
23 months.

24 “(d) OFFICERS IN O–9 AND O–10 GRADES.—

1 “(1) IN GENERAL.—A person covered by this
2 section in the Army, Navy, Air Force, or Marine
3 Corps who is serving or has served in a position of
4 importance and responsibility designated by the
5 President to carry the grade of lieutenant general or
6 general in the Army, Air Force, or Marine Corps, or
7 vice admiral or admiral in the Navy under section
8 601 of this title may be retired in such grade under
9 subsection (a) only after the Secretary of Defense
10 certifies in writing to the President and the Commit-
11 tees on Armed Services of the Senate and the House
12 of Representatives that the officer served satisfac-
13 torily in such grade.

14 “(2) PROHIBITION ON DELEGATION.—The au-
15 thority of the Secretary of Defense to make a certifi-
16 cation with respect to an officer under paragraph (1)
17 may not be delegated.

18 “(3) REQUIREMENTS IN CONNECTION WITH
19 CERTIFICATION.—A certification with respect to an
20 officer under paragraph (1) shall—

21 “(A) be submitted by the Secretary of De-
22 fense such that it is received by the President
23 and the Committees on Armed Services of the
24 Senate and the House of Representatives not
25 later than 60 days prior to the date on which

1 the officer will be retired in the grade con-
2 cerned;

3 “(B) include an up-to-date copy of the
4 military biography of the officer; and

5 “(C) include the statement of the Sec-
6 retary as to whether or not potentially adverse,
7 adverse, or reportable information regarding the
8 officer was considered by the Secretary in mak-
9 ing the certification.

10 “(4) CONSTRUCTION WITH OTHER NOTICE.—In
11 the case of an officer under paragraph (1) who is el-
12 igible to be credited with service in a grade only by
13 reason of the exercise of the authority in subsection
14 (c)(3)(C) to reduce the three-year service-in-grade
15 requirement under subsection (c)(1), the require-
16 ment for notification under subsection (c)(3)(D) is
17 satisfied if the notification is included in the certifi-
18 cation submitted by the Secretary of Defense under
19 paragraph (1).

20 “(e) CONDITIONAL RETIREMENT GRADE AND RE-
21 TIREMENT FOR OFFICERS UNDER INVESTIGATION FOR
22 MISCONDUCT OR PENDING ADVERSE PERSONNEL AC-
23 TION.—The retirement grade, and retirement, of a person
24 covered by this section who is under investigation for al-
25 leged misconduct or pending the disposition of an adverse

1 personnel action at the time of retirement is as provided
2 for by section 1370(d) of this title. In the application of
3 such section 1370(d) for purposes of this subsection, any
4 reference ‘active duty’ shall be deemed not to apply, and
5 any reference to a provision of section 1370 of this title
6 shall be deemed to be a reference to the analogous provi-
7 sion of this section.

8 “(f) FINAL RETIREMENT GRADE FOLLOWING RESO-
9 LUTION OF PENDING INVESTIGATION OR ADVERSE AC-
10 TION.—The final retirement grade under this section of
11 a person described in subsection (e) following resolution
12 of the investigation or personnel action concerned is the
13 final retirement grade provided for by section 1370(e) of
14 this title. In the application of such section 1370(e) for
15 purposes of this subsection, any reference to a provision
16 of section 1370 of this title shall be deemed to be a ref-
17 erence to the analogous provision of this section. In the
18 application of paragraph (3) of such section 1370e(e) for
19 purposes of this subsection, the reference to ‘chapter 71’
20 of this title shall be deemed to be a reference to ‘chapter
21 1223 of this title’.

22 “(g) FINALITY OF RETIRED GRADE DETERMINA-
23 TIONS.—

24 “(1) IN GENERAL.—Except for a conditional
25 determination authorized by subsection (e), a deter-

1 mination of the retired grade of a person pursuant
2 to this section is administratively final on the day
3 the person is retired, and may not be reopened.

4 “(2) REOPENING.—A determination of the re-
5 tired grade of a person may be reopened in accord-
6 ance with applicable provisions of section 1370(f) of
7 this title. In the application of such section 1370(f)
8 for purposes of this subsection, any reference to a
9 provision of section 1370 of this title shall be
10 deemed to be a reference to the analogous provision
11 of this section. In the application of paragraph (7)
12 of such section 1370(f) for purposes of this para-
13 graph, the reference to ‘chapter 71 of this title’ shall
14 be deemed to be a reference to ‘chapter 1223 of this
15 title’.

16 “(h) HIGHEST PERMANENT GRADE DEFINED.—In
17 this section, the term ‘highest permanent grade’ means a
18 grade at or below the grade of major general in the Army,
19 Air Force, or Marine Corps or rear admiral in the Navy.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 69 of title 10,
22 United States Code, is amended by striking the item
23 relating to section 1370 and inserting the following
24 new items:

“1370. Regular commissioned officers.

“1370a. Officers entitled to retired pay for non-regular service.”.

1 (b) CONFORMING AND TECHNICAL AMENDMENTS TO
2 RETIRED GRADE RULES FOR THE ARMED FORCES.—

3 (1) RETIRED PAY.—Title 10, United States
4 Code, is amended as follows:

5 (A) In section 1406(b)(2), by striking
6 “section 1370(d)” and inserting “section
7 1370a”.

8 (B) In section 1407(f)(2)(B), by striking
9 “by reason of denial of a determination or cer-
10 tification under section 1370” and inserting
11 “pursuant to section 1370 or 1370a”.

12 (2) ARMY.—Section 7341 of such title is
13 amended—

14 (A) by striking subsection (a) and insert-
15 ing the following new subsection (a):

16 “(a)(1) The retired grade of a regular commissioned
17 officer of the Army who retires other than for physical
18 disability is determined under section 1370 of this title.

19 “(2) The retired grade of a reserve commissioned of-
20 ficer of the Army who retires other than for physical dis-
21 ability is determined under section 1370a of this title.”;
22 and

23 (B) in subsection (b)—

24 (i) by striking “he” and inserting “the
25 member”; and

1 (ii) by striking “his” and inserting
2 “the member’s”.

3 (3) NAVY AND MARINE CORPS.—Such title is
4 further amended as follows:

5 (A) In section 8262(a), by striking “sec-
6 tions 689 and 1370” and inserting “section
7 689, and section 1370 or 1370a (as applica-
8 ble),”.

9 (B) In section 8323(c), by striking “sec-
10 tion 1370 of this title” and inserting “section
11 1370 or 1370a of this title, as applicable”.

12 (4) AIR FORCE AND SPACE FORCE.—Section
13 9341 of such title is amended—

14 (A) by striking subsection (a) and insert-
15 ing the following new subsection (a):

16 “(a)(1) The retired grade of a regular commissioned
17 officer of the Air Force or the Space Force who retires
18 other than for physical disability is determined under sec-
19 tion 1370 of this title.

20 “(2) The retired grade of a reserve commissioned of-
21 ficer of the Air Force or the Space Force who retires other
22 than for physical disability is determined under section
23 1370a of this title.”; and

24 (B) in subsection (b)—

1 (i) by inserting “or a Regular or Re-
2 serve of the Space Force” after “Air
3 Force”;

4 (ii) by striking “he” and inserting
5 “the member”; and

6 (iii) by striking “his” and inserting
7 “the member’s”.

8 (5) RESERVE OFFICERS.—Section 12771 of
9 such title is amended—

10 (A) in subsection (a), by striking “section
11 1370(d)” and inserting “section 1370a of this
12 title”; and

13 (B) in subsection (b)(1), by striking “sec-
14 tion 1370(d)” and inserting “section 1370a”.

15 (c) OTHER REFERENCES.—In the determination of
16 the retired grade of a commissioned officer of the Armed
17 Forces entitled to retired pay under chapter 1223 of title
18 10, United States Code, who retires after the date of the
19 enactment of this Act, any reference in a provision of law
20 or regulation to section 1370 of title 10, United States
21 Code, in such determination with respect to such officer
22 shall be deemed to be a reference to section 1370a of title
23 10, United States Code (as amended by subsection (a)).

1 **SEC. 509. REPEAL OF AUTHORITY FOR ORIGINAL APPOINT-**
2 **MENT OF REGULAR NAVY OFFICERS DES-**
3 **IGNATED FOR ENGINEERING DUTY, AERO-**
4 **NAUTICAL ENGINEERING DUTY, AND SPE-**
5 **CIAL DUTY.**

6 (a) REPEAL.—Section 8137 of title 10, United States
7 Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 815 of such title is amended
10 by striking the item relating to section 8137.

11 **SEC. 509A. PERMANENT PROGRAMS ON DIRECT COMMIS-**
12 **SIONS TO CYBER POSITIONS.**

13 (a) PERMANENT PROGRAMS.—Section 509 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2017
15 (Public Law 114–328; 130 Stat. 2109; 10 U.S.C. 503
16 note) is amended—

17 (1) in the subsection heading of subsection (a),
18 by striking “PILOT”;

19 (2) by striking “pilot” each place it appears;
20 and

21 (3) by striking subsections (d) and (e).

22 (b) HEADING AMENDMENT.—The heading of such
23 section is amended to read as follows:

1 **“SEC. 509. PROGRAMS ON DIRECT COMMISSIONS TO CYBER**
2 **POSITIONS.”.**

3 **SEC. 509B. REVIEW OF SEAMAN TO ADMIRAL-21 PROGRAM.**

4 (a) REVIEW.—

5 (1) IN GENERAL.—The Secretary of the Navy
6 shall review the policies and procedures for the Sea-
7 man to Admiral-21 program in effect during fiscal
8 years 2010 through 2014.

9 (2) ELEMENTS.—The elements of the review
10 shall include the following:

11 (A) A determination whether officer can-
12 didates selected for the Seaman to Admiral-21
13 program after October 28, 2009, and before 30
14 September 2014, were notified or otherwise in-
15 formed that they would not receive retirement
16 credit for the months of active service used in
17 pursuit of a baccalaureate-level degree under
18 the program following completion of the pro-
19 gram and upon appointment to the grade of en-
20 sign in the Navy.

21 (B) An explanation of how and when the
22 Navy implemented the requirements of former
23 section 6328(c) of title 10, United States Code
24 (currently section 8328(c) of that title) for Sea-
25 man to Admiral-21 participants.

1 (C) The number of personnel who were se-
2 lected for the Seaman to Admiral–21 program,
3 completed a baccalaureate-level degree, and
4 were appointed as an ensign in the Navy under
5 the program from fiscal years 2010 through
6 2014.

7 (D) A determination whether the personnel
8 described in subparagraph (C) should be eligible
9 for retirement credit for the months of active
10 service spent in pursuit of a baccalaureate-level
11 degree.

12 (b) REPORT.—The Secretary shall submit to the
13 Committees on Armed Services of the Senate and the
14 House of Representatives a report on the results of the
15 review under subsection (a).

16 (c) DEADLINE.—The Secretary of the Navy shall
17 carry out this section by not later than 180 days after
18 the date of the enactment of this Act.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. TEMPORARY AUTHORITY TO ORDER RETIRED**
4 **MEMBERS TO ACTIVE DUTY IN HIGH-DE-**
5 **MAND, LOW-DENSITY ASSIGNMENTS DURING**
6 **WAR OR NATIONAL EMERGENCY.**

7 Section 688a of title 10, United States Code, is
8 amended—

9 (1) by redesignating subsection (g) as sub-
10 section (h); and

11 (2) by inserting after subsection (f) the fol-
12 lowing new subsection (g):

13 “(g) EXCEPTIONS DURING PERIODS OF WAR OR NA-
14 TIONAL EMERGENCY.—The limitations in subsections (c)
15 and (f) shall not apply during a time of war or of national
16 emergency declared by Congress or the President.”.

17 **SEC. 512. EXPANSION OF JUNIOR RESERVE OFFICERS’**
18 **TRAINING CORPS PROGRAM.**

19 Section 2031(a)(2) of title 10, United States Code,
20 is amended by inserting after “service to the United
21 States” the following: “(including an introduction to serv-
22 ice opportunities in military, national, and public serv-
23 ice)”.

1 **SEC. 513. GRANTS TO SUPPORT STEM EDUCATION IN THE**
2 **JUNIOR RESERVE OFFICERS' TRAINING**
3 **CORPS.**

4 (a) PROGRAM AUTHORITY.—

5 (1) IN GENERAL.—Chapter 102 of title 10,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 2036. Grants to support science, technology, engi-**
9 **neering, and mathematics education**

10 “(a) AUTHORITY.—The Secretary, in consultation
11 with the Secretary of Education, may carry out a program
12 to make grants to eligible entities to assist such entities
13 in providing education in covered subjects to students in
14 the Junior Reserve Officers' Training Corps.

15 “(b) COORDINATION.—In carrying out a program
16 under subsection (a), the Secretary may coordinate with
17 the following:

18 “(1) The Director of the National Science
19 Foundation.

20 “(2) The Administrator of the National Aero-
21 nautics and Space Administration.

22 “(3) The heads of such other Federal, State,
23 and local government entities the Secretary of De-
24 fense determines to be appropriate.

25 “(c) ACTIVITIES.—Activities funded with grants
26 under this section may include the following:

1 “(1) Training and other support for instructors
2 to teach courses in covered subjects to students.

3 “(2) The acquisition of materials, hardware,
4 and software necessary for the instruction of covered
5 subjects.

6 “(3) Activities that improve the quality of edu-
7 cational materials, training opportunities, and cur-
8 ricula available to students and instructors in cov-
9 ered subjects.

10 “(4) Development of travel opportunities, dem-
11 onstrations, mentoring programs, and informal edu-
12 cation in covered subjects for students and instruc-
13 tors.

14 “(5) Students’ pursuit of certifications in cov-
15 ered subjects.

16 “(d) PREFERENCE.—In making any grants under
17 this section, the Secretary shall give preference to eligible
18 entities that are eligible for assistance under part A of
19 title I of the Elementary and Secondary Education Act
20 of 1965 (20 U.S.C. 6311 et seq.).

21 “(e) EVALUATIONS.—In carrying out a program
22 under this section, the Secretary shall establish outcome-
23 based metrics and internal and external assessments to
24 evaluate the merits and benefits of the activities funded

1 with grants under this section with respect to the needs
2 of the Department of Defense.

3 “(f) AUTHORITIES.—In carrying out a program
4 under this section, the Secretary shall, to the extent prac-
5 ticable, make use of the authorities under chapter 111 and
6 sections 2601 and 2605 of this title, and other authorities
7 the Secretary determines appropriate.

8 “(g) DEFINITIONS.—In this section:

9 “(1) The term ‘eligible entity’ means a local
10 education agency that hosts a unit of the Junior Re-
11 serve Officers’ Training Corps.

12 “(2) The term ‘covered subjects’ means—

13 “(A) science;

14 “(B) technology;

15 “(C) engineering;

16 “(D) mathematics;

17 “(E) computer science;

18 “(F) computational thinking;

19 “(G) artificial intelligence;

20 “(H) machine learning;

21 “(I) data science;

22 “(J) cybersecurity;

23 “(K) robotics;

24 “(L) health sciences; and

1 “(M) other subjects determined by the Sec-
2 retary of Defense to be related to science, tech-
3 nology, engineering, and mathematics.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 102 of such title
6 is amended by adding at the end the following new
7 item:

“2036. Grants to support science, technology, engineering, and mathematics
education.”.

8 (b) REPORT.—Not later than two years after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to the Committees on Armed Services of the
11 Senate and House of Representatives a report on any ac-
12 tivities carried out under section 2036 of title 10, United
13 States Code (as added by subsection (a)).

14 **SEC. 514. PERMANENT SUICIDE PREVENTION AND RESIL-**
15 **IENCE PROGRAM FOR THE RESERVE COMPO-**
16 **NENTS.**

17 Section 10219 of title 10, United States Code, is
18 amended by striking subsection (h).

19 **SEC. 515. MODIFICATION OF EDUCATION LOAN REPAY-**
20 **MENT PROGRAM FOR MEMBERS OF SE-**
21 **LECTED RESERVE.**

22 (a) MODIFICATION OF MAXIMUM REPAYMENT
23 AMOUNT.—Section 16301(b) of title 10, United States

1 Code, is amended by striking “\$500” and inserting
2 “\$1,000”.

3 (b) EFFECTIVE DATE AND APPLICABILITY.—The
4 amendment made by subsection (a) shall take effect on
5 the date of the enactment of this Act and shall apply with
6 respect to loan repayment under section 16301 of title 10,
7 United States Code, for eligible years of service completed
8 on or after the date of the enactment of this Act.

9 **SEC. 516. INCLUSION OF DRILL OR TRAINING FOREGONE**
10 **DUE TO EMERGENCY TRAVEL OR DUTY RE-**
11 **STRICTIONS IN COMPUTATIONS OF ENTITLE-**
12 **MENT TO AND AMOUNTS OF RETIRED PAY**
13 **FOR NON-REGULAR SERVICE.**

14 (a) ENTITLEMENT TO RETIRED PAY.—Section
15 12732(a)(2) of title 10, United States Code, is amended—

16 (1) by inserting after subparagraph (E) the fol-
17 lowing new subparagraph:

18 “(F)(i) Subject to regulations prescribed
19 by the Secretary of Defense or the Secretary of
20 Homeland Security with respect to matters con-
21 cerning the Coast Guard when it is not oper-
22 ating as a service in the Department of the
23 Navy, one point for each day of active service
24 or one point for each drill or period of equiva-
25 lent instruction that was prescribed by the Sec-

1 retary concerned to be performed during the
2 covered emergency period, if such person was
3 prevented from performing such duty due to
4 travel or duty restrictions imposed by the Presi-
5 dent, the Secretary of Defense, or the Secretary
6 of Homeland Security with respect to the Coast
7 Guard.

8 “(ii) A person may not be credited more
9 than 35 points in a one-year period under this
10 subparagraph.

11 “(iii) In this subparagraph, the term ‘cov-
12 ered emergency period’ means the period begin-
13 ning on March 1, 2020, and ending on the day
14 that is 60 days after the date on which the
15 travel or duty restriction applicable to the per-
16 son concerned is lifted.”; and

17 (2) in the matter following subparagraph (F),
18 as inserted by paragraph (1), by striking “and (E)”
19 and inserting “(E), and (F)”.

20 (b) AMOUNT OF RETIRED PAY.—Section 12733(3) of
21 such title is amended in the matter preceding subpara-
22 graph (A), by striking “or (D)” and inserting “(D), or
23 (F)”.

24 (c) REPORTING.—

1 (1) REPORT REQUIRED.—Not later than one
2 year after the date on which the covered emergency
3 period, as defined in subparagraph (F) of section
4 12732(a)(2) of such title, as added by subsection
5 (a), ends, the Secretary of Defense shall submit to
6 the congressional defense committees a report on the
7 use of the authority under such subparagraph.

8 (2) ELEMENTS.—The report under this sub-
9 section shall include, with respect to each reserve
10 component, the following:

11 (A) The number of individuals granted
12 credit as a result of a training cancellation.

13 (B) The number of individuals granted
14 credit as a result of another extenuating cir-
15 cumstance.

16 (3) PUBLICATION.—Not later than 30 days
17 after submitting the report under paragraph (1), the
18 Secretary shall—

19 (A) publish the report on a publicly acces-
20 sible website of the Department of Defense; and

21 (B) ensure that any data in the report is
22 made available in a machine-readable format
23 that is downloadable, searchable, and sortable.

1 **SEC. 517. QUARANTINE LODGING FOR MEMBERS OF THE**
2 **RESERVE COMPONENTS WHO PERFORM CER-**
3 **TAIN SERVICE IN RESPONSE TO THE COVID-**
4 **19 EMERGENCY.**

5 (a) IN GENERAL.—The Secretary of Defense may
6 provide, to a member of the reserve components of the
7 Armed Forces who performs a period of covered service,
8 housing for not fewer than 14 days immediately after the
9 end of such period of covered service.

10 (b) DEFINITIONS.—In this section:

11 (1) The term “active service” has the meaning
12 given that term in section 101 of title 10, United
13 States Code.

14 (2) The term “covered service” means active
15 service performed in response to the covered national
16 emergency.

17 (3) The term “covered national emergency”
18 means the national emergency declared on March
19 13, 2020, by the President under the National
20 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
21 spect to COVID–19.

22 **SEC. 518. DIRECT EMPLOYMENT PILOT PROGRAM FOR CER-**
23 **TAIN MEMBERS OF THE RESERVE COMPO-**
24 **NENTS.**

25 (a) IN GENERAL.—The Secretary of Defense may
26 carry out a pilot program to enhance the efforts of the

1 Department of Defense to provide job placement assist-
2 ance and related employment services directly to members
3 of the National Guard and Reserves in reserve active-sta-
4 tus.

5 (b) ADMINISTRATION.—Any such pilot program shall
6 be offered to, and administered by, the adjutants general
7 appointed under section 314 of title 32, United States
8 Code, or other officials in the States concerned designated
9 by the Secretary for purposes of the pilot program.

10 (c) COST-SHARING REQUIREMENT.—As a condition
11 on the provision of funds under this section to a State
12 to support the operation of the pilot program in that
13 State, the State must agree to contribute funds, derived
14 from non-Federal sources, in an amount equal to at least
15 50 percent of the funds necessary for the operation of the
16 pilot program in that State.

17 (d) DEVELOPMENT.—In developing any such pilot
18 program, the Secretary shall—

19 (1) incorporate elements of State direct employ-
20 ment programs for members of the reserve compo-
21 nents; and

22 (2) use resources provided to members of the
23 Armed Forces with civilian training opportunities
24 through the SkillBridge transition training program
25 administered by the Department of Defense.

1 (e) DIRECT EMPLOYMENT PROGRAM MODEL.—Any
2 such pilot program shall use a job placement program
3 model that focuses on working one-on-one with eligible
4 members to cost-effectively provide job placement services,
5 including—

6 (1) identifying unemployed and underemployed
7 individuals;

8 (2) job matching services;

9 (3) resume editing;

10 (4) interview preparation; and

11 (5) post-employment follow up.

12 (f) EVALUATION.—The Secretary shall develop out-
13 come metrics to evaluate the success of any such pilot pro-
14 gram.

15 (g) REPORTING.—

16 (1) REPORT REQUIRED.—If the Secretary car-
17 ries out the pilot Program, the Secretary of Defense
18 shall submit to the congressional defense committees
19 a report describing the results of the pilot program
20 not later than March 1, 2022. The Secretary shall
21 prepare the report in coordination with the Chief of
22 the National Guard Bureau.

23 (2) ELEMENTS.—A report under paragraph (1)
24 shall include the following:

1 (A) A description and assessment of the ef-
2 fectiveness and achievements of the pilot pro-
3 gram, including the number of members of the
4 reserve components of the Armed Forces hired
5 and the cost-per-placement of participating
6 members.

7 (B) An assessment of the effects of the
8 pilot program and increased reserve component
9 employment on the readiness of members of the
10 reserve components and on the retention of
11 members.

12 (C) A comparison of the pilot program to
13 other programs conducted by the Department
14 of Defense to provide unemployment or under-
15 employment support to members of the reserve
16 components of the Armed Forces, including the
17 best practices developed through and used in
18 such programs.

19 (D) Any other matters the Secretary of
20 Defense determines appropriate.

21 (h) DURATION; EXTENSION.—

22 (1) Subject to paragraph (2), the authority to
23 carry out the pilot program expires on September
24 30, 2024.

1 (2) The Secretary may elect to extend the pilot
2 program for not more than two additional fiscal
3 years.

4 **SEC. 519. PILOT PROGRAMS AUTHORIZED IN CONNECTION**
5 **WITH SROTC UNITS AND CSPI PROGRAMS AT**
6 **HISTORICALLY BLACK COLLEGES AND UNI-**
7 **VERSITIES AND MINORITY INSTITUTIONS.**

8 (a) PILOT PROGRAMS REQUIRED.—The Secretary of
9 Defense may carry out two pilot programs as follows:

10 (1) A pilot program, with elements as provided
11 for in subsection (c), at covered institutions in order
12 to assess the feasibility and advisability of mecha-
13 nisms to reduce barriers to participation in the Sen-
14 ior Reserve Officers' Training Corps at such institu-
15 tions by creating partnerships between satellite or
16 extension Senior Reserve Officers' Training Corps
17 units at such institutions and covered military in-
18 stallations.

19 (2) In consultation with the Secretary of Home-
20 land Security, a pilot program, with elements as pro-
21 vided for in subsection (d), in order to assess the
22 feasibility and advisability of the provision of finan-
23 cial assistance to members of the Senior Reserve Of-
24 ficers' Training Corps, and members of the Coast
25 Guard College Student Pre-Commissioning Initia-

1 tive, at covered institutions for participation in flight
2 training.

3 (b) DURATION.—The duration of each pilot program
4 under subsection (a) may not exceed 5 years.

5 (c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN
6 SATELLITE OR EXTENSION SROTC UNITS AND COVERED
7 MILITARY INSTALLATIONS.—

8 (1) PARTICIPATING INSTITUTIONS.—The Sec-
9 retary of Defense shall carry out the pilot program
10 required by subsection (a)(1) at not fewer than five
11 covered institutions selected by the Secretary for
12 purposes of the pilot program.

13 (2) REQUIREMENTS FOR SELECTION.—Each
14 covered institution selected by the Secretary for pur-
15 poses of the pilot program under subsection (a)(1)
16 shall—

17 (A) currently maintain a satellite or exten-
18 sion Senior Reserve Officers' Training Corps
19 unit under chapter 103 of title 10, United
20 States Code, that is located more than 20 miles
21 from the host unit of such unit; or

22 (B) establish and maintain a satellite or
23 extension Senior Reserve Officers' Training
24 Corps unit that meets the requirements in sub-
25 paragraph (A).

1 (3) PREFERENCE IN SELECTION OF INSTITU-
2 TIONS.—In selecting covered institutions under this
3 subsection for participation in the pilot program
4 under subsection (a)(1), the Secretary shall give
5 preference to covered institutions that are located
6 within 20 miles of a covered military installation of
7 the same Armed Force as the host unit of the Senior
8 Reserve Officers' Training Corps of the covered in-
9 stitution concerned.

10 (4) PARTNERSHIP ACTIVITIES.—The activities
11 conducted under the pilot program under subsection
12 (a)(1) between a satellite or extension Senior Re-
13 serve Officers' Training Corps unit and the covered
14 military installation concerned shall include such ac-
15 tivities designed to reduce barriers to participation
16 in the Senior Reserve Officers' Training Corps at
17 the covered institution concerned as the Secretary
18 considers appropriate, including measures to miti-
19 gate travel time and expenses in connection with re-
20 ceipt of Senior Reserve Officers' Training Corps in-
21 struction.

22 (d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR
23 SROTC AND CSPI MEMBERS FOR FLIGHT TRAINING.—

24 (1) ELIGIBILITY FOR PARTICIPATION BY SROTC
25 AND CSPI MEMBERS.—A member of a Senior Re-

1 serve Officers' Training Corps unit, or a member of
2 a Coast Guard College Student Pre-Commissioning
3 Initiative program, at a covered institution may par-
4 ticipate in the pilot program under subsection (a)(2)
5 if the member meets such academic requirements at
6 the covered institution, and such other requirements,
7 as the Secretary concerned shall establish for pur-
8 poses of the pilot program.

9 (2) PREFERENCE IN SELECTION OF PARTICI-
10 PANTS.—In selecting members under this subsection
11 for participation in the pilot program under sub-
12 section (a)(2), the Secretary concerned shall give a
13 preference to members who will pursue flight train-
14 ing under the pilot program at a covered institution.

15 (3) FINANCIAL ASSISTANCE FOR FLIGHT TRAIN-
16 ING.—

17 (A) IN GENERAL.—The Secretary con-
18 cerned may provide any member of a Senior
19 Reserve Officers' Training Corps unit or a Col-
20 lege Student Pre-Commissioning Initiative pro-
21 gram who participates in the pilot program
22 under subsection (a)(2) financial assistance to
23 defray, whether in whole or in part, the charges
24 and fees imposed on the member for flight
25 training.

1 (B) FLIGHT TRAINING.—Financial assist-
2 ance may be used under subparagraph (A) for
3 a course of flight training only if the course
4 meets Federal Aviation Administration stand-
5 ards and is approved by the Federal Aviation
6 Administration and the applicable State approv-
7 ing agency.

8 (C) USE.—Financial assistance received by
9 a member under subparagraph (A) may be used
10 only to defray the charges and fees imposed on
11 the member as described in that subparagraph.

12 (D) CESSATION OF ELIGIBILITY.—Finan-
13 cial assistance may not be provided to a mem-
14 ber under subparagraph (A) as follows:

15 (i) If the member ceases to meet the
16 academic and other requirements estab-
17 lished pursuant to paragraph (1).

18 (ii) If the member ceases to be a
19 member of the Senior Reserve Officers'
20 Training Corps or the College Student
21 Pre-Commissioning Initiative, as applica-
22 ble.

23 (e) EVALUATION METRICS.—The Secretary of De-
24 fense shall establish metrics to evaluate the effectiveness
25 of the pilot programs under subsection (a).

1 (f) REPORTS.—

2 (1) INITIAL REPORT.—Not later than 180 days
3 after the commencement of the pilot programs under
4 subsection (a), the Secretary of Defense shall submit
5 to the Committees on Armed Services of the Senate
6 and the House of Representatives a report on the
7 pilot programs. The report shall include the fol-
8 lowing:

9 (A) A description of each pilot program,
10 including in the case of the pilot program under
11 subsection (a)(2) the requirements established
12 pursuant to subsection (d)(1).

13 (B) The evaluation metrics established
14 under subsection (e).

15 (C) Such other matters relating to the
16 pilot programs as the Secretary considers ap-
17 propriate.

18 (2) ANNUAL REPORT.—Not later than 90 days
19 after the end of each fiscal year in which the Sec-
20 retary carries out the pilot programs, the Secretary
21 shall submit to the Committees on Armed Services
22 of the Senate and the House of Representatives a
23 report on the pilot programs during such fiscal year.
24 Each report shall include, for the fiscal year covered
25 by such report, the following:

1 (A) In the case of the pilot program re-
2 quired by subsection (a)(1), a description of the
3 partnerships between satellite or extension Sen-
4 ior Reserve Officers' Training Corps units and
5 covered military installations under the pilot
6 program.

7 (B) In the case of the pilot program re-
8 quired by subsection (a)(2), the following:

9 (i) The number of members of Senior
10 Reserve Officers' Training Corps units,
11 and the number of members of Coast
12 Guard College Student Pre-Commissioning
13 Initiative programs, at covered institutions
14 selected for purposes of the pilot program,
15 including the number of such members
16 participating in the pilot program.

17 (ii) The number of recipients of finan-
18 cial assistance provided under the pilot
19 program, including the number who—

20 (I) completed a ground school
21 course of instruction in connection
22 with obtaining a private pilot's certifi-
23 cate;

1 (II) completed flight training,
2 and the type of training, certificate, or
3 both received;

4 (III) were selected for a pilot
5 training slot in the Armed Forces;

6 (IV) initiated pilot training in the
7 Armed Forces; or

8 (V) successfully completed pilot
9 training in the Armed Forces.

10 (iii) The amount of financial assist-
11 ance provided under the pilot program,
12 broken out by covered institution, course of
13 study, and such other measures as the Sec-
14 retary considers appropriate.

15 (C) Data collected in accordance with the
16 evaluation metrics established under subsection
17 (e).

18 (3) FINAL REPORT.—Not later than 180 days
19 prior to the completion of the pilot programs, the
20 Secretary shall submit to the Committees on Armed
21 Services of the Senate and the House of Representa-
22 tives a report on the pilot programs. The report
23 shall include the following:

24 (A) A description of the pilot programs.

1 (B) An assessment of the effectiveness of
2 each pilot program.

3 (C) A description of the cost of each pilot
4 program, and an estimate of the cost of making
5 each pilot program permanent.

6 (D) An estimate of the cost of expanding
7 each pilot program throughout all eligible Sen-
8 ior Reserve Officers' Training Corps units and
9 College Student Pre-Commissioning Initiative
10 programs.

11 (E) Such recommendations for legislative
12 or administrative action as the Secretary con-
13 siders appropriate in light of the pilot pro-
14 grams, including recommendations for extend-
15 ing or making permanent the authority for each
16 pilot program.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “covered institution” has the
19 meaning given that term in section 262(g)(2) of the
20 National Defense Authorization Act for Fiscal Year
21 2020 (Public Law 116–92).

22 (2) The term “covered military installation”
23 means an installation of the Department of Defense
24 for the regular components of the Armed Forces.

1 (3) The term “flight training” means a course
2 of instruction toward obtaining any of the following:

3 (A) A private pilot’s certificate.

4 (B) A commercial pilot certificate.

5 (C) A certified flight instructor certificate.

6 (D) A multi-crew pilot’s license.

7 (E) A flight instrument rating.

8 (F) Any other certificate, rating, or pilot
9 privilege the Secretary considers appropriate for
10 purposes of this section.

11 **SEC. 519A. REPORT REGARDING FULL-TIME NATIONAL**
12 **GUARD DUTY IN RESPONSE TO THE COVID-19**
13 **PANDEMIC.**

14 (a) **REPORT REQUIRED.**—Not later than 90 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the congressional defense com-
17 mittees a report regarding how it is determined whether
18 to authorize full-time National Guard duty in response to
19 the covered national emergency.

20 (b) **ELEMENTS.**—The report under this section shall
21 include the following:

22 (1) The number of requests described in sub-
23 section (a).

24 (2) The number of such requests approved and
25 the number of requests denied.

1 (3) For each such request—

2 (A) the time elapsed from receipt of re-
3 quest to disposition of request; and

4 (B) whether costs (including pay and bene-
5 fits for members of the National Guard) were
6 a factor in determining whether to grant or
7 deny the request.

8 (4) For each such request approved, an esti-
9 mate of the time between approval and the time
10 when the first such member of the National Guard
11 was placed on full-time National Guard duty in re-
12 sponse to such request.

13 (5) For each such request denied, the reason
14 for denial and how such denial was explained to the
15 requestor.

16 (6) A description of how the process of review
17 for such requests differed from previous requests for
18 a determination whether to authorize full-time Na-
19 tional Guard duty under section 502(f) of title 32,
20 United States Code.

21 (7) Recommendations of the Secretary to im-
22 prove the review of such requests in order to better
23 respond to such requests.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “covered national emergency”
2 means the national emergency declared on March
3 13, 2020, by the President under the National
4 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
5 spect to COVID-19.

6 (2) The term “full-time National Guard duty”
7 has the meaning given that term in section 101 of
8 title 10, United States Code.

9 **SEC. 519B. STUDY AND REPORT ON NATIONAL GUARD SUP-**
10 **PORT TO STATES RESPONDING TO MAJOR**
11 **DISASTERS.**

12 (a) STUDY REQUIRED.—The Secretary of Defense
13 shall conduct a study on the process by which the National
14 Guard provides support to other Federal agencies and to
15 States during major disasters. The report shall include the
16 following:

17 (1) With regards to authorization of full-time
18 National Guard duty under section 502(f) of title
19 32, United States Code—

20 (A) a review of the process of such author-
21 ization, including authorization approval, fund-
22 ing approval, and mission assignment;

23 (B) a review of data regarding the fre-
24 quency and speed of such authorizations during
25 fiscal years 2015 through 2020; and

1 (C) measures of performance or effective-
2 ness.

3 (2) The effectiveness of the funding transfer
4 process between the Federal Emergency Manage-
5 ment Agency and the Department of Defense.

6 (3) The development and promulgation of train-
7 ing and education materials for the National Guard
8 and other components of the Department of De-
9 fense.

10 (4) An analysis of lessons learned from the re-
11 sponse to COVID-19, including—

12 (A) policy gaps identified by the Secretary;
13 and

14 (B) any recommendations of the Secretary
15 to improve such process.

16 (b) REPORT REQUIRED.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the Committees on Armed Serv-
19 ices of the Senate and the House of Representatives a re-
20 port that includes the findings of the study conducted
21 under subsection (a).

1 **SEC. 519C. REPORT ON GUIDANCE FOR USE OF UNMANNED**
2 **AIRCRAFT SYSTEMS BY THE NATIONAL**
3 **GUARD.**

4 (a) REVIEW.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall—

7 (1) review current guidance on the use of un-
8 manned aircraft systems by the National Guard for
9 covered activities within the United States; and

10 (2) submit to the congressional defense commit-
11 tees a report containing recommendations of the
12 Secretary regarding how to expedite the review of re-
13 quests for use of unmanned aircraft systems de-
14 scribed in paragraph (1).

15 (b) COVERED ACTIVITIES DEFINED.—In this section,
16 the term “covered activities” means—

17 (1) emergency operations;

18 (2) search and rescue operations;

19 (3) defense support to civil authorities; and

20 (4) support under section 502(f) of title 32,
21 United States Code.

22 **SEC. 519D. STUDY AND REPORT ON ROTC RECRUITMENT.**

23 (a) STUDY.—The Secretary of Defense shall conduct
24 a study that assesses—

25 (1) whether members of the Armed Forces who
26 served in the Junior Reserve Officers’ Training

1 Corps are more or less likely than members who
2 served in the Senior Reserve Officers' Training
3 Corps to achieve or receive recommendations for
4 higher ranks;

5 (2) whether there is a correlation between race
6 or ethnicity and the rank ultimately achieved by
7 such members;

8 (3) whether individuals who serve in the Junior
9 Reserve Officers' Training Corps are likelier to join
10 the Armed Forces than other individuals; and

11 (4) the feasibility of establishing a program to
12 create a pathway for minorities into higher ranks in
13 the Armed Forces.

14 (b) REPORT.—Not later than December 31, 2022,
15 the Secretary of Defense shall submit to the Committees
16 on Armed Services of the Senate and House of Represent-
17 atives a report on the results of the study conducted under
18 subsection (a).

19 **Subtitle C—General Service Au-**
20 **thorities and Correction of Mili-**
21 **tary Records**

22 **SEC. 521. INCREASED ACCESS TO POTENTIAL RECRUITS.**

23 (a) SECONDARY SCHOOLS.—Section 503 of title 10,
24 United States Code, is amended—

25 (1) in subsection (c)(1)—

1 (A) in subparagraph (A)(ii), by striking
2 “and telephone listings,” and all that follows
3 through the period at the end and inserting
4 “electronic mail addresses (which shall be the
5 electronic mail addresses provided by the
6 school, if available), and telephone listings, not-
7 withstanding subsection (a)(5) of section 444 of
8 the General Education Provisions Act (20
9 U.S.C. 1232g).”; and

10 (B) in subparagraph (B), by striking “and
11 telephone listing” and inserting “electronic mail
12 address, and telephone listing”; and
13 (2) by striking subsection (d).

14 (b) INSTITUTIONS OF HIGHER EDUCATION.—Section
15 983(b)(2)(A) of such title is amended by striking “and
16 telephone listings” and inserting “electronic mail address-
17 es (which shall be the electronic mail addresses provided
18 by the institution, if available), and telephone listings”.

19 **SEC. 522. SUNSET AND TRANSFER OF FUNCTIONS OF THE**
20 **PHYSICAL DISABILITY BOARD OF REVIEW.**

21 Section 1554a of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(g) SUNSET.—(1) On or after the date of the enact-
25 ment of the William M. (Mac) Thornberry National De-

1 fense Authorization Act for Fiscal Year 2021, the Sec-
2 retary of Defense may sunset the Physical Disability
3 Board of Review under this section.

4 “(2) If the Secretary sunsets the Physical Disability
5 Board of Review under paragraph (1), the Secretary shall
6 transfer any remaining requests for review pending at that
7 time, and shall assign any new requests for review under
8 this section, to a board for the correction of military
9 records operated by the Secretary concerned under section
10 1552 of this title..

11 “(3) Subsection (c)(4) shall not apply with respect
12 to any review conducted by a board for the correction of
13 military records under paragraph (2).”.

14 **SEC. 523. HONORARY PROMOTION MATTERS.**

15 (a) HONORARY PROMOTIONS ON INITIATIVE OF DE-
16 PARTMENT OF DEFENSE.—Chapter 80 of title 10, United
17 States Code, is amended by inserting after section 1563
18 the following new section:

19 **“§ 1563a. Honorary promotions on the initiative of**
20 **the Department of Defense**

21 “(a) IN GENERAL.—(1) Under regulations prescribed
22 by the Secretary of Defense, the Secretary may make an
23 honorary promotion (whether or not posthumous) of a
24 former member or retired member of the armed forces to
25 any grade not exceeding the grade of major general, rear

1 admiral (upper half), or an equivalent grade in the Space
2 Force if the Secretary determines that the promotion is
3 merited.

4 “(2) The authority to make an honorary promotion
5 under this subsection shall apply notwithstanding that the
6 promotion is not otherwise authorized by law.

7 “(b) NOTICE TO CONGRESS.—The Secretary may not
8 make an honorary promotion pursuant to subsection (a)
9 until 60 days after the date on which the Secretary sub-
10 mits to the Committees on Armed Services of the Senate
11 and the House of Representatives a notice of the deter-
12 mination to make the promotion, including a detailed dis-
13 cussion of the rationale supporting the determination.

14 “(c) NOTICE OF PROMOTION.—Upon making an hon-
15 orary promotion pursuant to subsection (a), the Secretary
16 shall expeditiously notify the former member or retired
17 member concerned, or the next of kin of such former mem-
18 ber or retired member if such former member or retired
19 member is deceased, of the promotion.

20 “(d) NATURE OF PROMOTION.—Any promotion pur-
21 suant to this section is honorary, and shall not affect the
22 pay, retired pay, or other benefits from the United States
23 to which the former member or retired member concerned
24 is entitled or would have been entitled based on the mili-
25 tary service of such former member or retired member,

1 nor affect any benefits to which any other person is or
2 may become entitled based on the military service of such
3 former member or retired member.”.

4 (b) MODIFICATION OF AUTHORITIES ON REVIEW OF
5 PROPOSALS FROM CONGRESS.—

6 (1) STANDARDIZATION OF AUTHORITIES WITH
7 AUTHORITIES ON INITIATIVE OF DEPARTMENT OF
8 DEFENSE.—Section 1563 of title 10, United States
9 Code, is amended—

10 (A) in subsection (a)—

11 (i) in the first sentence, by striking
12 “the posthumous or honorary promotion or
13 appointment of a member or former mem-
14 ber of the armed forces, or any other per-
15 son considered qualified,” and inserting
16 “the honorary promotion (whether or not
17 posthumous) of a former member or re-
18 tired member of the armed forces”; and

19 (ii) in the second sentence, by striking
20 “the posthumous or honorary promotion or
21 appointment” and inserting “the pro-
22 motion”; and

23 (B) in subsection (b), by striking “the
24 posthumous or honorary promotion or appoint-
25 ment” and inserting “the honorary promotion”.

1 (2) AUTHORITY TO MAKE HONORARY PRO-
2 MOTIONS FOLLOWING REVIEW OF PROPOSALS.—

3 Such section is further amended—

4 (A) by redesignating subsection (c) as sub-
5 section (d); and

6 (B) by inserting after subsection (b) the
7 following new subsection (c):

8 “(c) AUTHORITY TO MAKE.—(1) Under regulations
9 prescribed by the Secretary of Defense, the Secretary of
10 Defense may make an honorary promotion (whether or not
11 posthumous) of a former member or retired member of
12 the armed forces to any grade not exceeding the grade
13 of major general, rear admiral (upper half), or an equiva-
14 lent grade in the Space Force following the submittal of
15 the determination of the Secretary concerned under sub-
16 section (b) in connection with the proposal for the pro-
17 motion if the determination is to approve the making of
18 the promotion.

19 “(2) The Secretary of Defense may not make an hon-
20 orary promotion under this subsection until 60 days after
21 the date on which the Secretary concerned submits the
22 determination in connection with the proposal for the pro-
23 motion under subsection (b), and the detailed rationale
24 supporting the determination as described in that sub-
25 section, to the Committees on Armed Services of the Sen-

1 ate and the House of Representatives and the requesting
2 Member in accordance with that subsection.

3 “(3) The authority to make an honorary promotion
4 under this subsection shall apply notwithstanding that the
5 promotion is not otherwise authorized by law.

6 “(4) Any promotion pursuant to this subsection is
7 honorary, and shall not affect the pay, retired pay, or
8 other benefits from the United States to which the former
9 member or retired member concerned is or would have
10 been entitled based upon the military service of such
11 former member or retired member, nor affect any benefits
12 to which any other person may become entitled based on
13 the military service of such former member or retired
14 member.”.

15 (3) HEADING AMENDMENT.—The heading of
16 such section is amended to read as follows:

17 **“§ 1563. Consideration of proposals from Members of**
18 **Congress for honorary promotions: proce-**
19 **dures for review and promotion”.**

20 (c) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 80 of such title is amended
22 by striking the item relating to section 1563 and inserting
23 the following new items:

“1563. Consideration of proposals from Members of Congress for honorary pro-
motions: procedures for review and promotion.

“1563a. Honorary promotions on the initiative of the Department of Defense.”.

1 **SEC. 524. EXCLUSION OF OFFICIAL PHOTOGRAPHS OF**
2 **MEMBERS FROM RECORDS FURNISHED TO**
3 **PROMOTION SELECTION BOARDS.**

4 (a) **ACTIVE DUTY OFFICERS.**—The Secretary of De-
5 fense shall include in the regulations prescribed pursuant
6 to section 615(a) of title 10, United States Code, a prohi-
7 bition on the inclusion of an official photograph of an offi-
8 cer in the information furnished to a selection board pur-
9 suant to section 615(b) of such title.

10 (b) **RESERVE OFFICERS.**—The Secretary of Defense
11 shall include in regulations prescribed pursuant to section
12 14107(a)(1) of title 10, United States Code, a prohibition
13 on the inclusion of an official photograph of an officer in
14 the information furnished to a selection board pursuant
15 to section 14107(a)(2) of such title.

16 (c) **ENLISTED MEMBERS.**—Each Secretary of a mili-
17 tary department shall prescribe regulations that prohibit
18 the inclusion of an official photograph of an enlisted mem-
19 ber in the information furnished to a board that considers
20 enlisted members under the jurisdiction of such Secretary
21 for promotion.

22 (d) **REPORT ON EXCLUSION OF ADDITIONAL INFOR-**
23 **MATION.**—Not later than one year after the date of the
24 enactment of this Act, the Secretary of Defense shall, in
25 consultation with the Secretaries of the military depart-
26 ments, submit to the Committees on Armed Services of

1 the Senate and the House of Representatives a report set-
2 ting forth the following:

3 (1) A recommendation for the redaction or re-
4 moval from information furnished to selection boards
5 convened to consider officers or enlisted members for
6 promotion to the next higher grade of such informa-
7 tion, if any, relating to an officer or enlisted mem-
8 ber, as applicable, that is currently furnished to such
9 a selection board as the Secretary considers appro-
10 priate for redaction or removal in order to eliminate
11 inappropriate bias in the promotion selection proc-
12 ess.

13 (2) An assessment of the anticipated effects on
14 the promotion process for officers or enlisted mem-
15 bers, as applicable, of the redaction or removal from
16 information furnished to selection boards of informa-
17 tion recommended for redaction or removal pursuant
18 to paragraph (1).

19 (3) An implementation plan that describes and
20 assesses the manner in which the redaction or re-
21 moval of such information will be achieved, including
22 a description and assessment of the following:

23 (A) Any required changes to policies, proc-
24 esses, or systems, including any information
25 technology required.

1 (B) The cost of implementing such
2 changes.

3 (C) The estimated timeline for completion
4 of the implementation of such changes (which
5 may not be later than the day that is two years
6 after the date of the report).

7 (D) The duty title of the officer or em-
8 ployee of the Department Defense to be as-
9 signed responsibility for implementing such
10 changes.

11 **SEC. 525. REPORT REGARDING REVIEWS OF DISCHARGES**
12 **AND DISMISSALS BASED ON SEXUAL ORI-**
13 **ENTATION.**

14 (a) REPORT REQUIRED.—Not later than September
15 30, 2021, the Secretary of Defense shall submit to the
16 Committees on Armed Services of the Senate and the
17 House of Representatives a report regarding the number
18 of former members of the Armed Forces who—

19 (1) were discharged or dismissed from the
20 Armed Forces;

21 (2) on or after September 21, 2011, applied to
22 the Secretary of the military department concerned
23 for an upgrade in the characterization of such dis-
24 charge or dismissal; and

1 (3) assert in such application that such dis-
2 charge or dismissal arose from a policy of the De-
3 partment of Defense regarding the sexual orienta-
4 tion of a member before September 21, 2011.

5 (b) ELEMENTS.—The report under this section shall
6 include the following:

7 (1) The number of applications described in
8 subsection (a) and the percentages of such applica-
9 tions granted and denied, disaggregated by—

10 (A) Armed Force;

11 (B) grade;

12 (C) characterization of discharge or dis-
13 missal originally received; and

14 (D) characterization of discharge or dis-
15 missal received pursuant to an application de-
16 scribed in subsection (a)(2).

17 (2) If the Secretary can determine the number
18 without reviewing applications described in sub-
19 section (a) on a case-by-case basis, the number of
20 such applications—

21 (A) that were denied; and

22 (B) in which the discharge or dismissal
23 was based solely on misconduct of the dis-
24 charged or dismissed member.

1 (c) PUBLICATION.—Not later than 90 days after the
2 Secretary submits the report under this section, the Sec-
3 retary shall publish the report on a publicly accessible
4 website of the Department of Defense.

5 **Subtitle D—Prevention and Re-**
6 **sponse To Sexual Assault, Har-**
7 **assment, and Related Mis-**
8 **conduct**

9 **SEC. 531. MODIFICATION OF TIME REQUIRED FOR EXPE-**
10 **DITED DECISIONS IN CONNECTION WITH AP-**
11 **PLICATIONS FOR CHANGE OF STATION OR**
12 **UNIT TRANSFER OF MEMBERS WHO ARE VIC-**
13 **TIMS OF SEXUAL ASSAULT OR RELATED OF-**
14 **FENSES.**

15 (a) IN GENERAL.—Section 673(b) of title 10, United
16 States Code, is amended by striking “72 hours” both
17 places it appears and inserting “five calendar days”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act, and shall apply to decisions on applica-
21 tions for permanent change of station or unit transfer
22 made under section 673 of title 10, United States Code,
23 on or after that date.

1 **SEC. 532. CONFIDENTIAL REPORTING OF SEXUAL HARASS-**
2 **MENT.**

3 (a) CONFIDENTIAL REPORTING.—

4 (1) IN GENERAL.—Chapter 80 of title 10,
5 United States Code, is amended by inserting after
6 section 1561a the following new section:

7 **“§ 1561b. Confidential reporting of sexual harassment**

8 “(a) REPORTING PROCESS.—Notwithstanding sec-
9 tion 1561 of this title, the Secretary of Defense shall pre-
10 scribe in regulations a process by which a member of an
11 armed force under the jurisdiction of the Secretary of a
12 military department may confidentially allege a complaint
13 of sexual harassment to an individual outside the imme-
14 diate chain of command of the member.

15 “(b) RECEIPT OF COMPLAINTS.—An individual des-
16 ignated and trained to receive complaints under the proc-
17 ess under subsection (a) shall—

18 “(1) maintain the confidentiality of the member
19 alleging the complaint;

20 “(2) explain to the member alleging the com-
21 plaint the different avenues of redress available to
22 resolve the complaint and the different consequences
23 of each avenue on the manner in which the com-
24 plaint will be investigated (if at all), including an ex-
25 planation of the following:

1 “(A) The manner in which to file a com-
2 plaint concerning alleged sexual harassment
3 with the official or office designated for receipt
4 of such complaint through such avenue of re-
5 dress.

6 “(B) That confidentiality in connection
7 with the complaint cannot be maintained when
8 there is a clear and present risk to health or
9 safety.

10 “(C) If the alleged sexual harassment also
11 involves an allegation of sexual assault, includ-
12 ing sexual contact—

13 “(i) the manner in which to file a con-
14 fidential report with a Sexual Assault Re-
15 sponse Coordinator or a Sexual Assault
16 Prevention and Response Victim Advocate;
17 and

18 “(ii) options available pursuant to
19 such reporting, including a Restricted Re-
20 port or Unrestricted Report, and participa-
21 tion in the Catch a Serial Offender Pro-
22 gram.

23 “(D) The services and assistance available
24 to the member in connection with the complaint
25 and the alleged sexual harassment.

1 “(c) EDUCATION AND TRACKING.—The Secretary of
2 Defense shall—

3 “(1) educate members under the jurisdiction of
4 the Secretaries of the military departments regard-
5 ing the process established under this section; and

6 “(2) track complaints alleged pursuant to the
7 process.

8 “(d) REPORTS.—Not later than April 30, 2023, and
9 April 30 every two years thereafter, the Secretary of De-
10 fense shall submit to the Committees on Armed Services
11 of the Senate and the House of Representatives a report
12 containing data on the complaints of sexual harassment
13 alleged pursuant to the process under subsection (a) dur-
14 ing the previous two calendar years. Any data on such
15 complaints shall not contain any personally identifiable in-
16 formation.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 80 of such title is
19 amended by inserting after the item relating to sec-
20 tion 1561b the following new item:

“1561b. Confidential reporting of sexual harassment.”.

21 (b) PLAN FOR IMPLEMENTATION.—The Secretary of
22 Defense shall submit to the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives a re-
24 port setting forth a plan for the implementation of the
25 process for confidential reporting of sexual harassment re-

1 quired by section 1561b of title 10, United States Code
2 (as added by subsection (a)). The plan shall include the
3 date on which the process is anticipated to be fully imple-
4 mented.

5 (c) PLAN FOR ACCESS TO CONFIDENTIAL REPORTS
6 TO IDENTIFY SERIAL HARASSERS.—Not later than one
7 year after the implementation of the process for confiden-
8 tial reporting of sexual harassment required by section
9 1561b of title 10, United States Code (as so added), the
10 Secretary of Defense shall submit to the Committees on
11 Armed Services of the Senate and the House of Represent-
12 atives a report setting forth a plan to allow an individual
13 who files a confidential report of sexual harassment pursu-
14 ant to the process to elect to permit a military criminal
15 investigative organization to access certain information in
16 the confidential report, including identifying information
17 of the alleged perpetrator (if available), for the purpose
18 of identifying individuals who are suspected of multiple in-
19 cidents of sexual harassments, without such access affect-
20 ing the confidential nature of the confidential report. The
21 report shall specify the information to be accessible by
22 criminal investigative organizations pursuant to the plan.

1 **SEC. 533. ADDITIONAL BASES FOR PROVISION OF ADVICE**
2 **BY THE DEFENSE ADVISORY COMMITTEE**
3 **FOR THE PREVENTION OF SEXUAL MIS-**
4 **CONDUCT.**

5 Section 550B of the National Defense Authorization
6 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
7 1380; 10 U.S.C. 1561 note) is amended in subsection
8 (c)(2)—

9 (1) by redesignating subparagraph (C) as sub-
10 paragraph (E); and

11 (2) by inserting after subparagraph (B) the fol-
12 lowing new subparagraphs:

13 “(C) Efforts among private employers to
14 prevent sexual assault and sexual harassment
15 among their employees.

16 “(D) Evidence-based studies on the pre-
17 vention of sexual assault and sexual harassment
18 in the Armed Forces, institutions of higher edu-
19 cation, and the private sector.”.

20 **SEC. 534. ADDITIONAL MATTERS FOR 2021 REPORT OF THE**
21 **DEFENSE ADVISORY COMMITTEE FOR THE**
22 **PREVENTION OF SEXUAL MISCONDUCT.**

23 Section 550B of the National Defense Authorization
24 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
25 1380; 10 U.S.C. 1561 note), as amended by section 533
26 of this Act, is further amended by adding at the end of

1 subsection (d) the following: “The report in 2021 shall
2 also include the following:

3 “(1) A description and assessment of the extent
4 and effectiveness of the inclusion by the Armed
5 Forces of sexual assault prevention and response
6 training in leader professional military education
7 (PME), especially in such education for personnel in
8 junior noncommissioned officer grades.

9 “(2) An assessment of the feasibility of—

10 “(A) the screening before entry into mili-
11 tary service of recruits who may have been the
12 subject or perpetrator of prior incidents of sex-
13 ual assault and harassment, including through
14 background checks; and

15 “(B) the administration of screening tests
16 to recruits to assess recruit views and beliefs on
17 equal opportunity, and whether such views and
18 beliefs are compatible with military service.

19 “(3) An assessment of the feasibility of con-
20 ducting exit interviews of members of the Armed
21 Forces upon their discharge release from the Armed
22 Forces in order to determine whether they experi-
23 enced or witnessed sexual assault or harassment
24 during military service and did not report it, and an
25 assessment of the feasibility of combining such exit

1 interviews with the Catch a Serial Offender
2 (CATCH) Program of the Department of Defense.

3 “(4) An assessment whether the sexual assault
4 reporting databases of the Department are suffi-
5 ciently anonymized to ensure privacy while still pro-
6 viding military leaders with the information as fol-
7 lows:

8 “(A) The approximate length of time the
9 victim and the assailant had been at the duty
10 station at which the sexual assault occurred.

11 “(B) The percentage of sexual assaults oc-
12 ccurring while the victim or assailant were on
13 temporary duty, leave, or otherwise away from
14 their permanent duty station.

15 “(C) The number of sexual assaults that
16 involve an abuse of power by a commander or
17 supervisor.”.

18 **SEC. 535. INCLUSION OF ADVISORY DUTIES ON THE COAST**
19 **GUARD ACADEMY AMONG DUTIES OF DE-**
20 **FENSE ADVISORY COMMITTEE FOR THE PRE-**
21 **VENTION OF SEXUAL MISCONDUCT.**

22 Section 550B of the National Defense Authorization
23 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
24 1380; 10 U.S.C. 1561 note), as amended by sections 533
25 and 534 of this Act, is further amended—

1 (1) in subsection (c)(1)(B), by inserting “, in-
2 cluding the United States Coast Guard Academy,”
3 after “academy”;

4 (2) by redesignating subsections (d), (e), and
5 (f) as subsections (e), (f), and (g), respectively;

6 (3) by inserting after subsection (c) the fol-
7 lowing new subsection (d):

8 “(d) ADVISORY DUTIES ON COAST GUARD ACAD-
9 EMY.—In providing advice under subsection (c)(1)(B), the
10 Advisory Committee shall also advise the Secretary of the
11 Department in which the Coast Guard is operating in ac-
12 cordance with this section on policies, programs, and prac-
13 tices of the United States Coast Guard Academy.”; and

14 (4) in subsection (e) and paragraph (2) of sub-
15 section (g), as redesignated by paragraph (2) of this
16 section, by striking “the Committees on Armed Serv-
17 ices of the Senate and the House of Representa-
18 tives” each place it appears and inserting “the Com-
19 mittees on Armed Services and Commerce, Science,
20 and Transportation of the Senate and the Commit-
21 tees on Armed Services and Transportation and In-
22 frastructure of the House of Representatives”.

1 **SEC. 536. MODIFICATION OF REPORTING AND DATA COL-**
2 **LECTION ON VICTIMS OF SEXUAL OFFENSES.**

3 Section 547 of the John S. McCain National Defense
4 Authorization Act for Fiscal Year 2019 (Public Law 115–
5 232; 10 U.S.C. 1561 note) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “accused of” and in-
9 serting “suspected of”; and

10 (ii) by striking “assault” and insert-
11 ing “offense”;

12 (B) in paragraph (2), by striking “accused
13 of” and inserting “suspected of”; and

14 (C) in paragraph (3)—

15 (i) by striking “assaults” and insert-
16 ing “offenses”; and

17 (ii) by striking “an accusation” and
18 inserting “suspicion of”;

19 (2) by redesignating subsection (b) as sub-
20 section (c);

21 (3) by inserting after subsection (a) the fol-
22 lowing new subsection (b):

23 “(b) **GUIDANCE REQUIRED.**—The Secretary of De-
24 fense shall issue guidance to ensure the uniformity of the
25 data collected by each Armed Force for purposes of sub-

1 section (a). At a minimum, such guidance shall estab-
2 lish—

3 “(1) standardized methods for the collection of
4 the data required to be reported under such sub-
5 section; and

6 “(2) standardized definitions for the terms ‘sex-
7 ual offense’, ‘collateral misconduct’, and ‘adverse ac-
8 tion’.”; and

9 (4) by amending subsection (c), as redesignated
10 by paragraph (2), to read as follows:

11 “(c) DEFINITIONS.—In this section:

12 “(1) The term ‘covered individual’ means an in-
13 dividual who is identified in the case files of a mili-
14 tary criminal investigative organization as a victim
15 of a sexual offense that occurred while that indi-
16 vidual was serving on active duty as a member of
17 the Armed Forces.

18 “(2) The term ‘suspected of’, when used with
19 respect to a covered individual suspected of collateral
20 misconduct or crimes as described in subsection (a),
21 means that an investigation by a military criminal
22 investigative organization reveals facts and cir-
23 cumstances that would lead a reasonable person to
24 believe that the individual committed an offense

1 under chapter 47 of title 10, United States Code
2 (the Uniform Code of Military Justice).”.

3 **SEC. 537. MODIFICATION OF ANNUAL REPORT REGARDING**
4 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**
5 **THE ARMED FORCES.**

6 (a) **ADDITIONAL RECIPIENTS.**—Subsection (d) of
7 section 1631 of the Ike Skelton National Defense Author-
8 ization Act for Fiscal Year 2011 (Public Law 111–383;
9 10 U.S.C. 1561 note) is amended by inserting “and the
10 Committees on Veterans’ Affairs of the Senate and the
11 House of Representatives” after “House of Representa-
12 tives”.

13 (b) **APPLICABILITY.**—The amendment made by sub-
14 section (a) shall take effect on the date of the enactment
15 of this Act and shall apply to reports required to be sub-
16 mitted under such section on or after such date.

17 **SEC. 538. COORDINATION OF SUPPORT FOR SURVIVORS OF**
18 **SEXUAL TRAUMA.**

19 (a) **IN GENERAL.**—Not later than one year after the
20 date of the enactment of this Act, the Secretaries of De-
21 fense and Veterans Affairs shall jointly develop, imple-
22 ment, and maintain a standard of coordinated care for
23 members of the Armed Forces who are survivors of sexual
24 trauma. Such standard shall include the following:

1 (b) MINIMUM ELEMENTS.—The standard developed
2 and implemented under subsection (a) by the Secretaries
3 of Defense and Veterans Affairs shall include the fol-
4 lowing:

5 (1) INFORMATION FOR MEMBERS OF THE
6 ARMED FORCES.—The Secretary of Defense shall en-
7 sure that—

8 (A) Sexual Assault Response Coordinators
9 and Uniformed Victim Advocates receive annual
10 training on resources of the Department of Vet-
11 erans Affairs regarding sexual trauma;

12 (B) information regarding services fur-
13 nished by the Secretary of Veterans Affairs to
14 survivors of sexual trauma is provided to each
15 such survivor; and

16 (C) information described in subparagraph
17 (B) is posted in the following areas in each fa-
18 cility of the Department of Defense:

19 (i) An office of the Family Advocacy
20 Program.

21 (ii) An office of a mental health care
22 provider.

23 (iii) Each area in which sexual assault
24 prevention staff normally post notices or
25 information.

1 (iv) High-traffic areas (including din-
2 ing facilities).

3 (2) COORDINATION BETWEEN STAFF OF THE
4 DEPARTMENTS.—The Secretaries shall ensure that a
5 Sexual Assault Response Coordinator or Uniformed
6 Victim Advocate of the Department of Defense who
7 receives a report of an instance of sexual trauma
8 connects the survivor to the Military Sexual Trauma
9 Coordinator of the Department of Veterans Affairs
10 at the facility of that Department nearest to the res-
11 idence of that survivor if that survivor is a member
12 separating or retiring from the Armed Forces.

13 (c) REPORTS.—

14 (1) REPORT ON RESIDENTIAL TREATMENT.—
15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretaries of Defense and
17 Veterans Affairs shall provide a report to the appro-
18 priate committees of Congress regarding the avail-
19 ability of residential treatment programs for sur-
20 vivors of sexual trauma, including—

21 (A) barriers to access for such programs;

22 and

23 (B) resources required to reduce such bar-
24 riers.

1 (2) INITIAL REPORT.—Upon implementation of
2 the standard under subsection (a), the Secretaries of
3 Defense and Veterans Affairs shall jointly submit to
4 the appropriate committees of Congress a report on
5 the standard.

6 (3) PROGRESS REPORTS.—Not later than 180
7 days after submitting the initial report under para-
8 graph (2), and on December 1 of each subsequent
9 year, the Secretaries of Defense and Veterans Af-
10 fairs shall jointly submit to the appropriate commit-
11 tees of Congress a report on the progress of the Sec-
12 retaries in implementing and improving the stand-
13 ard.

14 (4) UPDATES.—Whenever the Secretaries of
15 Defense and Veterans Affairs update the standard
16 developed under subsection (a), the Secretaries shall
17 jointly submit to the appropriate committees of Con-
18 gress a report on such update, including a com-
19 prehensive and detailed description of such update
20 and the reasons for such update.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “sexual trauma” means a condi-
23 tion described in section 1720D(a)(1) of title 38,
24 United States Code.

1 (2) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committees on Veterans’ Affairs of
4 the House of Representatives and the Senate;
5 and

6 (B) the Committees on Armed Services of
7 the House of Representatives and the Senate.

8 **SEC. 539. POLICY FOR MILITARY SERVICE ACADEMIES ON**
9 **SEPARATION OF ALLEGED VICTIMS AND AL-**
10 **LEGED PERPETRATORS IN INCIDENTS OF**
11 **SEXUAL ASSAULT.**

12 (a) IN GENERAL.—The Secretary of Defense shall,
13 in consultation with the Secretaries of the military depart-
14 ments and the Superintendent of each military service
15 academy, prescribe in regulations a policy under which a
16 cadet or midshipman of a military service academy who
17 is the alleged victim of a sexual assault and a cadet or
18 midshipman who is the alleged perpetrator of such assault
19 shall, to the extent practicable, each be given the oppor-
20 tunity to complete their course of study at the academy
21 without—

22 (1) taking classes together; or

23 (2) otherwise being in close proximity to each
24 other during mandatory activities.

1 (b) ELEMENTS.—The Secretary of Defense shall en-
2 sure that the policy developed under subsection (a)—

3 (1) permits an alleged victim to elect not to be
4 covered by the policy with respect to a particular in-
5 cident of sexual assault;

6 (2) protects the alleged victim as necessary, in-
7 cluding by prohibiting retaliatory harassment;

8 (3) minimizes the prejudicial impact of the pol-
9 icy, to the extent practicable, on both the alleged vic-
10 tim and the alleged perpetrator, and allows the al-
11 leged victim and the alleged perpetrator to complete
12 their course of study at the institution with minimal
13 disruption;

14 (4) protects the privacy of both the alleged vic-
15 tim and the alleged perpetrator by ensuring that in-
16 formation about the alleged sexual assault and the
17 individuals involved is not revealed to third parties
18 who are not specifically authorized to receive such
19 information in the course of performing their regular
20 duties, except that such policy shall not preclude the
21 alleged victim or the alleged perpetrator from mak-
22 ing such disclosures to third parties; and

23 (5) minimizes the burden on the alleged victim
24 when taking steps to separate the alleged victim and
25 alleged perpetrator.

1 (c) SPECIAL RULE.—The policy developed under sub-
2 section (a) shall not preclude a military service academy
3 from taking other administrative or disciplinary action
4 when appropriate.

5 (d) MILITARY SERVICE ACADEMY DEFINED.—In this
6 section, the term “military service academy” means the
7 following:

8 (1) The United States Military Academy.

9 (2) The United States Naval Academy.

10 (3) The United States Air Force Academy.

11 (4) The United States Coast Guard Academy.

12 **SEC. 539A. SAFE-TO-REPORT POLICY APPLICABLE ACROSS**
13 **THE ARMED FORCES.**

14 (a) IN GENERAL.—The Secretary of Defense shall,
15 in consultation with the Secretaries of the military depart-
16 ments, prescribe in regulations a safe-to-report policy de-
17 scribed in subsection (b) that applies with respect to all
18 members of the Armed Forces (including members of the
19 reserve components of the Armed Forces) and cadets and
20 midshipmen at the military service academies.

21 (b) SAFE-TO-REPORT POLICY.—The safe-to-report
22 policy described in this subsection is a policy that pre-
23 scribes the handling of minor collateral misconduct involv-
24 ing a member of the Armed Forces who is the alleged vic-
25 tim of sexual assault.

1 (c) AGGRAVATING CIRCUMSTANCES.—The regula-
2 tions under subsection (a) shall specify aggravating cir-
3 cumstances that increase the gravity of minor collateral
4 misconduct or its impact on good order and discipline for
5 purposes of the safe-to-report policy.

6 (d) TRACKING OF COLLATERAL MISCONDUCT INCI-
7 DENTS.—In conjunction with the issuance of regulations
8 under subsection (a), Secretary shall develop and imple-
9 ment a process to track incidents of minor collateral mis-
10 conduct that are subject to the safe-to-report policy.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “Armed Forces” has the meaning
13 given that term in section 101(a)(4) of title 10,
14 United States Code, except such term does not in-
15 clude the Coast Guard.

16 (2) The term “military service academy” means
17 the following:

18 (A) The United States Military Academy.

19 (B) The United States Naval Academy.

20 (C) The United States Air Force Academy.

21 (3) The term “minor collateral misconduct”
22 means any minor misconduct that is potentially pun-
23 ishable under chapter 47 of title 10, United States
24 Code (the Uniform Code of Military Justice), that—

1 (A) is committed close in time to or during
2 the sexual assault, and directly related to the
3 incident that formed the basis of the sexual as-
4 sault allegation;

5 (B) is discovered as a direct result of the
6 report of sexual assault or the ensuing inves-
7 tigation into the sexual assault; and

8 (C) does not involve aggravating cir-
9 cumstances (as specified in the regulations pre-
10 scribed under subsection (c)) that increase the
11 gravity of the minor misconduct or its impact
12 on good order and discipline.

13 **SEC. 539B. ACCOUNTABILITY OF LEADERSHIP OF THE DE-**
14 **PARTMENT OF DEFENSE FOR DISCHARGING**
15 **THE SEXUAL HARASSMENT POLICIES AND**
16 **PROGRAMS OF THE DEPARTMENT.**

17 (a) STRATEGY ON HOLDING LEADERSHIP ACCOUNT-
18 ABLE REQUIRED.—The Secretary of Defense shall develop
19 and implement Department of Defense-wide a strategy to
20 hold individuals in positions of leadership in the Depart-
21 ment (including members of the Armed Forces and civil-
22 ians) accountable for the promotion, support, and enforce-
23 ment of the policies and programs of the Department on
24 sexual harassment.

25 (b) OVERSIGHT FRAMEWORK.—

1 (1) IN GENERAL.—The strategy required by
2 subsection (a) shall provide for an oversight frame-
3 work for the efforts of the Department of Defense
4 to promote, support, and enforce the policies and
5 programs of the Department on sexual harassment.

6 (2) ELEMENTS.—The oversight framework re-
7 quired by paragraph (1) shall include the following:

8 (A) Long-term goals, objectives, and mile-
9 stones in connection with the policies and pro-
10 grams of the Department on sexual harass-
11 ment.

12 (B) Strategies to achieve the goals, objec-
13 tives, and milestones referred to in subpara-
14 graph (A).

15 (C) Criteria for assessing progress toward
16 the achievement of the goals, objectives, and
17 milestones referred to in subparagraph (A).

18 (D) Criteria for assessing the effectiveness
19 of the policies and programs of the Department
20 on sexual harassment.

21 (E) Mechanisms to ensure that adequate
22 resources are available to the Office of the Sec-
23 retary of Defense to develop and discharge the
24 oversight framework.

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report on the
5 actions taken to carry out this section, including the strat-
6 egy developed and implemented pursuant to subsection
7 (a), and the oversight framework developed and imple-
8 mented pursuant to subsection (b).

9 **SEC. 539C. REPORTS ON STATUS OF INVESTIGATIONS OF**
10 **ALLEGED SEX-RELATED OFFENSES.**

11 (a) REPORTS REQUIRED.—Not later than 1 year
12 after the date of the enactment of this Act, and annually
13 thereafter through December 31, 2025, the Secretary of
14 each military department shall submit to the congressional
15 defense committees a report on the status of investigations
16 into alleged sex-related offenses.

17 (b) ELEMENTS.—Each report under subsection (a)
18 shall include, with respect to investigations into alleged
19 sex-related offenses carried out by military criminal inves-
20 tigative organizations under the jurisdiction of the Sec-
21 retary concerned during the preceding year, the following:

22 (1) The total number of investigations.

23 (2) For each investigation—

24 (A) the date the investigation was initi-
25 ated; and

1 (B) an explanation of whether the inves-
2 tigation is in-progress or complete as of the
3 date of the report and, if complete, the date on
4 which the investigation was completed.

5 (3) The total number of investigations that are
6 complete as of the date of the report.

7 (4) The total number of investigations that are
8 in-progress as of the date of the report.

9 (5) For investigations lasting longer than 180
10 days, a general explanation of the primary reasons
11 for the extended duration of such investigations.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “alleged sex-related offense” has
14 the meaning given that term in section 1044(e)(h)
15 of title 10, United States Code.

16 (2) The term “complete” when used with re-
17 spect to an investigation of an alleged sex-related of-
18 fense, means the active phase of the investigation is
19 sufficiently complete to enable the appropriate au-
20 thority to reach a decision with respect to the dis-
21 position of charges for the offense.

1 **SEC. 539D. REPORT ON ABILITY OF SEXUAL ASSAULT RE-**
2 **SPONSE COORDINATORS AND SEXUAL AS-**
3 **SAULT PREVENTION AND RESPONSE VICTIM**
4 **ADVOCATES TO PERFORM DUTIES.**

5 (a) SURVEY.—

6 (1) IN GENERAL.—Not later than June 30,
7 2021, the Secretary of Defense shall conduct a sur-
8 vey regarding the ability of Sexual Assault Response
9 Coordinators and Sexual Assault Prevention and Re-
10 sponse Victim Advocates to perform their duties.

11 (2) ELEMENTS.—The survey required under
12 paragraph (1) shall assess—

13 (A) the current state of support provided
14 to Sexual Assault Response Coordinators and
15 Sexual Assault Prevention and Response Victim
16 Advocates, including—

17 (i) perceived professional or other re-
18 prisal or retaliation; and

19 (ii) access to sufficient physical and
20 mental health services as a result of the
21 nature of their work;

22 (B) the ability of Sexual Assault Response
23 Coordinators and Sexual Assault Prevention
24 and Response Victim Advocates to contact and
25 access their installation commander or unit
26 commander;

1 (C) the ability of Sexual Assault Response
2 Coordinators and Sexual Assault Prevention
3 and Response Victim Advocates to contact and
4 access the immediate commander of victims and
5 alleged offenders;

6 (D) the responsiveness and receptiveness of
7 commanders to the Sexual Assault Response
8 Coordinators;

9 (E) the support and services provided to
10 victims of sexual assault;

11 (F) the understanding of others of the
12 process and their willingness to assist;

13 (G) the adequacy of the training received
14 by Sexual Assault Response Coordinators and
15 Sexual Assault Prevention and Response Victim
16 Advocates to effectively perform their duties;
17 and

18 (H) any other factors affecting the ability
19 of Sexual Assault Response Coordinators and
20 Sexual Assault Prevention and Response Victim
21 Advocates to perform their duties.

22 (b) REPORT.—Upon completion of the survey re-
23 quired under subsection (a), the Secretary of Defense shall
24 submit to the Committees on Armed Services of the Sen-
25 ate and the House of Representatives a report on the re-

1 sults of the survey and any actions to be taken as a result
2 of the survey.

3 **SEC. 539E. BRIEFING ON SPECIAL VICTIMS' COUNSEL PRO-**
4 **GRAM.**

5 (a) BRIEFING REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Judge Ad-
7 vocates General of the Army, the Navy, the Air Force,
8 and the Coast Guard and the Staff Judge Advocate to the
9 Commandant of the Marine Corps shall each provide to
10 the congressional defense committees a briefing on the sta-
11 tus of the Special Victims' Counsel program of the Armed
12 Force concerned.

13 (b) ELEMENTS.—Each briefing under subsection (a)
14 shall include, with respect to the Special Victims' Counsel
15 program of the Armed Force concerned, the following:

16 (1) An assessment of whether the Armed Force
17 is in compliance with the provisions of the National
18 Defense Authorization Act for Fiscal Year 2020
19 (Public Law 116–92) relating to the Special Victims'
20 Counsel program and, if not, what steps have been
21 taken to achieve compliance with such provisions.

22 (2) An estimate of the average caseload of each
23 Special Victims' Counsel.

24 (3) A description of any staffing shortfalls in
25 the Special Victims' Counsel program or other pro-

1 grams of the Armed Force resulting from the addi-
2 tional responsibilities required of the Special Vic-
3 tims' Counsel program under the National Defense
4 Authorization Act for Fiscal Year 2020.

5 (4) An explanation of the ability of Special Vic-
6 tims' Counsel to adhere to requirement that a coun-
7 sel respond to a request for services within 72 hours
8 of receiving such request.

9 (5) An assessment of the feasibility of providing
10 cross-service Special Victims' Counsel representation
11 in instances where a Special Victims' Counsel from
12 a different Armed Force is co-located with a victim
13 at a remote base.

14 **SEC. 539F. BRIEFING ON PLACEMENT OF MEMBERS OF THE**
15 **ARMED FORCES IN ACADEMIC STATUS WHO**
16 **ARE VICTIMS OF SEXUAL ASSAULT ONTO**
17 **NON-RATED PERIODS.**

18 Not later than 270 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall brief the
20 Committees on Armed Services of the Senate and the
21 House of Representatives on the feasibility and advis-
22 ability, and current practice (if any) of the Department
23 of Defense, of granting requests by members of the Armed
24 Forces who are in academic status (whether at the mili-
25 tary service academies or in developmental education pro-

1 grams) and who are victims of sexual assault to be placed
2 on a Non-Rated Period for their performance report.

3 **Subtitle E—Military Justice and**
4 **Other Legal Matters**

5 **SEC. 541. RIGHT TO NOTICE OF VICTIMS OF OFFENSES**
6 **UNDER THE UNIFORM CODE OF MILITARY**
7 **JUSTICE REGARDING CERTAIN POST-TRIAL**
8 **MOTIONS, FILINGS, AND HEARINGS.**

9 Section 806b(a)(2) of title 10, United States Code
10 (article 6b(a)(2)) of the Uniform Code of Military Jus-
11 tice), is amended—

12 (1) by redesignating subparagraphs (D) and
13 (E) as subparagraphs (E) and (F), respectively; and

14 (2) by inserting after subparagraph (C) the fol-
15 lowing new subparagraph (D):

16 “(D) A post-trial motion, filing, or hearing
17 that may address the finding or sentence of a
18 court-martial with respect to the accused,
19 unseal privileged or private information of the
20 victim, or result in the release of the accused.”.

21 **SEC. 542. QUALIFICATIONS OF JUDGES AND STANDARD OF**
22 **REVIEW FOR COURTS OF CRIMINAL APPEALS.**

23 (a) **QUALIFICATIONS OF CERTAIN JUDGES.**—Section
24 866(a) of title 10, United States Code (article 66(a) of
25 the Uniform Code of Military Justice), is amended—

1 (1) by striking “Each Judge” and inserting:

2 “(1) IN GENERAL.—Each Judge”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(2) ADDITIONAL QUALIFICATIONS.—In addi-
6 tion to any other qualifications specified in para-
7 graph (1), any commissioned officer or civilian as-
8 signed as an appellate military judge to a Court of
9 Criminal Appeals shall have not fewer than 12 years
10 of experience in the practice of law before such as-
11 signment.”.

12 (b) STANDARD OF REVIEW.—Paragraph (1) of sec-
13 tion 866(d) of title 10, United States Code (article 66(d)
14 of the Uniform Code of Military Justice), is amended to
15 read as follows:

16 “(1) CASES APPEALED BY ACCUSED.—

17 “(A) IN GENERAL.—In any case before the
18 Court of Criminal Appeals under subsection (b),
19 the Court may act only with respect to the find-
20 ings and sentence as entered into the record
21 under section 860c of this title (article 60c).
22 The Court may affirm only such findings of
23 guilty as the Court finds correct in law, and in
24 fact in accordance with subparagraph (B). The
25 Court may affirm only the sentence, or such

1 part or amount of the sentence, as the Court
2 finds correct in law and fact and determines, on
3 the basis of the entire record, should be ap-
4 proved.

5 “(B) FACTUAL SUFFICIENCY REVIEW.—(i)
6 In an appeal of a finding of guilty under sub-
7 section (b), the Court may consider whether the
8 finding is correct in fact upon request of the ac-
9 cused if the accused makes a specific showing
10 of a deficiency in proof.

11 “(ii) After an accused has made such a
12 showing, the Court may weigh the evidence and
13 determine controverted questions of fact subject
14 to—

15 “(I) appropriate deference to the fact
16 that the trial court saw and heard the wit-
17 nesses and other evidence; and

18 “(II) appropriate deference to findings
19 of fact entered into the record by the mili-
20 tary judge.

21 “(iii) If, as a result of the review con-
22 ducted under clause (ii), the Court is clearly
23 convinced that the finding of guilty was against
24 the weight of the evidence, the Court may dis-

1 miss, set aside, or modify the finding, or affirm
2 a lesser finding.”.

3 (c) REVIEW BY UNITED STATES COURT OF APPEALS
4 FOR THE ARMED FORCES OF FACTUAL SUFFICIENCY
5 RULINGS.—Section 867(c)(1) of title 10, United States
6 Code (article 67(c)(1) of the Uniform Code of Military
7 Justice), is amended—

8 (1) in subparagraph (A), by striking “or” at
9 the end;

10 (2) in subparagraph (B), by striking the period
11 at the end and inserting “; or”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(C) the findings set forth in the entry of judg-
15 ment, as affirmed, dismissed, set aside, or modified
16 by the Court of Criminal Appeals as incorrect in fact
17 under section 866(d)(1)(B) of this title (article
18 66(d)(1)(B)).”.

19 (d) INCLUSION OF ADDITIONAL INFORMATION IN AN-
20 NUAL REPORTS.—Section 946a(b)(2) of title 10, United
21 States Code (article 146a(b)(2) of the Uniform Code of
22 Military Justice), is amended—

23 (1) in subparagraph (B), by striking “and” at
24 the end;

1 (2) in subparagraph (C), by striking the period
2 at the end and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(D) an analysis of each case in which a
6 Court of Criminal Appeals made a final deter-
7 mination that a finding of a court-martial was
8 clearly against the weight of the evidence, in-
9 cluding an explanation of the standard of appel-
10 late review applied in such case.”.

11 (e) EFFECTIVE DATES AND APPLICABILITY.—

12 (1) QUALIFICATIONS OF CERTAIN JUDGES.—

13 The amendments made by subsection (a) shall take
14 effect on the date of the enactment of this Act, and
15 shall apply with respect to the assignment of appel-
16 late military judges on or after that date.

17 (2) REVIEW AMENDMENTS.—The amendments
18 made by subsections (b) and (c) shall take effect on
19 the date of the enactment of this Act, and shall
20 apply with respect to any case in which every finding
21 of guilty entered into the record under section 860c
22 of title 10, United States Code (article 60c of the
23 Uniform Code of Military Justice), is for an offense
24 that occurred on or after that date.

1 **SEC. 543. PRESERVATION OF COURT-MARTIAL RECORDS.**

2 Section 940a of title 10, United States Code (article
3 140a of the Uniform Code of Military Justice), is amended
4 by adding at the end the following new subsection:

5 “(d) PRESERVATION OF COURT-MARTIAL RECORDS
6 WITHOUT REGARD TO OUTCOME.—The standards and
7 criteria prescribed by the Secretary of Defense under sub-
8 section (a) shall provide for the preservation of general
9 and special court-martial records, without regard to the
10 outcome of the proceeding concerned, for not fewer than
11 15 years.”.

12 **SEC. 544. AVAILABILITY OF RECORDS FOR NATIONAL IN-**
13 **STANT CRIMINAL BACKGROUND CHECK SYS-**
14 **TEM.**

15 Section 101(b) of the NICS Improvement Amend-
16 ments Act of 2007 (34 U.S.C. 40911(b)) is amended—

17 (1) by redesignating paragraph (2) as para-
18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-
20 lowing new paragraph (2):

21 “(2) DEPARTMENT OF DEFENSE.—

22 “(A) IN GENERAL.—Not later than 3 busi-
23 ness days after the final disposition of a judicial
24 proceeding conducted within the Department of
25 Defense, the Secretary of Defense shall make
26 available to the Attorney General records which

1 are relevant to a determination of whether a
2 member of the Armed Forces involved in such
3 proceeding is disqualified from possessing or re-
4 ceiving a firearm under subsection (g) or (n) of
5 section 922 of title 18, United States Code, for
6 use in background checks performed by the Na-
7 tional Instant Criminal Background Check Sys-
8 tem.

9 “(B) JUDICIAL PROCEEDING DEFINED.—
10 In this paragraph, the term ‘judicial pro-
11 ceeding’ means a hearing—

12 “(i) of which the person received ac-
13 tual notice; and

14 “(ii) at which the person had an op-
15 portunity to participate with counsel.”.

16 **SEC. 545. REMOVAL OF PERSONALLY IDENTIFYING AND**
17 **OTHER INFORMATION OF CERTAIN PERSONS**
18 **FROM INVESTIGATIVE REPORTS, THE DE-**
19 **PARTMENT OF DEFENSE CENTRAL INDEX OF**
20 **INVESTIGATIONS, AND OTHER RECORDS AND**
21 **DATABASES.**

22 (a) POLICY AND PROCESS REQUIRED.—Not later
23 than October 1, 2021, the Secretary of Defense shall es-
24 tablish and maintain a policy and process through which
25 any covered person may request that the person’s name,

1 personally identifying information, and other information
2 pertaining to the person shall, in accordance with sub-
3 section (c), be corrected in, or expunged or otherwise re-
4 moved from, the following:

5 (1) A law enforcement or criminal investigative
6 report of the Department of Defense or any compo-
7 nent of the Department.

8 (2) An index item or entry in the Department
9 of Defense Central Index of Investigations (DCII).

10 (3) Any other record maintained in connection
11 with a report described in paragraph (1), or an
12 index item or entry described in paragraph (2), in
13 any system of records, records database, records
14 center, or repository maintained by or on behalf of
15 the Department.

16 (b) COVERED PERSONS.—For purposes of this sec-
17 tion, a covered person is any person whose name was
18 placed or reported, or is maintained—

19 (1) in the subject or title block of a law enforce-
20 ment or criminal investigative report of the Depart-
21 ment of Defense (or any component of the Depart-
22 ment);

23 (2) as an item or entry in the Department of
24 Defense Central Index of Investigations; or

1 (3) in any other record maintained in connec-
2 tion with a report described in paragraph (1), or an
3 index item or entry described in paragraph (2), in
4 any system of records, records database, records
5 center, or repository maintained by or on behalf of
6 the Department.

7 (c) ELEMENTS.—The policy and process required by
8 subsection (a) shall include the following elements:

9 (1) BASIS FOR CORRECTION OR
10 EXPUNGEMENT.—That the name, personally identi-
11 fying information, and other information of a cov-
12 ered person shall be corrected in, or expunged or
13 otherwise removed from, a report, item or entry, or
14 record described in paragraphs (1) through (3) of
15 subsection (a) in the following circumstances:

16 (A) Probable cause did not or does not
17 exist to believe that the offense for which the
18 person's name was placed or reported, or is
19 maintained, in such report, item or entry, or
20 record occurred, or insufficient evidence existed
21 or exists to determine whether or not such of-
22 fense occurred.

23 (B) Probable cause did not or does not
24 exist to believe that the person actually com-
25 mitted the offense for which the person's name

1 was so placed or reported, or is so maintained,
2 or insufficient evidence existed or exists to de-
3 termine whether or not the person actually com-
4 mitted such offense.

5 (C) Such other circumstances, or on such
6 other bases, as the Secretary may specify in es-
7 tablishing the policy and process, which cir-
8 cumstances and bases may not be inconsistent
9 with the circumstances and bases provided by
10 subparagraphs (A) and (B).

11 (2) CONSIDERATIONS.—While not dispositive as
12 to the existence of a circumstance or basis set forth
13 in paragraph (1), the following shall be considered
14 in the determination whether such circumstance or
15 basis applies to a covered person for purposes of this
16 section:

17 (A) The extent or lack of corroborating
18 evidence against the covered person concerned
19 with respect to the offense at issue.

20 (B) Whether adverse administrative, dis-
21 ciplinary, judicial, or other such action was ini-
22 tiated against the covered person for the offense
23 at issue.

1 (C) The type, nature, and outcome of any
2 action described in subparagraph (B) against
3 the covered person.

4 (3) PROCEDURES.—The policy and process re-
5 quired by subsection (a) shall include procedures as
6 follows:

7 (A) Procedures under which a covered per-
8 son may appeal a determination of the applica-
9 ble component of the Department of Defense
10 denying, whether in whole or in part, a request
11 for purposes of subsection (a).

12 (B) Procedures under which the applicable
13 component of the Department will correct, ex-
14 punge or remove, take other appropriate action
15 on, or assist a covered person in so doing, any
16 record maintained by a person, organization, or
17 entity outside of the Department to which such
18 component provided, submitted, or transmitted
19 information about the covered person, which in-
20 formation has or will be corrected in, or ex-
21 punged or removed from, Department records
22 pursuant to this section.

23 (C) The timeline pursuant to which the
24 Department, or a component of the Depart-

1 ment, as applicable, will respond to each of the
2 following:

3 (i) A request pursuant to subsection
4 (a).

5 (ii) An appeal under the procedures
6 required by subparagraph (A).

7 (iii) A request for assistance under
8 the procedures required by subparagraph
9 (B).

10 (D) Mechanisms through which the De-
11 partment will keep a covered person apprised of
12 the progress of the Department on a covered
13 person's request or appeal as described in sub-
14 paragraph (C).

15 (d) APPLICABILITY.—The policy and process re-
16 quired to be developed by the Secretary under subsection
17 (a) shall not be subject to the notice and comment rule-
18 making requirements under section 553 of title 5, United
19 States Code.

20 (e) REPORT.—Not later than October 1, 2021, the
21 Secretary shall submit to the Committees on Armed Serv-
22 ices of the Senate and the House of Representatives a re-
23 port on the actions taken to carry out this section, includ-
24 ing a comprehensive description of the policy and process

1 developed and implemented by the Secretary under sub-
2 section (a).

3 **SEC. 546. BRIEFING ON MENTAL HEALTH SUPPORT FOR VI-**
4 **CARIOUS TRAUMA FOR CERTAIN PERSONNEL**
5 **IN THE MILITARY JUSTICE SYSTEM.**

6 (a) BRIEFING REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Judge Ad-
8 vocates General of the Army, the Navy, and the Air Force
9 and the Staff Judge Advocate to the Commandant of the
10 Marine Corps shall jointly brief the Committees on Armed
11 Services of the Senate and the House of Representatives
12 on the mental health support for vicarious trauma pro-
13 vided to personnel in the military justice system specified
14 in subsection (b).

15 (b) PERSONNEL.—The personnel specified in this
16 subsection are the following:

17 (1) Court-martial convening authorities who are
18 members of the Armed Forces.

19 (2) Trial counsel.

20 (3) Defense counsel.

21 (4) Military judges.

22 (5) Special Victims' Counsel.

23 (6) Military investigative personnel.

24 (c) ELEMENTS.—The briefing required by subsection

25 (a) shall include the following:

1 (1) A description and assessment of the mental
2 health support for vicarious trauma provided to per-
3 sonnel in the military justice system specified in sub-
4 section (b), including a description of the support
5 services available and the support services being
6 used.

7 (2) A description and assessment of mecha-
8 nisms to eliminate or reduce stigma in the pursuit
9 by such personnel of such mental health support.

10 (3) An assessment of the feasibility and advis-
11 ability of providing such personnel with breaks be-
12 tween assignments or cases as part of such mental
13 health support in order to reduce the effects of vi-
14 carious trauma.

15 (4) A description and assessment of the extent,
16 if any, to which duty of such personnel on particular
17 types of cases, or in particular caseloads, contributes
18 to vicarious trauma, and of the extent, if any, to
19 which duty on such cases or caseloads has an effect
20 on retention of such personnel in the Armed Forces.

21 (5) A description of the extent, if any, to which
22 such personnel are screened or otherwise assessed
23 for vicarious trauma before discharge or release
24 from the Armed Forces.

1 (6) Such other matters in connection with the
2 provision of mental health support for vicarious
3 trauma to such personnel as the Judge Advocates
4 General and the Staff Judge Advocate jointly con-
5 sider appropriate.

6 **SEC. 547. COMPTROLLER GENERAL OF THE UNITED**
7 **STATES REPORT ON IMPLEMENTATION BY**
8 **THE ARMED FORCES OF RECENT GAO REC-**
9 **COMMENDATIONS AND STATUTORY REQUIRE-**
10 **MENTS ON ASSESSMENT OF RACIAL, ETHNIC,**
11 **AND GENDER DISPARITIES IN THE MILITARY**
12 **JUSTICE SYSTEM.**

13 (a) REPORT REQUIRED.—The Comptroller General
14 of the United States shall submit to the Committees on
15 Armed Services of the Senate and the House of Represent-
16 atives a report, in writing, on a study, conducted by the
17 Comptroller General for purposes of the report, on the im-
18 plementation by the Armed Forces of the following:

19 (1) The recommendations in the May 2019 re-
20 port of the General Accountability Office entitled
21 “Military Justice: DOD and the Coast Guard Need
22 to Improve Their Capabilities to Assess Racial and
23 Gender Disparities” (GAO–19–344).

24 (2) Requirements in section 540I(b) of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 2020 (Public Law 116–92; 133 Stat. 1369; 10
2 U.S.C. 810 note), relating to assessments covered by
3 such recommendations.

4 (b) ELEMENTS.—The report required by subsection
5 (a) shall include, for each recommendation and require-
6 ment specified in that subsection, the following:

7 (1) A description of the actions taken or
8 planned by the Department of Defense, the military
9 department concerned, or the Armed Force con-
10 cerned to implement such recommendation or re-
11 quirement.

12 (2) An assessment of the extent to which the
13 actions taken to implement such recommendation or
14 requirement, as described pursuant to paragraph
15 (1), are effective or meet the intended objective.

16 (3) Any other matters in connection with such
17 recommendation or requirement, and the implemen-
18 tation of such recommendation or requirement by
19 the Armed Forces, that the Comptroller General
20 considers appropriate.

21 (c) BRIEFINGS.—Not later than May 1, 2021, the
22 Comptroller General shall provide the committees referred
23 to in subsection (a) one or more briefings on the status
24 of the study required by that subsection, including any
25 preliminary findings and recommendations of the Comp-

1 troller General as a result of the study as of the date of
2 such briefing.

3 **SEC. 548. LEGAL ASSISTANCE FOR VETERANS AND SUR-**
4 **VIVING SPOUSES AND DEPENDENTS.**

5 (a) AVAILABILITY OF LEGAL ASSISTANCE AT FACILI-
6 TIES OF DEPARTMENT OF VETERANS AFFAIRS.—

7 (1) IN GENERAL.—Chapter 59 of title 38,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 5906. Availability of legal assistance at Department**
11 **facilities**

12 “(a) IN GENERAL.—Not less frequently than three
13 times each year, the Secretary shall facilitate the provision
14 by a qualified legal assistance clinic of pro bono legal as-
15 sistance described in subsection (c) to eligible individuals
16 at not fewer than one medical center of the Department
17 of Veterans Affairs, or such other facility of the Depart-
18 ment as the Secretary considers appropriate, in each
19 State.

20 “(b) ELIGIBLE INDIVIDUALS.—For purposes of this
21 section, an eligible individual is—

22 “(1) any veteran;

23 “(2) any surviving spouse; or

24 “(3) any child of a veteran who has died.

1 “(c) PRO BONO LEGAL ASSISTANCE DESCRIBED.—

2 The pro bono legal assistance described in this subsection
3 is the following:

4 “(1) Legal assistance with any program admin-
5 istered by the Secretary.

6 “(2) Legal assistance associated with—

7 “(A) improving the status of a military
8 discharge or characterization of service in the
9 Armed Forces, including through a discharge
10 review board; or

11 “(B) seeking a review of a military record
12 before a board of correction for military or
13 naval records.

14 “(3) Such other legal assistance as the Sec-
15 retary—

16 “(A) considers appropriate; and

17 “(B) determines may be needed by eligible
18 individuals.

19 “(d) LIMITATION ON USE OF FACILITIES.—Space in
20 a medical center or facility designated under subsection
21 (a) shall be reserved for and may only be used by the fol-
22 lowing, subject to review and removal from participation
23 by the Secretary:

24 “(1) A veterans service organization or other
25 nonprofit organization.

1 “(2) A legal assistance clinic associated with an
2 accredited law school.

3 “(3) A legal services organization.

4 “(4) A bar association.

5 “(5) Such other attorneys and entities as the
6 Secretary considers appropriate.

7 “(e) LEGAL ASSISTANCE IN RURAL AREAS.—In car-
8 rying out this section, the Secretary shall ensure that pro
9 bono legal assistance is provided under subsection (a) in
10 rural areas.

11 “(f) DEFINITION OF VETERANS SERVICE ORGANIZA-
12 TION.—In this section, the term ‘veterans service organi-
13 zation’ means any organization recognized by the Sec-
14 retary for the representation of veterans under section
15 5902 of this title.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 59 of such title is
18 amended by adding at the end the following new
19 item:

 “5906. Availability of legal assistance at Department facilities.”.

20 (b) PILOT PROGRAM TO ESTABLISH AND SUPPORT
21 LEGAL ASSISTANCE CLINICS.—

22 (1) PILOT PROGRAM REQUIRED.—

23 (A) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, the
25 Secretary of Veterans Affairs shall establish a

1 pilot program to assess the feasibility and ad-
2 visability of awarding grants to eligible entities
3 to establish new legal assistance clinics, or en-
4 hance existing legal assistance clinics or other
5 pro bono efforts, for the provision of pro bono
6 legal assistance described in subsection (c) of
7 section 5906 of title 38, United States Code, as
8 added by subsection (a), on a year-round basis
9 to individuals who served in the Armed Forces,
10 including individuals who served in a reserve
11 component of the Armed Forces, and who were
12 discharged or released therefrom, regardless of
13 the conditions of such discharge or release, at
14 locations other than medical centers and facili-
15 ties described in subsection (a) of such section.

16 (B) RULE OF CONSTRUCTION.—Nothing in
17 subparagraph (A) shall be construed to limit or
18 affect—

19 (i) the provision of pro bono legal as-
20 sistance to eligible individuals at medical
21 centers and facilities of the Department of
22 Veterans Affairs under section 5906(a) of
23 title 38, United States Code, as added by
24 subsection (a); or

1 (ii) any other legal assistance provided
2 pro bono at medical centers or facilities of
3 the Department as of the date of the en-
4 actment of this Act.

5 (2) ELIGIBLE ENTITIES.—For purposes of the
6 pilot program, an eligible entity is—

7 (A) a veterans service organization or
8 other nonprofit organization specifically focused
9 on assisting veterans;

10 (B) an entity specifically focused on assist-
11 ing veterans and associated with an accredited
12 law school;

13 (C) a legal services organization or bar as-
14 sociation; or

15 (D) such other type of entity as the Sec-
16 retary considers appropriate for purposes of the
17 pilot program.

18 (3) LOCATIONS.—The Secretary shall ensure
19 that at least one grant is awarded under paragraph
20 (1)(A) to at least one eligible entity in each State,
21 if the Secretary determines that there is such an en-
22 tity in a State that has applied for, and meets re-
23 quirements for the award of, such a grant.

24 (4) DURATION.—The Secretary shall carry out
25 the pilot program during the five-year period begin-

1 ning on the date on which the Secretary establishes
2 the pilot program.

3 (5) APPLICATION.—An eligible entity seeking a
4 grant under the pilot program shall submit to the
5 Secretary an application therefore at such time, in
6 such manner, and containing such information as
7 the Secretary may require.

8 (6) SELECTION.—The Secretary shall select eli-
9 gible entities who submit applications under para-
10 graph (5) for the award of grants under the pilot
11 program using a competitive process that takes into
12 account the following:

13 (A) Capacity of the applicant entity to
14 serve veterans and ability of the entity to pro-
15 vide sound legal advice.

16 (B) Demonstrated need of the veteran pop-
17 ulation the applicant entity would serve.

18 (C) Demonstrated need of the applicant
19 entity for assistance from the grants.

20 (D) Geographic diversity of applicant enti-
21 ties.

22 (E) Such other criteria as the Secretary
23 considers appropriate.

24 (7) GRANTEE REPORTS.—Each recipient of a
25 grant under the pilot program shall, in accordance

1 with such criteria as the Secretary may establish,
2 submit to the Secretary a report on the activities of
3 the recipient and how the grant amounts were used.

4 (c) REVIEW OF PRO BONO ELIGIBILITY OF FEDERAL
5 WORKERS.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall, in consultation with the Attorney Gen-
8 eral and the Director of the Office of Government
9 Ethics, conduct a review of the rules and regulations
10 governing the circumstances under which attorneys
11 employed by the Federal Government can provide
12 pro bono legal assistance.

13 (2) RECOMMENDATIONS.—In conducting the re-
14 view required by paragraph (1), the Secretary shall
15 develop recommendations for such legislative or ad-
16 ministrative action as the Secretary considers appro-
17 priate to facilitate greater participation by Federal
18 employees in pro bono legal and other volunteer
19 services for veterans.

20 (3) SUBMITTAL TO CONGRESS.—Not later than
21 one year after the date of the enactment of this Act,
22 the Secretary shall submit to the appropriate com-
23 mittees of Congress—

1 (A) the findings of the Secretary with re-
2 spect to the review conducted under paragraph
3 (1); and

4 (B) the recommendations developed by the
5 Secretary under paragraph (2).

6 (d) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary shall submit
8 to the appropriate committees of Congress a report on the
9 status of the implementation of this section.

10 (e) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Veterans’ Affairs
15 and the Committee on Appropriations of the
16 Senate; and

17 (B) the Committee on Veterans’ Affairs
18 and the Committee on Appropriations of the
19 House of Representatives.

20 (2) VETERANS SERVICE ORGANIZATION.—The
21 term “veterans service organization” means any or-
22 ganization recognized by the Secretary for the rep-
23 resentation of veterans under section 5902 of title
24 38, United States Code.

1 **SEC. 549. CLARIFICATION OF TERMINATION OF LEASES OF**
2 **PREMISES AND MOTOR VEHICLES OF**
3 **SERVICEMEMBERS WHO INCUR CATA-**
4 **STROPHIC INJURY OR ILLNESS OR DIE**
5 **WHILE IN MILITARY SERVICE.**

6 (a) CATASTROPHIC INJURIES AND ILLNESSES.—
7 Paragraph (4) of section 305(a) of the Servicemembers
8 Civil Relief Act (50 U.S.C. 3955(a)) is amended to read
9 as follows:

10 “(4) CATASTROPHIC INJURY OR ILLNESS OF
11 LESSEE.—

12 “(A) TERMINATION.—If the lessee on a
13 lease described in subsection (b) incurs a cata-
14 strophic injury or illness during a period of
15 military service or while performing covered
16 service, during the one-year period beginning on
17 the date on which the lessee incurs such injury
18 or illness—

19 “(i) the lessee may terminate the
20 lease; or

21 “(ii) in the case of a lessee who lacks
22 the mental capacity to contract or to man-
23 age his or her own affairs (including dis-
24 bursement of funds without limitation) due
25 to such injury or illness, the spouse or de-

1 pendent of the lessee may terminate the
2 lease.

3 “(B) DEFINITIONS.—In this paragraph:

4 “(i) The term ‘catastrophic injury or
5 illness’ has the meaning given that term in
6 section 439(g) of title 37, United States
7 Code.

8 “(ii) The term ‘covered service’ means
9 full-time National Guard duty, active
10 Guard and Reserve duty, or inactive-duty
11 training (as such terms are defined in sec-
12 tion 101(d) of title 10, United States
13 Code).”.

14 (b) DEATHS.—Paragraph (3) of such section is
15 amended by striking “The spouse of the lessee” and in-
16 serting “The spouse or dependent of the lessee”.

17 **SEC. 549A. MULTIDISCIPLINARY BOARD TO EVALUATE SUI-**
18 **CIDE EVENTS.**

19 (a) GUIDANCE REQUIRED.—The Secretary of De-
20 fense shall issue guidance that requires each suicide event
21 involving of a member of a covered Armed Force to be
22 reviewed by a multidisciplinary board established at the
23 command or installation level, or by the Chief of the cov-
24 ered Armed Force. Such guidance shall require that, for

1 each suicide event reviewed by such a board, the board
2 shall—

3 (1) clearly define the objective, purpose, and
4 outcome of the review;

5 (2) take a multidisciplinary approach to the re-
6 view and include, as part of the review process, lead-
7 ers of military units, medical and mental health pro-
8 fessionals, and representatives of military criminal
9 investigative organizations; and

10 (3) take appropriate steps to protect and share
11 information obtained from ongoing investigations
12 into the event (such as medical and law enforcement
13 reports).

14 (b) IMPLEMENTATION BY COVERED ARMED
15 FORCES.—Not later than 90 days after the date on which
16 the guidance is issued under subsection (a), the Chiefs of
17 the covered Armed Forces shall implement the guidance.

18 (c) PROGRESS REPORT.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense shall submit to the congressional defense com-
21 mittees a report on the progress of the Secretary in imple-
22 menting the guidance required under subsection (a).

23 (d) COVERED ARMED FORCES DEFINED.—In this
24 section, the term “covered Armed Forces” means the
25 Army, Navy, Air Force, Marine Corps, and Space Force.

1 **SEC. 549B. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
2 **TRACKING OF AND RESPONSE TO INCIDENTS**
3 **OF CHILD ABUSE, ADULT CRIMES AGAINST**
4 **CHILDREN, AND SERIOUS HARMFUL BEHAV-**
5 **IOR BETWEEN CHILDREN AND YOUTH IN-**
6 **VOLVING MILITARY DEPENDENTS ON MILI-**
7 **TARY INSTALLATIONS.**

8 (a) IMPROVEMENTS REQUIRED.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall, consistent with recommendations of the Comp-
11 troller General of the United States in Government
12 Accountability Office report GA0–20–110, take ac-
13 tions in accordance with this section in order to im-
14 prove the efforts of the Department of Defense to
15 track and respond to incidents of serious harm to
16 children involving dependents of members of the
17 Armed Forces that occur on military installations
18 (in this section referred to as “covered incidents of
19 serious harm to children”).

20 (2) SERIOUS HARM TO CHILDREN DEFINED.—

21 In this section, the term “serious harm to children”
22 includes the following:

23 (A) Caregiver child abuse involving phys-
24 ical abuse, sexual abuse, emotional abuse, or
25 neglect.

1 (B) Non-caregiver adult crimes against
2 children.

3 (C) Serious harmful behaviors between
4 children and youth of a physical, sexual, or
5 emotional nature.

6 (b) DATA COLLECTION AND TRACKING OF INCI-
7 DENTS OF HARM TO CHILDREN.—

8 (1) NON-CAREGIVER ADULT CRIMES AGAINST
9 CHILDREN.—The Secretary of Defense shall estab-
10 lish a process for the Department of Defense to
11 track reported covered incidents of serious harm to
12 children described in subsection (a)(2)(B) in which
13 the alleged offender is an adult who is not a parent,
14 guardian, or someone in a caregiving role at the
15 time of the incident. The information so tracked
16 shall comport with the information tracked by the
17 Department in reported covered incidents of serious
18 harm to children in which the alleged offender is a
19 parent, guardian, or someone in a caregiving role at
20 the time of the incident.

21 (2) SERIOUS HARMFUL BEHAVIORS BETWEEN
22 CHILDREN AND YOUTH.—

23 (A) IN GENERAL.—The Secretary of De-
24 fense shall develop and maintain in the Depart-
25 ment of Defense a centralized database to track

1 incidents of serious harmful behaviors between
2 children and youth described in subsection
3 (a)(2)(C), including information across the De-
4 partment on problematic sexual behavior in
5 children and youth that are reported to an ap-
6 propriate office, as determined by the Sec-
7 retary, or investigated by a military criminal in-
8 vestigative organization, regardless of whether
9 the alleged offender was another child, an
10 adult, or someone in a non-caregiving role at
11 the time of an incident.

12 (B) ELEMENTS.—The centralized database
13 required by this paragraph shall include, for
14 each incident within the database, the following:

15 (i) Information pertinent to a deter-
16 mination by the Department on whether
17 such incident meets the definition of an in-
18 cident of serious harmful behavior between
19 children and youth.

20 (ii) The results of any investigation of
21 such incident by a military criminal inves-
22 tigative organization.

23 (iii) Information on the ultimate dis-
24 position of the incident, if any, including

1 any administrative or prosecutorial action
2 taken.

3 (C) ANNUAL REPORTS ON INFORMA-
4 TION.—The information collected and main-
5 tained in the centralized database required by
6 this paragraph shall be reported on an annual
7 basis as part of the annual reports by the Sec-
8 retary on child abuse and domestic abuse in the
9 military as required by section 574 of the Na-
10 tional Defense Authorization Act for Fiscal
11 Year 2017 (Public Law 114–328; 130 Stat.
12 2141).

13 (D) BRIEFINGS.—Not later than March
14 31, 2021, and every six months thereafter until
15 the centralized database required by this para-
16 graph is fully operational, the Secretary shall
17 brief the Committees on Armed Services of the
18 Senate and the House of Representatives on the
19 status of the database.

20 (3) DEPARTMENT OF DEFENSE REPORTING
21 GUIDANCE.—The Secretary of Defense shall issue
22 guidance regarding which incidents of serious harm-
23 ful behavior between children and youth require re-
24 porting to the Family Advocacy Program, a military
25 criminal investigative organization, or another com-

1 ponent of the Department of Defense designated by
2 the Secretary.

3 (c) RESPONSE PROCEDURES FOR INCIDENTS OF SE-
4 RIOUS HARM TO CHILDREN REPORTED TO FAMILY ADVOCACY PROGRAMS.—

6 (1) INCIDENT DETERMINATION COMMITTEE
7 MEMBERSHIP.—The Secretary of Defense shall en-
8 sure that the voting membership of each Incident
9 Determination Committee, as defined in paragraph
10 (7), on a military installation includes medical per-
11 sonnel with the knowledge and expertise required to
12 determine whether a reported incident of serious
13 harm to a child meets the criteria of the Department
14 of Defense for treatment as child abuse.

15 (2) SCREENING REPORTED INCIDENTS OF SERI-
16 OUS HARM TO CHILDREN.—

17 (A) DEVELOPMENT OF STANDARDIZED
18 PROCESS.—The Secretary of Defense shall de-
19 velop a standardized process by which the Fam-
20 ily Advocacy Programs of the military depart-
21 ments screen reported covered incidents of seri-
22 ous harm to children to determine whether to
23 present such incident to an Incident Determina-
24 tion Committee.

1 (B) MONITORING.—The Secretary of each
2 military department shall develop a process to
3 monitor the manner in which reported incidents
4 of serious harm to children are screened by
5 each installation under the jurisdiction of such
6 Secretary in order to ensure that such screen-
7 ing complies with the standardized screening
8 process developed pursuant to subparagraph
9 (A).

10 (3) REQUIRED NOTIFICATIONS.—

11 (A) DOCUMENTATION.—The Secretary of
12 each military department shall require that in-
13 stallation Family Advocacy Programs and mili-
14 tary criminal investigative organizations under
15 the jurisdiction of such Secretary document in
16 their respective databases the date on which
17 they notified the other of a reported incident of
18 serious harm to a child.

19 (B) OVERSIGHT.—The Secretary of each
20 military department shall require that the Fam-
21 ily Advocacy Program of such military depart-
22 ment, and the headquarters of the military
23 criminal investigative organizations of such
24 military department, develop processes to over-
25 see the documentation of notifications required

1 by subparagraph (A) in order to ensure that
2 such notifications occur on a consistent basis at
3 installation level.

4 (4) CERTIFIED PEDIATRIC SEXUAL ASSAULT
5 FORENSIC EXAMINERS.—

6 (A) GEOGRAPHIC REGIONS FOR EXAM-
7 INERS.—The Secretary of Defense shall specify
8 geographic regions in which military families re-
9 side for purposes of the availability of and ac-
10 cess to certified pediatric sexual assault exam-
11 iners in such regions.

12 (B) AVAILABILITY.—The Secretary shall
13 ensure that—

14 (i) one or more certified pediatric sex-
15 ual assault examiners are located in each
16 geographic region specified pursuant to
17 subparagraph (A); and

18 (ii) examiners so located serve as cer-
19 tified pediatric sexual assault examiners
20 throughout such region, without regard to
21 Armed Force or installation.

22 (5) REMOVAL OF CHILDREN FROM UNSAFE
23 HOMES OVERSEAS.—The Secretary of Defense shall
24 issue policy that clarifies and standardizes across the
25 Armed Forces the circumstances under which a com-

1 mander may remove a child from a potentially un-
2 safe home at an installation overseas.

3 (6) RESOURCE GUIDE FOR VICTIMS OF SERIOUS
4 HARM TO CHILDREN.—

5 (A) IN GENERAL.—The Secretary of each
6 military department shall develop and maintain
7 a comprehensive guide on resources available
8 through the Department of Defense and such
9 military department for military families under
10 the jurisdiction of such Secretary who are vic-
11 tims of serious harm to children.

12 (B) ELEMENTS.—Each guide under this
13 paragraph shall include the following:

14 (i) Information on the response proc-
15 esses of the Family Advocacy Programs
16 and military criminal investigative organi-
17 zations of the military department con-
18 cerned.

19 (ii) Lists of available support services,
20 such as legal, medical, and victim advocacy
21 services, through the Department of De-
22 fense and the military department con-
23 cerned.

24 (C) DISTRIBUTION.—A resource guide
25 under this paragraph shall be presented to a

1 military family by an installation Family Advo-
2 cacy Program and military criminal investiga-
3 tive personnel when a covered incident of seri-
4 ous harm to a child involving a child in such
5 family is reported.

6 (D) AVAILABILITY ON INTERNET.—A cur-
7 rent version of each resource guide under this
8 paragraph shall be available to the public on an
9 Internet website of the military department
10 concerned available to the public.

11 (7) INCIDENT DETERMINATION COMMITTEE DE-
12 FINED.—In this subsection, the term “Incident De-
13 termination Committee” means a committee estab-
14 lished at a military installation that is responsible
15 for reviewing reported incidents of child abuse and
16 determining whether such incidents constitute seri-
17 ous harm to children according to the applicable cri-
18 teria of the Department of Defense.

19 (d) COORDINATION AND COLLABORATION WITH
20 NON-MILITARY RESOURCES.—

21 (1) CONSULTATION WITH STATES.—The Sec-
22 retary of Defense shall—

23 (A) continue the outreach efforts of the
24 Department of Defense to the States in order
25 to ensure that States are notified when a mem-

1 ber of the Armed Forces or a military depend-
2 ent is involved in a reported incident of serious
3 harm to a child off a military installation; and

4 (B) increase efforts at information sharing
5 between the Department and the States on such
6 incidents of serious harm to children, including
7 entry into memoranda of understanding with
8 State child welfare agencies on information
9 sharing in connection with such incidents.

10 (2) COLLABORATION WITH NATIONAL CHIL-
11 DREN'S ALLIANCE.—

12 (A) MEMORANDA OF UNDERSTANDING.—

13 The Secretary of each military department shall
14 seek to enter into a memorandum of under-
15 standing with the National Children's Alliance,
16 or similar organization, under which—

17 (i) the children's advocacy center serv-
18 ices of the Alliance are available to all in-
19 stallations in the continental United States
20 under the jurisdiction of such Secretary;
21 and

22 (ii) members of the Armed Forces
23 under the jurisdiction of such Secretary
24 are made aware of the nature and avail-
25 ability of such services.

1 (B) PARTICIPATION OF CERTAIN ENTI-
2 TIES.—Each memorandum of understanding
3 under this paragraph shall provide for the ap-
4 propriate participation of the Family Advocacy
5 Program and military criminal investigative or-
6 ganizations of the military department con-
7 cerned in activities under such memorandum of
8 understanding.

9 (C) BRIEFING.—Not later than one year
10 after the date of the enactment of this Act, the
11 Secretary of each military department shall pro-
12 vide to the Committees on Armed Services of
13 the Senate and the House of Representatives a
14 briefing on the status of the development of a
15 memorandum of understanding with the Na-
16 tional Children’s Alliance under this paragraph,
17 together with information on which installa-
18 tions, if any, under the jurisdiction of such Sec-
19 retary have entered into a written agreement
20 with a local children’s advocacy center with re-
21 spect to serious harm to children on such in-
22 stallations.

1 **SEC. 549C. INDEPENDENT ANALYSIS AND RECOMMENDA-**
2 **TIONS ON DOMESTIC VIOLENCE IN THE**
3 **ARMED FORCES.**

4 (a) ANALYSIS AND RECOMMENDATIONS.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall seek to enter into a contract or other agree-
7 ment with an appropriate entity in the private sector
8 (including a Federally funded research and develop-
9 ment center) for the conduct of an analysis and the
10 development of recommendations on means to im-
11 prove the effectiveness of the covered Armed Forces
12 in responding to and preventing domestic violence.

13 (2) EXPERTISE.—The entity with which the
14 Secretary enters into a contract or agreement pursu-
15 ant to this section shall have expertise in—

16 (A) scientific and other research relating to
17 domestic violence; and

18 (B) science-based strategies for the preven-
19 tion, intervention, and response to domestic vio-
20 lence.

21 (b) SCOPE OF ANALYSIS AND RECOMMENDATIONS.—

22 Under the contract or agreement entered into pursuant
23 to subsection (a), the entity concerned shall analyze and
24 develop recommendations for the Secretary with respect
25 to each of the following:

1 (1) The risk of domestic violence at various
2 stages of military service, including identification
3 of—

4 (A) stages at which there is a higher than
5 average risk of domestic violence; and

6 (B) stages at which the implementation of
7 domestic violence prevention strategies may
8 have the greatest preventive effect.

9 (2) The use and dissemination of domestic vio-
10 lence prevention resources throughout the stages of
11 military service, including providing new members
12 with training in domestic violence prevention.

13 (3) Best practices for the targeting of domestic
14 violence prevention resources toward those with a
15 higher risk of domestic violence.

16 (4) Strategies to prevent domestic violence by
17 training, educating, and assigning prevention-related
18 responsibilities to—

19 (A) commanders;

20 (B) medical, behavioral, and mental health
21 service providers;

22 (C) family advocacy program representa-
23 tives;

24 (D) Military Family Life Consultants; and

1 (E) other individuals and entities with re-
2 sponsibilities that may be relevant to addressing
3 domestic violence.

4 (5) The efficacy of providing survivors of do-
5 mestic violence with the option to request expedited
6 transfers, and the effects of such transfers.

7 (6) Improvements to procedures for reporting
8 appropriate legal actions to the National Crime In-
9 formation Center, and the efficacy of such proce-
10 dures.

11 (7) The effects of domestic violence on—

12 (A) housing for military families;

13 (B) the education of military dependent
14 children;

15 (C) member work assignments and careers;
16 and

17 (D) the health of members and their fami-
18 lies, including short-term and long-term health
19 effects and effects on mental health.

20 (8) Age-appropriate training and education pro-
21 grams for students attending schools operated by
22 the Department of Defense Education Activity that
23 are designed to assist such students in learning posi-
24 tive relationship behaviors in families and with inti-
25 mate partners.

1 (9) The potential effects of requiring military
2 protective orders to be issued by a military judge, in-
3 cluding whether such a requirement would increase
4 the enforcement of military protective orders by ci-
5 vilian law enforcement agencies outside the bound-
6 aries of military installations.

7 (10) Whether prevention of domestic violence
8 would be enhanced by raising the disposition author-
9 ity for offenses of domestic violence to an officer
10 who is—

11 (A) in grade 0–6 or above;

12 (B) in the chain of command of the ac-
13 cused; and

14 (C) authorized by chapter 47 of title 10,
15 United States Code (the Uniform Code of Mili-
16 tary Justice), to convene special courts martial.

17 (11) Means of improving access to resources for
18 survivors of domestic violence throughout the stages
19 of military service.

20 (12) Any other matters the Secretary specifies
21 in the contract or agreement with respect to—

22 (A) decreasing the frequency of domestic
23 violence committed by or upon members of the
24 covered Armed Forces and their dependents;
25 and

1 (B) reducing the severity of such violence.

2 (c) ACCESS TO INFORMATION AND FACILITIES.—The
3 Secretary shall provide the entity with which the Secretary
4 contracts or enters into an agreement pursuant to sub-
5 section (a) such access to information and facilities of the
6 Department of Defense as the Secretary and the entity
7 jointly consider appropriate for the analysis and develop-
8 ment of recommendations required by the contract.

9 (d) REPORT TO SECRETARY OF DEFENSE.—

10 (1) IN GENERAL.—The contract or agreement
11 pursuant to subsection (a) shall require the entity
12 with which the Secretary contracts or enters into
13 agreement to submit to the Secretary a report on
14 the analysis conducted and recommendations devel-
15 oped by the entity under the contract or agreement
16 by not later than one year after the date of entry
17 into the contract or agreement.

18 (2) ELEMENTS.—The report required pursuant
19 to paragraph (1) shall include the following:

20 (A) A comprehensive description of the
21 analysis conducted by the entity concerned
22 under the contract or agreement.

23 (B) A list of the recommendations devel-
24 oped by the entity, including, for each such rec-

1 ommendation, a justification for such rec-
2 ommendation.

3 (C) Such other matters as the Secretary
4 shall specify in the contract or agreement.

5 (e) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after receipt of the report required pursuant to sub-
8 section (d), the Secretary shall submit to the Com-
9 mittees on Armed Services of the Senate and the
10 House of Representatives a report on means to im-
11 prove the effectiveness of the covered Armed Forces
12 in responding to and preventing domestic violence.

13 (2) ELEMENTS.—The report required by para-
14 graph (1) shall include the following:

15 (A) The report received by the Secretary
16 pursuant to subsection (d).

17 (B) For each recommendation included in
18 the report pursuant to subsection (d) by reason
19 of paragraph (2)(B) of that subsection—

20 (i) an assessment by the Secretary of
21 the feasibility and advisability of imple-
22 menting such recommendation; and

23 (ii) if the Secretary considers the im-
24 plementation of such recommendation fea-
25 sible and advisable, a description of the ac-

1 tions taken, or to be taken, to implement
2 such recommendation.

3 (C) Such other matters relating to the im-
4 provement of the effectiveness of the covered
5 Armed Forces in responding to and preventing
6 domestic violence as the Secretary considers ap-
7 propriate in light of the report pursuant to sub-
8 section (d).

9 (f) FUNDING.—Of the amount authorized to be ap-
10 propriated for fiscal year 2021 for the Department of De-
11 fense by section 301 and available for operation and main-
12 tenance, Defense wide, as specified in the funding table
13 in section 4301, \$1,000,000 shall be available for contract
14 or agreement entered into pursuant to subsection (a).

15 (g) COVERED ARMED FORCES DEFINED.—In this
16 section, the term “covered Armed Forces” means the
17 Army, the Navy, the Air Force, and the Marine Corps.

18 **Subtitle F—Diversity and Inclusion**

19 **SEC. 551. DIVERSITY AND INCLUSION REPORTING RE-**
20 **QUIREMENTS AND RELATED MATTERS.**

21 (a) STANDARD DIVERSITY AND INCLUSION METRICS
22 AND ANNUAL REPORT REQUIREMENTS.—

23 (1) IN GENERAL.—Section 113 of title 10,
24 United States Code, is amended—

25 (A) in subsection (c)—

1 (i) by redesignating paragraphs (2)
2 and (3) as paragraphs (3) and (4), respec-
3 tively; and

4 (ii) by inserting after paragraph (1)
5 the following new paragraph (2):

6 “(2) a report from each military department on
7 the status of diversity and inclusion in such depart-
8 ment;”;

9 (B) in subsection (g)(1)(B), by inserting
10 after clause (vi), the following new clause (vii):

11 “(vii) Strategic goals related to diversity and in-
12 clusion in the armed forces, and an assessment of
13 measures of performance related to the efforts of the
14 armed forces to reflect the diverse population of the
15 United States eligible to serve in the armed forces.”;

16 (C) by redesignating subsections (m) and
17 (n) as subsections (n) and (o), respectively; and

18 (D) by inserting after subsection (k) the
19 following new subsections (l) and (m):

20 “(l)(1) The Secretary of Defense, in coordination
21 with the Secretary of the Department in which the Coast
22 Guard is operating, shall establish metrics to measure—

23 “(A) efforts to reflect across all grades com-
24 prising the officer and enlisted corps of each armed

1 force the diverse population of the United States eli-
2 gible to serve in the armed forces; and

3 “(B) the efforts of the armed forces to generate
4 and maintain a ready military force that will prevail
5 in war, prevent and deter conflict, defeat adver-
6 saries, and succeed in a wide range of contingencies.

7 “(2) In implementing the requirement in paragraph
8 (1), the Secretary of Defense, in coordination with the
9 Secretary of the Department in which the Coast Guard
10 is operating, shall—

11 “(A) ensure that data elements, data collection
12 methodologies, and reporting processes and struc-
13 tures pertinent to each metric established pursuant
14 to that paragraph are comparable across the armed
15 forces, to the extent practicable;

16 “(B) establish standard classifications that
17 members of the armed forces may use to self-identify
18 their gender, race, or ethnicity, which classifications
19 shall be consistent with Office of Management and
20 Budget Number Directive 15, entitled ‘Race and
21 Ethnic Standards for Federal Statistics and Admin-
22 istrative Reporting’, or any successor directive;

23 “(C) define conscious and unconscious bias with
24 respect to matters of diversity and inclusion, and
25 provide guidance to eliminate such bias;

1 “(D) conduct a barrier analysis to review demo-
2 graphic diversity patterns across the military life
3 cycle, starting with enlistment or accession into the
4 armed forces, in order to—

5 “(i) identify barriers to increasing diver-
6 sity;

7 “(ii) develop and implement plans and
8 processes to resolve or eliminate any barriers to
9 diversity; and

10 “(iii) review the progress of the armed
11 forces in implementing previous plans and proc-
12 esses to resolve or eliminate barriers to diver-
13 sity;

14 “(E) develop and implement plans and proc-
15 esses to ensure that advertising and marketing to
16 promote enlistment or accession into the armed
17 forces is representative of the diverse population of
18 the United States eligible to serve in the armed
19 forces; and

20 “(F) meet annually with the Secretaries of the
21 military departments, the Chairman of the Joint
22 Chiefs of Staff, and the Chiefs of Staff of the Armed
23 Forces to assess progress toward diversity and inclu-
24 sion across the armed forces and to elicit rec-

1 ommendations and advice for enhancing diversity
2 and inclusion in the armed forces

3 “(m) Accompanying each national defense strategy
4 provided to the congressional defense committees in ac-
5 cordance with subsection (g)(1)(D), the Secretary of De-
6 fense, in coordination with the Secretary of the Depart-
7 ment in which the Coast Guard is operating, shall provide
8 a report that sets forth a detailed discussion, current as
9 of the preceding fiscal year, of the following:

10 “(1) The number of officers and enlisted mem-
11 bers of the armed forces, including the reserve com-
12 ponents, disaggregated by gender, race, and eth-
13 nicity, for each grade in each armed force.

14 “(2) The number of members of the armed
15 forces, including the reserve components, who were
16 promoted during the fiscal year covered by such re-
17 port, disaggregated by gender, race, and ethnicity,
18 for each grade in each armed force, and of the num-
19 ber so promoted, the number promoted below, in,
20 and above the applicable promotion zone.

21 “(3) The number of members of the armed
22 forces, including the reserve components, who were
23 enlisted or accessed into the armed forces during the
24 fiscal year covered by such report, disaggregated by
25 gender, race, and ethnicity, in each armed force.

1 “(4) The number of graduates of each military
2 service academy during the fiscal year covered by
3 such report, disaggregated by gender, race, and eth-
4 nicity, for each military department and the United
5 States Coast Guard.

6 “(5) The number of members of the armed
7 forces, including the reserve components, who reen-
8 listed or otherwise extended a commitment to mili-
9 tary service during the fiscal year covered by such
10 report, disaggregated by gender, race, and ethnicity,
11 for each grade in each armed force.

12 “(6) An assessment of the pool of officers best
13 qualified for promotion to grades O-9 and O-10,
14 disaggregated by gender, race, and ethnicity, in each
15 military department and the United States Coast
16 Guard.

17 “(7) Any other matter the Secretary considers
18 appropriate.”.

19 (2) PUBLIC AVAILABILITY OF REPORTS.—Not
20 later than 72 hours after submitting to the congres-
21 sional defense committees a report required by sub-
22 section (m) of section 113 of title 10, United States
23 Code (as amended by paragraph (1)), the Secretary
24 of Defense shall make the report available on an
25 Internet website of the Department of Defense avail-

1 able to the public. In so making a report available,
2 the Secretary shall ensure that any data included in
3 the report is made available in a machine-readable
4 format that is downloadable, searchable, and sort-
5 able.

6 (3) CONSTRUCTION OF METRICS.—

7 (A) WITH MERIT-BASED PROCESSES.—Any
8 metric established pursuant to subsection (l) of
9 section 113 of title 10, United States Code (as
10 so amended), may not be used in a manner that
11 undermines the merit-based processes of the
12 Department of Defense and the Coast Guard,
13 including such processes for accession, reten-
14 tion, and promotion.

15 (B) WITH OTHER MATTERS.—Any such
16 metric may not be used to identify or specify
17 specific quotas based upon diversity characteris-
18 tics. The Secretary concerned shall continue to
19 account for diversified language and cultural
20 skills among the total force of the Armed
21 Forces.

22 (4) REPEAL OF SUPERSEDED REPORTING RE-
23 QUIREMENT.—Section 115a of title 10, United
24 States Code, is amended—

25 (A) by striking subsection (g); and

1 (B) by redesignating subsection (h) as sub-
2 section (g).

3 (b) REQUIREMENT TO CONSIDER ALL BEST QUALI-
4 FIED OFFICERS FOR PROMOTION TO O-9 AND O-10
5 GRADES.—

6 (1) IN GENERAL.—Section 601 of title 10,
7 United States Code, is amended by adding at the
8 end the following new subsection:

9 “(e) Prior to making a recommendation to the Sec-
10 retary of Defense for the nomination of an officer for ap-
11 pointment to a position of importance and responsibility
12 under this section, which appointment would result in the
13 initial appointment of the officer concerned in the grade
14 of lieutenant general or general in the Army, Air Force,
15 or Marine Corps, vice admiral or admiral in the Navy, or
16 the commensurate grades in the Space Force, the Sec-
17 retary concerned shall consider all officers determined to
18 be among the best qualified for such position.”.

19 (2) COAST GUARD.—Section 305(a) of title 14,
20 United States Code, is amended by adding at the
21 end the following new paragraph:

22 “(4) Prior to making a recommendation to the Presi-
23 dent for the nomination of an officer for appointment to
24 a position of importance and responsibility under this sec-
25 tion, which appointment would result in the initial ap-

1 pointment of the officer concerned in the grade of vice ad-
2 miral, the Commandant shall consider all officers deter-
3 mined to be among the best qualified for such position.”.

4 (c) REPORT ON FINDINGS OF DEFENSE BOARD ON
5 DIVERSITY AND INCLUSION IN THE MILITARY.—

6 (1) IN GENERAL.—Upon the completion by the
7 Defense Board on Diversity and Inclusion in the
8 Military of its report on actionable recommendations
9 to increase diversity and ensure equal opportunity
10 across all grades of the Armed Forces, the Secretary
11 of Defense shall submit to the Committees on Armed
12 Services of the Senate and the House of Representa-
13 tives a report on the report of the Defense Board,
14 including the findings and recommendations of the
15 Defense Board.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) A comprehensive description of the
19 findings and recommendations of the Defense
20 Board in its report referred to in paragraph
21 (1).

22 (B) A comprehensive description of any ac-
23 tionable recommendations of the Defense Board
24 in its report.

1 (C) A description of the actions proposed
2 to be undertaken by the Secretary in connection
3 with such recommendations, and a timeline for
4 implementation of such actions.

5 (D) Any data used by the Defense Board
6 and in the development of its findings and rec-
7 ommendations.

8 (E) A description of the resources used by
9 the Defense Board for its report, and a descrip-
10 tion and assessment of any shortfalls in such
11 resources for purposes of the Defense Board.

12 (d) DEFENSE ADVISORY COMMITTEE ON DIVERSITY
13 AND INCLUSION IN THE ARMED FORCES MATTERS.—

14 (1) REPORT.—At the same time the Secretary
15 of Defense submits the report required by subsection
16 (c), the Secretary shall also submit to the Commit-
17 tees on Armed Services of the Senate and the House
18 of Representatives a report on the Defense Advisory
19 Committee on Diversity and Inclusion in the Armed
20 Forces.

21 (2) ELEMENTS.—The report required by para-
22 graph (1) shall include the following:

23 (A) The mission statement or purpose of
24 the Advisory Committee, and any proposed ob-
25 jectives and goals of the Advisory Committee.

1 (B) A description of current members of
2 the Advisory Committee and the criteria used
3 for selecting members.

4 (C) A description of the duties and scope
5 of activities of the Advisory Committee.

6 (D) The reporting structure of the Advi-
7 sory Committee.

8 (E) An estimate of the annual operating
9 costs and staff years of the Advisory Com-
10 mittee.

11 (F) An estimate of the number and fre-
12 quency of meetings of the Advisory Committee.

13 (G) Any subcommittees, established or pro-
14 posed, that would support the Advisory Com-
15 mittee.

16 (3) NOTICE AND WAIT ON DISSOLUTION.—The
17 Secretary may not dissolve the Defense Advisory
18 Committee on Diversity and Inclusion in the Armed
19 Forces until 60 days after the date on which the
20 Secretary submits to the committees of Congress
21 specified in paragraph (1) a notice on the dissolution
22 of the Advisory Committee.

1 **SEC. 552. NATIONAL EMERGENCY EXCEPTION FOR TIMING**
2 **REQUIREMENTS WITH RESPECT TO CERTAIN**
3 **SURVEYS OF MEMBERS OF THE ARMED**
4 **FORCES.**

5 (a) MEMBERS OF REGULAR AND RESERVE COMPO-
6 NENTS.—Subsection (d) of section 481 of title 10, United
7 States Code, is amended to read as follows:

8 “(d) WHEN SURVEYS REQUIRED.—(1) The Armed
9 Forces Workplace and Gender Relations Surveys of the
10 Active Duty and the Armed Forces Workplace and Gender
11 Relations Survey of the Reserve Components shall each
12 be conducted once every two years. The surveys may be
13 conducted within the same year or in two separate years,
14 and shall be conducted in a manner designed to reduce
15 the burden of the surveys on members of the armed forces.

16 “(2) The two Armed Forces Workplace and Equal
17 Opportunity Surveys shall be conducted at least once every
18 four years. The surveys may be conducted within the same
19 year or in two separate years, and shall be conducted in
20 a manner designed to reduce the burden of the surveys
21 on members of the armed forces.

22 “(3)(A) The Secretary of Defense may postpone the
23 conduct of a survey under this section if the Secretary de-
24 termines that conducting such survey is not practicable
25 due to a war or national emergency declared by the Presi-
26 dent or Congress.

1 “(B) The Secretary shall ensure that a survey post-
2 poned under subparagraph (A) is conducted as soon as
3 practicable after the end of the period of war or national
4 emergency concerned, or earlier if the Secretary deter-
5 mines appropriate.

6 “(C) The Secretary shall notify Congress of a deter-
7 mination under subparagraph (A) not later than 30 days
8 after the date on which the Secretary makes such deter-
9 mination.”.

10 (b) CADETS AND MIDSHIPMEN.—

11 (1) UNITED STATES MILITARY ACADEMY.—Sec-
12 tion 7461(c) of title 10, United States Code, is
13 amended by adding at the end the following new
14 paragraph:

15 “(3)(A) The Secretary of Defense may postpone the
16 conduct of an assessment under this subsection if the Sec-
17 retary determines that conducting such assessment is not
18 practicable due to a war or national emergency declared
19 by the President or Congress.

20 “(B) The Secretary of Defense shall ensure that an
21 assessment postponed under subparagraph (A) is con-
22 ducted as soon as practicable after the end of the period
23 of war or national emergency concerned, or earlier if the
24 Secretary determines appropriate.

1 “(C) The Secretary of Defense shall notify Congress
2 of a determination under subparagraph (A) not later than
3 30 days after the date on which the Secretary makes such
4 determination.”.

5 (2) UNITED STATES NAVAL ACADEMY.—Section
6 8480(c) of such title is amended by adding at the
7 end the following new paragraph:

8 “(3)(A) The Secretary of Defense may postpone the
9 conduct of an assessment under this subsection if the Sec-
10 retary determines that conducting such assessment is not
11 practicable due to a war or national emergency declared
12 by the President or Congress.

13 “(B) The Secretary of Defense shall ensure that an
14 assessment postponed under subparagraph (A) is con-
15 ducted as soon as practicable after the end of the period
16 of war or national emergency concerned, or earlier if the
17 Secretary determines appropriate.

18 “(C) The Secretary of Defense shall notify Congress
19 of a determination under subparagraph (A) not later than
20 30 days after the date on which the Secretary makes such
21 determination.”.

22 (3) UNITED STATES AIR FORCE ACADEMY.—
23 Section 9461(c) of such title is amended by adding
24 at the end the following new paragraph:

1 “(3)(A) The Secretary of Defense may postpone the
2 conduct of an assessment under this subsection if the Sec-
3 retary determines that conducting such assessment is not
4 practicable due to a war or national emergency declared
5 by the President or Congress.

6 “(B) The Secretary of Defense shall ensure that an
7 assessment postponed under subparagraph (A) is con-
8 ducted as soon as practicable after the end of the period
9 of war or national emergency concerned, or earlier if the
10 Secretary determines appropriate.

11 “(C) The Secretary of Defense shall notify Congress
12 of a determination under subparagraph (A) not later than
13 30 days after the date on which the Secretary makes such
14 determination.”.

15 (c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOY-
16 EES.—Section 481a of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(d) POSTPONEMENT.—(1) The Secretary of Defense
20 may postpone the conduct of a survey under this section
21 if the Secretary determines that conducting such survey
22 is not practicable due to a war or national emergency de-
23 clared by the President or Congress.

24 “(2) The Secretary shall ensure that a survey post-
25 poned under paragraph (1) is conducted as soon as prac-

1 ticable after the end of the period of war or national emer-
2 gency concerned, or earlier if the Secretary determines ap-
3 propriate.

4 “(3) The Secretary shall notify Congress of a deter-
5 mination under paragraph (1) not later than 30 days after
6 the date on which the Secretary makes such determina-
7 tion.”.

8 **SEC. 553. QUESTIONS REGARDING RACISM, ANTI-SEMITISM,**
9 **AND SUPREMACISM IN WORKPLACE SURVEYS**
10 **ADMINISTERED BY THE SECRETARY OF DE-**
11 **FENSE.**

12 Section 593 of the National Defense Authorization
13 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
14 ed—

15 (1) by inserting “(a) QUESTIONS REQUIRED.—
16 ” before “The Secretary”;

17 (2) in paragraph (1), by inserting “, racist,
18 anti-Semitic, or supremacist” after “extremist”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(b) BRIEFING.—Not later than March 1, 2021, the
22 Secretary shall provide to the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives a
24 briefing including—

1 “(1) the text of the questions included in sur-
2 veys under subsection (a); and

3 “(2) which surveys include such questions.”.

4 **SEC. 554. INSPECTOR GENERAL OVERSIGHT OF DIVERSITY**
5 **AND INCLUSION IN DEPARTMENT OF DE-**
6 **FENSE; SUPREMACIST, EXTREMIST, OR**
7 **CRIMINAL GANG ACTIVITY IN THE ARMED**
8 **FORCES.**

9 (a) ESTABLISHMENT OF ADDITIONAL DEPUTY IN-
10 SPECTOR GENERAL OF THE DEPARTMENT OF DE-
11 FENSE.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary
14 of Defense shall appoint, in the Office of the Inspec-
15 tor General of the Department of Defense, an addi-
16 tional Deputy Inspector General who—

17 (A) shall be a member of the Senior Exec-
18 utive Service of the Department; and

19 (B) shall report directly to and serve under
20 the authority, direction, and control of the In-
21 spector General.

22 (2) DUTIES.—Subject to the Inspector General
23 Act of 1978 (Public Law 95–452; 5 U.S.C. App.),
24 the Deputy Inspector General shall have the fol-
25 lowing duties:

1 (A) Conducting and supervising audits, in-
2 vestigations, and evaluations of policies, pro-
3 grams, systems, and processes of the Depart-
4 ment—

5 (i) to determine the effect of such
6 policies, programs, systems, and processes
7 regarding personnel on diversity and inclu-
8 sion in the Department; and

9 (ii) to prevent and respond to su-
10 premacist, extremist, and criminal gang
11 activity of a member of the Armed Forces,
12 including the duties of the Inspector Gen-
13 eral under subsection (b).

14 (B) Additional duties prescribed by the
15 Secretary or Inspector General.

16 (3) COORDINATION OF EFFORTS.—In carrying
17 out the duties under paragraph (2), the Deputy In-
18 spector General shall coordinate with, and receive
19 the cooperation of the following:

20 (A) The Inspector General of the Army.

21 (B) The Inspector General of the Navy.

22 (C) The Inspector General of the Air
23 Force.

24 (D) The other Deputy Inspectors General
25 of the Department.

1 (4) REPORTS.—

2 (A) ONE-TIME REPORT.—Not later than
3 180 days after the date of the enactment of this
4 Act, the Inspector General shall submit to the
5 Committees on Armed Services of the Senate
6 and the House of Representatives a report de-
7 scribing, with respect to the Deputy Inspector
8 General appointed under this subsection:

9 (i) the duties and responsibilities to be
10 assigned to such Deputy Inspector Gen-
11 eral;

12 (ii) the organization, structure, staff-
13 ing, and funding of the office established
14 to support such Deputy Inspector General
15 in the execution of such duties and respon-
16 sibilities;

17 (iii) challenges to the establishment of
18 such Deputy Inspector General and such
19 office, including any shortfalls in personnel
20 and funding; and

21 (iv) the date by which the Inspector
22 General expects such Deputy Inspector
23 General and the office will reach full oper-
24 ational capability.

1 (B) SEMIANNUAL REPORTS.—Not later
2 than 30 days after the end of the second and
3 fourth quarters of each fiscal year beginning in
4 fiscal year 2022, the Deputy Inspector General
5 shall submit to the Secretary and the Inspector
6 General a report including a summary of the
7 activities of the Deputy Inspector General dur-
8 ing the two fiscal quarters preceding the date of
9 the report.

10 (C) ANNUAL REPORTS.—The Deputy In-
11 spector General shall submit, through the Sec-
12 retary and Inspector General, to the Commit-
13 tees on Armed Services of the Senate and the
14 House of Representatives annual reports pre-
15 senting findings and recommendations regard-
16 ing—

17 (i) the effects of policies, programs,
18 systems, and processes of the Department,
19 regarding personnel, on diversity and in-
20 clusion in the Department; and

21 (ii) the effectiveness of such policies,
22 programs, systems, and processes in pre-
23 venting and responding to supremacist, ex-
24 tremist, and criminal gang activity of a
25 member of the Armed Forces.

1 (D) OCCASIONAL REPORTS.—The Deputy
2 Inspector General shall, from time to time, sub-
3 mit to the Secretary and the Inspector General
4 additional reports as the Secretary or Inspector
5 General may direct.

6 (E) ONLINE PUBLICATION.—The Deputy
7 Inspector General shall publish each report
8 under this paragraph on a publicly accessible
9 website of the Department not later than 21
10 days after submitting such report to the Sec-
11 retary, Inspector General, or the Committees on
12 Armed Services of the Senate and the House of
13 Representatives.

14 (b) ESTABLISHMENT OF STANDARD POLICIES, PROC-
15 ESSES, TRACKING MECHANISMS, AND REPORTING RE-
16 QUIREMENTS FOR SUPREMACIST, EXTREMIST, AND
17 CRIMINAL GANG ACTIVITY IN CERTAIN ARMED
18 FORCES.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall establish policies, processes, and mechanisms,
21 standard across the covered Armed Forces, that en-
22 sure that—

23 (A) all allegations (and related informa-
24 tion) that a member of a covered Armed Force
25 has engaged in a prohibited activity, are re-

1 ferred to the Inspector General of the Depart-
2 ment of Defense;

3 (B) the Inspector General can document
4 and track the referral, for purposes of an inves-
5 tigation or inquiry of an allegation described in
6 paragraph (1), to—

7 (i) a military criminal investigative or-
8 ganization;

9 (ii) an inspector general;

10 (iii) a military police or security police
11 organization;

12 (iv) a military commander;

13 (v) another organization or official of
14 the Department; or

15 (vi) a civilian law enforcement organi-
16 zation or official;

17 (C) the Inspector General can document
18 and track the referral, to a military commander
19 or other appropriate authority, of the final re-
20 port of an investigation or inquiry described in
21 subparagraph (B) for action;

22 (D) the Inspector General can document
23 the determination of whether a member de-
24 scribed in subparagraph (A) engaged in prohib-
25 ited activity;

1 (E) the Inspector General can document
2 whether a member of a covered Armed Force
3 was subject to action (including judicial, dis-
4 ciplinary, adverse, or corrective administrative
5 action) or no action, as the case may be, based
6 on a determination described in subparagraph
7 (D); and

8 (F) the Inspector General can provide, or
9 track the referral to a civilian law enforcement
10 agency of, any information described in this
11 paragraph.

12 (2) REPORT.—Not later than December 1 of
13 each year beginning after the date of the enactment
14 of this Act, the Secretary of Defense shall submit to
15 the appropriate congressional committees a report
16 on the policies, processes, and mechanisms imple-
17 mented under paragraph (1). Each report shall in-
18 clude, with respect to the fiscal year preceding the
19 date of the report, the following:

20 (A) The total number of referrals received
21 by the Inspector General under paragraph
22 (1)(A);

23 (B) The total number of investigations and
24 inquiries conducted pursuant to a referral de-
25 scribed in paragraph (1)(B);

1 (C) The total number of members of a cov-
2 ered Armed Force who, on the basis of deter-
3 minations described in paragraph (1)(D) that
4 the members engaged in prohibited activity,
5 were subject to action described in paragraph
6 (1)(E), including—

- 7 (i) court-martial,
8 (ii) other criminal prosecution,
9 (iii) non-judicial punishment under
10 Article 15 of the Uniform Code of Military
11 Justice; or
12 (iv) administrative action, including
13 involuntary discharge from the Armed
14 Forces, a denial of reenlistment, or coun-
15 seling.

16 (D) The total number of members of a
17 covered Armed Force described in paragraph
18 (1)(A) who were not subject to action described
19 in paragraph (1)(E), notwithstanding deter-
20 minations described in paragraph (1)(D) that
21 such members engaged in prohibited activity.

22 (E) The total number of referrals de-
23 scribed in paragraph (1)(F).

24 (3) DEFINITIONS.—In this subsection:

1 (A) The term “appropriate congressional
2 committees” means—

3 (i) the Committee on the Judiciary
4 and the Committee on Armed Services of
5 the Senate; and

6 (ii) the Committee on the Judiciary
7 and the Committee on Armed Services of
8 the House of Representatives.

9 (B) The term “covered Armed Force”
10 means an Armed Force under the jurisdiction
11 of the Secretary of a military department.

12 (C) The term “prohibited activity” means
13 an activity prohibited under Department of De-
14 fense Instruction 1325.06, titled “Handling
15 Dissident and Protest Activities Among Mem-
16 bers of the Armed Forces”, or any successor in-
17 struction.

18 **SEC. 555. POLICY TO IMPROVE RESPONSES TO PREGNANCY**
19 **AND CHILDBIRTH BY CERTAIN MEMBERS OF**
20 **THE ARMED FORCES.**

21 (a) **POLICY REQUIRED.**—The Secretary of Defense,
22 in coordination with the Secretaries of the military depart-
23 ments, shall develop a policy to ensure that the career of
24 a member of the Armed Forces is not unduly affected be-

1 cause the member is a covered member. The policy shall
2 address the following:

3 (1) Enforcement and implementation of the ap-
4 plicable requirements of the Pregnancy Discrimina-
5 tion Act (Public Law 95–555; 42 U.S.C. 2000e(k)).

6 (2) The need for individual determinations re-
7 garding the ability of members of the Armed Forces
8 to serve during and after pregnancy.

9 (3) Responses to the effects specific to covered
10 members who reintegrate into home life after deploy-
11 ment.

12 (4) Education and training on pregnancy dis-
13 crimination to diminish stigma, stereotypes, and
14 negative perceptions regarding covered members, in-
15 cluding with regards to commitment to the Armed
16 Forces and abilities.

17 (5) Opportunities to maintain readiness when
18 positions are unfilled due to pregnancy, medical con-
19 ditions arising from pregnancy or childbirth, preg-
20 nancy convalescence, or parental leave.

21 (6) Reasonable accommodations for covered
22 members in general and specific accommodations
23 based on career field or military occupational spe-
24 cialty.

1 (7) Consideration of deferments at military edu-
2 cational institutions for covered members.

3 (8) Extended assignments and performance re-
4 porting periods for covered members.

5 (9) A mechanism by which covered members
6 may report harassment or discrimination, including
7 retaliation, relating to being a covered member.

8 (b) BRIEFING.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary shall sub-
10 mit to the Committees on Armed Services of the Senate
11 and House of Representatives—

12 (1) a briefing summarizing the policy developed
13 under this section; and

14 (2) a copy of the policy.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “covered member” means a mem-
17 ber of an Armed Force under the jurisdiction of the
18 Secretary of a military department who—

19 (A) is pregnant;

20 (B) gives birth to a child; or

21 (C) incurs a medical condition arising from
22 pregnancy or childbirth.

23 (2) The term “military educational institution”
24 means a postsecondary educational institution estab-
25 lished within the Department of Defense.

1 **SEC. 556. TRAINING ON CERTAIN DEPARTMENT OF DE-**
2 **FENSE INSTRUCTIONS FOR MEMBERS OF THE**
3 **ARMED FORCES.**

4 In accordance with Department of Defense Instruc-
5 tion 1300.17, dated September 1, 2020, and applicable
6 law, the Secretary of Defense shall implement training on
7 relevant Federal statutes, Department of Defense Instruc-
8 tions, and the regulations of each military department, in-
9 cluding the responsibility of commanders to maintain good
10 order and discipline.

11 **SEC. 557. EVALUATION OF BARRIERS TO MINORITY PAR-**
12 **TICIPATION IN CERTAIN UNITS OF THE**
13 **ARMED FORCES.**

14 (a) STUDY REQUIRED.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the enactment of this Act, the Under
17 Secretary of Defense for Personnel and Readiness
18 shall seek to enter into an agreement with a feder-
19 ally funded research and development center with
20 relevant expertise to conduct an evaluation of the
21 barriers to minority participation in covered units of
22 the Armed Forces.

23 (2) ELEMENTS.—The evaluation required under
24 paragraph (1) shall include the following elements:

25 (A) A description of the racial, ethnic, and
26 gender composition of covered units.

1 (B) A comparison of the participation
2 rates of minority populations in covered units to
3 participation rates of the general population as
4 members and as officers of the Armed Forces.

5 (C) A comparison of the percentage of mi-
6 nority officers in the grade of O-7 or higher
7 who have served in each covered unit to such
8 percentage for all such officers in the Armed
9 Force of that covered unit.

10 (D) An identification of barriers to minor-
11 ity (including English language learners) par-
12 ticipation in the recruitment, accession, assess-
13 ment, and training processes.

14 (E) The status and effectiveness of the re-
15 sponse to the recommendations contained in the
16 report of the RAND Corporation titled “Bar-
17 riers to Minority Participation in Special Oper-
18 ations Forces” and any follow-up recommenda-
19 tions.

20 (F) Recommendations to increase the num-
21 bers of minority officers in the Armed Forces.

22 (G) Recommendations to increase minority
23 participation in covered units.

24 (H) Any other matters the Secretary deter-
25 mines appropriate.

1 (3) REPORT TO CONGRESS.—The Secretary
2 shall—

3 (A) submit to the congressional defense
4 committees a report on the results of the study
5 by not later than January 1, 2022; and

6 (B) provide interim briefings to such com-
7 mittees upon request.

8 (b) DESIGNATION.—The study conducted under sub-
9 section (a) shall be known as the “Study on Reducing Bar-
10 riers to Minority Participation in Elite Units in the Armed
11 Services”.

12 (c) IMPLEMENTATION REQUIRED.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), not later than March 1, 2023, the Sec-
15 retary of Defense shall commence the implementa-
16 tion of each recommendation included in the final
17 report submitted under subsection (a)(3).

18 (2) EXCEPTIONS.—

19 (A) DELAYED IMPLEMENTATION.—The
20 Secretary of Defense may commence implemen-
21 tation of a recommendation described para-
22 graph (1) later than March 1, 2023, if—

23 (i) the Secretary submits to the con-
24 gressional defense committees, not later
25 than January 1, 2023, written notice of

1 the intent of the Secretary to delay imple-
2 mentation of the recommendation; and

3 (ii) includes, as part of such notice, a
4 specific justification for the delay in imple-
5 menting the recommendation.

6 (B) NONIMPLEMENTATION.—The Sec-
7 retary of Defense may elect not to implement a
8 recommendation described in paragraph (1),
9 if—

10 (i) the Secretary submits to the con-
11 gressional defense committees, not later
12 than January 1, 2023, written notice of
13 the intent of the Secretary not to imple-
14 ment the recommendation; and

15 (ii) includes, as part of such notice—

16 (I) the reasons for the Sec-
17 retary's decision not to implement the
18 recommendation; and

19 (II) a summary of alternative ac-
20 tions the Secretary will carry out to
21 address the purposes underlying the
22 recommendation.

23 (3) IMPLEMENTATION PLAN.—For each rec-
24 ommendation that the Secretary implements under
25 this subsection, the Secretary shall submit to the

1 congressional defense committees an implementation
2 plan that includes—

3 (A) a summary of actions the Secretary
4 has carried out, or intends to carry out, to im-
5 plement the recommendation; and

6 (B) a schedule, with specific milestones,
7 for completing the implementation of the rec-
8 ommendation.

9 (d) COVERED UNITS DEFINED.—In this section, the
10 term “covered units” means the following:

11 (1) Army Special Forces.

12 (2) Army Rangers.

13 (3) Navy SEALs.

14 (4) Air Force Combat Control Teams.

15 (5) Air Force Pararescue.

16 (6) Air Force Special Reconnaissance.

17 (7) Marine Raider Regiments.

18 (8) Marine Corps Force Reconnaissance.

19 (9) Coast Guard Maritime Security Response
20 Team.

21 (10) Any other forces designated by the Sec-
22 retary of Defense as special operations forces.

23 (11) Pilot and navigator military occupational
24 specialties.

1 **SEC. 558. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES REPORT ON EQUAL OPPORTUNITY AT**
3 **THE MILITARY SERVICE ACADEMIES.**

4 Not later than one year after the date of the enact-
5 ment of this Act, the Comptroller General of the United
6 States shall submit to the Committees on Armed Services
7 of the Senate and the House of Representatives a report
8 that the following:

9 (1) The aggregate number of equal opportunity
10 claims filed with respect to each military service
11 academy during 2019 and 2020.

12 (2) Of the number of claims specified pursuant
13 to paragraph (1) for each military service academy,
14 the number of such claims that were substantiated.

15 (3) The results of any completed climate survey
16 of cadets or midshipmen, as applicable, conducted by
17 each military service academy, and any authorized
18 organization external to such military service acad-
19 emy, during the two-year period ending on Decem-
20 ber 31, 2020 (or such longer period the Comptroller
21 General determines appropriate).

22 (4) An analysis of the data reported pursuant
23 to paragraphs (1) through (3), an assessment
24 whether the data indicates one or more trends in
25 equal opportunity at the military service academies,

1 and, if so, a description and assessment of each such
2 trend.

3 (5) A description and assessment of the Equal
4 Opportunity programs and other programs to im-
5 prove the climate of each military service academy,
6 based on matters raised by equal opportunity claims,
7 climate surveys, and such other evidence or assess-
8 ments the Comptroller General determines appro-
9 priate, including an assessment whether such pro-
10 grams address trends identified pursuant to the
11 analysis conducted for purposes of paragraph (4).

12 **Subtitle G—Decorations and** 13 **Awards**

14 **SEC. 561. EXTENSION OF TIME TO REVIEW WORLD WAR I** 15 **VALOR MEDALS.**

16 (a) IN GENERAL.—Section 584(f) of the National
17 Defense Authorization Act for Fiscal Year 2020 (Public
18 Law 116–92; 133 Stat. 1281) is amended by striking
19 “five” and inserting “six”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect as if enacted on the date
22 of the enactment of the National Defense Authorization
23 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
24 1281).

1 **SEC. 562. AUTHORIZATIONS FOR CERTAIN AWARDS.**

2 (a) DISTINGUISHED-SERVICE CROSS TO RAMIRO F.
3 OLIVO FOR ACTS OF VALOR DURING THE VIETNAM
4 WAR.—

5 (1) AUTHORIZATION.—Notwithstanding the
6 time limitations specified in section 7274 of title 10,
7 United States Code, or any other time limitation
8 with respect to the awarding of certain medals to
9 persons who served in the Armed Forces, the Presi-
10 dent may award the Distinguished-Service Cross
11 under section 7272 of such title to Ramiro F. Olivo
12 for the acts of valor described in paragraph (2).

13 (2) ACTS OF VALOR DESCRIBED.—The acts of
14 valor described in this paragraph are the actions of
15 Ramiro F. Olivo on May 9, 1968, as a member of
16 the Army serving in the Republic of Vietnam.

17 (b) MEDAL OF HONOR TO RALPH PUCKETT, JR.,
18 FOR ACTS OF VALOR DURING THE KOREAN WAR.—

19 (1) AUTHORIZATION.—Notwithstanding the
20 time limitations specified in section 7274 of title 10,
21 United States Code, or any other time limitation
22 with respect to the awarding of certain medals to
23 persons who served in the Armed Forces, the Presi-
24 dent may award the Medal of Honor under section
25 7271 of such title to Ralph Puckett, Jr. for the acts
26 of valor described in paragraph (2).

1 (2) ACTS OF VALOR DESCRIBED.—The acts of
2 valor described in this paragraph are the actions of
3 Ralph Puckett, Jr. on November 25 and 26, 1950,
4 as a member of the Army serving in Korea, for
5 which he was awarded the Distinguished-Service
6 Cross.

7 (c) MEDAL OF HONOR TO DWIGHT M. BIRDWELL
8 FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

9 (1) AUTHORIZATION.—Notwithstanding the
10 time limitations specified in section 7274 of title 10,
11 United States Code, or any other time limitation
12 with respect to the awarding of certain medals to
13 persons who served in the Armed Forces, the Presi-
14 dent may award the Medal of Honor under section
15 7271 of such title to Dwight M. Birdwell for the
16 acts of valor described in paragraph (2).

17 (2) ACTS OF VALOR DESCRIBED.—The acts of
18 valor described in this paragraph are the actions of
19 Dwight M. Birdwell on January 31, 1968, as a
20 member of the Army serving in the Republic of Viet-
21 nam, for which he was awarded the Silver Star.

22 (d) MEDAL OF HONOR TO ALWYN C. CASHE FOR
23 ACTS OF VALOR DURING OPERATION IRAQI FREEDOM.—

24 (1) AUTHORIZATION.—Notwithstanding the
25 time limitations specified in section 7274 of title 10,

1 United States Code, or any other time limitation
2 with respect to the awarding of certain medals to
3 persons who served in the Armed Forces, the Presi-
4 dent may award the Medal of Honor under section
5 7271 of such title to Alwyn C. Cashe for the acts
6 of valor described in paragraph (2).

7 (2) ACTS OF VALOR DESCRIBED.—The acts of
8 valor described in this paragraph are the actions of
9 Alwyn C. Cashe on October 17, 2005, as a member
10 of the Army serving in Iraq in support of Operation
11 Iraqi Freedom, for which he was posthumously
12 awarded the Silver Star.

13 (e) MEDAL OF HONOR TO EARL D. PLUMLEE FOR
14 ACTS OF VALOR DURING OPERATION ENDURING FREE-
15 DOM.—

16 (1) AUTHORIZATION.—Notwithstanding the
17 time limitations specified in section 7274 of title 10,
18 United States Code, or any other time limitation
19 with respect to the awarding of certain medals to
20 persons who served in the Armed Forces, the Presi-
21 dent may award the Medal of Honor under section
22 7271 of such title to Earl D. Plumlee for the acts
23 of valor described in paragraph (2).

24 (2) ACTS OF VALOR DESCRIBED.—The acts of
25 valor described in this paragraph are the actions of

1 Earl D. Plumlee on August 28, 2013, as a member
2 of the Army serving in Afghanistan in support of
3 Operation Enduring Freedom, for which he was
4 awarded the Silver Star.

5 **SEC. 563. FEASIBILITY STUDY ON ESTABLISHMENT OF**
6 **SERVICE MEDAL FOR RADIATION-EXPOSED**
7 **VETERANS.**

8 (a) STUDY REQUIRED; REPORT.—Not later than
9 May 1, 2021, the Secretary of Defense shall submit to
10 the Committees on Armed Services of the Senate and the
11 House of Representatives a report containing the results
12 of a study assessing the feasibility of establishing a service
13 medal to award to radiation-exposed veterans.

14 (b) ELEMENTS.—The report shall contain the fol-
15 lowing:

16 (1) An analysis of how the decorations and
17 awards of the Department of Defense have been up-
18 dated to reflect the nature of military service across
19 generations and conflicts.

20 (2) An assessment of the conditions of service
21 of radiation-exposed veterans.

22 (3) Any plan of the Secretary to recognize (by
23 means of a decoration or award) current, retired, or
24 former members of the Armed Forces exposed to

1 toxic materials or environments in the course of mili-
2 tary service, including radiation-exposed veterans.

3 (4) An assessment of the feasibility of estab-
4 lishing an atomic veterans service device to be added
5 to the National Defense Service Medal or another
6 appropriate medal.

7 (5) A determination of the direct or indirect
8 costs to the Department that would arise from the
9 establishment of such a device or other appropriate
10 medal.

11 (6) Any other element the Secretary determines
12 appropriate.

13 (c) MEETING REQUIRED.—In the course of the feasi-
14 bility study, the Secretary shall hold no fewer than one
15 meeting with representatives of organizations that advo-
16 cate for radiation-exposed veterans (including leadership
17 of the National Association of Atomic Veterans, Inc.) to
18 discuss the study and to work with such organizations on
19 steps towards a mutually agreeable and timely recognition
20 of the valued service of radiation-exposed veterans.

21 (d) RADIATION-EXPOSED VETERAN DEFINED.—In
22 this section, the term “radiation-exposed veteran” has the
23 meaning given that term in section 1112 of title 38,
24 United States Code.

1 **SEC. 564. EXPRESSING SUPPORT FOR THE DESIGNATION**
2 **OF SILVER STAR SERVICE BANNER DAY.**

3 Congress supports the designation of a “Silver Star
4 Service Banner Day” and recommends that the President
5 issues each year a proclamation calling on the people of
6 the United States to observe Silver Star Service Banner
7 Day with appropriate programs, ceremonies, and activi-
8 ties.

9 **Subtitle H—Member Education,**
10 **Training, Transition, and Resil-**
11 **ience**

12 **SECTION 571. MENTORSHIP AND CAREER COUNSELING**
13 **PROGRAM FOR OFFICERS TO IMPROVE DI-**
14 **VERSITY IN MILITARY LEADERSHIP.**

15 (a) PROGRAM REQUIRED.—

16 (1) IN GENERAL.—Section 656 of title 10,
17 United States Code, is amended—

18 (A) by redesignating subsections (b)
19 through (e) as subsections (c) through (f), re-
20 spectively; and

21 (B) by inserting after subsection (a) the
22 following new subsection (b):

23 “(b) MENTORING AND CAREER COUNSELING PRO-
24 GRAM.—

25 “(1) PROGRAM REQUIRED AS PART OF PLAN.—

26 With the goal of having the diversity of the popu-

1 lation of officers serving in each branch, specialty,
2 community, and grade of each armed force reflect
3 the diversity of the population in such armed force
4 as a whole, the Secretary of Defense and the Sec-
5 retary of the Department in which the Coast Guard
6 is operating shall include in the plan required by
7 subsection (a) a mentoring and career counseling
8 program for officers.

9 “(2) ELEMENTS.—The program required by
10 this subsection shall include the following:

11 “(A) The option for any officer to partici-
12 pate in the program.

13 “(B) For each officer who elects to partici-
14 pate in the program, the following:

15 “(i) One or more opportunities for
16 mentoring and career counseling before se-
17 lection of the officer’s branch, specialty, or
18 community.

19 “(ii) Ongoing opportunities for men-
20 toring and career counseling following se-
21 lection of the officer’s branch, specialty, or
22 community, and continuing through the of-
23 ficer’s military career.

1 “(C) Mentoring and counseling during op-
2 portunities under subparagraph (B) consisting
3 of the following:

4 “(i) Information on officer retention
5 and promotion rates in each grade, branch,
6 specialty, and community of the armed
7 force concerned, including the rate at
8 which officers in each branch, specialty, or
9 community of such armed force are pro-
10 moted to a grade above O-6.

11 “(ii) Information on career and serv-
12 ice pathways, including service in the re-
13 serve components.

14 “(iii) Such other information as may
15 be required to optimize the ability of an of-
16 ficer to make informed career decisions
17 through the officer’s military career.”.

18 (2) PERFORMANCE METRICS.—Subsection (c) of
19 such section, as redesignated by paragraph (1)(A), is
20 amended—

21 (A) in the subsection heading, by inserting
22 “AND MENTORING AND CAREER COUNSELING
23 PROGRAM” after “DEVELOPING AND IMPE-
24 MENTING PLAN”; and

1 (B) by inserting “and the mentoring and
2 career counseling program under subsection
3 (b)” after “the plan under subsection (a)”.

4 (3) CONFORMING AND CLERICAL AMEND-
5 MENTS.—

6 (A) HEADING AMENDMENT.—The heading
7 of such section is amended to read as follows:
8 **“§ 656. Diversity in military leadership: plan; men-
9 toring and career counseling program”.**

10 (B) TABLE OF SECTIONS.—The table of
11 sections at the beginning of chapter 37 of such
12 title is amended by striking the item relating to
13 section 656 and inserting the following new
14 item:

“656. Diversity in military leadership: plan; mentoring and career counseling
program.”.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 270 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall, in coordination with the Sec-
19 retary of the Department in which the Coast Guard
20 is operating, submit to the appropriate committees
21 of Congress a report on the mentoring and career
22 counseling program established pursuant to sub-
23 section (b) of section 656 of title 10, United States
24 Code (as amended by subsection (a)).

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

3 (A) A description of the manner in which
4 each Armed Force will implement the men-
5 toring and counseling program,

6 (B) A description of the metrics that will
7 be used to measure progress in developing and
8 implementing the mentoring and career coun-
9 seling program.

10 (C) For each Armed Force, an explanation
11 whether the mentoring and career counseling
12 program will be carried out as part of another
13 program of such Armed Force or through the
14 establishment of a separate subprogram or sub-
15 programs of such Armed Force.

16 (D) A description of the additional re-
17 sources, if any, that will be required to imple-
18 ment the mentoring and career counseling pro-
19 gram, including the specific number of addi-
20 tional personnel authorizations that will be re-
21 quired to staff the program.

22 (E) Such other information on the men-
23 toring and career counseling program as the
24 Secretary of Defense and the Secretary of the

1 Department in which the Coast Guard is oper-
2 ating consider appropriate.

3 (3) APPROPRIATE COMMITTEES OF CONGRESS
4 DEFINED.—In this subsection, the term “appro-
5 priate committees of Congress” means—

6 (A) the Committee on Armed Services and
7 the Committee on Commerce, Science, and
8 Transportation of the Senate; and

9 (B) the Committee on Armed Services and
10 the Committee on Transportation and Infra-
11 structure of the House of Representatives.

12 **SEC. 572. EXPANSION OF SKILLBRIDGE PROGRAM TO IN-**
13 **CLUDE THE COAST GUARD.**

14 Section 1143(e) of title 10, United States Code, is
15 amended—

16 (1) in paragraph (1), by striking “of a military
17 department” and inserting “concerned”;

18 (2) in paragraph (3), by striking “of the mili-
19 tary department”; and

20 (3) in paragraph (4), by striking “of Defense”
21 and inserting “concerned”.

1 **SEC. 573. INCREASE IN NUMBER OF PERMANENT PROFES-**
2 **SORS AT THE UNITED STATES AIR FORCE**
3 **ACADEMY.**

4 Section 9431(b)(4) of title 10, United States Code,
5 is amended by striking “23” and inserting “25”.

6 **SEC. 574. ADDITIONAL ELEMENTS WITH 2021 AND 2022 CER-**
7 **TIFICATIONS ON THE READY, RELEVANT**
8 **LEARNING INITIATIVE OF THE NAVY.**

9 (a) ADDITIONAL ELEMENTS WITH 2021 CERTIFI-
10 CATIONS.—In submitting to Congress in 2021 the certifi-
11 cations required by section 545 of the National Defense
12 Authorization Act for Fiscal Year 2018 (Public Law 115–
13 91; 131 Stat. 1396; 10 U.S.C. 8431 note prec.), relating
14 to the Ready, Relevant Learning initiative of the Navy,
15 the Secretary of the Navy shall also submit each of the
16 following:

17 (1) A framework for a life cycle sustainment
18 plan for the Ready, Relevant Learning initiative
19 meeting the requirements in subsection (b).

20 (2) A report on the use of readiness assessment
21 teams in training addressing the elements specified
22 in subsection (c).

23 (b) LIFE CYCLE SUSTAINMENT PLAN FRAME-
24 WORK.—The framework for a life cycle sustainment plan
25 required by subsection (a)(1) shall address each of the fol-
26 lowing:

- 1 (1) Product support management.
- 2 (2) Supply support.
- 3 (3) Packaging, handling, storage, and transpor-
- 4 tation.
- 5 (4) Maintenance planning and management.
- 6 (5) Design interface.
- 7 (6) Sustainment engineering.
- 8 (7) Technical data.
- 9 (8) Computer resources.
- 10 (9) Facilities and infrastructure.
- 11 (10) Manpower and personnel.
- 12 (11) Support equipment.
- 13 (12) Training and training support.
- 14 (13) Course content and relevance.
- 15 (14) Governance, including the acquisition and
- 16 program management structure.
- 17 (15) Such other elements in the life cycle
- 18 sustainment of the Ready, Relevant Learning initia-
- 19 tive as the Secretary considers appropriate.

20 (c) REPORT ON USE OF READINESS ASSESSMENT
21 TEAMS.—The report required by subsection (a)(2) shall
22 set forth the following:

- 23 (1) A description and assessment of the extent
- 24 to which the Navy is currently using Engineering
- 25 Readiness Assessment Teams and Combat Systems

1 Readiness Assessment Teams to conduct unit-level
2 training and assistance in each capacity as follows:

3 (A) To augment non-Ready, Relevant
4 Learning initiative training.

5 (B) As part of Ready, Relevant Learning
6 initiative training.

7 (C) To train students on legacy, obsolete,
8 one of a kind, or unique systems that are still
9 widely used by the Navy.

10 (D) To train students on military-specific
11 systems that are not found in the commercial
12 maritime world.

13 (2) A description and assessment of potential
14 benefits, and anticipated timelines and costs, in ex-
15 panding Engineering Readiness Assessment Team
16 and Combat Systems Readiness Assessment Team
17 training in the capacities specified in paragraph (1).

18 (3) Such other matters in connection with the
19 use of readiness assessment teams in connection
20 with the Ready, Relevant Learning initiative as the
21 Secretary considers appropriate.

22 (d) LIFE CYCLE SUSTAINMENT PLAN WITH 2022
23 CERTIFICATIONS.—In submitting to Congress in 2022 the
24 certifications required by section 545 of the National De-
25 fense Authorization Act for Fiscal Year 2018, the Sec-

1 retary shall also submit the approved life cycle
2 sustainment plan for the Ready, Relevant Learning initia-
3 tive of the Navy, based on the framework for the plan de-
4 veloped for purposes of subsection (a)(1).

5 **SEC. 575. INFORMATION ON NOMINATIONS AND APPLICA-**
6 **TIONS FOR MILITARY SERVICE ACADEMIES.**

7 (a) NOMINATIONS PORTAL.—

8 (1) IN GENERAL.—Not later than two years
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense, in consultation with the Super-
11 intendents of the military service academies, shall
12 ensure that there is a uniform online portal for all
13 military service academies that enables Members of
14 Congress and other nominating sources to nominate
15 individuals for appointment to each academy
16 through a secure website.

17 (2) INFORMATION COLLECTION AND REPORT-
18 ING.—The online portal established under paragraph

19 (1) shall have the ability to—

20 (A) collect, from each nominating source,
21 the demographic information described in sub-
22 section (b) for each individual nominated to at-
23 tend a military service academy; and

24 (B) collect the information required to be
25 included in each annual report of the Secretary

1 under subsection (c) in a manner that enables
2 the Secretary to automatically compile such in-
3 formation when preparing the report.

4 (3) AVAILABILITY OF INFORMATION.—The por-
5 tal shall allow Members of Congress, other nomi-
6 nating sources, and their designees to view their
7 past nomination records for all application cycles.

8 (b) STANDARD CLASSIFICATIONS FOR COLLECTION
9 OF DEMOGRAPHIC DATA.—

10 (1) STANDARDS REQUIRED.—The Secretary, in
11 consultation with the Superintendents of the military
12 service academies, shall establish standard classifica-
13 tions that cadets, midshipmen, and applicants to the
14 academies may use to report gender, race, and eth-
15 nicity and to provide other demographic information
16 in connection with admission to or enrollment in an
17 academy.

18 (2) CONSISTENCY WITH OMB GUIDANCE.—The
19 standard classifications established under paragraph
20 (1) shall be consistent with the standard classifica-
21 tions specified in Office of Management and Budget
22 Directive No. 15 (pertaining to race and ethnic
23 standards for Federal statistics and administrative
24 reporting) or any successor directive.

1 (3) INCORPORATION INTO APPLICATIONS AND
2 RECORDS.—Not later than 180 days after the date
3 of the enactment of this Act, the Secretary shall in-
4 corporate the standard classifications established
5 under paragraph (1) into—

6 (A) applications for admission to the mili-
7 tary service academies; and

8 (B) the military personnel records of ca-
9 dets and midshipmen enrolled in such acad-
10 emies.

11 (c) ANNUAL REPORT ON THE DEMOGRAPHICS MILI-
12 TARY SERVICE ACADEMY APPLICANTS.—

13 (1) REPORT REQUIRED.—Not later than Sep-
14 tember 30 of each year beginning after the establish-
15 ment of the online portal, the Secretary shall submit
16 to the Committees on Armed Services of the Senate
17 and the House of Representatives a report on the
18 demographics of applicants to military service acad-
19 emies for the most recently concluded application
20 year.

21 (2) ELEMENTS.—Each report under paragraph
22 (1) shall include, with respect to each military serv-
23 ice academy, the following:

24 (A) The number of individuals who sub-
25 mitted an application for admission to the acad-

1 emy in the application year covered by the re-
2 port.

3 (B) Of the individuals who submitted an
4 application for admission to the academy in
5 such year—

6 (i) the overall demographics of appli-
7 cant pool, disaggregated by the classifica-
8 tions established under subsection (b);

9 (ii) the number and percentage who
10 received a nomination, disaggregated by
11 the classifications established under sub-
12 section (b);

13 (iii) the number and percentage who
14 received an offer for appointment to the
15 academy, disaggregated by the classifica-
16 tions established under subsection (b); and

17 (iv) the number and percentage who
18 accepted an appointment to the academy,
19 disaggregated by the classifications estab-
20 lished under subsection (b).

21 (3) CONSULTATION.—In preparing each report
22 under paragraph (1), the Secretary shall consult
23 with the Superintendents of the military service
24 academies.

1 (4) AVAILABILITY OF REPORTS AND DATA.—

2 The Secretary shall—

3 (A) make the results of each report under
4 paragraph (1) available on a publicly accessible
5 website of the Department of Defense; and

6 (B) ensure that any data included with the
7 report is made available in a machine-readable
8 format that is downloadable, searchable, and
9 sortable.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “application year” means the pe-
12 riod beginning on January 1 of one year and ending
13 on June 1 of the following year.

14 (2) The term “machine-readable” has the
15 meaning given that term in section 3502(18) of title
16 44, United States Code.

17 (3) The term “military service academy”
18 means—

19 (A) the United States Military Academy;

20 (B) the United States Naval Academy; and

21 (C) the United States Air Force Academy.

1 **SEC. 576. REPORT ON POTENTIAL IMPROVEMENTS TO CER-**
2 **TAIN MILITARY EDUCATIONAL INSTITUTIONS**
3 **OF THE DEPARTMENT OF DEFENSE.**

4 (a) REPORT REQUIRED.—Not later than December
5 1, 2021, the Secretary of Defense, in consultation with
6 the Chairman of the Joint Chiefs of Staff, shall submit
7 to the Committees on Armed Services of the Senate and
8 the House of Representatives a report setting forth the
9 results of a review and assessment, obtained by the Sec-
10 retary for purposes of the report, of the potential effects
11 on the military education provided by the educational in-
12 stitutions of the Department of Defense specified in sub-
13 section (b) of the actions described in subsection (c).

14 (b) EDUCATIONAL INSTITUTIONS OF THE DEPART-
15 MENT OF DEFENSE.—The educational institutions of the
16 Department of Defense specified in this subsection are the
17 following:

18 (1) The senior level service schools and inter-
19 mediate level service schools (as such terms are de-
20 fined in section 2151(b) of title 10, United States
21 Code).

22 (2) The Air Force Institute of Technology.

23 (3) The National Defense University.

24 (4) The Joint Special Operations University.

25 (5) The Army Armament Graduate School.

1 (6) Any other military educational institution of
2 the Department specified by the Secretary for pur-
3 poses of this section.

4 (c) ACTIONS.—The actions described in this sub-
5 section with respect to the educational institutions of the
6 Department of Defense specified in subsection (b) are the
7 following:

8 (1) Modification of admission and graduation
9 requirements.

10 (2) Expansion of use of case studies in cur-
11 ricula for professional military education.

12 (3) Reduction or expansion of degree-granting
13 authority.

14 (4) Reduction or expansion of the acceptance of
15 research grants.

16 (5) Reduction or expansion of the number of at-
17 tending students generally.

18 (6) Modification of military personnel career
19 milestones in order to prioritize instructor positions.

20 (7) Increase in educational and performance re-
21 quirements for military personnel selected to be in-
22 structors.

23 (8) Expansion of visiting or adjunct faculty.

24 (9) Modification of civilian faculty management
25 practices, including employment practices.

1 (10) Reduction of the number of attending stu-
2 dents through the sponsoring of education of an in-
3 creased number of students at non-Department of
4 Defense institutions of higher education.

5 (d) ADDITIONAL ELEMENTS.—In addition to the
6 matters described in subsection (a), the review and report
7 under this section shall also include the following:

8 (1) A consolidated summary that lists all com-
9 ponents of the professional military education enter-
10 prise of the Department of Defense, including all as-
11 sociated schools, programs, research centers, and
12 support activities.

13 (2) For each component identified under para-
14 graph (1), the assigned personnel strength, annual
15 student throughput, and budget details of the three
16 fiscal years preceding the date of the report.

17 (3) An assessment of the differences between
18 admission standards and graduation requirements of
19 the educational institutions of the Department of
20 Defense specified in subsection (b) and such admis-
21 sion standards and graduation requirements of pub-
22 lic and private institutions of higher education that
23 the Secretary determines comparable to the edu-
24 cational institutions of the Department of Defense.

1 (4) An assessment of the requirements of the
2 goals and missions of the educational institutions of
3 the Department of Defense specified in subsection
4 (b) and any need to adjust such goals and missions
5 to meet national security requirements of the De-
6 partment.

7 (5) An assessment of the effectiveness and
8 shortfalls of the existing professional military edu-
9 cation enterprise as measured against graduate utili-
10 zation, post-graduate evaluations, and the education
11 and force development requirements of the Chair-
12 man of the Joint Chiefs of Staff and the Chiefs of
13 the Armed Forces.

14 (6) Any other matters the Secretary determines
15 appropriate for purposes of this section.

16 **SEC. 577. COLLEGE OF INTERNATIONAL SECURITY AFFAIRS**
17 **OF THE NATIONAL DEFENSE UNIVERSITY.**

18 (a) PROHIBITION.—The Secretary of Defense may
19 not eliminate, divest, downsize, or reorganize the College
20 of International Security Affairs, nor its satellite program,
21 the Joint Special Operations Masters of Arts, of the Na-
22 tional Defense University, or seek to reduce the number
23 of students educated at the College, or its satellite pro-
24 gram, until 30 days after the date on which the congres-

1 sional defense committees receive the report required by
2 subsection (c).

3 (b) ASSESSMENT, DETERMINATION, AND REVIEW.—

4 The Under Secretary of Defense for Policy, in consultation
5 with the Under Secretary of Defense for Personnel and
6 Readiness, the Assistant Secretary of Defense for Special
7 Operations/Low-Intensity Conflict, the Deputy Assistant
8 Secretary of Defense for Counternarcotics and Global
9 Threats, the Deputy Assistant Secretary of Defense for
10 Stability and Humanitarian Affairs, the Deputy Assistant
11 Secretary of Defense for Special Operations and Com-
12 bating Terrorism, the Chief Financial Officer of the De-
13 partment, the Chairman of the Joint Chiefs of Staff, and
14 the Commander of United States Special Operations Com-
15 mand, shall—

16 (1) assess requirements for joint professional
17 military education and civilian leader education in
18 the counterterrorism, irregular warfare, and asym-
19 metrical domains to support the Department and
20 other national security institutions of the Federal
21 Government;

22 (2) determine whether the importance, chal-
23 lenges, and complexity of the modern counterter-
24 rorism environment and irregular and asymmetrical
25 domains warrant—

1 (A) a college at the National Defense Uni-
2 versity, or a college independent of the National
3 Defense University whose leadership is respon-
4 sible to the Office of the Secretary of Defense;
5 and

6 (B) the provision of resources, services,
7 and capacity at levels that are the same as, or
8 decreased or enhanced in comparison to, those
9 resources, services, and capacity in place at the
10 College of International Security Affairs on
11 January 1, 2019;

12 (3) review the plan proposed by the National
13 Defense University for eliminating the College of
14 International Security Affairs and reducing and re-
15 structuring the counterterrorism, irregular, and
16 asymmetrical faculty, course offerings, joint profes-
17 sional military education and degree and certificate
18 programs, and other services provided by the Col-
19 lege; and

20 (4) assess the changes made to the College of
21 International Security Affairs since January 1,
22 2019, and the actions necessary to reverse those
23 changes, including relocating the College and its as-
24 sociated budget, faculty, staff, students, and facili-
25 ties outside of the National Defense University.

1 (c) REPORT REQUIRED.—Not later than February 1,
2 2021, the Secretary shall submit to the congressional de-
3 fense committees a report on—

4 (1) the findings of the Secretary with respect to
5 the assessments, determination, and review con-
6 ducted under subsection (b); and

7 (2) such recommendations as the Secretary may
8 have for higher education in the counterterrorism,
9 irregular, and asymmetrical domains.

10 **SEC. 578. IMPROVEMENTS TO THE CREDENTIALING OPPOR-**
11 **TUNITIES ON-LINE PROGRAMS OF THE**
12 **ARMED FORCES.**

13 (a) STUDY ON PERFORMANCE MEASURES.—The Sec-
14 retary of Defense shall conduct a study to determine addi-
15 tional performance measures to evaluate the effectiveness
16 of the Credentialing Opportunities On-Line programs (in
17 this section referred to as the “COOL programs”) of each
18 Armed Force in connecting members of the Armed Forces
19 with professional credential programs. The study shall in-
20 clude the following:

21 (1) The percentage of members of the Armed
22 Force concerned described in section 1142(a) of title
23 10, United States Code, who participate in a profes-
24 sional credential program through the COOL pro-
25 gram of the Armed Force concerned.

1 (2) The percentage of members of the Armed
2 Force concerned described in paragraph (1) who
3 have completed a professional credential program de-
4 scribed in that paragraph.

5 (3) The amount of funds obligated and ex-
6 pended to execute the COOL program of each
7 Armed Force during the five fiscal years imme-
8 diately preceding the date of the study.

9 (4) Any other element determined by the Sec-
10 retary of Defense.

11 (b) INFORMATION TRACKING.—The Secretary of De-
12 fense shall establish a process to standardize the tracking
13 of information regarding the COOL programs across the
14 Armed Forces.

15 (c) COORDINATION.—To carry out this section, the
16 Secretary of Defense may coordinate with the Secretaries
17 of Veterans Affairs and Labor.

18 (d) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall submit to the Committees on Armed Services of the
21 Senate and House of Representatives a report on—

22 (1) the study conducted under subsection (a);
23 and

24 (2) the process established under subsection
25 (b), including a timeline to implement such process.

1 **SEC. 579. GAO STUDY REGARDING TRANSFERABILITY OF**
2 **MILITARY CERTIFICATIONS TO CIVILIAN OC-**
3 **CUPATIONAL LICENSES AND CERTIFI-**
4 **CATIONS.**

5 (a) STUDY; REPORT.—Not later than one year after
6 the date of the enactment of this Act, the Comptroller
7 General of the United States shall submit to the Commit-
8 tees on Armed Services of the Senate and House of Rep-
9 resentatives a report containing the results of a study re-
10 garding the transferability of military certifications to ci-
11 vilian occupational licenses and certifications.

12 (b) ELEMENTS.—The report under this section shall
13 include the following:

14 (1) Obstacles to transference of military certifi-
15 cations.

16 (2) Any effects of the transferability of military
17 certifications on recruitment and retention.

18 (3) Examples of certifications obtained from the
19 Federal Government that transfer to non-Federal
20 employment.

21 (4) An assessment of the effectiveness of the
22 credentialing programs of each Armed Force.

23 **SEC. 579A. REPORT REGARDING COUNTY, TRIBAL, AND**
24 **LOCAL VETERANS SERVICE OFFICERS.**

25 (a) REPORT REQUIRED.—Not later than 180 days
26 after the date of the enactment of this Act, the Secretary

1 of Defense, in consultation with the Secretary of Veterans
2 Affairs, shall submit to the Committees on Armed Services
3 and on Veterans' Affairs of the House of Representatives
4 and Senate a report regarding the effects of the presence
5 of CVSOs at demobilization centers on members of the
6 Armed Forces making the transition to civilian life.

7 (b) ELEMENTS.—The report under this section shall
8 include the following:

9 (1) The number of demobilization centers that
10 host CVSOs.

11 (2) The locations of demobilization centers de-
12 scribed in paragraph (1).

13 (3) Barriers to expanding the presence of
14 CVSOs at demobilization centers nationwide.

15 (4) Recommendations of the Secretary of De-
16 fense regarding the presence of CVSOs at demobili-
17 zation centers.

18 (c) CVSO DEFINED.—In this section, the term
19 “CVSO” includes—

20 (1) a county veterans service officer;

21 (2) a Tribal veterans service officer;

22 (3) a Tribal veterans representative; or

23 (4) another State, Tribal, or local entity that
24 the Secretary of Defense determines appropriate.

1 **Subtitle I—Military Family Readiness and Dependents’ Education**

2 **SEC. 581. FAMILY READINESS: DEFINITIONS; COMMUNICATION STRATEGY; REVIEW; REPORT.**

3 (a) DEFINITIONS.—Not later than six months after
4 the date of the enactment of this Act, the Secretary of
5 Defense, in coordination with the Secretaries of the mili-
6 tary departments, shall act on recommendation one of the
7 report, dated July 2019, of the National Academies of
8 Science, Engineering and Medicine, titled “Strengthening
9 the Military Family Readiness System for a Changing
10 American Society”, by establishing definitions of “family
11 well-being”, “family readiness”, and “family resilience”
12 for use by the Department of Defense.

13 (b) COMMUNICATION STRATEGY.—Not later than
14 180 days after the date of the enactment of this Act, the
15 Secretary of Defense, in coordination with the Secretaries
16 of the military departments, shall—

17 (1) ensure that the Secretary of Defense has
18 carried out section 561 of the National Defense Au-
19 thorization Act for Fiscal Year 2010 (10 U.S.C.
20 1781 note);

21 (2) implement a strategy to use of a variety of
22 modes of communication to ensure the broadest
23 means of communicating with military families; and
24

1 (3) establish a process to measure the effective-
2 ness of the modes of communication described in
3 paragraph (2).

4 (c) REVIEW.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall conduct a review of current programs, policies, serv-
7 ices, resources, and practices of the Department for mili-
8 tary families as outlined in recommendation four of the
9 report described in subsection (a).

10 (d) REPORT.—Not later than 60 days after com-
11 pleting the review under subsection (c), the Secretary of
12 Defense shall submit to the Committees on Armed Serv-
13 ices of the Senate and the House of Representatives a re-
14 port detailing the results of the review and how the Sec-
15 retary shall improve programs, policies, services, re-
16 sources, and practices for military families, based on the
17 review.

18 **SEC. 582. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEM-**
19 **BER PROGRAM.**

20 (a) IN GENERAL.—Section 1781c of title 10, United
21 States Code is amended—

22 (1) in subsection (b), by striking “enhance” and
23 inserting “standardize, enhance,”;

24 (2) in subsection (c)(1), by inserting “and
25 standard” after “comprehensive”;

1 (3) in subsection (d)—

2 (A) in paragraph (1), by striking “update
3 from time to time” and inserting “regularly up-
4 date”;

5 (B) in paragraph (3), by adding at the end
6 the following new subparagraphs:

7 “(C) Ability to request a second review of the
8 approved assignment within or outside the conti-
9 nental United States if the member believes the loca-
10 tion is inappropriate for the member’s family and
11 would cause undue hardship.

12 “(D) Protection from having a medical rec-
13 ommendation for an approved assignment overridden
14 by the commanding officer.

15 “(E) Ability to request continuation of location
16 when there is a documented substantial risk of
17 transferring medical care or educational services to
18 a new provider or school at the specific time of per-
19 manent change of station.”; and

20 (C) in paragraph (4)—

21 (i) in subparagraph (F), by striking
22 “of an individualized services plan (medical
23 and educational)” and inserting “by an ap-
24 propriate office of an individualized serv-

1 ices plan (whether medical, educational, or
2 both)”; and

3 (ii) by inserting after subparagraph
4 (F) the following new subparagraphs:

5 “(H) Procedures for the development of an in-
6 dividualized services plan for military family mem-
7 bers with special needs who have requested family
8 support services and have a completed family needs
9 assessment.

10 “(I) Requirements to prohibit disenrollment
11 from the Exceptional Family Member Program un-
12 less there is new supporting medical or educational
13 information that indicates the original condition is
14 no longer present, and to track disenrollment data
15 in each armed force.”.

16 (b) STANDARDIZATION.—Not later than six months
17 after the date of the enactment of this Act, the Secretary
18 of Defense, in coordination with the Secretaries of the
19 military departments, shall, to the extent practicable,
20 standardize the Exceptional Family Member Program (in
21 this section referred to as the “EFMP”) across the mili-
22 tary departments. The EFMP, standardized under this
23 subsection, shall include the following:

1 (1) Processes for the identification and enroll-
2 ment of dependents of covered members with special
3 needs.

4 (2) A process for the permanent change of or-
5 ders for covered members, to ensure seamless con-
6 tinuity of services at the new permanent duty sta-
7 tion.

8 (3) If an order for assignment is declined for a
9 military family with special needs, the member will
10 receive a reason for the decline of that order.

11 (4) A review process for installations to ensure
12 that health care furnished through the TRICARE
13 program, special needs education programs, and in-
14 stallation-based family support programs are avail-
15 able to military families enrolled in the EFMP.

16 (5) A standardized respite care benefit across
17 the covered Armed Forces, including the number of
18 hours available under such benefit to military fami-
19 lies enrolled in the EFMP.

20 (6) Performance metrics for measuring, across
21 the Department and with respect to each military
22 department, the following:

23 (A) Assignment coordination and support
24 for military families with special needs, includ-
25 ing a systematic process for evaluating each

1 military department's program for the support
2 of military families with special needs.

3 (B) The reassignment of military families
4 with special needs, including how often mem-
5 bers request reassignments, for what reasons,
6 and from what military installations.

7 (C) The level of satisfaction of military
8 families with special needs with the family and
9 medical support they are provided.

10 (7) A requirement that the Secretary of each
11 military department provide legal services by an at-
12 torney, trained in education law, at each military in-
13 stallation—

14 (A) the Secretary determines is a primary
15 receiving installation for military families with
16 special needs; and

17 (B) in a State that the Secretary deter-
18 mines has historically not supported families
19 enrolled in the EFMP.

20 (8) The option for a family enrolled in the
21 EFMP to continue to receive all services under that
22 program and a family separation allowance, if other-
23 wise authorized, if—

24 (A) the covered member receives a new
25 permanent duty station; and

1 (B) the covered member and family elect
2 for the family not to relocate with the covered
3 member.

4 (9) The solicitation of feedback from military
5 families with special needs, and discussions of chal-
6 lenges and best practices of the EFMP, using exist-
7 ing family advisory organizations.

8 (c) CASE MANAGEMENT.—The Secretary of Defense,
9 in coordination with the Secretaries of the military depart-
10 ments, shall develop an EFMP case management model,
11 including the following:

12 (1) A single EFMP office, located at the head-
13 quarters of each covered Armed Force, to oversee
14 implementation of the EFMP and coordinate health
15 care services, permanent change of station order
16 processing, and educational support services for that
17 covered Armed Force.

18 (2) An EFMP office at each military installa-
19 tion with case managers to assist each family of a
20 covered member in the development of a plan that
21 addresses the areas specified in subsection (b)(1).

22 (d) REPORT.—Not later than 180 days after the date
23 of the enactment of the Act, the Secretary of Defense shall
24 submit to the Committees on Armed Services of the Sen-
25 ate and the House of Representatives a report on the im-

1 plementation of this section, including any recommenda-
2 tions of the Secretary regarding additional legislation.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “covered Armed Force” means an
5 Armed Force under the jurisdiction of the Secretary
6 of a military department.

7 (2) The term “covered member” means a mem-
8 ber—

9 (A) of a covered Armed Force; and

10 (B) with a dependent with special needs.

11 **SEC. 583. SUPPORT SERVICES FOR MEMBERS OF SPECIAL**
12 **OPERATIONS FORCES AND IMMEDIATE FAM-**
13 **ILY MEMBERS.**

14 (a) IN GENERAL.—Section 1788a of title 10, United
15 States Code, is amended—

16 (1) by striking the heading and inserting
17 **“Support programs: special operations**
18 **forces personnel; immediate family mem-**
19 **bers”**;

20 (2) in subsection (a), by striking “for the imme-
21 diate family members of members of the armed
22 forces assigned to special operations forces”;

23 (3) in subsection (b)(1), by striking “the imme-
24 diate family members of members of the armed

1 forces assigned to special operations forces” and in-
2 serting “covered individuals”;

3 (4) in subsection (d)(2)—

4 (A) in subparagraph (A), by striking “fam-
5 ily members of members of the armed forces as-
6 signed to special operations forces” and insert-
7 ing “covered individuals”; and

8 (B) in subparagraph (B), by striking
9 “family members of members of the armed
10 forces assigned to special operations forces”
11 and inserting “covered individuals”; and

12 (5) in subsection (e)(4)—

13 (A) by inserting “psychological support,
14 spiritual support, and” before “costs”;

15 (B) by striking “immediate family mem-
16 bers of members of the armed forces assigned
17 to special operations forces” and inserting “cov-
18 ered personnel”; and

19 (C) by adding at the end the following:

20 “(5) The term ‘covered personnel’ means—

21 “(A) members of the Armed Forces (in-
22 cluding the reserve components) assigned to
23 special operations forces;

24 “(B) service personnel assigned to support
25 special operations forces; and

1 “(C) immediate family members of individ-
2 uals described in subparagraphs (A) and (B).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 88 of title 10, United States
5 Code, is amended by striking the item relating to section
6 1788a and inserting the following:

“1788a. Support programs: special operations forces personnel; immediate fam-
ily members.”.

7 **SEC. 584. RESPONSIBILITY FOR ALLOCATION OF CERTAIN**
8 **FUNDS FOR MILITARY CHILD DEVELOPMENT**
9 **PROGRAMS.**

10 Section 1791 of title 10, United States Code, is
11 amended—

12 (1) by striking “It is the policy” and inserting
13 the following:

14 “(a) POLICY.—It is the policy”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(b) RESPONSIBILITY FOR ALLOCATIONS OF CER-
18 TAIN FUNDS.—The Secretary of Defense shall be respon-
19 sible for the allocation of Office of the Secretary of De-
20 fense level funds for military child development programs
21 for children from birth through 12 years of age, and may
22 not delegate such responsibility to the military depart-
23 ments.”.

1 **SEC. 585. MILITARY CHILD CARE AND CHILD DEVELOP-**
2 **MENT CENTER MATTERS.**

3 (a) CENTER FEES MATTERS.—Section 1793 of title
4 10, United States Code, is amended by adding at the end
5 the following new subsection:

6 “(c) FAMILY DISCOUNT.—In the case of a family
7 with two or more children attending a child development
8 center, the regulations prescribed pursuant to subsection
9 (a) may require that installations commanders charge a
10 fee for attendance at the center of any child of the family
11 after the first child of the family in amount equal to 85
12 percent of the amount of the fee otherwise chargeable for
13 the attendance of such child at the center.”.

14 (b) REPORTS ON INSTALLATIONS WITH EXTREME
15 IMBALANCE BETWEEN DEMAND FOR AND AVAILABILITY
16 OF CHILD CARE.—Not later than one year after the date
17 of the enactment of this Act, each Secretary of a military
18 department shall submit to Congress a report on the mili-
19 tary installations under the jurisdiction of such Secretary
20 with an extreme imbalance between demand for child care
21 and availability of child care. Each report shall include,
22 for the military department covered by such report, the
23 following:

24 (1) The name of the five installations of the
25 military department experiencing the most extreme

1 imbalance between demand for child care and avail-
2 ability of child care.

3 (2) For each installation named pursuant to
4 subparagraph (A), the following:

5 (A) An assessment whether civilian em-
6 ployees at child development centers at such in-
7 stallation have rates of pay and benefits that
8 are competitive with other civilian employees on
9 such installation and with the civilian labor pool
10 in the vicinity of such installation.

11 (B) A description and assessment of var-
12 ious incentives to encourage military spouses to
13 become providers under the Family Child Care
14 program at such installation.

15 (C) Such recommendations at the Sec-
16 retary of the military department concerned
17 considers appropriate to address the imbalance
18 between demand for child care and availability
19 of child care at such installation, including rec-
20 ommendations to enhance the competitiveness
21 of civilian child care positions at such installa-
22 tion with other civilian positions at such instal-
23 lation and the civilian labor pool in the vicinity
24 of such installation.

1 **SEC. 586. EXPANSION OF FINANCIAL ASSISTANCE UNDER**
2 **MY CAREER ADVANCEMENT ACCOUNT PRO-**
3 **GRAM.**

4 Section 580F of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
6 ed—

7 (1) by inserting “(a) PROFESSIONAL LICENSE
8 OR CERTIFICATION; ASSOCIATE’S DEGREE.—” be-
9 fore “The Secretary”;

10 (2) by inserting “or maintenance (including
11 continuing education courses)” after “pursuit”; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(b) NATIONAL TESTING.—Financial assistance
15 under subsection (a) may be applied to the costs of na-
16 tional tests that may earn a participating military spouse
17 course credits required for a degree approved under the
18 program (including the College Level Examination Pro-
19 gram tests).”.

20 **SEC. 587. IMPROVEMENTS TO PARTNER CRITERIA OF THE**
21 **MILITARY SPOUSE EMPLOYMENT PARTNER-**
22 **SHIP PROGRAM.**

23 (a) EVALUATION; UPDATES.—Not later than 180
24 days after the date of the enactment of this Act, the Sec-
25 retary of Defense shall evaluate the partner criteria set
26 forth in the Military Spouse Employment Partnership

1 Program (in this section referred to as the “MSEP Pro-
2 gram”) and implement updates that the Secretary deter-
3 mines will improve such criteria without diminishing the
4 need for partners to exhibit sound business practices,
5 broad diversity efforts, and relative financial stability.
6 Such updates may expand the number of the following en-
7 titles that meet such criteria:

8 (1) Institutions of primary, secondary, and
9 higher education.

10 (2) Software and coding companies.

11 (3) Local small businesses.

12 (4) Companies that employ telework.

13 (b) NEW PARTNERSHIPS.—Upon completion of the
14 evaluation under subsection (a), the Secretary, in con-
15 sultation with the Department of Labor, shall seek to
16 enter into agreements with entities described in para-
17 graphs (1) through (4) of subsection (a) that are located
18 near military installations (as that term is defined in sec-
19 tion 2687 of title 10, United States Code).

20 (c) REVIEW; REPORT.—Not later than one year after
21 implementation under subsection (a), the Secretary shall
22 review updates under subsection (a) and publish a report
23 regarding such review on a publicly-accessible website of
24 the Department of Defense. Such report shall include the
25 following:

1 (1) The results of the evaluation of the MSEP
2 Program, including the implementation plan for any
3 change to partnership criteria.

4 (2) Data on the new partnerships undertaken
5 as a result of the evaluation, including the type, size,
6 and location of the partner entities.

7 (3) Data on the utility of the MSEP Program,
8 including—

9 (A) the number of military spouses who
10 have applied through the MSEP Program;

11 (B) the average length of time a job is
12 available before being filled or removed from
13 the MSEP Program portal; and

14 (C) the average number of new jobs posted
15 on the MSEP Program portal each month.

16 **SEC. 588. 24-HOUR CHILD CARE.**

17 (a) 24-HOUR CHILD CARE.—If the Secretary of De-
18 fense determines it feasible, pursuant to the study con-
19 ducted pursuant to subsection (b), the Secretary shall fur-
20 nish child care to each child of a member of the Armed
21 Forces or civilian employee of the Department of Defense
22 while that member or employee works on rotating shifts
23 at a military installation.

24 (b) FEASIBILITY STUDY; REPORT.—Not later than
25 270 days after the date of the enactment of this Act, the

1 Secretary of Defense shall submit to the Committees on
2 Armed Services of the Senate and the House of Represent-
3 atives a report setting forth the results of a study, con-
4 ducted by the Secretary for purposes of this section, on
5 the feasibility of furnishing child care described in sub-
6 section (a).

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

9 (1) The results of the study described in that
10 subsection.

11 (2) If the Secretary determines that furnishing
12 child care available as described in subsection (a) is
13 feasible, such matters as the Secretary determines
14 appropriate in connection with furnishing such child
15 care, including—

16 (A) an identification of the installations at
17 which such child care would be beneficial to
18 members of the Armed Forces, civilian employ-
19 ees of the Department, or both;

20 (B) an identification of any barriers to
21 making such child care available at the installa-
22 tions identified pursuant to subparagraph (A);

23 (C) an assessment whether the child care
24 needs of members of the Armed Forces and ci-
25 vilian employees of the Department described in

1 subsection (a) would be better met by an in-
2 crease in assistance for child care fees;

3 (D) a description and assessment of the
4 actions, if any, being taken to furnish such
5 child care at the installations identified pursu-
6 ant to subparagraph (A); and

7 (E) such recommendations for legislative
8 or administrative action the Secretary deter-
9 mines appropriate to make such child care
10 available at the installations identified pursuant
11 to subparagraph (A), or at any other military
12 installation.

13 **SEC. 589. PILOT PROGRAM TO PROVIDE FINANCIAL ASSIST-**
14 **ANCE TO MEMBERS OF THE ARMED FORCES**
15 **FOR IN-HOME CHILD CARE.**

16 (a) ESTABLISHMENT.—Not later than March 1,
17 2021, the Secretary of Defense shall establish a pilot pro-
18 gram to provide financial assistance to members of the
19 Armed Forces who pay for services provided by in-home
20 child care providers. In carrying out the pilot program,
21 the Secretary shall take the following steps:

22 (1) Determine the needs of military families
23 who request services provided by in-home child care
24 providers.

1 (2) Determine the appropriate amount of finan-
2 cial assistance to provide to military families de-
3 scribed in paragraph (1).

4 (3) Determine the appropriate qualifications for
5 an in-home child care provider for whose services the
6 Secretary shall provide financial assistance to a mili-
7 tary family. In carrying out this paragraph, the Sec-
8 retary shall—

9 (A) take into consideration qualifications
10 for in-home child care providers in the private
11 sector; and

12 (B) ensure that the qualifications the Sec-
13 retary determines appropriate under this para-
14 graph are comparable to the qualifications for
15 a provider of child care services in a military
16 child development center or family home day
17 care.

18 (4) Establish a marketing and communications
19 plan to inform members of the Armed Forces who
20 live in the locations described in subsection (b) about
21 the pilot program.

22 (b) LOCATIONS.—The Secretary shall carry out the
23 pilot program in the five locations that the Secretary de-
24 termines have the greatest demand for child care services
25 for children of members of the Armed Forces.

1 (c) REPORTS.—

2 (1) INTERIM REPORTS.—Not later than one
3 year after the Secretary establishes the pilot pro-
4 gram and thrice annually thereafter, the Secretary
5 shall submit to the Committees on Armed Services
6 of the Senate and the House of Representatives an
7 interim report on the pilot program. Each interim
8 report shall include the following elements:

9 (A) The number of military families par-
10 ticipating in the pilot program, disaggregated
11 by location and duration of participation.

12 (B) The amount of financial assistance
13 provided to participating military families in
14 each location.

15 (C) Metrics by which the Secretary carries
16 out subsection (a)(3)(B);

17 (D) The feasibility of expanding the pilot
18 program.

19 (E) Legislation or administrative action
20 that the Secretary determines necessary to
21 make the pilot program permanent.

22 (F) Any other information the Secretary
23 determines appropriate.

24 (2) FINAL REPORT.—Not later than 90 days
25 after the termination of the pilot program, the Sec-

1 retary shall submit to the Committees on Armed
2 Services of the Senate and the House of Representa-
3 tives a final report on the pilot program. The final
4 report shall include the following elements:

5 (A) The elements specified in paragraph
6 (1).

7 (B) The recommendation of the Secretary
8 whether to make the pilot program permanent.

9 (d) TERMINATION.—The pilot program shall termi-
10 nate five years after the date on which the Secretary es-
11 tablishes the pilot program.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “in-home child care provider”
14 means an individual who provides child care services
15 in the home of the child.

16 (2) The terms “military child development cen-
17 ter” and “family home day care” have the meanings
18 given those terms in section 1800 of title 10, United
19 States Code.

20 **SEC. 589A. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**
21 **AGENCIES THAT BENEFIT DEPENDENTS OF**
22 **MILITARY AND CIVILIAN PERSONNEL.**

23 (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL
24 EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS

1 OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT
2 OF DEFENSE CIVILIAN EMPLOYEES.—

3 (1) ASSISTANCE TO SCHOOLS WITH SIGNIFI-
4 CANT NUMBERS OF MILITARY DEPENDENT STU-
5 DENTS.—Of the amount authorized to be appro-
6 priated for fiscal year 2021 by section 301 and
7 available for operation and maintenance for Defense-
8 wide activities as specified in the funding table in
9 section 4301, \$50,000,000 shall be available only for
10 the purpose of providing assistance to local edu-
11 cational agencies under subsection (a) of section 572
12 of the National Defense Authorization Act for Fiscal
13 Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

14 (2) LOCAL EDUCATIONAL AGENCY DEFINED.—
15 In this subsection, the term “local educational agen-
16 cy” has the meaning given that term in section
17 7013(9) of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 7713(9)).

19 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
20 ABILITIES.—

21 (1) IN GENERAL.—Of the amount authorized to
22 be appropriated for fiscal year 2021 pursuant to sec-
23 tion 301 and available for operation and mainte-
24 nance for Defense-wide activities as specified in the
25 funding table in section 4301, \$10,000,000 shall be

1 available for payments under section 363 of the
2 Floyd D. Spence National Defense Authorization
3 Act for Fiscal Year 2001 (as enacted into law by
4 Public Law 106–398; 114 Stat. 1654A–77; 20
5 U.S.C. 7703a).

6 (2) ADDITIONAL AMOUNT.—Of the amount au-
7 thorized to be appropriated for fiscal year 2021 pur-
8 suant to section 301 and available for operation and
9 maintenance for Defense-wide activities as specified
10 in the funding table in section 4301, \$10,000,000
11 shall be available for use by the Secretary of Defense
12 to make payments to local educational agencies de-
13 termined by the Secretary to have higher concentra-
14 tions of military children with severe disabilities.

15 (3) REPORT.—Not later than March 1, 2021,
16 the Secretary shall brief the Committees on Armed
17 Services of the Senate and the House of Representa-
18 tives on the Department’s evaluation of each local
19 educational agency with higher concentrations of
20 military children with severe disabilities and subse-
21 quent determination of the amounts of impact aid
22 each such agency shall receive.

1 **SEC. 589B. STAFFING OF DEPARTMENT OF DEFENSE EDU-**
2 **CATION ACTIVITY SCHOOLS TO MAINTAIN**
3 **MAXIMUM STUDENT-TO-TEACHER RATIOS.**

4 (a) IN GENERAL.—The Department of Defense Edu-
5 cation Activity shall staff elementary and secondary
6 schools operated by the Activity so as to maintain, to the
7 extent practicable, student-to-teacher ratios that do not
8 exceed the maximum student-to-teacher ratios specified in
9 subsection (b).

10 (b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The
11 maximum student-to-teacher ratios specified in this sub-
12 section are the following:

13 (1) For each of grades kindergarten through 3,
14 a ratio of 18 students to 1 teacher (18:1).

15 (2) For each of grades 4 through 12, a ratio
16 equal to the average student-to-teacher ratio for
17 such grade among all Department of Defense Edu-
18 cation Activity schools during the 2019–2020 aca-
19 demic year.

20 (c) SUNSET.—The requirement to staff schools in ac-
21 cordance with subsection (a) shall expire at the end of the
22 2023–2024 academic year of the Department of Defense
23 Education Activity.

1 **SEC. 589C. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR**
2 **ENROLLMENT AT DOMESTIC DEPENDENT EL-**
3 **EMENTARY AND SECONDARY SCHOOLS.**

4 (a) PILOT PROGRAM AUTHORIZED.—Beginning not
5 later than 180 days after the date of the enactment of
6 this Act, the Secretary of Defense shall carry out a pilot
7 program under which a dependent of a full-time, active-
8 duty member of the Armed Forces may enroll in a covered
9 DODEA school at the military installation to which the
10 member is assigned, on a space-available basis as de-
11 scribed in subsection (c), without regard to whether the
12 member resides on the installation as described in
13 2164(a)(1) of title 10, United States Code.

14 (b) PURPOSES.—The purposes of the pilot program
15 under this section are—

16 (1) to evaluate the feasibility and advisability of
17 expanding enrollment in covered DODEA schools;
18 and

19 (2) to determine how increased access to such
20 schools will affect military and family readiness.

21 (c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A
22 student participating in the pilot program under this sec-
23 tion may be enrolled in a covered DODEA school only if
24 the school has the capacity to accept the student, as deter-
25 mined by the Director of the Department of Defense Edu-
26 cation Activity.

1 (d) LOCATIONS.—The Secretary of Defense shall
2 carry out the pilot program under this section at not more
3 than four military installations at which covered DODEA
4 schools are located. The Secretary shall select military in-
5 stallations for participation in the program based on—

6 (1) the readiness needs of the Secretary of a
7 the military department concerned; and

8 (2) the capacity of the DODEA schools located
9 at the installation to accept additional students, as
10 determined by the Director of the Department of
11 Defense Education Activity.

12 (e) TERMINATION.—The authority to carry out the
13 pilot program under this section shall terminate four years
14 after the date of the enactment of this Act.

15 (f) COVERED DODEA SCHOOL DEFINED.—In this
16 Section, the term “covered DODEA school” means a do-
17 mestic dependent elementary or secondary school operated
18 by the Department of Defense Education Activity that—

19 (1) has been established on or before the date
20 of the enactment of this Act; and

21 (2) is located in the continental United States.

22 **SEC. 589D. PILOT PROGRAM ON EXPANDED ELIGIBILITY**
23 **FOR DEPARTMENT OF DEFENSE EDUCATION**
24 **ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM.**

25 (a) PILOT PROGRAM REQUIRED.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall carry out a pilot program on permitting de-
3 pendents of members of the Armed Forces on active
4 duty to enroll in the Department of Defense Edu-
5 cation Activity Virtual High School program (in this
6 section referred to as the “DVHS program”).

7 (2) PURPOSES.—The purposes of the pilot pro-
8 gram shall be as follows:

9 (A) To evaluate the feasibility and
10 scalability of the DVHS program.

11 (B) To assess the impact of expanded en-
12 rollment in the DVHS program under the pilot
13 program on military and family readiness.

14 (3) DURATION.—The duration of the pilot pro-
15 gram shall be four academic years.

16 (b) PARTICIPANTS.—

17 (1) IN GENERAL.—Participants in the pilot pro-
18 gram shall be selected by the Secretary from among
19 dependents of members of the Armed Forces on ac-
20 tive duty who—

21 (A) are in a grade 9 through 12;

22 (B) are currently ineligible to enroll in the
23 DVHS program; and

24 (C) either—

1 (i) require supplementary courses to
2 meet graduation requirements in the cur-
3 rent State of residence; or

4 (ii) otherwise demonstrate to the Sec-
5 retary a clear need to participate in the
6 DVHS program.

7 (2) PREFERENCE IN SELECTION.—In selecting
8 participants in the pilot program, the Secretary shall
9 afford a preference to the following:

10 (A) Dependents who reside in a rural area.

11 (B) Dependents who are home-schooled
12 students.

13 (3) LIMITATIONS.—The total number of course
14 enrollments per academic year authorized under the
15 pilot program may not exceed 400 course enroll-
16 ments. No single dependent participating in the pilot
17 program may take more than two courses per aca-
18 demic year under the pilot program.

19 (c) REPORTS.—

20 (1) INTERIM REPORT.—Not later than two
21 years after the date of the enactment of this Act, the
22 Secretary shall submit to the Committees on Armed
23 Services of the Senate and the House of Representa-
24 tives an interim report on the pilot program.

1 (2) FINAL REPORT.—Not later than 180 days
2 after the completion of the pilot program, the Sec-
3 retary shall submit to the committees of Congress
4 referred to in paragraph (1) a final report on the
5 pilot programs.

6 (3) ELEMENTS.—Each report under this sub-
7 section shall include the following:

8 (A) A description of the demographics of
9 the dependents participating in the pilot pro-
10 gram through the date of such report.

11 (B) Data on, and an assessment of, stu-
12 dent performance in virtual coursework by de-
13 pendents participating in the pilot program over
14 the duration of the pilot program.

15 (C) Such recommendation as the Secretary
16 considers appropriate on whether to make the
17 pilot program permanent.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “rural area” has the meaning
20 given the term in section 520 of the Housing Act of
21 1949 (42 U.S.C. 1490).

22 (2) The term “home-schooled student” means a
23 student in a grade equivalent to grade 9 through 12
24 who receives educational instruction at home or by

1 other non-traditional means outside of a public or
2 private school system, either all or most of the time.

3 **SEC. 589E. TRAINING PROGRAM REGARDING FOREIGN MA-**
4 **LIGN INFLUENCE CAMPAIGNS.**

5 (a) ESTABLISHMENT.—Not later than September 30,
6 2021, the Secretary of Defense shall establish a program
7 for training members of the Armed Forces and civilian
8 employees of the Department of Defense regarding the
9 threat of foreign malign influence campaigns targeted at
10 such individuals and the families of such individuals, in-
11 cluding such campaigns carried out through social media.

12 (b) DESIGNATION OF OFFICIAL TO COORDINATE AND
13 INTEGRATE.—Not later than 30 days after the date of en-
14 actment of this Act, the Secretary shall designate an offi-
15 cial of the Department who shall be responsible for coordi-
16 nating and integrating the training program under this
17 section.

18 (c) BEST PRACTICES.—In coordinating and inte-
19 grating the training program under this section, the offi-
20 cial designated under subsection (b) shall review best prac-
21 tices of existing training programs across the Department.

22 (d) REPORT REQUIRED.—Not later than October 30,
23 2021, the Secretary shall submit a report to the congres-
24 sional defense committees detailing the program estab-
25 lished under this section.

1 (e) FOREIGN MALIGN INFLUENCE DEFINED.—In
2 this section, the term “foreign malign influence” has the
3 meaning given that term in section 119C of the National
4 Security Act of 1947 (50 U.S.C. 3059).

5 **SEC. 589F. STUDY ON CYBEREXPLOITATION AND ONLINE**
6 **DECEPTION OF MEMBERS OF THE ARMED**
7 **FORCES AND THEIR FAMILIES.**

8 (a) STUDY.—Not later than 150 days after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall complete a study on—

11 (1) the cyberexploitation of the personal infor-
12 mation and accounts of members of the Armed
13 Forces and their families; and

14 (2) the risks of deceptive online targeting of
15 members and their families.

16 (b) ELEMENTS.—The study under subsection (a)
17 shall include the following:

18 (1) An assessment of predatory loans, other fi-
19 nancial products, or educational products being tar-
20 geted to members of the Armed Forces and their
21 families.

22 (2) An assessment of unproven or unnecessary
23 medical treatments or procedures being targeted to
24 members and their families.

1 (3) An assessment of ethnic or racial violent ex-
2 tremism messages targeting members and their fam-
3 ilies.

4 (4) An assessment of the ways in which social
5 media algorithms may amplify the targeting de-
6 scribed in paragraphs (1) through (3).

7 (5) An intelligence assessment of the threat
8 currently posed by foreign government and non-state
9 actors carrying out the cyberexploitation of members
10 and their families, including generalized assessments
11 as to—

12 (A) whether such cyberexploitation is a
13 substantial threat as compared to other means
14 of information warfare; and

15 (B) whether such cyberexploitation is an
16 increasing threat.

17 (6) A case-study analysis of three known occur-
18 rences of attempted cyberexploitation against mem-
19 bers and their families, including assessments of the
20 vulnerability and the ultimate consequences of the
21 attempted cyberexploitation.

22 (7) A description of the actions taken by the
23 Department of Defense to educate members and
24 their families, including particularly vulnerable sub-

1 populations, about any actions that can be taken to
2 reduce cyberexploitation threats.

3 (8) An intelligence assessment of the threat
4 posed by foreign government and non-state actors
5 creating or using machine-manipulated media (com-
6 monly referred to as “deep fakes”) featuring mem-
7 bers and their families, including generalized assess-
8 ments of—

9 (A) the maturity of the technology used in
10 the creation of such media; and

11 (B) how such media has been used or
12 might be used to conduct information warfare.

13 (9) Recommendations for policy changes to re-
14 duce the vulnerability of members of the Armed
15 Forces and their families to cyberexploitation and
16 deception, including recommendations for legislative
17 or administrative action.

18 (c) REPORT.—

19 (1) REQUIREMENT.—The Secretary shall sub-
20 mit to the Committees on Armed Services of the
21 House of Representatives and the Senate a report on
22 the findings of the Secretary with respect to the
23 study under subsection (a).

1 (2) FORM.—The report under paragraph (1)
2 shall be submitted in unclassified form, but may in-
3 clude a classified annex.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “cyberexploitation” means the use
6 of digital means and online platforms—

7 (A) to knowingly access, or conspire to ac-
8 cess, without authorization, an individual’s per-
9 sonal information to be employed (or to be
10 used) with malicious intent; or

11 (B) to deceive an individual with misin-
12 formation with malicious intent.

13 (2) The term “machine-manipulated media”
14 means video, image, or audio recordings generated
15 or substantially modified using machine learning
16 techniques in order to, with malicious intent, falsely
17 depict the speech or conduct of an individual without
18 that individual’s permission.

19 **SEC. 589G. MATTERS RELATING TO EDUCATION FOR MILI-**
20 **TARY DEPENDENT STUDENTS WITH SPECIAL**
21 **NEEDS.**

22 (a) INFORMATION ON SPECIAL EDUCATION DIS-
23 PUTES.—

24 (1) IN GENERAL.—Each Secretary of a military
25 department shall collect and maintain information

1 on special education disputes filed by members of
2 the Armed Forces under the jurisdiction of such
3 Secretary.

4 (2) INFORMATION.—The information collected
5 and maintained under this subsection shall include
6 the following:

7 (A) The number of special education dis-
8 putes filed.

9 (B) The outcome or disposition of the dis-
10 putes.

11 (3) SOURCE OF INFORMATION.—The informa-
12 tion collected and maintained pursuant to this sub-
13 section shall be derived from the following:

14 (A) Records and reports of case managers
15 and navigators under the Exceptional Family
16 Member Program of the Department of De-
17 fense.

18 (B) Reports submitted by members of the
19 Armed Forces to officials at military installa-
20 tions or other relevant military officials.

21 (C) Such other sources as the Secretary of
22 the military department concerned considers ap-
23 propriate.

24 (4) ANNUAL REPORTS.—On an annual basis,
25 each Secretary of a military department shall submit

1 to the Office of Special Needs of the Department of
2 Defense a report on the information collected by
3 such Secretary under this subsection during the pre-
4 ceding year.

5 (b) GAO STUDY AND REPORT.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall conduct a study on the fol-
8 lowing:

9 (A) The manner in which local educational
10 agencies with schools that serve military de-
11 pendent students use the following:

12 (i) Funds made available for impact
13 aid for children with severe disabilities
14 under section 363 of the Floyd D. Spence
15 National Defense Authorization Act for
16 Fiscal Year 2001 (Public Law 106–398;
17 20 U.S.C. 7703a).

18 (ii) Funds made available for assist-
19 ance to schools with a significant number
20 of military dependent students under sub-
21 section (a) of section 572 of the National
22 Defense Authorization Act for Fiscal Year
23 2006 (Public Law 109–163; 20 U.S.C.
24 7703b).

1 (C) The efficacy of attorneys and other
2 legal support for military families in special
3 education disputes.

4 (E) Whether, and to what extent, policies
5 and guidance for School Liaison Officers are
6 standardized between the Office of Special
7 Needs of the Department of Defense and the
8 military departments, and the efficacy of such
9 policies and guidance.

10 (F) The improvements made to family sup-
11 port programs of the Office of Special Needs,
12 and of each military department, in light of the
13 recommendations of the Comptroller General in
14 the report titled “DOD Should Improve Its
15 Oversight of the Exceptional Family Member
16 Program” (GAO-18-348).

17 (2) RECOMMENDATIONS.—As part of the study
18 under paragraph (1), the Comptroller General shall
19 develop recommendations on the following:

20 (A) Improvements to the ability of the De-
21 partment of Defense to monitor and enforce the
22 compliance of local educational agencies with
23 requirements for the provision of a free appro-
24 priate public education to military dependent
25 students with special needs.

1 (B) Improvements to the policies of the Of-
2 fice of Special Needs, and of each military de-
3 partment, with respect to the standardization
4 and efficacy of policies and programs for mili-
5 tary dependent students with special needs.

6 (3) BRIEFING AND REPORT.—Not later than
7 March 31, 2021, the Comptroller General of the
8 United States shall provide to the Committees on
9 Armed Services of the Senate and the House of Rep-
10 resentatives a briefing and a report the results of
11 the study conducted under paragraph (1).

12 (c) DEFINITIONS.—In this section:

13 (1) The term “free appropriate public edu-
14 cation” has the meaning given that term in section
15 602 of the Individuals with Disabilities Education
16 Act (20 U.S.C. 1401).

17 (2) The term “local educational agency” has
18 the meaning given that term in section 8101 of the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 7801).

21 (3) The term “special education dispute” means
22 a complaint filed regarding the education provided to
23 a child with a disability (as defined in section 602
24 of the Individuals with Disabilities Education Act
25 (20 U.S.C. 1401)), including a complaint filed in ac-

1 cordance with section 615 or 639 of such Act (20
2 U.S.C. 1415, 1439).

3 **SEC. 589H. STUDIES AND REPORTS ON THE PERFORMANCE**
4 **OF THE DEPARTMENT OF DEFENSE EDU-**
5 **CATION ACTIVITY.**

6 (a) DOD STUDY AND REPORT.—

7 (1) STUDY.—The Secretary of Defense shall
8 conduct a study on the performance of the Depart-
9 ment of Defense Education Activity.

10 (2) ELEMENTS.—The study under paragraph
11 (1) shall include—

12 (A) a review of the curriculum relating to
13 health, resiliency, and nutrition taught in
14 schools operated by the Department of Defense
15 Education Activity; and

16 (B) a comparison of such curriculum to
17 benchmarks established for the curriculum by
18 the Department of Defense Education Activity.

19 (3) REPORT.—Not later than one year after the
20 date of the enactment of this Act, the Secretary of
21 Defense shall submit to the Committees on Armed
22 Services of the Senate and the House of Representa-
23 tives a report that includes the results of the study
24 conducted under paragraph (1).

25 (b) GAO STUDIES AND REPORTS.—

1 (1) STUDIES.—The Comptroller General of the
2 United States shall conduct two studies on the per-
3 formance of the Department of Defense Education
4 Activity as follows:

5 (A) One study shall analyze the edu-
6 cational outcomes of students in schools oper-
7 ated by the Department of Defense Education
8 Activity compared to the educational outcomes
9 of students in public elementary schools and
10 public secondary schools (as those terms are de-
11 fined in section 8101 of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 7801 et seq.)) outside the Department of De-
14 fense.

15 (B) One study shall assess the effective-
16 ness of the School Liaison Officer program of
17 the Department of Defense Education Activity
18 in achieving the goals of the program with an
19 emphasis on goals relating to special education
20 and family outreach.

21 (2) REPORTS.—Not later than one year after
22 the date of the enactment of this Act, the Comp-
23 troller General of the United States shall submit to
24 the Committees on Armed Services of the Senate
25 and the House of Representatives—

1 (A) a report that includes the results of
2 the study conducted under subparagraph (A) of
3 paragraph (1); and

4 (B) a report that includes the results of
5 the study conducted under subparagraph (B) of
6 such paragraph.

7 **Subtitle J—Other Matters and** 8 **Reports**

9 **SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE** 10 **STARBASE PROGRAM.**

11 (a) IN GENERAL.—Section 2193b of title 10, United
12 States Code, is amended—

13 (1) in the section heading, by striking
14 **“science, mathematics, and technology”**
15 and inserting **“science, technology, engineer-**
16 **ing, art and design, and mathematics”**;

17 (2) in subsection (a), by striking “science,
18 mathematics, and technology” and inserting
19 “science, technology, engineering, art and design,
20 and mathematics”; and

21 (3) in subsection (b), by striking “mathematics,
22 science, and technology” and inserting “science,
23 technology, engineering, art and design, and mathe-
24 matics”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 111 of title 10, United States
3 Code, is amended by striking the item relating to section
4 2193b and inserting the following new item:

“2193b. Improvement of education in technical fields: program for support of
elementary and secondary education in science, technology, en-
gineering, art and design, and mathematics.”.

5 **SEC. 592. INCLUSION OF CERTAIN OUTLYING AREAS IN THE**
6 **DEPARTMENT OF DEFENSE STARBASE PRO-**
7 **GRAM.**

8 Section 2193b(h) of title 10, United States Code, is
9 amended by inserting “the Commonwealth of the North-
10 ern Mariana Islands, American Samoa,” before “and
11 Guam”.

12 **SEC. 593. POSTPONEMENT OF CONDITIONAL DESIGNATION**
13 **OF EXPLOSIVE ORDNANCE DISPOSAL CORPS**
14 **AS A BASIC BRANCH OF THE ARMY.**

15 Section 582(b) of the National Defense Authorization
16 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
17 763 note) is amended—

18 (1) in paragraph (1), by striking “October 1,
19 2020” and inserting “October 1, 2025”; and

20 (2) in paragraph (2)—

21 (A) in the matter preceding subparagraph
22 (A), by striking “September 30, 2020” and in-
23 serting “September 30, 2025”;

1 (B) in subparagraph (B), by inserting “,
2 the explosive ordnance disposal commandant
3 (chief of explosive ordnance disposal),” before
4 “qualified”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(G) The explosive ordnance disposal com-
8 mandant (chief of explosive ordnance disposal)
9 has determined whether explosive ordnance dis-
10 posal soldiers have the appropriate skills nec-
11 essary to support missions of special operations
12 forces (as identified in section 167(j) of title 10,
13 United States Code). Such skills may include
14 airborne, air assault, combat diver, fast roping
15 insertion and extraction, helocasting, military
16 free-fall, and off-road driving.”.

17 **SEC. 594. ARMED SERVICES VOCATIONAL APTITUDE BAT-**
18 **TERY TEST SPECIAL PURPOSE ADJUNCT TO**
19 **ADDRESS COMPUTATIONAL THINKING.**

20 Not later than one year after the date of the enact-
21 ment of this Act, the Secretary of Defense shall establish
22 a special purpose test adjunct to the Armed Services Voca-
23 tional Aptitude Battery test to address computational
24 thinking skills relevant to military applications, including
25 problem decomposition, abstraction, pattern recognition,

1 analytical ability, the identification of variables involved
2 in data representation, and the ability to create algorithms
3 and solution expressions.

4 **SEC. 595. EXTENSION OF REPORTING DEADLINE FOR THE**
5 **ANNUAL REPORT ON THE ASSESSMENT OF**
6 **THE EFFECTIVENESS OF ACTIVITIES OF THE**
7 **FEDERAL VOTING ASSISTANCE PROGRAM.**

8 (a) **ELIMINATION OF REPORTS FOR NON-ELECTION**
9 **YEARS.**—Section 105A(b) of the Uniformed and Overseas
10 Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is
11 amended, in the matter preceding paragraph (1)—

12 (1) by striking “March 31 of each year” and in-
13 serting “September 30 of each odd-numbered year”;
14 and

15 (2) by striking “the following information” and
16 inserting “the following information with respect to
17 the Federal elections held during the preceding cal-
18 endar year”.

19 (b) **CONFORMING AMENDMENTS.**—Subsection (b) of
20 section 105A of such Act (52 U.S.C. 20308(b)) is amend-
21 ed—

22 (1) in the subsection heading, by striking “AN-
23 NUAL REPORT” and inserting “BIENNIAL REPORT”;
24 and

1 (2) in paragraph (3), by striking “In the case
2 of” and all that follows through “a description” and
3 inserting “A description”.

4 **SEC. 596. PLAN ON PERFORMANCE OF FUNERAL HONORS**
5 **DETAILS BY MEMBERS OF OTHER ARMED**
6 **FORCES WHEN MEMBERS OF THE ARMED**
7 **FORCE OF THE DECEASED ARE UNAVAIL-**
8 **ABLE.**

9 (a) BRIEFING ON PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Defense shall provide a briefing to the
13 Committees on Armed Services of the Senate and
14 the House of Representatives setting forth a plan for
15 the performance of a funeral honors detail at the fu-
16 neral of a deceased member of the Armed Forces by
17 one or more members of the Armed Forces from an
18 Armed Force other than that of the deceased
19 when—

20 (A) members of the Armed Force of the
21 deceased are unavailable for the performance of
22 the detail;

23 (B) the performance of the detail by mem-
24 bers of other Armed Forces is requested by the
25 family of the deceased; and

1 (C) the chief of the Armed Force of the de-
2 ceased verifies the eligibility of the deceased for
3 such funeral honors.

4 (2) REPEAL OF REQUIREMENT FOR ONE MEM-
5 BER OF ARMED FORCE OF DECEASED IN DETAIL.—
6 Section 1491(b)(2) of title 10, United States Code,
7 is amended in the first sentence by striking “, at
8 least one of whom shall be a member of the armed
9 force of which the veteran was a member”.

10 (3) PERFORMANCE.—The plan required by
11 paragraph (1) shall authorize the performance of fu-
12 neral honors details by members of the Army Na-
13 tional Guard and the Air National Guard under sec-
14 tion 115 of title 32, United States Code, and may
15 authorize the remainder of such details to consist of
16 members of veterans organizations or other organi-
17 zations approved for purposes of section 1491 of
18 title 10, United States Code, as provided for by sub-
19 section (b)(2) of such section 1491.

20 (b) ELEMENTS.—The briefing under subsection (a)
21 shall include a detailed description of the authorities and
22 requirements for the implementation of the plan, including
23 administrative, logistical, coordination, and funding au-
24 thorities and requirements.

1 **SEC. 597. STUDY ON FINANCIAL IMPACTS OF THE**
2 **CORONAVIRUS DISEASE 2019 ON MEMBERS**
3 **OF THE ARMED FORCES AND BEST PRAC-**
4 **TICES TO PREVENT FUTURE FINANCIAL**
5 **HARDSHIPS.**

6 (a) STUDY.—The Secretary of Defense shall conduct
7 a study on the financial hardships experienced by mem-
8 bers of the Armed Forces (including the reserve compo-
9 nents) as a result of the Coronavirus Disease 2019
10 (COVID–19) pandemic.

11 (b) ELEMENTS.—The study shall—

12 (1) examine the financial hardships members of
13 the Armed Forces experience as a result of the
14 COVID–19 pandemic, including the effects of stop
15 movement orders, loss of spousal income, loss of
16 hazardous duty incentive pay, school closures, loss of
17 childcare, loss of educational benefits, loss of drill
18 and exercise pay, cancelled deployments, and any ad-
19 ditional financial stressors identified by the Sec-
20 retary;

21 (2) identify best practices to provide assistance
22 for members of the Armed Forces experiencing the
23 financial hardships listed in paragraph (1); and

24 (3) identify actions that can be taken by the
25 Secretary to prevent financial hardships listed in
26 paragraph (1) from occurring in the future.

1 (c) CONSULTATION AND COORDINATION.—For the
2 purposes of the study, the Secretary may—

3 (1) consult with the Director of the Consumer
4 Financial Protection Bureau; and

5 (2) with respect to members of the Coast
6 Guard, coordinate with the Secretary of Homeland
7 Security.

8 (d) SUBMISSION.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary shall sub-
10 mit to the Committees on Armed Services of the Senate
11 and the House of Representatives a report on the study
12 under subsection (a).

13 (e) FINANCIAL HARDSHIP DEFINED.—In this sec-
14 tion, the term “financial hardship” means a loss of income
15 or an unforeseen expense as a result of closures and
16 changes in operations in response to the COVID–19 pan-
17 demic.

18 **SEC. 598. LIMITATION ON IMPLEMENTATION OF ARMY**
19 **COMBAT FITNESS TEST.**

20 The Secretary of the Army may not implement the
21 Army Combat Fitness Test until the Secretary receives
22 results of a study, conducted for purposes of this section
23 by an entity independent of the Department of Defense,
24 on the following:

1 (1) The extent, if any, to which the test would
2 adversely impact members of the Army stationed or
3 deployed to climates or areas with conditions that
4 make prohibitive the conduct of outdoor physical
5 training on a frequent or sustained basis.

6 (2) The extent, if any, to which the test would
7 affect recruitment and retention in critical support
8 military occupational specialties of the Army, such
9 as medical personnel.

10 **SEC. 599. SEMIANNUAL REPORTS ON IMPLEMENTATION OF**
11 **RECOMMENDATIONS OF THE COMPREHEN-**
12 **SIVE REVIEW OF SPECIAL OPERATIONS**
13 **FORCES CULTURE AND ETHICS.**

14 (a) SEMIANNUAL REPORTS REQUIRED.—Not later
15 than March 1, 2021, and every 180 days thereafter
16 through March 1, 2024, the Assistant Secretary of De-
17 fense for Special Operations and Low Intensity Conflict
18 shall, in coordination with the Commander of the United
19 States Special Operations Command, submit to the con-
20 gressional defense committees a report on the current sta-
21 tus of the implementation of the actions recommended as
22 a result of the Comprehensive Review of Special Oper-
23 ations Forces Culture and Ethics.

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

1 (1) A list of the actions required as of the date
2 of such report to complete full implementation of
3 each of the 16 actions recommended by the Com-
4 prehensive Review referred to in subsection (a).

5 (2) An identification of the office responsible
6 for completing each action listed pursuant to para-
7 graph (1), and an estimated timeline for completion
8 of such action.

9 (3) If completion of any action listed pursuant
10 to paragraph (1) requires resources or actions for
11 which authorization by statute is required, a rec-
12 ommendation for legislative action for such author-
13 ization.

14 (4) Any other matters the Assistant Secretary
15 or the Commander considers appropriate.

16 **SEC. 599A. REPORT ON IMPACT OF CHILDREN OF CERTAIN**
17 **FILIPINO WORLD WAR II VETERANS ON NA-**
18 **TIONAL SECURITY, FOREIGN POLICY, AND**
19 **ECONOMIC AND HUMANITARIAN INTERESTS**
20 **OF THE UNITED STATES.**

21 (a) IN GENERAL.—Not later than December 31,
22 2020, the Secretary of Homeland Security, in consultation
23 with the Secretary of Defense and the Secretary of State,
24 shall submit to the congressional defense committees a re-
25 port on the impact of the children of certain Filipino

1 World War II veterans on the national security, foreign
2 policy, and economic and humanitarian interests of the
3 United States.

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

6 (1) The number of Filipino World War II vet-
7 erans who fought under the United States flag dur-
8 ing World War II to protect and defend the United
9 States in the Pacific theater.

10 (2) The number of Filipino World War II vet-
11 erans who died fighting under the United States flag
12 during World War II to protect and defend the
13 United States in the Pacific theater.

14 (3) An assessment of the economic and tax con-
15 tributions that Filipino World War II veterans and
16 their families have made to the United States.

17 (4) An assessment of the impact on the United
18 States of exempting from the numerical limitations
19 on immigrant visas the children of the Filipino
20 World War II veterans who were naturalized
21 under—

22 (A) section 405 of the Immigration Act of
23 1990 (Public Law 101–649; 8 U.S.C. 1440
24 note); or

1 (B) title III of the Nationality Act of 1940
2 (54 Stat. 1137; chapter 876), as added by sec-
3 tion 1001 of the Second War Powers Act, 1942
4 (56 Stat. 182; chapter 199).

5 **TITLE VI—MILITARY**
6 **COMPENSATION**

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay.
Sec. 602. Compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components.
Sec. 603. Provision of information regarding SCRA to members who receive basic allowance for housing.
Sec. 604. Reorganization of certain allowances other than travel and transportation allowances.
Sec. 605. Expansion of travel and transportation allowances to include fares and tolls.
Sec. 606. One-time uniform allowance for officers who transfer to the Space Force.

Subtitle B—Bonuses and Special Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
Sec. 612. Increase in special and incentive pays for officers in health professions.
Sec. 613. Increase in certain hazardous duty incentive pay for members of the uniformed services.
Sec. 614. Payment of hazardous duty incentive pay for members of the uniformed services.
Sec. 615. Clarification of 30 days of continuous duty on board a ship required for family separation allowance for members of the uniformed services.

Subtitle C—Disability Pay, Retired Pay, and Family and Survivor Benefits

- Sec. 621. Modernization and clarification of payment of certain Reserves while on duty.
Sec. 622. Restatement and clarification of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
Sec. 623. Expansion of death gratuity for ROTC graduates.
Sec. 624. Expansion of assistance for Gold Star spouses and other dependents.
Sec. 625. Gold Star Families Parks Pass.
Sec. 626. Recalculation of financial assistance for providers of child care services and youth program services for dependents.
Sec. 627. Priority for certain military family housing to a member of the Armed Forces whose spouse agrees to provide family home day care services.

- Sec. 628. Study on feasibility and advisability of TSP contributions by military spouses.
- Sec. 629. Report on implications of expansion of authority to provide financial assistance to civilian providers of child care services or youth program services for survivors of members of the Armed Forces who die in the line of duty.
- Sec. 629A. Report on extension of commissary and exchange benefits for surviving remarried spouses with dependent children of members of the Armed Forces who die while on active duty or certain reserve duty.

Subtitle D—Defense Resale Matters

- Sec. 631. Base responders essential needs and dining access.
- Sec. 632. First responder access to mobile exchanges.
- Sec. 633. Updated business case analysis for consolidation of the defense resale system.

Subtitle E—Other Personnel Rights and Benefits

- Sec. 641. Approval of certain activities by retired and reserve members of the uniformed services.
- Sec. 642. Permanent authority for and enhancement of the Government lodging program.
- Sec. 643. Operation of Stars and Stripes.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. INCREASE IN BASIC PAY.**

3 Effective on January 1, 2021, the rates of monthly
4 basic pay for members of the uniformed services are in-
5 creased by 3.0 percent.

6 **SEC. 602. COMPENSATION AND CREDIT FOR RETIRED PAY**

7 **PURPOSES FOR MATERNITY LEAVE TAKEN**
8 **BY MEMBERS OF THE RESERVE COMPO-**
9 **NENTS.**

10 (a) COMPENSATION.—Section 206(a) of title 37,
11 United States Code, is amended—

12 (1) in paragraph (2), by striking “or” at the
13 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; or”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(4) for each of six days for each period during
6 which the member is on maternity leave.”.

7 (b) CREDIT FOR RETIRED PAY PURPOSES.—

8 (1) IN GENERAL.—The period of maternity
9 leave taken by a member of the reserve components
10 of the Armed Forces in connection with the birth of
11 a child shall count toward the member’s entitlement
12 to retired pay, and in connection with the years of
13 service used in computing retired pay, under chapter
14 1223 of title 10, United States Code, as 12 points.

15 (2) SEPARATE CREDIT FOR EACH PERIOD OF
16 LEAVE.—Separate crediting of points shall accrue to
17 a member pursuant to this subsection for each pe-
18 riod of maternity leave taken by the member in con-
19 nection with a childbirth event.

20 (3) WHEN CREDITED.—Points credited a mem-
21 ber for a period of maternity leave pursuant to this
22 subsection shall be credited in the year in which the
23 period of maternity leave concerned commences.

24 (4) CONTRIBUTION OF LEAVE TOWARD ENTI-
25 TLEMENT TO RETIRED PAY.—Section 12732(a)(2) of

1 title 10, United States Code, as amended by section
2 516 of this Act, is further amended—

3 (A) by inserting after subparagraph (F)
4 the following new subparagraph:

5 “(G) Points at the rate of 12 per period
6 during which the member is on maternity
7 leave.”; and

8 (B) in the matter following subparagraph
9 (G), as inserted by subparagraph (A), by strik-
10 ing “and (F)” and inserting “(F), and (G)”.

11 (5) COMPUTATION OF YEARS OF SERVICE FOR
12 RETIRED PAY.—Section 12733 of such title is
13 amended—

14 (A) by redesignating paragraph (5) as
15 paragraph (6); and

16 (B) by inserting after paragraph (4) the
17 following new paragraph (5):

18 “(5) One day for each point credited to the per-
19 son under subparagraph (F) of section 12732(a)(2)
20 of this title.”.

21 (c) EFFECTIVE DATE.—This section and the amend-
22 ments made by this section shall take effect on the date
23 of the enactment of this Act, and shall apply with respect
24 to periods of maternity leave that commence on or after
25 that date.

1 **SEC. 603. PROVISION OF INFORMATION REGARDING SCRA**
2 **TO MEMBERS WHO RECEIVE BASIC ALLOW-**
3 **ANCE FOR HOUSING.**

4 Section 403 of title 37, United States Code, is
5 amended by adding at the end the following:

6 “(p) INFORMATION ON RIGHTS AND PROTECTIONS
7 UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—The Sec-
8 retary concerned shall provide to each member of a uni-
9 formed service who receives a basic allowance for housing
10 under this section information on the rights and protec-
11 tions available to such member under the Servicemembers
12 Civil Relief Act (50 U.S.C. 3901 et seq.)—

13 “(1) when such member first receives such
14 basic allowance for housing; and

15 “(2) each time such member receives a perma-
16 nent change of station.”.

17 **SEC. 604. REORGANIZATION OF CERTAIN ALLOWANCES**
18 **OTHER THAN TRAVEL AND TRANSPORTATION**
19 **ALLOWANCES.**

20 (a) PER DIEM FOR DUTY OUTSIDE THE CONTI-
21 NENTAL UNITED STATES.—

22 (1) TRANSFER TO CHAPTER 7.—Section 475 of
23 title 37, United States Code, is transferred to chap-
24 ter 7 of such title, inserted after section 403b, and
25 redesignated as section 405.

1 (2) REPEAL OF TERMINATION PROVISION.—
2 Section 405 of title 37, United States Code, as
3 added by paragraph (1), is amended by striking sub-
4 section (f).

5 (b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

6 (1) TRANSFER TO CHAPTER 7.—Section 495 of
7 title 37, United States Code, is transferred to chap-
8 ter 7 of such title, inserted after section 433a, and
9 redesignated as section 435.

10 (2) REPEAL OF TERMINATION PROVISION.—
11 Section 435 of title 37, United States Code, as
12 added by paragraph (1), is amended by striking sub-
13 section (c).

14 (c) CLERICAL AMENDMENTS.—

15 (1) CHAPTER 7.—The table of sections at the
16 beginning of chapter 7 of title 37, United States
17 Code, is amended—

18 (A) by inserting after the item relating to
19 section 403b the following new item:

“405. Travel and transportation allowances: per diem while on duty outside the
continental United States.”; and

20 (B) by inserting after the item relating to
21 section 433a the following new item:

“435. Funeral honors duty: allowance.”.

22 (2) CHAPTER 8.—The table of sections at the
23 beginning of chapter 8 of title 37, United States

1 Code, is amended by striking the items relating to
2 sections 475 and 495.

3 **SEC. 605. EXPANSION OF TRAVEL AND TRANSPORTATION**
4 **ALLOWANCES TO INCLUDE FARES AND**
5 **TOLLS.**

6 Section 452(c)(1) of title 37, United States Code, is
7 amended by inserting “(including fares and tolls, without
8 regard to distance travelled)” after “transportation”.

9 **SEC. 606. ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS**
10 **WHO TRANSFER TO THE SPACE FORCE.**

11 (a) IN GENERAL.—The Secretary of the Air Force
12 may provide an officer who transfers from the Army,
13 Navy, Air Force, or Marine Corps to the Space Force an
14 allowance of not more than \$400 as reimbursement for
15 the purchase of required uniforms and equipment.

16 (b) RELATIONSHIP TO OTHER ALLOWANCES.—The
17 allowance under this section is in addition to any allow-
18 ance available under any other provision of law.

19 (c) SOURCE OF FUNDS.—Funds for allowances pro-
20 vided under subsection (a) in a fiscal year may be derived
21 only from amounts authorized to be appropriated for mili-
22 tary personnel of the Space Force for such fiscal year.

23 (d) APPLICABILITY.—The authority for an allowance
24 under this section shall apply with respect to any officer

1 described in subsection (a) who transfers to the Space
2 Force—

3 (1) during the period beginning on December
4 20, 2019, and ending on September 30, 2022; and

5 (2) on or after the date the Secretary of the Air
6 Force prescribes the official uniform for the Space
7 Force.

8 **Subtitle B—Bonuses and Special** 9 **Incentive Pays**

10 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING** 11 **BONUS AND SPECIAL PAY AUTHORITIES.**

12 (a) AUTHORITIES RELATING TO RESERVE
13 FORCES.—Section 910(g) of title 37, United States Code,
14 relating to income replacement payments for reserve com-
15 ponent members experiencing extended and frequent mo-
16 bilization for active duty service, is amended by striking
17 “December 31, 2020” and inserting “December 31,
18 2021”.

19 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
20 CARE PROFESSIONALS.—The following sections of title
21 10, United States Code, are amended by striking “Decem-
22 ber 31, 2020” and inserting “December 31, 2021”:

23 (1) Section 2130a(a)(1), relating to nurse offi-
24 cer candidate accession program.

1 (2) Section 16302(d), relating to repayment of
2 education loans for certain health professionals who
3 serve in the Selected Reserve.

4 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
5 CERS.—Section 333(i) of title 37, United States Code, is
6 amended by striking “December 31, 2020” and inserting
7 “December 31, 2021”.

8 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
9 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
10 THORITIES.—The following sections of title 37, United
11 States Code, are amended by striking “December 31,
12 2020” and inserting “December 31, 2021”:

13 (1) Section 331(h), relating to general bonus
14 authority for enlisted members.

15 (2) Section 332(g), relating to general bonus
16 authority for officers.

17 (3) Section 334(i), relating to special aviation
18 incentive pay and bonus authorities for officers.

19 (4) Section 335(k), relating to special bonus
20 and incentive pay authorities for officers in health
21 professions.

22 (5) Section 336(g), relating to contracting
23 bonus for cadets and midshipmen enrolled in the
24 Senior Reserve Officers’ Training Corps.

1 (6) Section 351(h), relating to hazardous duty
2 pay.

3 (7) Section 352(g), relating to assignment pay
4 or special duty pay.

5 (8) Section 353(i), relating to skill incentive
6 pay or proficiency bonus.

7 (9) Section 355(h), relating to retention incen-
8 tives for members qualified in critical military skills
9 or assigned to high priority units.

10 (e) AUTHORITY TO PROVIDE TEMPORARY INCREASE
11 IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section
12 403(b)(7)(E) of title 37, United States Code, is amended
13 by striking “December 31, 2020” and inserting “Decem-
14 ber 31, 2021”.

15 **SEC. 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR**
16 **OFFICERS IN HEALTH PROFESSIONS.**

17 (a) ACCESSION BONUS GENERALLY.—Subparagraph
18 (A) of section 335(e)(1) of title 37, United States Code,
19 is amended by striking “\$30,000” and inserting
20 “\$100,000”.

21 (b) ACCESSION BONUS FOR CRITICALLY SHORT
22 WARTIME SPECIALTIES.—Subparagraph (B) of such sec-
23 tion is amended by striking “\$100,000” and inserting
24 “\$200,000”.

1 (c) RETENTION BONUS.—Subparagraph (C) of such
2 section is amended by striking “\$75,000” and inserting
3 “\$150,000”.

4 (d) INCENTIVE PAY.—Subparagraph (D) of such sec-
5 tion is amended—

6 (1) in clause (i), by striking “\$100,000” and
7 inserting “\$200,000”; and

8 (2) in clause (ii), by striking “\$15,000” and in-
9 serting “\$50,000”.

10 (e) BOARD CERTIFICATION PAY.—Subparagraph (E)
11 of such section is amended by striking “\$6,000” and in-
12 serting “\$15,000”.

13 (f) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to special bonus and
15 incentive pays payable under section 335 of title 37,
16 United States Code, pursuant to agreements entered into
17 under that section on or after the date of the enactment
18 of this Act.

19 **SEC. 613. INCREASE IN CERTAIN HAZARDOUS DUTY INCEN-**
20 **TIVE PAY FOR MEMBERS OF THE UNIFORMED**
21 **SERVICES.**

22 Section 351(b) of title 37, United States Code, is
23 amended by striking “\$250” both places it appears and
24 inserting “\$275”.

1 **SEC. 614. PAYMENT OF HAZARDOUS DUTY INCENTIVE PAY**
2 **FOR MEMBERS OF THE UNIFORMED SERV-**
3 **ICES.**

4 Section 351 of title 37, United States Code, is
5 amended—

6 (1) in subsection (c)(2)—

7 (A) in subparagraph (A)(i), by striking
8 “shall” and inserting “may”;

9 (B) in subparagraph (B)—

10 (i) by striking “paragraph (2) or (3)”
11 and inserting “paragraph (2)”;

12 (ii) by striking “the Secretary con-
13 cerned may prorate” and all that follows
14 and inserting “the Secretary concerned—”;
15 and

16 (C) by adding at the end the following:

17 “(i) may prorate the payment amount
18 to reflect the duration of the member’s ac-
19 tual qualifying service during the month;
20 and

21 “(ii) in the case of member who per-
22 forms hazardous duty specifically des-
23 ignated by the Secretary concerned, shall
24 pay the member hazardous duty pay in an
25 amount not to exceed the maximum
26 amount of hazardous duty pay that would

1 be payable to the member under subsection
2 (b)(2) for the entire month, regardless of
3 the duration of the qualifying service.

4 “(C) In the case of hazardous duty pay
5 payable under paragraph (3) of subsection (a),
6 the Secretary concerned may prorate the pay-
7 ment amount to reflect the duration of the
8 member’s actual qualifying service during the
9 month.”; and
10 (2) in subsection (h), by striking “December
11 31, 2020” and inserting “December 31, 2021”.

12 **SEC. 615. CLARIFICATION OF 30 DAYS OF CONTINUOUS**
13 **DUTY ON BOARD A SHIP REQUIRED FOR FAM-**
14 **ILY SEPARATION ALLOWANCE FOR MEMBERS**
15 **OF THE UNIFORMED SERVICES.**

16 Section 427(a)(1)(B) of title 37, United States Code,
17 is amended by inserting “(or under orders to remain on
18 board the ship while at the home port)” after “of the
19 ship”.

1 **Subtitle C—Disability Pay, Retired**
2 **Pay, and Family and Survivor**
3 **Benefits**

4 **SEC. 621. MODERNIZATION AND CLARIFICATION OF PAY-**
5 **MENT OF CERTAIN RESERVES WHILE ON**
6 **DUTY.**

7 (a) CHANGE IN PRIORITY OF PAYMENTS FOR RE-
8 TIRET OR RETAINER PAY.—Subsection (a) of section
9 12316 of title 10, United States Code, is amended—

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

11 (A) by striking “subsection (b)” and in-
12 serting “subsection (c)”; and

13 (B) by striking “his earlier military serv-
14 ice” and inserting “the Reserve’s earlier mili-
15 tary service”;

16 (C) by striking “a pension, retired or re-
17 tainer pay, or disability compensation” and in-
18 serting “retired or retainer pay”; and

19 (D) by striking “he is entitled” and insert-
20 ing “the Reserve is entitled”; and

21 (2) by striking paragraphs (1) and (2) and in-
22 serting the following new paragraphs:

23 “(1) the pay and allowances authorized by law
24 for the duty that the Reserve is performing; or

1 “(2) if the Reserve specifically waives those
2 payments, the retired or retainer pay to which the
3 Reserve is entitled because of the Reserve’s earlier
4 military service.”.

5 (b) PAYMENTS FOR PENSION OR DISABILITY COM-
6 PENSATION.—Such section is further amended—

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing new subsection (b):

11 “(b) Except as provided by subsection (c), a Reserve
12 of the Army, Navy, Air Force, Marine Corps, or Coast
13 Guard who because of the Reserve’s earlier military serv-
14 ice is entitled to a pension or disability compensation, and
15 who performs duty for which the Reserve is entitled to
16 compensation, may elect to receive for that duty either—

17 “(1) the pension or disability compensation to
18 which the Reserve is entitled because of the Re-
19 serve’s earlier military service; or

20 “(2) if the Reserve specifically waives those
21 payments, the pay and allowances authorized by law
22 for the duty that the Reserve is performing.”.

23 (c) ADDITIONAL CONFORMING AND MODERNIZING
24 AMENDMENTS.—Subsection (c) of such section, as redes-
25 ignated by subsection (b)(1) of this section, is amended—

1 (1) by striking “(a)(2)” both places it appears
2 and inserting “(a)(1) or (b)(2), as applicable,”;

3 (2) by striking “his earlier military service” the
4 first place it appears and inserting “a Reserve’s ear-
5 lier military service”;

6 (3) by striking “his earlier military service”
7 each other place it appears and inserting “the Re-
8 serve’s earlier military service”;

9 (4) by striking “he is entitled” and inserting
10 “the Reserve is entitled”; and

11 (5) by striking “the member or his dependents”
12 and inserting “the Reserve or the Reserve’s depend-
13 ents”.

14 (d) PROCEDURES.—Such section is further amended
15 by adding at the end the following new subsection:

16 “(d) The Secretary of Defense shall prescribe regula-
17 tions under which a Reserve of the Army, Navy, Air Force,
18 Marine Corps, or Coast Guard may waive the pay and al-
19 lowances authorized by law for the duty the Reserve is
20 performing under subsection (a)(2) or (b)(2).”.

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect 180 days after the date of
23 the enactment of this Act.

1 **SEC. 622. RESTATEMENT AND CLARIFICATION OF AUTHOR-**
2 **ITY TO REIMBURSE MEMBERS FOR SPOUSE**
3 **RELICENSING COSTS PURSUANT TO A PER-**
4 **MANENT CHANGE OF STATION.**

5 (a) IN GENERAL.—Section 453 of title 37, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(g) REIMBURSEMENT OF QUALIFYING SPOUSE RE-
9 LICENSING COSTS INCIDENT TO A MEMBER’S PERMA-
10 NENT CHANGE OF STATION OR ASSIGNMENT.—(1) From
11 amounts otherwise made available for a fiscal year to pro-
12 vide travel and transportation allowances under this chap-
13 ter, the Secretary concerned may reimburse a member of
14 the uniformed services for qualified relicensing costs of the
15 spouse of the member when—

16 “(A) the member is reassigned, either as a per-
17 manent change of station or permanent change of
18 assignment, between duty stations located in sepa-
19 rate jurisdictions with unique licensing or certifi-
20 cation requirements and authorities; and

21 “(B) the movement of the member’s dependents
22 is authorized at the expense of the United States
23 under this section as part of the reassignment.

24 “(2) Reimbursement provided to a member under
25 this subsection may not exceed \$1000 in connection with
26 each reassignment described in paragraph (1).

1 “(3) No reimbursement may be provided under this
2 subsection for qualified relicensing costs paid or incurred
3 after December 31, 2024.

4 “(4) In this subsection, the term ‘qualified relicensing
5 costs’ means costs, including exam, continuing education
6 courses, and registration fees, incurred by the spouse of
7 a member if—

8 “(A) the spouse was licensed or certified in a
9 profession during the member’s previous duty as-
10 signment and requires a new license or certification
11 to engage in that profession in a new jurisdiction be-
12 cause of movement described in paragraph (1)(B) in
13 connection with the member’s change in duty loca-
14 tion pursuant to reassignment described in para-
15 graph (1)(A); and

16 “(B) the costs were incurred or paid to secure
17 or maintain the license or certification from the new
18 jurisdiction in connection with such reassignment.”.

19 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
20 476 of such title is amended by striking subsection (p).

21 **SEC. 623. EXPANSION OF DEATH GRATUITY FOR ROTC**
22 **GRADUATES.**

23 Section 623(b) of the National Defense Authorization
24 Act for Fiscal Year 2020 (Public Law 116–92) is amended

1 by striking “the date of the enactment of this Act” and
2 inserting “May 1, 2017”.

3 **SEC. 624. EXPANSION OF ASSISTANCE FOR GOLD STAR**
4 **SPOUSES AND OTHER DEPENDENTS.**

5 Section 633(a) of the National Defense Authorization
6 Act for Fiscal Year 2014 (10 U.S.C. 1475 note) is amend-
7 ed—

8 (1) by redesignating paragraphs (1) through
9 (4) as subparagraphs (A) through (D), respectively;

10 (2) by inserting “(1)” before “Each Secretary”;

11 (3) in the matter preceding paragraph (1), by
12 inserting “a casualty assistance officer who is” after
13 “jurisdiction of such Secretary”;

14 (4) by striking “spouses and other dependents
15 of members” and all that follows through “services:”
16 and inserting an em dash; and

17 (5) by inserting before subparagraph (A), as re-
18 designated, the following:

19 “(A) a spouse and any other dependent of a
20 member of such Armed Force (including the reserve
21 components thereof) who dies on active duty; and

22 “(B) a dependent described in subparagraph
23 (A) if the spouse of the deceased member dies and
24 the dependent (or the guardian of such dependent)
25 requests such assistance.

1 “(2) Casualty assistance officers described in para-
2 graph (1) shall provide to spouses and dependents de-
3 scribed in that paragraph the following services:”.

4 **SEC. 625. GOLD STAR FAMILIES PARKS PASS.**

5 (a) IN GENERAL.—Section 805(b) of the Federal
6 Lands Recreation Enhancement Act (16 U.S.C. 6804(b))
7 is amended by adding at the end the following:

8 “(3) GOLD STAR FAMILIES PARKS PASS.—The
9 Secretary shall make the National Parks and Fed-
10 eral Recreational Lands Pass available, at no cost,
11 to members of Gold Star Families who meet the eli-
12 gibility requirements of section 3.2 of Department of
13 Defense Instruction 1348.36 (or a successor instruc-
14 tion).”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 Section 805 of the Federal Lands Recreation Enhance-
17 ment Act (16 U.S.C. 6804) is amended—

18 (1) in subsection (a)(7), in the first sentence,
19 by striking “age and disability”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1)(A), in the second
22 sentence, in the matter preceding clause (i), by
23 striking “this subsection” and inserting “this
24 paragraph”; and

1 (B) in paragraph (2), in the second sen-
2 tence, by striking “this subsection” and insert-
3 ing “this paragraph”.

4 **SEC. 626. RECALCULATION OF FINANCIAL ASSISTANCE FOR**
5 **PROVIDERS OF CHILD CARE SERVICES AND**
6 **YOUTH PROGRAM SERVICES FOR DEPEND-**
7 **ENTS.**

8 (a) IN GENERAL.—Not later than July 1, 2021, the
9 Secretary of Defense shall develop a method by which to
10 determine and implement appropriate amounts of finan-
11 cial assistance under section 1798 of title 10, United
12 States Code. In such development, the Secretary shall take
13 into consideration the following:

14 (1) Grades of members of the Armed Forces.

15 (2) The cost of living in an applicable locale.

16 (3) Whether a military installation has a mili-
17 tary child development center, including any wait list
18 length.

19 (4) Whether a military child development center
20 has vacant child care employee positions.

21 (5) The capacity of licensed civilian child care
22 providers in an applicable locale.

23 (6) The average cost of licensed civilian child
24 care services available in an applicable locale.

1 (7) The sufficiency of the stipend furnished by
2 the Secretary to members of the Armed Forces for
3 civilian child care.

4 (b) REPORT.—Not later than August 1, 2021, the
5 Secretary shall submit a report the Committees on Armed
6 Services of the Senate and the House of Representatives
7 on the method developed under this section.

8 (c) DEFINITIONS.—In this section, the terms “child
9 care employee” and “military child development center”
10 have the meanings given those terms in section 1800 of
11 title 10, United States Code.

12 **SEC. 627. PRIORITY FOR CERTAIN MILITARY FAMILY HOUS-**
13 **ING TO A MEMBER OF THE ARMED FORCES**
14 **WHOSE SPOUSE AGREES TO PROVIDE FAMILY**
15 **HOME DAY CARE SERVICES.**

16 (a) PRIORITY.—If the Secretary of a military depart-
17 ment determines that not enough child care employees are
18 employed at a military child development center on a mili-
19 tary installation under the jurisdiction of that Secretary
20 to adequately care for the children of members of the
21 Armed Forces stationed at that military installation, the
22 Secretary, to the extent practicable, may give priority for
23 covered military family housing to a member whose spouse
24 is an eligible military spouse.

1 (b) NUMBER OF PRIORITY POSITIONS.—A Secretary
2 of a military department may grant priority under sub-
3 section (a) only to the minimum number of eligible mili-
4 tary spouses that the Secretary determines necessary to
5 provide adequate child care to the children of members
6 stationed at a military installation described in subsection
7 (a).

8 (c) LIMITATION.—Nothing in this section may be
9 construed to require the Secretary of a military depart-
10 ment to provide covered military family housing that has
11 been adapted for disabled individuals to a member under
12 this section instead of to a member with one more depend-
13 ents enrolled in the Exceptional Family Member Program.

14 (d) RESULT OF FAILURE TO PROVIDE FAMILY
15 HOME DAY CARE SERVICES OR LOSS OF ELIGIBILITY.—
16 The Secretary of the military department concerned may
17 remove a household provided covered military family hous-
18 ing under this section therefrom if the Secretary deter-
19 mines the spouse of that member has failed to abide by
20 an agreement described in subsection (e)(3) or has ceased
21 to be an eligible military spouse. Such removal may not
22 occur sooner than 60 days after the date of such deter-
23 mination.

24 (e) DEFINITIONS.—In this section:

1 (1) The terms “child care employee”, “family
2 home day care”, and “military child development
3 center” have the meanings given those terms in sec-
4 tion 1800 of title 10, United States Code.

5 (2) The term “covered military family housing”
6 means military family housing—

7 (A) located on a military installation de-
8 scribed in subsection (a); and

9 (B) that the Secretary of the military de-
10 partment concerned determines is large enough
11 to provide family home day care services to no
12 fewer than six children (not including children
13 in the household of the eligible military spouse).

14 (3) The term “eligible military spouse” means
15 a military spouse who—

16 (A) is eligible for military family housing;

17 (B) is eligible to provide family home day
18 care services;

19 (C) has provided family home day care
20 services for at least one year; and

21 (D) agrees in writing to provide family
22 home day care services in covered military fam-
23 ily housing for a period not shorter than one
24 year.

1 **SEC. 628. STUDY ON FEASIBILITY AND ADVISABILITY OF**
2 **TSP CONTRIBUTIONS BY MILITARY SPOUSES.**

3 (a) STUDY REQUIRED.—The Secretary of Defense
4 shall conduct a study on the feasibility and advisability
5 of potential enhancements to the military Thrift Savings
6 Plan administered by the Federal Retirement Thrift In-
7 vestment Board.

8 (b) ELEMENTS.—The study under subsection (a)
9 shall include the following:

10 (1) An evaluation of the effect of allowing mili-
11 tary spouses to contribute or make eligible retire-
12 ment account transfers to the military Thrift Sav-
13 ings Plan account of the member of the Armed
14 Forces to whom that military spouse is married.

15 (2) Legislation the Secretary determines nec-
16 essary to permit contributions and transfers de-
17 scribed in paragraph (1).

18 (c) REPORTING.—

19 (1) INITIAL REPORT.—Not later than February
20 1, 2021, the Secretary of Defense shall submit to
21 the Committee on Homeland Security & Govern-
22 mental Affairs of the Senate, the Committee on
23 Oversight and Reform of the House of Representa-
24 tives, and the Federal Retirement Thrift Investment
25 Board, a report on the results of the study under
26 subsection (a).

1 (2) ANALYSIS.—Not later than 60 days after
2 receiving the report under paragraph (1), the Fed-
3 eral Thrift Savings Retirement Board shall analyze
4 the report under paragraph (1), generate rec-
5 ommendations and comments it determines appro-
6 priate, and submit such analysis, recommendations,
7 and comments to the Secretary.

8 (3) FINAL REPORT.—Not later than April 1,
9 2021, the Secretary shall submit to the Committees
10 on Armed Services of the Senate and House of Rep-
11 resentatives—

12 (A) the report under paragraph (1);

13 (B) the analysis, recommendations, and
14 comments under paragraph (2); and

15 (C) the recommendations of the Secretary
16 regarding elements described in subsection (b).

17 **SEC. 629. REPORT ON IMPLICATIONS OF EXPANSION OF AU-**
18 **THORITY TO PROVIDE FINANCIAL ASSIST-**
19 **ANCE TO CIVILIAN PROVIDERS OF CHILD**
20 **CARE SERVICES OR YOUTH PROGRAM SERV-**
21 **ICES FOR SURVIVORS OF MEMBERS OF THE**
22 **ARMED FORCES WHO DIE IN THE LINE OF**
23 **DUTY.**

24 (a) REPORT REQUIRED.—Not later than one year
25 after the date of the enactment of this Act, the Comp-

1 troller General of the United States shall submit to the
2 Committees on Armed Services of the Senate and House
3 of Representatives a report on the implications of expansion
4 of the authority under section 1798 of title 10, United
5 States Code, to provide financial assistance to civilian providers
6 of child care services or youth program services for
7 survivors of members of the Armed Forces who die in the
8 line of duty, without regard to whether such deaths occurred
9 in combat-related incidents.

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

12 (1) An analysis of data during the five years
13 preceding the date of the report that regarding the
14 number of—

15 (A) members of the Armed Forces who
16 died in the line of duty; and

17 (B) dependents of such members who
18 would be eligible for services described in subsection
19 (a).

20 (2) The estimated cost of the expansion described
21 in subsection (a).

22 (3) An assessment of how such expansion would
23 affect the availability of such services for children of
24 members of the Armed Forces on active duty, par-

1 ticularly in areas where demand for such services by
2 such members is greatest.

3 (4) An assessment of existing programs of the
4 Department of Defense that provide financial assist-
5 ance described in subsection (a).

6 (5) Recommendations for legislative or adminis-
7 trative action to expand the provision of services de-
8 scribed in subsection (a).

9 **SEC. 629A. REPORT ON EXTENSION OF COMMISSARY AND**
10 **EXCHANGE BENEFITS FOR SURVIVING RE-**
11 **MARRIED SPOUSES WITH DEPENDENT CHIL-**
12 **DREN OF MEMBERS OF THE ARMED FORCES**
13 **WHO DIE WHILE ON ACTIVE DUTY OR CER-**
14 **TAIN RESERVE DUTY.**

15 (a) REPORT REQUIRED.—The Secretary of Defense,
16 in consultation with the Secretary of Homeland Security,
17 shall submit to the Committees on Armed Services of the
18 Senate and the House of Representatives a report on pro-
19 cedures of the Department of Defense by which an eligible
20 remarried spouse may obtain access, as appropriate, to a
21 military installation in order to use a commissary store
22 or MWR retail facility.

23 (b) ELEMENTS.— The report under this section shall
24 include the following:

1 (1) Procedures by which an eligible remarried
2 spouse may obtain a personal agent designation.

3 (2) Administrative requirements for an eligible
4 remarried spouse to obtain access described in sub-
5 section (a).

6 (3) An assessment of the consistency of proce-
7 dures described in subsection (a) across—

8 (A) the Armed Forces; and

9 (B) installations of the Department of De-
10 fense.

11 (4) Security considerations arising from grant-
12 ing access described in subsection (a).

13 (5) Other matters the Secretary of Defense de-
14 termines appropriate.

15 (c) DEADLINE.—The Secretary shall submit the re-
16 port under this section not later than March 1, 2021.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “eligible remarried spouse” means
19 an individual who is a surviving former spouse of a
20 covered member of the Armed Forces, who has re-
21 married after the death of the covered member of
22 the Armed Forces and has guardianship of depend-
23 ent children of the deceased member;

1 (2) The term “covered member of the Armed
2 Forces” means a member of the Armed Forces who
3 dies while serving—

4 (A) on active duty; or

5 (B) on such reserve duty as the Secretary
6 of Defense and the Secretary of Homeland Se-
7 curity may jointly specify for purposes of this
8 section.

9 (3) The term “MWR retail facility” has the
10 meaning given that term in section 1063 of title 10,
11 United States Code.

12 **Subtitle D—Defense Resale Matters**

13 **SEC. 631. BASE RESPONDERS ESSENTIAL NEEDS AND DIN-** 14 **ING ACCESS.**

15 (a) IN GENERAL.—Chapter 54 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 1066. Use of commissary stores and MWR facilities:** 19 **protective services civilian employees**

20 “(a) ELIGIBILITY OF PROTECTIVE SERVICES CIVIL-
21 IAN EMPLOYEES.—An individual employed as a protective
22 services civilian employee at a military installation may be
23 permitted to purchase food and hygiene items at a com-
24 missary store or MWR retail facility located on that mili-
25 tary installation.

1 “(b) USER FEE AUTHORITY.—(1) The Secretary of
2 Defense shall prescribe regulations that impose a user fee
3 on individuals who are eligible solely under this section
4 to purchase merchandise at a commissary store or MWR
5 retail facility.

6 “(2) The Secretary shall set the user fee under this
7 subsection at a rate that the Secretary determines will off-
8 set any increase in expenses arising from this section
9 borne by the Department of the Treasury on behalf of
10 commissary stores associated with the use of credit or
11 debit cards for customer purchases, including expenses re-
12 lated to card network use and related transaction proc-
13 essing fees.

14 “(3) The Secretary shall deposit funds collected pur-
15 suant to a user fee under this subsection in the General
16 Fund of the Treasury.

17 “(4) Any fee under this subsection is in addition to
18 the uniform surcharge under section 2484(d) of this title.

19 “(c) DEFINITIONS.—In this section:

20 “(1) The term ‘MWR retail facility’ has the
21 meaning given that term in section 1063 of this
22 title.

23 “(2) The term ‘protective services civilian em-
24 ployee’ means a position in any of the following se-

1 ries (or successor classifications) of the General
2 Schedule:

3 “(A) Security Administration (GS–0080).

4 “(B) Fire Protection and Prevention (GS–
5 0081).

6 “(C) Police (GS–0083).

7 “(D) Security Guard (GS–0085).

8 “(E) Emergency Management (GS–
9 0089).”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 54 of title 10, United States
12 Code, is amended by adding at the end the following new
13 item:

“1066. Use of commissary stores and MWR facilities: protective services civilian
employees.”.

14 **SEC. 632. FIRST RESPONDER ACCESS TO MOBILE EX-**
15 **CHANGES.**

16 Section 1146 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(d) EMERGENCY RESPONSE PROVIDERS DURING A
20 DECLARED MAJOR DISASTER OR EMERGENCY.—The Sec-
21 retary of Defense may prescribe regulations to allow an
22 emergency response provider (as that term is defined in
23 section 2 of the Homeland Security Act of 2002 (Public
24 Law 107–296; 6 U.S.C. 101)) to use a mobile commissary

1 or exchange store deployed to an area covered by a dec-
2 laration of a major disaster or emergency under section
3 401 of the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170).”.

5 **SEC. 633. UPDATED BUSINESS CASE ANALYSIS FOR CON-**
6 **SOLIDATION OF THE DEFENSE RESALE SYS-**
7 **TEM.**

8 (a) IN GENERAL.—Not later than March 1, 2021, the
9 Chief Management Officer of the Department of Defense,
10 in coordination with the Undersecretary of Defense for
11 Personnel and Readiness, shall update the study titled
12 “Study to Determine the Feasibility of Consolidation of
13 the Defense Resale Entities” and dated December 4,
14 2018, to include a new business case analysis that—

15 (1) establishes new baselines for—

16 (A) savings from the costs of goods sold;

17 (B) costs of new information technology
18 required for such consolidation; and

19 (C) costs of headquarters relocation arising
20 from such consolidation; and

21 (2) addresses each recommendation for execu-
22 tive action in the Government Accountability Office
23 report GAO–20–418SU.

24 (b) REVIEW AND COMMENT.—Not later than April
25 1, 2021, the Secretary of Defense shall make the updated

1 business case analysis (in this section referred to as the
2 “updated BCA”) available to the Secretaries of the mili-
3 tary departments for comment.

4 (c) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—
5 Not later than June 1, 2021, the Secretary of Defense
6 shall make any comments made under subsection (b) and
7 the updated BCA available to the Committees on Armed
8 Services of the Senate and the House of Representatives.

9 (d) DELAY OF CONSOLIDATION.—The Secretary of
10 Defense may not take any action to consolidate military
11 exchanges and commissaries until the Committees on
12 Armed Services of the Senate and the House of Represent-
13 atives notify the Secretary in writing of receipt and accept-
14 ance of the updated BCA.

15 **Subtitle E—Other Personnel Rights** 16 **and Benefits**

17 **SEC. 641. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED** 18 **AND RESERVE MEMBERS OF THE UNI-** 19 **FORMED SERVICES.**

20 (a) CLARIFICATION OF ACTIVITIES FOR WHICH AP-
21 PROVAL REQUIRED.—Section 908 of title 37, United
22 States Code, is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by striking “subsection (b)” and
2 inserting “subsections (b) and (c)”; and

3 (ii) by inserting “, accepting payment
4 for speeches, travel, meals, lodging, or reg-
5 istration fees, or accepting a non-cash
6 award,” after “that employment)”; and

7 (B) in paragraph (2), by striking “armed
8 forces” and inserting “armed forces, except
9 members serving on active duty under a call or
10 order to active duty for a period in excess of 30
11 days”;

12 (2) in the heading of subsection (b), by insert-
13 ing “FOR EMPLOYMENT AND COMPENSATION” after
14 “APPROVAL REQUIRED”;

15 (3) by redesignating subsections (c) and (d) as
16 subsections (d) and (e), respectively; and

17 (4) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS
20 AND AWARDS.—A person described in subsection (a) may
21 accept payment for speeches, travel, meals, lodging, or
22 registration fees described in that subsection, or accept a
23 non-cash award described in that subsection, only if the
24 Secretary concerned approves the payment or award.”.

1 (b) ANNUAL REPORTS ON APPROVALS.—Subsection
2 (d) of such section, as redesignated by subsection (a)(3)
3 of this section, is amended—

4 (1) by inserting “(1)” before “Not later than”;

5 (2) in paragraph (1), as designated by para-
6 graph (1) of this subsection, by inserting “, and
7 each approval under subsection (c) for a payment or
8 award described in subsection (a),” after “in sub-
9 section (a)”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(2) The report under paragraph (1) on an approval
13 described in that paragraph with respect to an officer shall
14 set forth the following:

15 “(A) The foreign government providing the em-
16 ployment or compensation or payment or award.

17 “(B) The duties, if any, to be performed in con-
18 nection with the employment or compensation or
19 payment or award.

20 “(C) The total amount of compensation, if any,
21 or payment to be provided.”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) SECTION HEADING.—The heading of such
24 section is amended to read as follows:

1 **“§ 908. Reserves and retired members: acceptance of**
2 **employment, payments, and awards from**
3 **foreign governments”.**

4 (2) TABLE OF SECTIONS.—The table of sections
5 at the beginning of chapter 17 of such title is
6 amended by striking the item relating to section 908
7 and inserting the following new item:

“908. Reserves and retired members: acceptance of employment, payments, and
awards from foreign governments.”.

8 **SEC. 642. PERMANENT AUTHORITY FOR AND ENHANCE-**
9 **MENT OF THE GOVERNMENT LODGING PRO-**
10 **GRAM.**

11 (a) PERMANENT AUTHORITY.—Section 914 of the
12 Carl Levin and Howard P. “Buck” McKeon National De-
13 fense Authorization Act for Fiscal Year 2015 (5 U.S.C.
14 5911 note) is amended—

15 (1) in subsection (a), by striking “, for the pe-
16 riod of time described in subsection (b),”; and

17 (2) by striking subsection (b).

18 (b) TEMPORARY EXCLUSION OF CERTAIN SHIPYARD
19 EMPLOYEES.—Such section is further amended by insert-
20 ing after subsection (a) the following new subsection (b):

21 “(b) TEMPORARY EXCLUSION OF CERTAIN SHIP-
22 YARD EMPLOYEES.—

23 “(1) IN GENERAL.—In carrying out a Govern-
24 ment lodging program under subsection (a), the Sec-

1 retary shall exclude from the requirements of the
2 program employees who are traveling for the per-
3 formance of mission functions of a public shipyard
4 of the Department if the Secretary determines such
5 requirements would adversely affect the purpose or
6 mission of such travel.

7 “(2) TERMINATION.—This subsection shall ter-
8 minate on September 30, 2023.”.

9 (c) CONFORMING AMENDMENT.—The heading of
10 such section is amended to read as follows:

11 **“SEC. 914. GOVERNMENT LODGING PROGRAM.”.**

12 **SEC. 643. OPERATION OF STARS AND STRIPES.**

13 (a) OPERATION.—Subject to appropriations, the Sec-
14 retary of Defense may not cease operation and mainte-
15 nance of Stars and Stripes until 180 days after the date
16 on which the Secretary submits to the Committees on
17 Armed Service of the Senate and the House of Represent-
18 atives notice of the proposed cessation of such operation
19 and maintenance.

20 (b) REPORT ON BUSINESS CASE ANALYSIS.—Not
21 later than March 1, 2021, the Secretary of Defense, in
22 coordination with the editor of Stars and Stripes, shall
23 submit a report to the Committees on Armed Services of
24 the Senate and the House of Representatives detailing the

1 business case analysis for various options for Stars and
2 Stripes. The report shall contain the following elements:

3 (1) An analysis of the pros and cons of, and
4 business case for, continuing the operation and pub-
5 lication of Stars and Stripes at its current levels, in-
6 cluding other options for the independent reporting
7 currently provided, especially in a deployed environ-
8 ment.

9 (2) An analysis of the modes of communication
10 used by Stars and Stripes.

11 (3) An analysis of potential reduced operations
12 of Stars and Stripes.

13 (4) An analysis of the operation of Stars and
14 Stripes solely as a non-appropriated fund entity.

15 (5) An analysis of operating Stars and Stripes
16 as a category B morale, welfare, and recreation enti-
17 ty.

18 (6) An assessment of the value of the avail-
19 ability of Stars and Stripes (in print or an electronic
20 version) to deployed or overseas members of the
21 Armed Forces.

22 **TITLE VII—HEALTH CARE** 23 **PROVISIONS**

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Improvement to breast cancer screening.

Sec. 702. Waiver of fees charged to certain civilians for emergency medical treatment provided at military medical treatment facilities.

- Sec. 703. Authority for Secretary of Defense to manage provider type referral and supervision requirements under TRICARE program.
- Sec. 704. Expansion of benefits available under TRICARE Extended Care Health Option program.
- Sec. 705. Sale of hearing aids for dependents of certain members of the reserve components.
- Sec. 706. Pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program.

Subtitle B—Health Care Administration

- Sec. 711. Repeal of administration of TRICARE dental plans through Federal Employees Dental and Vision Insurance Program.
- Sec. 712. Protection of the Armed Forces from infectious diseases.
- Sec. 713. Inclusion of drugs, biological products, and critical medical supplies in national security strategy for national technology and industrial base.
- Sec. 714. Contract authority of the Uniformed Services University of the Health Sciences.
- Sec. 715. Membership of Board of Regents of Uniformed Services University of the Health Sciences.
- Sec. 716. Temporary exemption for Uniformed Services University of the Health Sciences from certain Paperwork Reduction Act requirements.
- Sec. 717. Modification to limitation on the realignment or reduction of military medical Manning end strength.
- Sec. 718. Modifications to implementation plan for restructure or realignment of military medical treatment facilities.
- Sec. 719. Policy to address prescription opioid safety.
- Sec. 720. Addition of burn pit registration and other information to electronic health records of members of the Armed Forces.
- Sec. 721. Inclusion of information on exposure to open burn pits in postdeployment health reassessments.

Subtitle C—Matters Relating to COVID-19

- Sec. 731. COVID-19 military health system review panel.
- Sec. 732. Department of Defense pandemic preparedness.
- Sec. 733. Transitional health benefits for certain members of the National Guard serving under orders in response to the coronavirus (COVID-19).
- Sec. 734. Registry of certain TRICARE beneficiaries diagnosed with COVID-19.
- Sec. 735. Health assessments of veterans diagnosed with pandemic diseases to determine exposure to open burn pits and toxic airborne chemicals.
- Sec. 736. Comptroller General study on delivery of mental health services to members of the Armed Forces during the COVID-19 pandemic.

Subtitle D—Reports and Other Matters

- Sec. 741. Modifications to pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of National Disaster Medical System.

- Sec. 742. Reports on suicide among members of the Armed Forces and suicide prevention programs and activities of the Department of Defense.
- Sec. 743. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 744. Military Health System Clinical Quality Management Program.
- Sec. 745. Wounded Warrior Service Dog Program.
- Sec. 746. Extramedical maternal health providers demonstration project.
- Sec. 747. Briefing on diet and nutrition of members of the Armed Forces.
- Sec. 748. Audit of medical conditions of residents in privatized military housing.
- Sec. 749. Assessment of receipt by civilians of emergency medical treatment at military medical treatment facilities.
- Sec. 750. Study on the incidence of cancer diagnosis and mortality among military aviators and aviation support personnel.
- Sec. 751. Study on exposure to toxic substances at Karshi-Khanabad Air Base, Uzbekistan.
- Sec. 752. Review and report on prevention of suicide among members of the Armed Forces stationed at remote installations outside the contiguous United States.
- Sec. 753. Study on medevac helicopters and ambulances at certain military installations.
- Sec. 754. Comptroller General study on prenatal and postpartum mental health conditions among members of the Armed Forces and their dependents.
- Sec. 755. Report on lapses in TRICARE coverage for members of the National Guard and reserve components.
- Sec. 756. Study and report on increasing telehealth services across Armed Forces.
- Sec. 757. Study on force mix options and service models to enhance readiness of medical force of the Armed Forces.
- Sec. 758. Report on billing practices for health care from Department of Defense.

Subtitle E—Mental Health Services From Department of Veterans Affairs for
Members of Reserve Components

- Sec. 761. Short title.
- Sec. 762. Expansion of eligibility for readjustment counseling and related outpatient services from Department of Veterans Affairs to include members of reserve components of the Armed Forces.
- Sec. 763. Provision of mental health services from Department of Veterans Affairs to members of reserve components of the Armed Forces.
- Sec. 764. Inclusion of members of reserve components in mental health programs of Department of Veterans Affairs.
- Sec. 765. Report on mental health and related services provided by Department of Veterans Affairs to members of the Armed Forces.

1 **Subtitle A—TRICARE and Other**
2 **Health Care Benefits**

3 **SEC. 701. IMPROVEMENT TO BREAST CANCER SCREENING.**

4 Section 1074d(b)(2) of title 10, United States Code,
5 is amended by inserting before the period at the end the
6 following: “, including through the use of digital breast
7 tomosynthesis”.

8 **SEC. 702. WAIVER OF FEES CHARGED TO CERTAIN CIVIL-**
9 **SIANS FOR EMERGENCY MEDICAL TREATMENT**
10 **PROVIDED AT MILITARY MEDICAL TREAT-**
11 **MENT FACILITIES.**

12 Section 1079b of title 10, United States Code, is
13 amended—

14 (1) by redesignating subsection (b) as sub-
15 section (c); and

16 (2) by inserting after subsection (a) the fol-
17 lowing new subsection (b):

18 “(b) **WAIVER OF FEES.**—The Secretary may waive
19 a fee that would otherwise be charged under the proce-
20 dures implemented under subsection (a) to a civilian who
21 is not a covered beneficiary if—

22 “(1) the civilian is unable to pay for the costs
23 of the trauma or other medical care provided to the
24 civilian (including any such costs remaining after the

1 Secretary receives payment from an insurer for such
2 care, as applicable); and

3 “(2) the provision of such care enhances the
4 knowledge, skills, and abilities of health care pro-
5 viders, as determined by the Secretary.”.

6 **SEC. 703. AUTHORITY FOR SECRETARY OF DEFENSE TO**
7 **MANAGE PROVIDER TYPE REFERRAL AND SU-**
8 **PERVISION REQUIREMENTS UNDER TRICARE**
9 **PROGRAM.**

10 Section 1079(a)(12) of title 10, United States Code,
11 is amended, in the first sentence, by striking “or certified
12 clinical social worker,” and inserting “certified clinical so-
13 cial worker, or other class of provider as designated by
14 the Secretary of Defense,”.

15 **SEC. 704. EXPANSION OF BENEFITS AVAILABLE UNDER**
16 **TRICARE EXTENDED CARE HEALTH OPTION**
17 **PROGRAM.**

18 (a) EXTENDED BENEFITS FOR ELIGIBLE DEPEND-
19 ENTS.—Subsection (e) of section 1079 of title 10, United
20 States Code, is amended to read as follows:

21 “(e)(1) Extended benefits for eligible dependents
22 under subsection (d) may include comprehensive health
23 care services (including services necessary to maintain, or
24 minimize or prevent deterioration of, function of the pa-
25 tient) and case management services with respect to the

1 qualifying condition of such a dependent, and include, to
2 the extent such benefits are not provided under provisions
3 of this chapter other than under this section, the following:

4 “(A) Diagnosis and screening.

5 “(B) Inpatient, outpatient, and comprehensive
6 home health care supplies and services which may
7 include cost-effective and medically appropriate serv-
8 ices other than part-time or intermittent services
9 (within the meaning of such terms as used in the
10 second sentence of section 1861(m) of the Social Se-
11 curity Act (42 U.S.C. 1395x)).

12 “(C) Rehabilitation services and devices.

13 “(D) In accordance with paragraph (2), respite
14 care for the primary caregiver of the eligible depend-
15 ent.

16 “(E) In accordance with paragraph (3), service
17 and modification of durable equipment and assistive
18 technology devices.

19 “(F) Special education.

20 “(G) Vocational training, which may be fur-
21 nished to an eligible dependent in the residence of
22 the eligible dependent or at a facility in which such
23 training is provided.

1 “(H) Such other services and supplies as deter-
2 mined appropriate by the Secretary, notwithstanding
3 the limitations in subsection (a)(12).

4 “(2) Respite care under paragraph (1)(D) shall be
5 provided subject to the following conditions:

6 “(A) Pursuant to regulations prescribed by the
7 Secretary for purposes of this paragraph, such res-
8 pite care shall be limited to 32 hours per month for
9 a primary caregiver.

10 “(B) Unused hours of such respite care may
11 not be carried over to another month.

12 “(C) Such respite care may be provided to an
13 eligible beneficiary regardless of whether the eligible
14 beneficiary is receiving another benefit under this
15 subsection.

16 “(3)(A) Service and modification of durable equip-
17 ment and assistive technology devices under paragraph
18 (1)(E) may be provided only upon determination by the
19 Secretary that the service or modification is necessary for
20 the use of such equipment or device by the eligible depend-
21 ent.

22 “(B) Service and modification of durable equipment
23 and assistive technology devices under such paragraph
24 may not be provided—

1 “(i) in the case of misuse, loss, or theft of the
2 equipment or device; or

3 “(ii) for a deluxe, luxury, or immaterial feature
4 of the equipment or device, as determined by the
5 Secretary.

6 “(C) Service and modification of durable equipment
7 and assistive technology devices under such paragraph
8 may include training of the eligible dependent and imme-
9 diate family members of the eligible dependent on the use
10 of the equipment or device.”.

11 (b) CONFORMING AMENDMENT.—Subsection (f) of
12 section 1079 of title 10, United States Code, is amended
13 by striking “paragraph (3) or (4) of subsection (e)” each
14 place it appears and inserting “subparagraph (C), (E),
15 (F), or (G) of subsection (e)(1)”.

16 (c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPE-
17 CIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of
18 title 10, United States Code, is amended—

19 (1) by redesignating subparagraph (C) as sub-
20 paragraph (D); and

21 (2) by inserting after subparagraph (B) the fol-
22 lowing new subparagraph (C):

23 “(C) With respect to the Extended Care Health
24 Option program under section 1079(d) of this title—

1 “(i) the utilization rates of services under
2 such program by eligible dependents (as such
3 term is defined in such section) during the prior
4 year;

5 “(ii) a description of gaps in such services,
6 as ascertained by the Secretary from informa-
7 tion provided by families of eligible dependents;

8 “(iii) an assessment of factors that prevent
9 knowledge of and access to such program, in-
10 cluding a discussion of actions the Secretary
11 may take to address these factors; and

12 “(iv) an assessment of the average wait
13 time for an eligible dependent enrolled in the
14 program to access alternative health coverage
15 for a qualifying condition (as such term is de-
16 fined in such section), including a discussion of
17 any adverse health outcomes associated with
18 such wait.”.

19 (d) COMPTROLLER GENERAL REPORT.—

20 (1) SUBMISSION.—Not later than April 1,
21 2022, the Comptroller General of the United States
22 shall submit to the Committees on Armed Services
23 of the House of Representatives and the Senate a
24 report on caregiving available to eligible dependents
25 under programs such as home- and community-

1 based services provided under State Medicaid plans
2 pursuant to waivers under section 1915 of the Social
3 Security Act (42 U.S.C. 1396n) or the Program of
4 Comprehensive Assistance for Family Caregivers of
5 the Department of Veterans Affairs established
6 under section 1720G of title 38, United States Code.

7 (2) MATTERS.—The report under paragraph
8 (1) shall include—

9 (A) an analysis of best practices for the
10 administration of programs to support care-
11 givers of individuals with intellectual or physical
12 disabilities, based on input from payers, admin-
13 istrators, individuals receiving care from such
14 caregivers, and advocates;

15 (B) a comparison of the provision of res-
16 pite and related care under the Extended Care
17 Health Option program under section 1079(d)
18 of title 10, United States Code, and similar
19 care provided under programs specified in para-
20 graph (1), to identify best practices from such
21 program and, if necessary, make recommenda-
22 tions for improvement; and

23 (C) an analysis of the reasons eligible de-
24 pendents do not qualify for State programs
25 under which caregiving is available, such as

1 home- and community-based services provided
2 under State Medicaid plans as specified in
3 paragraph (1), with respect to the State in
4 which the eligible dependent is located.

5 (3) ELIGIBLE DEPENDENT DEFINED.—In this
6 subsection, “eligible dependent” has the meaning
7 given such term in section 1079(d) of title 10,
8 United States Code.

9 **SEC. 705. SALE OF HEARING AIDS FOR DEPENDENTS OF**
10 **CERTAIN MEMBERS OF THE RESERVE COM-**
11 **PONENTS.**

12 Section 1077(g) of title 10, United States Code, is
13 amended—

14 (1) by striking “In addition” and inserting “(1)
15 In addition”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(2) For purposes of selling hearing aids at cost to
19 the United States under paragraph (1), a dependent of
20 a member of the reserve components who is enrolled in
21 the TRICARE program under section 1076d of this title
22 shall be deemed to be a dependent eligible for care under
23 this section.”.

1 **SEC. 706. PILOT PROGRAM ON RECEIPT OF NON-GENERIC**
2 **PRESCRIPTION MAINTENANCE MEDICATIONS**
3 **UNDER TRICARE PHARMACY BENEFITS PRO-**
4 **GRAM.**

5 (a) PILOT PROGRAM.—

6 (1) AUTHORITY.—Subject to paragraph (2), the
7 Secretary of Defense may carry out a pilot program
8 under which eligible covered beneficiaries may elect
9 to receive non-generic prescription maintenance
10 medications selected by the Secretary under sub-
11 section (c) through military medical treatment facil-
12 ity pharmacies, retail pharmacies, or the national
13 mail-order pharmacy program, notwithstanding sec-
14 tion 1074g(a)(9) of title 10, United States Code.

15 (2) REQUIREMENT.—The Secretary may carry
16 out the pilot program under paragraph (1) only if
17 the Secretary determines that the total costs to the
18 Department of Defense for eligible covered bene-
19 ficiaries to receive non-generic prescription mainte-
20 nance medications under the pilot program will not
21 exceed the total costs to the Department for such
22 beneficiaries to receive such medications under the
23 national mail-order pharmacy program pursuant to
24 section 1074g(a)(9) of title 10, United States Code.
25 In making such determination, the Secretary shall
26 consider all manufacturer discounts, refunds and re-

1 bates, pharmacy transaction fees, and all other
2 costs.

3 (b) DURATION.—If the Secretary carries out the pilot
4 program under subsection (a)(1), the Secretary shall carry
5 out the pilot program for a three-year period beginning
6 not later than March 1, 2021.

7 (c) SELECTION OF MEDICATION.—If the Secretary
8 carries out the pilot program under subsection (a)(1), the
9 Secretary shall select non-generic prescription mainte-
10 nance medications described in section 1074g(a)(9)(C)(ii)
11 of title 10, United States Code, to be covered by the pilot
12 program.

13 (d) NOTIFICATION.—If the Secretary carries out the
14 pilot program under subsection (a)(1), in providing each
15 eligible covered beneficiary with an explanation of benefits,
16 the Secretary shall notify the beneficiary of whether the
17 medication that the beneficiary is prescribed is covered by
18 the pilot program.

19 (e) BRIEFING AND REPORTS.—

20 (1) BRIEFING.—If the Secretary determines to
21 carry out the pilot program under subsection (a)(1),
22 not later than 90 days after the date of the enact-
23 ment of this Act, the Secretary shall provide to the
24 Committees on Armed Services of the House of Rep-

1 representatives and the Senate a briefing on the imple-
2 mentation of the pilot program.

3 (2) INTERIM REPORT.—If the Secretary carries
4 out the pilot program under subsection (a)(1), not
5 later than 18 months after the commencement of the
6 pilot program, the Secretary shall submit to the
7 Committees on Armed Services of the House of Rep-
8 resentatives and the Senate a report on the pilot
9 program.

10 (3) COMPTROLLER GENERAL REPORT.—

11 (A) IN GENERAL.—If the Secretary carries
12 out the pilot program under subsection (a)(1),
13 not later than March 1, 2024, the Comptroller
14 General of the United States shall submit to
15 the Committees on Armed Services of the
16 House of Representatives and the Senate a re-
17 port on the pilot program.

18 (B) ELEMENTS.—The report under sub-
19 paragraph (A) shall include the following:

20 (i) The number of eligible covered
21 beneficiaries who participated in the pilot
22 program and an assessment of the satisfac-
23 tion of such beneficiaries with the pilot
24 program.

1 (ii) The rate by which eligible covered
2 beneficiaries elected to receive non-generic
3 prescription maintenance medications at a
4 retail pharmacy pursuant to the pilot pro-
5 gram, and how such rate affected military
6 medical treatment facility pharmacies and
7 the national mail-order pharmacy program.

8 (iii) The amount of cost savings real-
9 ized by the pilot program, including with
10 respect to—

11 (I) dispensing fees incurred at re-
12 tail pharmacies compared to the na-
13 tional mail-order pharmacy program
14 for brand name prescription drugs;

15 (II) administrative fees;

16 (III) any costs paid by the
17 United States for the drugs in addi-
18 tion to the procurement costs;

19 (IV) the use of military medical
20 treatment facilities; and

21 (V) copayments paid by eligible
22 covered beneficiaries.

23 (iv) A comparison of supplemental re-
24 bates between retail pharmacies and other
25 points of sale.

1 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to affect—

3 (1) the ability of the Secretary to carry out sec-
4 tion 1074g(a)(9)(C) of title 10, United States Code,
5 after the date on which the pilot program is com-
6 pleted; or

7 (2) the prices established for medications under
8 section 8126 of title 38, United States Code.

9 (g) DEFINITIONS.—In this section:

10 (1) The term “eligible covered beneficiary” has
11 the meaning given that term in section 1074g(i) of
12 title 10, United States Code.

13 (2) The terms “military medical treatment fa-
14 cility pharmacies”, “retail pharmacies”, and “the
15 national mail-order pharmacy program” mean the
16 methods for receiving prescription drugs as de-
17 scribed in clauses (i), (ii), and (iii), respectively, of
18 section 1074g(a)(2)(E) of title 10, United States
19 Code.

**Subtitle B—Health Care
Administration**

SEC. 711. REPEAL OF ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) TITLE 5.—Section 8951(8) of title 5, United States Code, is amended by striking “1076a or”.

(b) TITLE 10.—Section 1076a(b) of title 10, United States Code, is amended to read as follow:

“(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.”.

(c) CONFORMING REPEAL.—Section 713 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1811) is repealed.

(d) TECHNICAL AMENDMENT.—Section 1076a(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 712. PROTECTION OF THE ARMED FORCES FROM INFECTIOUS DISEASES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

1 **“§ 1073e. Protection of armed forces from infectious**
2 **diseases**

3 “(a) PROTECTION.—The Secretary of Defense shall
4 develop and implement a plan to ensure that the armed
5 forces have the diagnostic equipment, testing capabilities,
6 and personal protective equipment necessary to protect
7 members of the armed forces from the threat of infectious
8 diseases and to treat members who contract infectious dis-
9 eases.

10 “(b) REQUIREMENTS.—In carrying out subsection
11 (a), the Secretary shall ensure the following:

12 “(1) Each military medical treatment facility
13 has the testing capabilities described in such sub-
14 section, as appropriate for the mission of the facility.

15 “(2) Each deployed naval vessel has access to
16 the testing capabilities described in such subsection.

17 “(3) Members of the armed forces deployed in
18 support of a contingency operation outside of the
19 United States have access to the testing capabilities
20 described in such subsection, including at field hos-
21 pitals, combat support hospitals, field medical sta-
22 tions, and expeditionary medical facilities.

23 “(4) The Department of Defense maintains—

24 “(A) a 30-day supply of personal protective
25 equipment in a quantity sufficient for each

1 member of the armed forces, including the re-
2 serve components thereof; and

3 “(B) the capability to rapidly resupply
4 such equipment.

5 “(c) RESEARCH AND DEVELOPMENT.—(1) The Sec-
6 retary shall include with the defense budget materials (as
7 defined by section 231(f) of this title) for a fiscal year
8 a plan to research and develop vaccines, diagnostics, and
9 therapeutics for infectious diseases.

10 “(2) The Secretary shall ensure that the medical lab-
11 oratories of the Department of Defense are equipped with
12 the technology needed to facilitate rapid research and de-
13 velopment of vaccines, diagnostics, and therapeutics in the
14 case of a pandemic.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 1073d the following new
18 item:

“1073e. Protection of armed forces from infectious diseases.”.

19 **SEC. 713. INCLUSION OF DRUGS, BIOLOGICAL PRODUCTS,**
20 **AND CRITICAL MEDICAL SUPPLIES IN NA-**
21 **TIONAL SECURITY STRATEGY FOR NATIONAL**
22 **TECHNOLOGY AND INDUSTRIAL BASE.**

23 (a) NATIONAL SECURITY STRATEGY FOR NATIONAL
24 TECHNOLOGY AND INDUSTRIAL BASE.—Section 2501(a)

1 of title 10, United States Code, is amended by adding at
2 the end the following new paragraph:

3 “(11) Providing for the provision of drugs, bio-
4 logical products, vaccines, and critical medical sup-
5 plies required to enable combat readiness and pro-
6 tect the health of the armed forces.”.

7 (b) ASSESSMENT.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall include with the report required to be sub-
10 mitted in 2022 under section 2504 of title 10,
11 United States Code, an appendix containing an as-
12 sessment of gaps or vulnerabilities in the national
13 technology and industrial base (as defined by section
14 2500(1) of such title) with respect to drugs, biologi-
15 cal products, vaccines, and critical medical supplies
16 described in section 2501(a)(11) of such title, as
17 amended by subsection (a) of this section. In car-
18 rying out such assessment, the Secretary shall con-
19 sult with the Secretary of Health and Human Serv-
20 ices, the Commissioner of Food and Drugs, and the
21 heads of other departments and agencies of the Fed-
22 eral Government that the Secretary of Defense de-
23 termines appropriate.

24 (2) MATTERS INCLUDED.—The assessment
25 under paragraph (1) shall include—

1 (A) an identification and origin of any fin-
2 ished drugs, as identified by the Secretary of
3 Defense, and the essential components of such
4 drugs, including raw materials, chemical compo-
5 nents, and active pharmaceutical ingredients
6 that are necessary for the manufacture of such
7 drugs, whose supply is at risk of disruption
8 during a time of war or national emergency;

9 (B) an identification of shortages of fin-
10 ished drugs, biological products, vaccines, and
11 critical medical supplies essential for combat
12 readiness and the protection of the health of the
13 Armed Forces (including with respect to any
14 challenges or issues with the joint deployment
15 formulary), as identified by the Secretary of
16 Defense;

17 (C) an identification of the defense and
18 geopolitical contingencies that are sufficiently
19 likely to arise that may lead to the discontinu-
20 ance, interruption or meaningful disruption in
21 the supply of a drug, biological product, vac-
22 cine, or critical medical supply, and rec-
23 ommendations regarding actions the Secretary
24 of Defense should take to reasonably prepare
25 for the occurrence of such contingencies;

1 (D) an identification of any barriers that
2 exist to manufacture finished drugs, biological
3 products, vaccines, and critical medical supplies
4 in the United States, including with respect to
5 regulatory barriers by the Federal Government
6 and whether the raw materials may be found in
7 the United States;

8 (E) an identification of potential partners
9 of the United States with whom the United
10 States can work with to realign the manufac-
11 turing capabilities of the United States for such
12 finished drugs, biological products, vaccines,
13 and critical medical supplies;

14 (F) an assessment conducted by the Sec-
15 retary of Defense of the resilience and capacity
16 of the current supply chain and industrial base
17 to support national defense upon the occurrence
18 of the contingencies identified in subparagraph
19 (C), including with respect to—

20 (i) the manufacturing capacity of the
21 United States;

22 (ii) gaps in domestic manufacturing
23 capabilities, including nonexistent, extinct,
24 threatened, and single-point-of-failure ca-
25 pabilities;

1 (iii) supply chains with single points
2 of failure and limited resiliency; and

3 (iv) economic factors, including global
4 competition, that threaten the viability of
5 domestic manufacturers; and

6 (G) recommendations to enhance and
7 strengthen the surge requirements and readi-
8 ness contracts of the Department of Defense to
9 ensure the sufficiency of the stockpile of the
10 Department of, and the ready access by the De-
11 partment to, critical medical supplies, pharma-
12 ceuticals, vaccines, countermeasure prophylaxis,
13 and personal protective equipment, including
14 with respect to the effectiveness of the theater
15 lead agent for medical materiel program in sup-
16 port of the combatant commands.

17 (3) SUBMISSION.—In addition to including the
18 assessment under paragraph (1) as an appendix to
19 the report required to be submitted in 2022 under
20 section 2504 of title 10, United States Code, the
21 Secretary of Defense shall submit such appendix
22 separately to the appropriate congressional commit-
23 tees.

24 (4) FORM.—The assessment under paragraph
25 (1) shall be submitted in classified form.

1 (5) DEFINITIONS.—In this subsection:

2 (A) The term “appropriate congressional
3 committees” means the following:

4 (i) The Committee on Appropriations,
5 the Committee on Energy and Commerce,
6 and the Committee on Homeland Security
7 of the House of Representatives.

8 (ii) The Committee on Appropriations,
9 the Committee on Health, Education,
10 Labor, and Pensions, and the Committee
11 on Homeland Security and Governmental
12 Affairs of the Senate.

13 (B) The term “critical medical supplies”
14 includes personal protective equipment, diag-
15 nostic tests, testing supplies, and lifesaving
16 breathing apparatuses required to treat severe
17 respiratory illnesses and distress.

18 **SEC. 714. CONTRACT AUTHORITY OF THE UNIFORMED**
19 **SERVICES UNIVERSITY OF THE HEALTH**
20 **SCIENCES.**

21 (a) CONTRACT AUTHORITY.—Section 2113(g)(1) of
22 title 10, United States Code, is amended—

23 (1) in subparagraph (E), by striking “and” at
24 the end;

1 (2) in subparagraph (F), by striking the period
2 at the end and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(G) notwithstanding sections 2304, 2361,
6 and 2374 of this title, to enter into contracts
7 and cooperative agreements with, accept grants
8 from, and make grants to, nonprofit entities (on
9 a sole-source basis) for the purpose specified in
10 subparagraph (A) or for any other purpose the
11 Secretary determines to be consistent with the
12 mission of the University.”.

13 (b) RULE OF CONSTRUCTION.—Nothing in section
14 2113(g) of title 10, United States Code, as amended by
15 subsection (a), shall be construed to limit the ability of
16 the Secretary of Defense, in carrying out such section, to
17 use competitive procedures to award contracts, cooperative
18 agreements, or grants.

19 **SEC. 715. MEMBERSHIP OF BOARD OF REGENTS OF UNI-**
20 **FORMED SERVICES UNIVERSITY OF THE**
21 **HEALTH SCIENCES.**

22 (a) IN GENERAL.—Section 2113a(b) of title 10,
23 United States Code, is amended—

24 (1) by redesignating paragraphs (3) and (4) as
25 paragraphs (4) and (5), respectively; and

1 (2) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3) the Director of the Defense Health Agen-
4 cy, who shall be an ex officio member;”.

5 (b) RULE OF CONSTRUCTION.—The amendments
6 made by this section may not be construed to invalidate
7 any action taken by the Uniformed Services University of
8 the Health Sciences or its Board of Regents prior to the
9 effective date of this section.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on January 1, 2021.

12 **SEC. 716. TEMPORARY EXEMPTION FOR UNIFORMED SERV-**
13 **ICES UNIVERSITY OF THE HEALTH SCIENCES**
14 **FROM CERTAIN PAPERWORK REDUCTION**
15 **ACT REQUIREMENTS.**

16 (a) TEMPORARY EXEMPTION FROM CERTAIN PAPER-
17 WORK REDUCTION ACT REQUIREMENTS.—

18 (1) IN GENERAL.—During the two-year period
19 beginning on the date that is 30 days after the date
20 of the enactment of this Act, the requirements de-
21 scribed in paragraph (2) shall not apply with respect
22 to the voluntary collection of information during the
23 conduct of research and program evaluations—

1 (A) conducted or sponsored by the Uni-
2 formed Services University of the Health
3 Sciences; and

4 (B) funded through the Defense Health
5 Program.

6 (2) REQUIREMENTS DESCRIBED.—The require-
7 ments described in this paragraph are the require-
8 ments under the following provisions of law:

9 (A) Section 3506(c) of title 44, United
10 States Code.

11 (B) Sections 3507 and 3508 of such title.

12 (b) REPORTS.—

13 (1) INTERIM REPORT.—Not later than one year
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the appropriate
16 congressional committees a report on the prelimi-
17 nary findings with respect to—

18 (A) the estimated time saved by the Uni-
19 formed Services University of the Health
20 Sciences (if applicable) by reason of the exemp-
21 tion under paragraph (1) of subsection (a) to
22 requirements described in paragraph (2) of
23 such subsection;

24 (B) the research within the scope of such
25 exemption that has been initiated, is ongoing,

1 or has been completed during the period in
2 which the exemption is in effect;

3 (C) the estimated cost savings by the Uni-
4 versity that can be attributed to such exemp-
5 tion; and

6 (D) the additional burdens upon the re-
7 search subjects of the University that are at-
8 tributable to such exemption.

9 (2) UPDATED REPORT.—Not later than two
10 years after the date of the enactment of this Act, the
11 Secretary shall submit to the appropriate congres-
12 sional committees a report containing—

13 (A) updated information with respect to
14 the matters under paragraph (1); and

15 (B) any recommendations with respect to
16 policy or legislative actions regarding the ex-
17 emption under paragraph (1) of subsection (a)
18 to requirements described in paragraph (2) of
19 such subsection.

20 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Armed Services and the
24 Committee on Oversight and Reform of the House
25 of Representatives; and

1 (2) the Committee on Armed Services and the
2 Committee on Homeland Security and Governmental
3 Affairs of the Senate.

4 **SEC. 717. MODIFICATION TO LIMITATION ON THE REALIGN-**
5 **MENT OR REDUCTION OF MILITARY MEDICAL**
6 **MANNING END STRENGTH.**

7 Section 719 of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
9 1454) is amended—

10 (1) in subsection (a), in the matter preceding
11 paragraph (1), by striking “may not realign or re-
12 duce military medical end strength authorizations
13 until” and inserting the following: “may not realign
14 or reduce military medical end strength authoriza-
15 tions during the 180 days following the date of the
16 enactment of the William M. (Mac) Thornberry Na-
17 tional Defense Authorization Act for Fiscal Year
18 2021, and after such period, may not realign or re-
19 duce such authorizations unless”; and

20 (2) in subsection (b)(1), by inserting before the
21 period at the end the following: “, including with re-
22 spect to both the homeland defense mission and pan-
23 demic influenza”.

1 **SEC. 718. MODIFICATIONS TO IMPLEMENTATION PLAN FOR**
2 **RESTRUCTURE OR REALIGNMENT OF MILI-**
3 **TARY MEDICAL TREATMENT FACILITIES.**

4 Section 703(d) of the National Defense Authorization
5 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
6 2199) is amended—

7 (1) in paragraph (2), by striking subparagraph
8 (D) and inserting the following new subparagraph:

9 “(D) A description of how the Secretary
10 will carry out subsection (b), including, with re-
11 spect to each affected military medical treat-
12 ment facility, a description of—

13 “(i) the elements required for health
14 care providers to accept and transition cov-
15 ered beneficiaries to the purchased care
16 component of the TRICARE program;

17 “(ii) a method to monitor and report
18 on quality benchmarks for the beneficiary
19 population that will be required to transi-
20 tion to such component of the TRICARE
21 program; and

22 “(iii) a process by which the Director
23 of the Defense Health Agency will ensure
24 that such component of the TRICARE
25 program has the required capacity.”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(4) NOTICE AND WAIT.—The Secretary may
4 not implement the plan under paragraph (1) un-
5 less—

6 “(A) the Secretary has submitted the plan
7 to the congressional defense committees;

8 “(B) the Secretary has certified to the con-
9 gressional defense committees that, pursuant to
10 subsection (b), if a proposed restructure, re-
11 alignment, or modification will eliminate the
12 ability of a covered beneficiary to access health
13 care services at a military medical treatment fa-
14 cility, the covered beneficiary will be able to ac-
15 cess such health care services through the pur-
16 chased care component of the TRICARE pro-
17 gram; and

18 “(C) a 180-day period has elapsed fol-
19 lowing the later of—

20 “(i) the date on which the congres-
21 sional defense committees have received
22 both the implementation plan under sub-
23 paragraph (A) and the notice of certifi-
24 cation under subparagraph (B); or

1 “(ii) the date of the enactment of the
2 William M. (Mac) Thornberry National
3 Defense Authorization Act for Fiscal Year
4 2021.”.

5 **SEC. 719. POLICY TO ADDRESS PRESCRIPTION OPIOID**
6 **SAFETY.**

7 (a) REQUIREMENT.—The Secretary of Defense shall
8 develop a policy and tracking mechanism to monitor and
9 provide oversight of opioid prescribing to ensure that the
10 provider practices of medication-prescribing health profes-
11 sionals across the military health system conform with—

12 (1) the clinical practice guidelines of the De-
13 partment of Defense and the Department of Vet-
14 erans Affairs; and

15 (2) the prescribing guidelines published by the
16 Centers for Disease Control and Prevention and the
17 Food and Drug Administration.

18 (b) ELEMENTS.—The requirements under subsection
19 (a) shall include the following:

20 (1) Providing oversight and accountability of
21 opioid prescribing practices that are outside of the
22 recommended parameters for dosage, supply, and
23 duration as identified in the guideline published by
24 the Centers for Disease Control and Prevention ti-
25 tled “CDC Guideline for Prescribing Opioids for

1 Chronic Pain—United States, 2016”, or such suc-
2 cessor guideline, and the guideline published by the
3 Department of Defense and Department of Veterans
4 Affairs titled “DoD/VA Management of Opioid
5 Therapy (OT) for Chronic Pain Clinical Practice
6 Guideline, 2017” or such successor guideline.

7 (2) Implementing oversight and accountability
8 responsibilities for opioid prescribing safety as speci-
9 fied in paragraph (1).

10 (3) Implementing systems to ensure that the
11 prescriptions in the military health system data re-
12 pository are appropriately documented and that the
13 processing date and the metric quantity field for
14 opioid prescriptions in liquid form are consistent
15 within the electronic health record system known as
16 “MHS GENESIS”.

17 (4) Implementing opioid prescribing controls
18 within the electronic health record system known as
19 “MHS GENESIS” and document if an overdose re-
20 versal drug was co-prescribed.

21 (5) Developing metrics that can be used by the
22 Defense Health Agency and each military medical
23 treatment facility to actively monitor and limit the
24 overprescribing of opioids and to monitor the co-pre-

1 scribing of overdose reversal drugs as accessible
2 interventions.

3 (6) Developing a report that tracks progression
4 toward reduced levels of opioid use and includes an
5 identification of prevention best practices established
6 by the Department.

7 (7) Developing and implementing a plan to im-
8 prove communication and value-based initiatives be-
9 tween pharmacists and medication-prescribing health
10 professionals across the military health system.

11 **SEC. 720. ADDITION OF BURN PIT REGISTRATION AND**
12 **OTHER INFORMATION TO ELECTRONIC**
13 **HEALTH RECORDS OF MEMBERS OF THE**
14 **ARMED FORCES.**

15 (a) UPDATES TO ELECTRONIC HEALTH RECORDS.—
16 Beginning not later than one year after the date of the
17 enactment of this Act, the Secretary of Defense shall en-
18 sure that—

19 (1) the electronic health record maintained by
20 the Secretary for a member of the Armed Forces
21 registered with the Airborne Hazards and Open
22 Burn Pit Registry is updated with any information
23 contained in such registry with respect to the mem-
24 ber; and

1 (2) any occupational or environmental health
2 exposure recorded in the Defense Occupational and
3 Environmental Health Readiness System (or any
4 successor system) is linked to the electronic health
5 record system of the Department of Defense to no-
6 tify health professionals treating a member specified
7 in paragraph (1) of any such exposure recorded for
8 the member.

9 (b) AIRBORNE HAZARDS AND OPEN BURN PIT REG-
10 ISTRY DEFINED.—In this section, the term “Airborne
11 Hazards and Open Burn Pit Registry” means the registry
12 established by the Secretary of Veterans Affairs under sec-
13 tion 201 of the Dignified Burial and Other Veterans’ Ben-
14 efits Improvement Act of 2012 (Public Law 112–260; 38
15 U.S.C. 527 note).

16 **SEC. 721. INCLUSION OF INFORMATION ON EXPOSURE TO**
17 **OPEN BURN PITS IN POSTDEPLOYMENT**
18 **HEALTH REASSESSMENTS.**

19 (a) IN GENERAL.—The Secretary of Defense shall in-
20 clude in postdeployment health reassessments conducted
21 under section 1074f of title 10, United States Code, pur-
22 suant to a Department of Defense Form 2796, or suc-
23 cessor form, an explicit question regarding exposure of
24 members of the Armed Forces to open burn pits.

1 (b) INCLUSION IN ASSESSMENTS BY MILITARY DE-
2 PARTMENTS.—The Secretary of Defense shall ensure that
3 the Secretary of each military department includes a ques-
4 tion regarding exposure of members of the Armed Forces
5 to open burn pits in any electronic postdeployment health
6 assessment conducted by that military department.

7 (c) OPEN BURN PIT DEFINED.—In this section, the
8 term “open burn pit” has the meaning given that term
9 in section 201(c) of the Dignified Burial and Other Vet-
10 erans’ Benefits Improvement Act of 2012 (Public Law
11 112–260; 38 U.S.C. 527 note).

12 **Subtitle C—Matters Relating to**
13 **COVID–19**

14 **SEC. 731. COVID–19 MILITARY HEALTH SYSTEM REVIEW**
15 **PANEL.**

16 (a) ESTABLISHMENT.—The Secretary of Defense
17 shall establish a panel to be known as the “COVID–19
18 Military Health System Review Panel” (in this section re-
19 ferred to as the “panel”).

20 (b) COMPOSITION.—

21 (1) MEMBERS.—The panel shall be composed of
22 the following members:

23 (A) The President of the Uniformed Serv-
24 ices University of the Health Sciences.

1 (B) The Director of the Defense Health
2 Agency.

3 (C) The Surgeon General of the Army.

4 (D) The Surgeon General of the Navy.

5 (E) The Surgeon General of the Air Force.

6 (F) The Joint Staff Surgeon.

7 (G) The Deputy Assistant Secretary of De-
8 fense for Health Readiness Policy and Over-
9 sight.

10 (H) The Deputy Assistant Secretary of
11 Defense for Health Resources Management and
12 Policy.

13 (2) CHAIRPERSON.—The chairperson of the
14 panel shall be the President of the Uniformed Serv-
15 ices University of the Health Sciences.

16 (3) TERMS.—Each member shall be appointed
17 for the life of the panel.

18 (c) DUTIES.—

19 (1) IN GENERAL.—The panel shall—

20 (A) review the response of the military
21 health system to the coronavirus disease 2019
22 (COVID–19) and the effects of COVID–19 on
23 such system, including by analyzing any
24 strengths or weaknesses of such system identi-
25 fied as a result COVID–19; and

1 (B) using information from the review,
2 make such recommendations as the panel con-
3 siders appropriate with respect to any policy,
4 practice, organization, manning level, funding
5 level, or legislative authority relating to the
6 military health system.

7 (2) ELEMENTS OF REVIEW.—In conducting the
8 review under paragraph (1), each member of the
9 panel shall lead a review of at least one of the fol-
10 lowing elements, with respect to the military health
11 system:

12 (A) Policy, including any policy relating to
13 force health protection or medical standards for
14 the appointment, enlistment, or induction of in-
15 dividuals into the Armed Forces.

16 (B) Public health activities, including any
17 activity relating to risk communication, surveil-
18 lance, or contact tracing.

19 (C) Research, diagnostics, and thera-
20 peutics.

21 (D) Logistics and technology.

22 (E) Force structure and manning.

23 (F) Governance and organization.

24 (G) Operational capabilities and oper-
25 ational support.

1 (H) Education and training.

2 (I) Health benefits under the TRICARE
3 program.

4 (J) Engagement and security activities re-
5 lating to global health.

6 (K) The financial impact of COVID–19 on
7 the military health system.

8 (d) REPORT.—Not later than June 1, 2021, the Sec-
9 retary of Defense shall submit to the congressional defense
10 committees a report that includes the findings of the panel
11 as a result of the review under subsection (c)(1)(A) and
12 such recommendations as the panel considers appropriate
13 under subsection (c)(1)(B).

14 (e) TERMINATION.—The panel shall terminate on
15 June 1, 2021.

16 **SEC. 732. DEPARTMENT OF DEFENSE PANDEMIC PRE-**
17 **PAREDNESS.**

18 (a) STRATEGY.—The Secretary of Defense shall de-
19 velop a strategy for pandemic preparedness and response
20 that includes the following:

21 (1) Identification of activities necessary to be
22 carried out prior to a pandemic to ensure prepared-
23 ness and effective communication of roles and re-
24 sponsibilities within the Department of Defense, in-
25 cluding—

1 (A) reviewing the frequency of each exer-
2 cise conducted by the Department, a military
3 department, or Defense Agency that relates to
4 a pandemic or severe influenza season or re-
5 lated force health protection scenario;

6 (B) ensuring such exercises are appro-
7 priately planned, resourced, and practiced;

8 (C) including a consideration of the capa-
9 bilities and capacities necessary to carry out the
10 strategy under this section, and related oper-
11 ations for force health protection, and ensuring
12 that these are included in each cost evaluation,
13 Defense-wide review, or manning assessment of
14 the Department of Defense that affects such
15 capabilities and capacities;

16 (D) reviewing the placement, exploring
17 broader utilization of global health engagement
18 liaisons, and increasing the scope of global
19 health activities of the Department of Defense;

20 (E) assessing a potential career track re-
21 lating to health protection research for mem-
22 bers of the Armed Forces and civilian employ-
23 ees of the Department of Defense;

24 (F) providing to members of the Armed
25 Forces guidance on force health protection prior

1 to and during a pandemic or severe influenza
2 season, including guidance on specific behaviors
3 or actions required, such as self-isolating, social
4 distancing, and additional protective measures
5 to be carried out after contracting a novel virus
6 or influenza;

7 (G) reviewing and updating the inventory
8 of medical supplies and equipment of the De-
9 partment of Defense that is available for oper-
10 ational support to the combatant commands
11 prior to and during a pandemic (such as vac-
12 cines, biologics, drugs, preventive medicine,
13 antiviral medicine, and equipment relating to
14 trauma support), including a review of—

15 (i) the sufficiency of prepositioned
16 stocks; and

17 (ii) the effectiveness of the
18 Warstopper Program of the Defense Logis-
19 tics Agency, or such successor program;

20 (H) reviewing and updating distribution
21 plans of the Department of Defense for critical
22 medical supplies and equipment within the in-
23 ventory of the Department of Defense, includ-
24 ing vaccines and antiviral medicines; and

1 (I) reviewing and updating research on in-
2fectious diseases and preventive medicine con-
3ducted by the military health system, including
4research conducted by the Health Related Com-
5munities of Interest of the Department of De-
6fense, the Joint Program Committees, the over-
7seas medical laboratories of the Department of
8Defense, the Armed Forces Health Surveillance
9Branch, or other elements of the Department of
10Defense that conduct research in support of
11members of the Armed Forces or beneficiaries
12under the TRICARE program.

13 (2) Review of Department of Defense systems
14for health surveillance and detection to ensure con-
15tinuous situational awareness and early warning
16with respect to a pandemic, including a review of—

17 (A) the levels of funding and investment,
18and the overall value, of the Global Emerging
19Infections Surveillance and Response System of
20the Department of Defense, including the value
21demonstrated by the role of such system in—

22 (i) improving the Department of De-
23fense prevention and surveillance of, and
24the response to, infectious diseases that
25may impact members of the Armed Forces;

1 (ii) informing decisions relating to
2 force health protection across the geo-
3 graphic combatant commands;

4 (iii) ensuring laboratory readiness to
5 support pandemic response efforts and to
6 understand infectious disease threats to
7 the Armed Forces; and

8 (iv) coordinating and collaborating
9 with partners, such as the geographic com-
10 batant commands, other Federal agencies,
11 and international partners;

12 (B) the levels of funding and investment,
13 and the overall value, of the overseas medical
14 laboratories of the Department of Defense, in-
15 cluding the value demonstrated by the role of
16 such laboratories in conducting research and
17 forming partnerships with other elements of the
18 Department of Defense, other Federal agencies,
19 international partners in the country in which
20 such laboratory is located, and, as applicable,
21 the private sector of the United States; and

22 (C) the levels of funding and investment,
23 and the overall value, of the Direct HIV/AIDS
24 Prevention Program of the Department of De-
25 fense, including the value demonstrated by the

1 role of such program in developing (in coordina-
2 tion with other Federal agencies) programs for
3 the prevention, care, and treatment of the
4 human immunodeficiency virus infection and
5 acquired immune deficiency syndrome.

6 (3) Identification of activities to limit the
7 spread of an infectious disease outbreak among
8 members of the Armed Forces and beneficiaries
9 under the TRICARE program, including activities to
10 mitigate the health, social, and economic impacts of
11 a pandemic on such members and beneficiaries, in-
12 cluding by—

13 (A) reviewing the role of the Department
14 of Defense in the National Disaster Medical
15 System under section 2812 of the Public Health
16 Service Act (42 U.S.C. 300hh–11) and imple-
17 menting plans across the Department that le-
18 verage medical facilities, personnel, and re-
19 sponse capabilities of the Federal Government
20 to support requirements under such Act relat-
21 ing to medical surge capacity;

22 (B) determining the range of public health
23 capacity, medical surge capacity, administrative
24 capacity, and veterinary capacity necessary for
25 the Armed Forces to—

1 (i) support operations during a pan-
2 demic; and

3 (ii) develop mechanisms to reshape
4 force structure during such pandemic as
5 necessary (contingent upon primary mis-
6 sion requirements); and

7 (C) determining the range of activities for
8 operational medical support and infrastructure
9 sustainment that the Department of Defense
10 and other Federal agencies have the capacity to
11 implement during a pandemic (contingent upon
12 primary mission requirements), and develop
13 plans for the implementation of such activities.

14 (b) STUDY ON RESPONSE TO COVID-19.—In addi-
15 tion to the review under section 731, the Secretary shall
16 conduct a study on the response of the military health sys-
17 tem to the coronavirus disease 2019 (COVID-19).

18 (c) REPORT.—Not later than June 1, 2021, the Sec-
19 retary shall submit to the congressional defense commit-
20 tees a report containing—

21 (1) the strategy under subsection (a); and

22 (2) the study under subsection (b), including
23 any findings or recommendations from the study
24 that relate to an element of the strategy under sub-
25 section (a), such as recommended changes to policy,

1 funding, practices, manning, organization, or legisla-
2 tive authority.

3 **SEC. 733. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN**
4 **MEMBERS OF THE NATIONAL GUARD SERV-**
5 **ING UNDER ORDERS IN RESPONSE TO THE**
6 **CORONAVIRUS (COVID-19).**

7 (a) IN GENERAL.—The Secretary of Defense shall
8 provide to a member of the National Guard separating
9 from active service after serving on full-time National
10 Guard duty pursuant to section 502(f) of title 32, United
11 States Code, the health benefits authorized under section
12 1145 of title 10, United States Code, for a member of
13 a reserve component separating from active duty, as re-
14 ferred to in subsection (a)(2)(B) of such section 1145, if
15 the active service from which the member of the National
16 Guard is separating was in support of the whole of govern-
17 ment response to the coronavirus (COVID-19).

18 (b) DEFINITIONS.—In this section, the terms “active
19 duty”, “active service”, and “full-time National Guard
20 duty” have the meanings given those terms in section
21 101(d) of title 10, United States Code.

22 **SEC. 734. REGISTRY OF CERTAIN TRICARE BENEFICIARIES**
23 **DIAGNOSED WITH COVID-19.**

24 (a) ESTABLISHMENT.—Not later than June 1, 2021,
25 and subject to subsection (b), the Secretary of Defense

1 shall establish and maintain a registry of covered
2 TRICARE beneficiaries who have been diagnosed with
3 COVID–19.

4 (b) RIGHT OF BENEFICIARY TO OPT OUT.—A cov-
5 ered TRICARE beneficiary may elect to opt out of inclu-
6 sion in the registry under subsection (a).

7 (c) CONTENTS.—The registry under subsection (a)
8 shall include, with respect to each covered TRICARE ben-
9 eficiary included in the registry, the following:

10 (1) The demographic information of the bene-
11 ficiary.

12 (2) Information on the industrial or occupa-
13 tional history of the beneficiary, to the extent such
14 information is available in the records regarding the
15 COVID–19 diagnosis of the beneficiary.

16 (3) Administrative information regarding the
17 COVID–19 diagnosis of the beneficiary, including
18 the date of the diagnosis and the location and source
19 of the test used to make the diagnosis.

20 (4) Any symptoms of COVID–19 manifested in
21 the beneficiary.

22 (5) Any treatments for COVID–19 taken by the
23 beneficiary, or other medications taken by the bene-
24 ficiary, when the beneficiary was diagnosed with
25 COVID–19.

1 (6) Any pathological data characterizing the in-
2 cidence of COVID–19 and the type of treatment for
3 COVID–19 provided to the beneficiary.

4 (7) Information on any respiratory illness of the
5 beneficiary recorded prior to the COVID–19 diag-
6 nosis of the beneficiary.

7 (8) Any information regarding the beneficiary
8 contained in the Airborne Hazards and Open Burn
9 Pit Registry established under section 201 of the
10 Dignified Burial and Other Veterans' Benefits Im-
11 provement Act of 2012 (Public Law 112–260; 38
12 U.S.C. 527 note).

13 (9) Any other information determined appro-
14 priate by the Secretary.

15 (d) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Armed Services of the House of
18 Representatives and the Senate a report on establishing
19 the registry under subsection (a), including—

20 (1) a plan to implement the registry;

21 (2) the cost of implementing the registry;

22 (3) the location of the registry; and

23 (4) any recommended legislative changes with
24 respect to establishing the registry.

1 (e) COVERED TRICARE BENEFICIARY DEFINED.—
2 In this section, the term “covered TRICARE beneficiary”
3 means an individual who is enrolled in the direct care sys-
4 tem under the TRICARE program and is treated for or
5 diagnosed with COVID–19 at a military medical treat-
6 ment facility.

7 **SEC. 735. HEALTH ASSESSMENTS OF VETERANS DIAG-**
8 **NOSED WITH PANDEMIC DISEASES TO DE-**
9 **TERMINE EXPOSURE TO OPEN BURN PITS**
10 **AND TOXIC AIRBORNE CHEMICALS.**

11 (a) EXPOSURE TO OPEN BURN PITS AND TOXIC AIR-
12 BORNE CHEMICALS OR OTHER AIRBORNE CONTAMINANTS
13 AS PART OF HEALTH ASSESSMENTS FOR VETERANS DUR-
14 ING A PANDEMIC AND INCLUSION OF INFORMATION IN
15 REGISTRY.—

16 (1) HEALTH ASSESSMENTS AND PHYSICAL EX-
17 AMINATIONS.—The Secretary of Veterans Affairs
18 shall ensure that the first health assessment or
19 physical examination furnished to a veteran under
20 the laws administered by the Secretary after the vet-
21 eran tests positive for a pathogen, such as a virus,
22 with respect to which a public health emergency has
23 been declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d) includes an
25 evaluation of whether the veteran has been—

1 (A) based or stationed at a location where
2 an open burn pit was used; or

3 (B) exposed to toxic airborne chemicals or
4 other airborne contaminants relating to service
5 in the Armed Forces, including an evaluation of
6 any information recorded as part of the Air-
7 borne Hazards and Open Burn Pit Registry.

8 (2) INCLUSION OF INDIVIDUALS IN REG-
9 ISTRY.—If an evaluation conducted under paragraph
10 (1) with respect to a veteran establishes that the
11 veteran was based or stationed at a location where
12 an open burn pit was used, or that the individual
13 was exposed to toxic airborne chemicals or other air-
14 borne contaminants, the individual shall be enrolled
15 in the Airborne Hazards and Open Burn Pit Reg-
16 istry unless the veteran elects to not enroll in such
17 registry.

18 (3) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to preclude eligibility of
20 a veteran for benefits under the laws administered
21 by the Secretary of Veterans Affairs by reason of
22 the history of exposure of the veteran to an open
23 burn pit not being recorded in an evaluation con-
24 ducted under paragraph (1).

1 (b) STUDY ON IMPACT OF VIRAL PANDEMICS ON
2 MEMBERS OF ARMED FORCES AND VETERANS WHO
3 HAVE EXPERIENCED TOXIC EXPOSURE.—

4 (1) IN GENERAL.—The Secretary of Veterans
5 Affairs shall conduct a study, through the Airborne
6 Hazards and Burn Pits Center of Excellence (in this
7 subsection referred to as the “Center”), on the
8 health impacts of infection with a pathogen, such as
9 a virus, with respect to which a public health emer-
10 gency has been declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), includ-
12 ing a coronavirus, to members of the Armed Forces
13 and veterans who have been exposed to open burn
14 pits and other toxic exposures for the purposes of
15 understanding the health impacts of the pathogen
16 and whether individuals infected with the pathogen
17 are at increased risk of severe symptoms due to pre-
18 vious conditions linked to toxic exposure.

19 (2) PREPARATION FOR FUTURE PANDEMIC.—
20 The Secretary, through the Center, shall analyze po-
21 tential lessons learned through the study conducted
22 under paragraph (1) to assist in preparing the De-
23 partment of Veterans Affairs for potential future
24 pandemics.

25 (c) DEFINITIONS.—In this subsection:

1 (1) The term “Airborne Hazards and Open
2 Burn Pit Registry” means the registry established
3 by the Secretary of Veterans Affairs under section
4 201 of the Dignified Burial and Other Veterans’
5 Benefits Improvement Act of 2012 (Public Law
6 112–260; 38 U.S.C. 527 note).

7 (2) The term “coronavirus” has the meaning
8 given that term in section 506 of the Coronavirus
9 Preparedness and Response Supplemental Appro-
10 priations Act, 2020 (Public Law 116–123).

11 (3) The term “open burn pit” has the meaning
12 given that term in section 201(c) of the Dignified
13 Burial and Other Veterans’ Benefits Improvement
14 Act of 2012 (Public Law 112–260; 126 Stat. 2422;
15 38 U.S.C. 527 note).

16 **SEC. 736. COMPTROLLER GENERAL STUDY ON DELIVERY**
17 **OF MENTAL HEALTH SERVICES TO MEMBERS**
18 **OF THE ARMED FORCES DURING THE COVID–**
19 **19 PANDEMIC.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study on the delivery of Fed-
22 eral, State, and private mental health services to members
23 of the Armed Forces during the COVID–19 pandemic.

24 (b) ELEMENTS.—The study conducted under sub-
25 section (a) shall—

1 (1) review any strategies used to combat exist-
2 ing stigma surrounding mental health conditions
3 that might deter members of the Armed Forces from
4 seeking care;

5 (2) review guidance to commanding officers at
6 all levels on the mental health ramifications of the
7 COVID–19 crisis;

8 (3) assess the need for additional training and
9 support for mental health care professionals of the
10 Department of Defense with respect to supporting
11 individuals who are concerned for the health of
12 themselves and their family members, or grieving the
13 loss of loved ones, because of COVID–19;

14 (4) assess the strategy of the Department of
15 Defense to leverage telemedicine to ensure safe ac-
16 cess to mental health services;

17 (5) identify all programs associated with serv-
18 ices described in such subsection;

19 (6) specify gaps or barriers to mental health
20 care access that could result in delayed or insuffi-
21 cient mental health care support to members of the
22 Armed Forces; and

23 (7) evaluate the mental health screening re-
24 quirements for members of the Armed Forces imme-
25 diately before, during, and after—

1 (A) Federal deployment under title 10,
2 United States Code; or

3 (B) State deployment under title 32,
4 United States Code.

5 (c) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the Comptroller General shall
7 submit to the Committees on Armed Services of the Sen-
8 ate and the House of Representatives a report on the
9 study conducted under subsection (a).

10 **Subtitle D—Reports and Other** 11 **Matters**

12 **SEC. 741. MODIFICATIONS TO PILOT PROGRAM ON CIVIL-** 13 **IAN AND MILITARY PARTNERSHIPS TO EN-** 14 **HANCE INTEROPERABILITY AND MEDICAL** 15 **SURGE CAPABILITY AND CAPACITY OF NA-** 16 **TIONAL DISASTER MEDICAL SYSTEM.**

17 Section 740 of the National Defense Authorization
18 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
19 1465) is amended—

20 (1) in subsection (a)—

21 (A) by striking “The Secretary of Defense
22 may” and inserting “Beginning not later than
23 September 30, 2021, the Secretary of Defense
24 shall”;

1 (B) by striking “health care organizations,
2 institutions, and entities” and inserting “health
3 care organizations, health care institutions,
4 health care entities, academic medical centers of
5 institutions of higher education, and hospitals”;
6 and

7 (C) by striking “in the vicinity of major
8 aeromedical and other transport hubs and logis-
9 tics centers of the Department of Defense”;

10 (2) in subsection (b), by striking “may” and in-
11 serting “shall”;

12 (3) by redesignating subsections (d) through (f)
13 as subsections (e) through (g), respectively;

14 (4) by striking subsection (c) and inserting the
15 following new subsections:

16 “(c) LEAD OFFICIAL FOR DESIGN AND IMPLEMEN-
17 TATION OF PILOT PROGRAM.—

18 “(1) IN GENERAL.—The Assistant Secretary of
19 Defense for Health Affairs shall be the lead official
20 for the design and implementation of the pilot pro-
21 gram under subsection (a).

22 “(2) RESOURCES.—The Assistant Secretary of
23 Defense for Health Affairs shall leverage the re-
24 sources of the Defense Health Agency for execution
25 of the pilot program under subsection (a) and shall

1 coordinate with the Chairman of the Joint Chiefs of
2 Staff for the duration of the pilot program, includ-
3 ing for the duration of any period of design or plan-
4 ning for the pilot program.

5 “(d) LOCATIONS.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 shall carry out the pilot program under subsection
8 (a) at not fewer than five locations in the United
9 States that are located at or near an organization,
10 institution, entity, center, or hospital specified in
11 subsection (a) with established expertise in disaster
12 health preparedness and response and trauma care
13 that augment and enhance the effectiveness of the
14 pilot program.

15 “(2) PHASED SELECTION OF LOCATIONS.—

16 “(A) INITIAL SELECTION.—Not later than
17 March 31, 2021, the Assistant Secretary of De-
18 fense for Health Affairs, in consultation with
19 the Secretary of Veterans Affairs, the Secretary
20 of Health and Human Services, the Secretary
21 of Homeland Security, and the Secretary of
22 Transportation, shall select not fewer than two
23 locations at which to carry out the pilot pro-
24 gram.

1 “(B) SUBSEQUENT SELECTION.—Not later
2 than the end of the one-year period following
3 selection of the locations under subparagraph
4 (A), the Assistant Secretary of Defense for
5 Health Affairs, in consultation with the Secre-
6 taries specified in subparagraph (A), shall select
7 not fewer than two additional locations at which
8 to carry out the pilot program until not fewer
9 than five locations are selected in total under
10 this paragraph.

11 “(3) CONSIDERATION FOR LOCATIONS.—In se-
12 lecting locations for the pilot program under sub-
13 section (a), the Secretary shall consider—

14 “(A) the proximity of the location to civil-
15 ian or military transportation hubs, including
16 airports, railways, interstate highways, or ports;

17 “(B) the proximity of the location to an or-
18 ganization, institution, entity, center, or hos-
19 pital specified in subsection (a) with the ability
20 to accept a redistribution of casualties during
21 times of war;

22 “(C) the proximity of the location to an or-
23 ganization, institution, entity, center, or hos-
24 pital specified in subsection (a) with the ability
25 to provide trauma care training opportunities

1 for medical personnel of the Department of De-
2 fense; and

3 “(D) the proximity of the location to exist-
4 ing academic medical centers of institutions of
5 higher education, facilities of the Department,
6 or other institutions that have established ex-
7 pertise in the areas of—

8 “(i) highly infectious disease;

9 “(ii) biocontainment;

10 “(iii) quarantine;

11 “(iv) trauma care;

12 “(v) combat casualty care;

13 “(vi) the National Disaster Medical

14 System under section 2812 of the Public

15 Health Service Act (42 U.S.C. 300hh–11);

16 “(vii) disaster health preparedness
17 and response;

18 “(viii) medical and public health man-
19 agement of biological, chemical, radio-
20 logical, or nuclear hazards; or

21 “(ix) such other areas of expertise as
22 the Secretary considers appropriate.

23 “(4) PRIORITY FOR LOCATIONS.—In selecting
24 locations for the pilot program under subsection (a),
25 the Secretary shall give priority to locations that

1 would facilitate public-private partnerships with aca-
2 demic medical centers of institutions of higher edu-
3 cation, hospitals, and other entities with facilities
4 that have an established history of providing clinical
5 care, treatment, training, and research in the areas
6 described in paragraph (3)(D) or other specializa-
7 tions determined important by the Secretary for pur-
8 poses of the pilot program.”;

9 (5) by striking subsection (g), as redesignated
10 by paragraph (2), and inserting the following:

11 “(g) REPORTS.—

12 “(1) INITIAL REPORT.—

13 “(A) IN GENERAL.—Not later than 180
14 days after the commencement of the pilot pro-
15 gram under subsection (a), the Secretary shall
16 submit to the appropriate congressional com-
17 mittees a report on the pilot program.

18 “(B) ELEMENTS.—The report under sub-
19 paragraph (A) shall include the following:

20 “(i) A description of the pilot pro-
21 gram.

22 “(ii) The requirements established
23 under subsection (e).

24 “(iii) The evaluation metrics estab-
25 lished under subsection (f).

1 “(iv) Such other matters relating to
2 the pilot program as the Secretary con-
3 siders appropriate.

4 “(2) FINAL REPORT.—Not later than 180 days
5 after the completion of the pilot program under sub-
6 section (a), the Secretary shall submit to the appro-
7 priate congressional committees a report on the pilot
8 program.”; and

9 (6) by adding at the end the following new sub-
10 section:

11 “(h) DEFINITIONS.—In this section:

12 “(1) The term ‘appropriate congressional com-
13 mittees’ means—

14 “(A) The Committee on Armed Services,
15 the Committee on Transportation and Infra-
16 structure, the Committee on Veterans’ Affairs,
17 the Committee on Homeland Security, and the
18 Committee on Energy and Commerce of the
19 House of Representatives.

20 “(B) The Committee on Armed Services,
21 the Committee on Commerce, Science, and
22 Transportation, the Committee on Veterans’ Af-
23 fairs, the Committee on Homeland Security and
24 Governmental Affairs, and the Committee on

1 Health, Education, Labor, and Pensions of the
2 Senate.

3 “(2) The term ‘institution of higher education’
4 means a four-year institution of higher education, as
5 defined in section 101(a) of the Higher Education
6 Act of 1965 (20 U.S.C. 1001(a)).”.

7 **SEC. 742. REPORTS ON SUICIDE AMONG MEMBERS OF THE**
8 **ARMED FORCES AND SUICIDE PREVENTION**
9 **PROGRAMS AND ACTIVITIES OF THE DEPART-**
10 **MENT OF DEFENSE.**

11 Section 741(a)(2) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
13 Stat. 1467) is amended—

14 (1) in subparagraph (B), by adding at the end
15 the following new clause:

16 “(iii) The one-year period following
17 the date on which the member returns
18 from such a deployment.”;

19 (2) by redesignating subparagraphs (D)
20 through (H) as subparagraphs (E) through (I), re-
21 spectively;

22 (3) by inserting after subparagraph (C) the fol-
23 lowing new subparagraph (D):

24 “(D) The number of suicides involving a
25 member who was prescribed a medication to

1 treat a mental health or behavioral health diag-
2 nosis during the one-year period preceding the
3 death.”; and

4 (4) by adding at the end the following new sub-
5 paragraph:

6 “(J) A description of the programs carried
7 out by the military departments to address and
8 reduce the stigma associated with seeking as-
9 sistance for mental health or suicidal
10 thoughts.”.

11 **SEC. 743. EXTENSION OF AUTHORITY FOR JOINT DEPART-**
12 **MENT OF DEFENSE-DEPARTMENT OF VET-**
13 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
14 **ONSTRATION FUND.**

15 Section 1704(e) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
17 Stat. 2573), as most recently amended by section
18 732(4)(B) of the National Defense Authorization Act for
19 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1460),
20 is further amended by striking “September 30, 2021” and
21 inserting “September 30, 2022”.

22 **SEC. 744. MILITARY HEALTH SYSTEM CLINICAL QUALITY**
23 **MANAGEMENT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Defense, acting
25 through the Director of the Defense Health Agency, shall

1 implement a comprehensive program to be known as the
2 “Military Health System Clinical Quality Management
3 Program” (in this section referred to as the “Program”).

4 (b) ELEMENTS OF PROGRAM.—The Program shall
5 include, at a minimum, the following:

6 (1) The implementation of systematic proce-
7 dures to eliminate, to the extent feasible, risk of
8 harm to patients at military medical treatment fa-
9 cilities, including through identification, investiga-
10 tion, and analysis of events indicating a risk of pa-
11 tient harm and corrective action plans to mitigate
12 such risks.

13 (2) With respect to a potential sentinel event
14 (including those involving members of the Armed
15 Forces) at a military medical treatment facility—

16 (A) an analysis of such event, which shall
17 occur and be documented as soon as possible
18 after the event;

19 (B) use of such analysis for clinical quality
20 management; and

21 (C) reporting of such event to the National
22 Practitioner Data Bank in accordance with
23 guidelines of the Secretary of Health and
24 Human Services under the Health Care Quality
25 Improvement Act of 1986 (42 U.S.C. 11101 et

1 seq.), giving special emphasis to the results of
2 external peer reviews of the event.

3 (3) Validation of provider credentials and
4 granting of clinical privileges by the Director of the
5 Defense Health Agency for all health care providers
6 at a military medical treatment facility.

7 (4) Accreditation of military medical treatment
8 facilities by a recognized external accreditation body.

9 (5) Systematic measurement of indicators of
10 health care quality, emphasizing clinical outcome
11 measures, comparison of such indicators with bench-
12 marks from leading health care quality improvement
13 organizations, and transparency with the public of
14 appropriate clinical measurements for military med-
15 ical treatment facilities.

16 (6) Systematic activities emphasized by leader-
17 ship at all organizational levels to use all elements
18 of the Program to eliminate unwanted variance
19 throughout the health care system of the Depart-
20 ment of Defense and make constant improvements
21 in clinical quality.

22 (7) A full range of procedures for productive
23 communication between patients and health care
24 providers regarding actual or perceived adverse clin-

1 ical events at military medical treatment facilities,
2 including procedures—

3 (A) for full disclosure of such events (re-
4 specting the confidentiality of peer review infor-
5 mation under a medical quality assurance pro-
6 gram under section 1102 of title 10, United
7 States Code);

8 (B) providing an opportunity for the pa-
9 tient to be heard in relation to quality reviews;
10 and

11 (C) to resolve patient concerns by inde-
12 pendent, neutral health care resolution special-
13 ists.

14 (c) ADDITIONAL CLINICAL QUALITY MANAGEMENT
15 ACTIVITIES.—

16 (1) IN GENERAL.—In addition to the elements
17 of the Program set forth in subsection (b), the Sec-
18 retary shall establish and maintain clinical quality
19 management activities in relation to functions of the
20 health care system of the Department separate from
21 delivery of health care services in military medical
22 treatment facilities.

23 (2) HEALTH CARE DELIVERY OUTSIDE MILI-
24 TARY MEDICAL TREATMENT FACILITIES.—In car-
25 rying out paragraph (1), the Secretary shall main-

1 tain policies and procedures to promote clinical qual-
2 ity in health care delivery on ships and planes, in de-
3 ployed settings, and in all other circumstances not
4 covered by subsection (b), with the objective of im-
5 plementing standards and procedures comparable, to
6 the extent practicable, to those under such sub-
7 section.

8 (3) PURCHASED CARE SYSTEM.—In carrying
9 out paragraph (1), the Secretary shall maintain poli-
10 cies and procedures for health care services provided
11 outside the Department but paid for by the Depart-
12 ment, reflecting best practices by public and private
13 health care reimbursement and management sys-
14 tems.

15 **SEC. 745. WOUNDED WARRIOR SERVICE DOG PROGRAM.**

16 (a) PROGRAM.—The Secretary of Defense shall es-
17 tablish a program, to be known as the “Wounded Warrior
18 Service Dog Program”, to provide assistance dogs to cov-
19 ered members and covered veterans.

20 (b) DEFINITIONS.—In this section:

21 (1) The term “assistance dog” means a dog
22 specifically trained to perform physical tasks to miti-
23 gate the effects of a covered disability, except that
24 the term does not include a dog specifically trained
25 for comfort or personal defense.

1 (2) The term “covered disability” means any of
2 the following:

3 (A) Blindness or visual impairment.

4 (B) Loss of use of a limb, paralysis, or
5 other significant mobility issues.

6 (C) Loss of hearing.

7 (D) Traumatic brain injury.

8 (E) Post-traumatic stress disorder.

9 (F) Any other disability that the Secretary
10 of Defense considers appropriate.

11 (3) The term “covered member” means a mem-
12 ber of the Armed Forces who is—

13 (A) receiving medical treatment, recuper-
14 ation, or therapy under chapter 55 of title 10,
15 United States Code;

16 (B) in medical hold or medical holdover
17 status; or

18 (C) covered under section 1202 or 1205 of
19 title 10, United States Code.

20 (4) The term “covered veteran” means a vet-
21 eran who is enrolled in the health care system estab-
22 lished under section 1705(a) of title 38, United
23 States Code.

1 **SEC. 746. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS**
2 **DEMONSTRATION PROJECT.**

3 (a) **DEMONSTRATION PROJECT REQUIRED.**—Not
4 later than one year after the date of the enactment of this
5 Act, the Secretary of Defense shall commence carrying out
6 a demonstration project designed to evaluate the cost,
7 quality of care, and impact on maternal and fetal out-
8 comes of using extramedical maternal health providers
9 under the TRICARE program to determine the appro-
10 priateness of making coverage of such providers under the
11 TRICARE program permanent.

12 (b) **ELEMENTS OF DEMONSTRATION PROJECT.**—The
13 demonstration project under subsection (a) shall include,
14 for participants in the demonstration project, the fol-
15 lowing:

16 (1) Access to doulas.

17 (2) Access to lactation consultants or lactation
18 counselors who are not otherwise authorized to pro-
19 vide services under the TRICARE program.

20 (c) **PARTICIPANTS.**—The Secretary shall establish a
21 process under which covered beneficiaries may enroll in
22 the demonstration project to receive the services provided
23 under the demonstration project.

24 (d) **DURATION.**—The Secretary shall carry out the
25 demonstration project for a period of five years beginning
26 on the date on which notification of the commencement

1 of the demonstration project is published in the Federal
2 Register.

3 (e) SURVEYS.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, and an-
6 nually thereafter for the duration of the demonstra-
7 tion project, the Secretary shall administer a survey
8 to determine—

9 (A) how many members of the Armed
10 Forces or spouses of such members give birth
11 while their spouse or birthing partner is unable
12 to be present due to deployment, training, or
13 other mission requirements;

14 (B) how many single members of the
15 Armed Forces give birth alone; and

16 (C) how many members of the Armed
17 Forces or spouses of such members use doula,
18 lactation consultant, or lactation counselor sup-
19 port.

20 (2) MATTERS COVERED BY SURVEYS.—The sur-
21 veys administered under paragraph (1) shall include
22 an identification of the following:

23 (A) The race, ethnicity, age, sex, relation-
24 ship status, Armed Force, military occupation,

1 and rank, as applicable, of each individual sur-
2 veyed.

3 (B) If individuals surveyed were members
4 of the Armed Forces or the spouses of such
5 members, or both.

6 (C) The length of advanced notice received
7 by individuals surveyed that the member of the
8 Armed Forces would be unable to be present
9 during the birth, if applicable.

10 (D) Any resources or support that the in-
11 dividuals surveyed found useful during the
12 pregnancy and birth process, including doula,
13 lactation consultant, or lactation counselor sup-
14 port.

15 (f) REPORTS.—

16 (1) IMPLEMENTATION PLAN.—Not later than
17 180 days after the date of the enactment of this Act,
18 the Secretary shall submit to the Committees on
19 Armed Services of the House of Representatives and
20 the Senate a plan to implement the demonstration
21 project.

22 (2) ANNUAL REPORT.—

23 (A) IN GENERAL.—Not later than one year
24 after the date on which the demonstration
25 project commences, and annually thereafter for

1 the duration of the demonstration project, the
2 Secretary shall submit to the Committees on
3 Armed Services of the House of Representatives
4 and the Senate a report on the cost of the dem-
5 onstration project and the effectiveness of the
6 demonstration project in improving quality of
7 care and the maternal and fetal outcomes of
8 covered beneficiaries enrolled in the demonstra-
9 tion project.

10 (B) MATTERS COVERED.—Each report
11 submitted under subparagraph (A) shall ad-
12 dress, at a minimum, the following:

13 (i) The number of covered bene-
14 ficiaries who are enrolled in the demonstra-
15 tion project.

16 (ii) The number of enrolled covered
17 beneficiaries who have participated in the
18 demonstration project.

19 (iii) The results of the surveys under
20 subsection (e).

21 (iv) The cost of the demonstration
22 project.

23 (v) An assessment of the quality of
24 care provided to participants in the dem-
25 onstration project.

1 (vi) An assessment of the impact of
2 the demonstration project on maternal and
3 fetal outcomes.

4 (vii) An assessment of the effective-
5 ness of the demonstration project.

6 (viii) Recommendations for adjust-
7 ments to the demonstration project.

8 (ix) The estimated costs avoided as a
9 result of improved maternal and fetal
10 health outcomes due to the demonstration
11 project.

12 (x) Recommendations for extending
13 the demonstration project or implementing
14 permanent coverage under the TRICARE
15 program of extramedical maternal health
16 providers.

17 (xi) An identification of legislative or
18 administrative action necessary to make
19 the demonstration project permanent.

20 (C) FINAL REPORT.—The final report
21 under subparagraph (A) shall be submitted not
22 later than 90 days after the date on which the
23 demonstration project terminates.

24 (g) EXPANSION OF DEMONSTRATION PROJECT.—

1 (1) REGULATIONS.—If the Secretary deter-
2 mines that the demonstration project is successful,
3 the Secretary may prescribe regulations to include
4 extramedical maternal health providers as health
5 care providers authorized to provide care under the
6 TRICARE program.

7 (2) CREDENTIALING AND OTHER REQUIRE-
8 MENTS.—The Secretary may establish credentialing
9 and other requirements for doulas, lactation consult-
10 ants, and lactation counselors through public notice
11 and comment rulemaking for purposes of including
12 doulas, lactation consultants, and lactation coun-
13 selors as health care providers authorized to provide
14 care under the TRICARE program pursuant to reg-
15 ulations prescribed under paragraph (1).

16 (h) DEFINITIONS.—In this section:

17 (1) The terms “covered beneficiary” and
18 “TRICARE program” have the meanings given
19 those terms in section 1072 of title 10, United
20 States Code.

21 (2) The term “extramedical maternal health
22 provider” means a doula, lactation consultant, or
23 lactation counselor.

1 **SEC. 747. BRIEFING ON DIET AND NUTRITION OF MEMBERS**
2 **OF THE ARMED FORCES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall provide
5 to the Committees on Armed Services of the Senate and
6 the House of Representatives a briefing on the diet and
7 nutrition of members of the Armed Forces. The briefing
8 shall describe the following:

9 (1) The relationship between the diet and nutri-
10 tion of members and the health, performance, and
11 combat effectiveness of members.

12 (2) The relationship between diets high in
13 omega 3 fatty acids, or other diets that may lower
14 inflammation and obesity, and improved mental
15 health.

16 (3) The extent to which the food and beverages
17 offered at the dining halls of the Armed Forces as
18 of the date of the briefing are designed to optimize
19 the health, performance, and combat effectiveness of
20 members according to science-based approaches.

21 (4) The plan of the Secretary to improve the
22 health, performance, and combat effectiveness of
23 members by modifying the food and beverages of-
24 fered at such dining halls, including in ways that
25 minimize the change for members.

1 (5) Expected costs and timeline to implement
2 such plan, including any projected costs or savings
3 from reduced medical costs if the plan is imple-
4 mented.

5 **SEC. 748. AUDIT OF MEDICAL CONDITIONS OF RESIDENTS**
6 **IN PRIVATIZED MILITARY HOUSING.**

7 (a) AUDIT.—Not later than 90 days after the date
8 of the enactment of this Act, the Inspector General of the
9 Department of Defense shall commence the conduct of an
10 audit of—

11 (1) the medical conditions of eligible individuals
12 and the association between adverse exposures of
13 such individuals in unsafe or unhealthy housing
14 units and the health of such individuals; and

15 (2) the process under section 3053 of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2020 (Public Law 116–92; 133 Stat. 1943), includ-
18 ing whether such process will adequately address
19 resolution of environmental health hazards identified
20 as a result of the inspections and assessments con-
21 ducted pursuant to sections 3051(b) and 3052(b) of
22 such Act (Public Law 116–92; 133 Stat. 1941 and
23 1942).

24 (b) CONTENT OF AUDIT.—In conducting the audit
25 under subsection (a), the Inspector General shall—

1 (1) determine the percentage of units of
2 privatized military housing that are considered by
3 the Inspector General to be unsafe or unhealthy
4 housing units and visit at least one military installa-
5 tion of the Department of Defense from each of the
6 Army, Navy, Air Force, and Marine Corps to verify
7 that such units are unsafe or unhealthy housing
8 units;

9 (2) study the adverse exposures of eligible indi-
10 viduals that relate to residing in an unsafe or
11 unhealthy housing unit and the effect of such expo-
12 sures on the health of such individuals;

13 (3) determine, to the extent permitted by avail-
14 able scientific data, the association between such ad-
15 verse exposures and the occurrence of a medical con-
16 dition in eligible individuals residing in unsafe or
17 unhealthy housing units and provide quantifiable
18 data on such association;

19 (4) review the process to identify, record, and
20 resolve environmental health hazards developed by
21 the Secretary of Defense under section 3053 of the
22 National Defense Authorization Act for Fiscal Year
23 2020 (Public Law 116–92; 133 Stat. 1943);

24 (5) review the inspections and assessments con-
25 ducted pursuant to sections 3051(b) and 3052(b) of

1 the National Defense Authorization Act for Fiscal
2 Year 2020 (Public Law 116–92; 133 Stat. 1941 and
3 1942);

4 (6) study the relationship between the process
5 specified in paragraph (4) and any environmental
6 health hazards identified as a result of the inspec-
7 tions and assessments specified in paragraph (5) to
8 determine whether such process will adequately ad-
9 dress resolution of such hazards and complaints that
10 relate to such hazards made by eligible individuals
11 residing in privatized military housing; and

12 (7) make such recommendations as the Inspec-
13 tor General may have to improve the process speci-
14 fied in paragraph (4).

15 (c) CONDUCT OF AUDIT.—The Inspector General
16 shall conduct the audit under subsection (a) using the
17 same privacy preserving guidelines used by the Inspector
18 General in conducting other audits of health records.

19 (d) SOURCE OF DATA.—In conducting the audit
20 under subsection (a), the Inspector General shall use—

21 (1) de-identified data from electronic health
22 records of the Department;

23 (2) records of claims under the TRICARE pro-
24 gram; and

1 (3) such other data as determined necessary by
2 the Inspector General.

3 (e) SUBMISSION AND PUBLIC AVAILABILITY OF RE-
4 PORT.—Not later than one year after the commencement
5 of the audit under subsection (a), the Inspector General
6 shall—

7 (1) submit to the Secretary of Defense and the
8 Committees on Armed Services of the Senate and
9 the House of Representatives a report on the results
10 of the audit conducted under subsection (a), includ-
11 ing any recommendations made under subsection
12 (b)(7); and

13 (2) publish such report on a publicly available
14 internet website of the Department of Defense.

15 (f) DEFINITIONS.—In this section:

16 (1) The term “eligible individual” means a
17 member of the Armed Forces or a family member of
18 a member of the Armed Forces who has resided in
19 an unsafe or unhealthy housing unit.

20 (2) The term “privatized military housing”
21 means military housing provided under subchapter
22 IV of chapter 169 of title 10, United States Code.

23 (3) The term “TRICARE program” has the
24 meaning given such term section 1072 of title 10,
25 United States Code.

1 (4) The term “unsafe or unhealthy housing
2 unit” means a unit of privatized military housing in
3 which is present, at levels exceeding national stand-
4 ards or guidelines, at least one of the following haz-
5 ards:

6 (A) Physiological hazards, including the
7 following:

- 8 (i) Dampness or microbial growth.
- 9 (ii) Lead-based paint.
- 10 (iii) Asbestos or manmade fibers.
- 11 (iv) Ionizing radiation.
- 12 (v) Biocides.
- 13 (vi) Carbon monoxide.
- 14 (vii) Volatile organic compounds.
- 15 (viii) Infectious agents.
- 16 (ix) Fine particulate matter.

17 (B) Psychological hazards, including ease
18 of access by unlawful intruders or lighting
19 issues.

20 (C) Poor ventilation.

21 (D) Safety hazards.

22 (E) Other similar hazards as determined
23 by the Inspector General.

1 **SEC. 749. ASSESSMENT OF RECEIPT BY CIVILIANS OF**
2 **EMERGENCY MEDICAL TREATMENT AT MILI-**
3 **TARY MEDICAL TREATMENT FACILITIES.**

4 (a) ASSESSMENT.—Not later than one year after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall complete an assessment of the
7 provision by the Secretary of Defense of emergency med-
8 ical treatment to civilians who are not covered bene-
9 ficiaries at military medical treatment facilities during the
10 period beginning on October 1, 2015, and ending on Sep-
11 tember 30, 2020.

12 (b) ELEMENTS OF ASSESSMENT.—The assessment
13 under subsection (a) shall include, with respect to civilians
14 who received emergency medical treatment at a military
15 medical treatment facility during the period specified in
16 such paragraph, the following:

17 (1) The total fees charged to such civilians for
18 such treatment and the total fees collected.

19 (2) The amount of medical debt from such
20 treatment that was garnished from such civilians,
21 categorized by garnishment from Social Security
22 benefits, tax refunds, wages, or other financial as-
23 sets.

24 (3) The number of such civilians from whom
25 medical debt from such treatment was garnished.

1 (4) The total fees for such treatment that were
2 waived for such civilians.

3 (5) With respect to medical debt incurred by
4 such civilians from such treatment—

5 (A) the amount of such debt that was col-
6 lected by the Secretary of Defense;

7 (B) the amount of such debt still owed to
8 the Department of Defense; and

9 (C) the amount of such debt transferred
10 from the Department of Defense to the Depart-
11 ment of the Treasury for collection.

12 (6) The number of such civilians from whom
13 such medical debt was collected who did not possess
14 medical insurance at the time of such treatment.

15 (7) The number of such civilians from whom
16 such medical debt was collected who collected Social
17 Security benefits at the time of such treatment.

18 (8) The number of such civilians from whom
19 such medical debt was collected who, at the time of
20 such treatment, earned—

21 (A) less than the poverty line;

22 (B) less than 200 percent of the poverty
23 line;

24 (C) less than 300 percent of the poverty
25 line; and

1 (D) less than 400 percent of the poverty
2 line.

3 (9) An assessment of the process through which
4 military medical treatment facilities seek to recover
5 unpaid medical debt from such civilians, including
6 whether the Secretary of Defense contracts with pri-
7 vate debt collectors to recover such unpaid medical
8 debt.

9 (10) An assessment of the process, if any,
10 through which such civilians can apply to have med-
11 ical debt for such treatment waived, forgiven, can-
12 celed, or otherwise determined to not be a financial
13 obligation of the civilian.

14 (11) Such other information as the Comptroller
15 General determines appropriate.

16 (c) REPORTS.—The Comptroller General shall submit
17 to the Committees on Armed Services of the Senate and
18 the House of Representatives—

19 (1) not later than December 1, 2021, a report
20 containing preliminary observations with respect to
21 the assessment under subsection (a); and

22 (2) at such time and in such format as is mutu-
23 ally agreed upon by the committees and the Comp-
24 troller General, a report containing the final results
25 of such assessment.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “civilian” means an individual
3 who is not—

4 (A) a member of the Armed Forces;

5 (B) a contractor of the Department of De-
6 fense; or

7 (C) a civilian employee of the Department.

8 (2) The term “covered beneficiary” has the
9 meaning given that term in section 1072(5) of title
10 10, United States Code.

11 (3) The term “poverty line” has the meaning
12 given that term in section 673 of the Community
13 Services Block Grant Act (42 U.S.C. 9902).

14 **SEC. 750. STUDY ON THE INCIDENCE OF CANCER DIAG-**
15 **NOSIS AND MORTALITY AMONG MILITARY**
16 **AVIATORS AND AVIATION SUPPORT PER-**
17 **SONNEL.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Secretary of Defense, in
20 conjunction with the Directors of the National Insti-
21 tutes of Health and the National Cancer Institute,
22 shall conduct a study on cancer among covered indi-
23 viduals in two phases as provided in this subsection.

24 (2) PHASE 1.—

1 (A) IN GENERAL.—Under the initial phase
2 of the study conducted under paragraph (1),
3 the Secretary of Defense shall determine if
4 there is a higher incidence of cancers occurring
5 for covered individuals as compared to similar
6 age groups in the general population through
7 the use of the database of the Surveillance, Epi-
8 demiology, and End Results program of the Na-
9 tional Cancer Institute.

10 (B) REPORT.—Not later than one year
11 after the date of the enactment of this Act, the
12 Secretary shall submit to the appropriate com-
13 mittees of Congress a report on the findings of
14 the initial phase of the study under subpara-
15 graph (A).

16 (3) PHASE 2.—

17 (A) IN GENERAL.—If, pursuant to the ini-
18 tial phase of the study under paragraph (2), the
19 Secretary concludes that there is an increased
20 rate of cancers among covered individuals, the
21 Secretary shall conduct a second phase of the
22 study under which the Secretary shall do the
23 following:

24 (i) Identify the carcinogenic toxins or
25 hazardous materials associated with mili-

1 tary flight operations from shipboard or
2 land bases or facilities, such as fuels,
3 fumes, and other liquids.

4 (ii) Identify the operating environ-
5 ments, including frequencies or electro-
6 magnetic fields, where exposure to ionizing
7 radiation (associated with high altitude
8 flight) and nonionizing radiation (associ-
9 ated with airborne, ground, and shipboard
10 radars) occurred in which covered individ-
11 uals could have received increased radi-
12 ation amounts.

13 (iii) Identify, for each covered indi-
14 vidual, duty stations, dates of service, air-
15 craft flown, and additional duties (includ-
16 ing Landing Safety Officer, Catapult and
17 Arresting Gear Officer, Air Liaison Offi-
18 cer, Tactical Air Control Party, or per-
19 sonnel associated with aircraft mainte-
20 nance, supply, logistics, fuels, or transpor-
21 tation) that could have increased the risk
22 of cancer for such covered individual.

23 (iv) Determine locations where a cov-
24 ered individual served or additional duties

1 of a covered individual that are associated
2 with higher incidences of cancers.

3 (v) Identify potential exposures due to
4 service in the Armed Forces that are not
5 related to aviation, such as exposure to
6 burn pits or toxins in contaminated water,
7 embedded in the soil, or inside bases or
8 housing.

9 (vi) Determine the appropriate age to
10 begin screening covered individuals for
11 cancer based on race, gender, flying hours,
12 period of service as aviation support per-
13 sonnel, Armed Force, type of aircraft, and
14 mission.

15 (B) DATA.—The Secretary shall format all
16 data included in the study conducted under this
17 paragraph in accordance with the Surveillance,
18 Epidemiology, and End Results program of the
19 National Cancer Institute, including by
20 disaggregating such data by race, gender, and
21 age.

22 (C) REPORT.—Not later than one year
23 after the submittal of the report under para-
24 graph (2)(B), if the Secretary conducts the sec-
25 ond phase of the study under this paragraph,

1 the Secretary shall submit to the appropriate
2 committees of Congress a report on the findings
3 of the study conducted under this paragraph.

4 (4) USE OF DATA FROM PREVIOUS STUDIES.—

5 In conducting the study under this subsection, the
6 Secretary of Defense shall incorporate data from
7 previous studies conducted by the Air Force, the
8 Navy, or the Marine Corps that are relevant to the
9 study under this subsection, including data from the
10 comprehensive study conducted by the Air Force
11 identifying each covered individual and documenting
12 the cancers, dates of diagnoses, and mortality of
13 each covered individual.

14 (b) DEFINITIONS.—In this section:

15 (1) The term “appropriate committees of Con-
16 gress” means—

17 (A) the Committee on Armed Services and
18 the Committee on Veterans’ Affairs of the Sen-
19 ate; and

20 (B) the Committee on Armed Services and
21 the Committee on Veterans’ Affairs of the
22 House of Representatives.

23 (2) The term “Armed Forces”—

1 (A) has the meaning given the term
2 “armed forces” in section 101 of title 10,
3 United States Code; and

4 (B) includes the reserve components
5 named in section 10101 of such title.

6 (3) The term “covered individual”—

7 (A) means an aviator or aviation support
8 personnel who—

9 (i) served in the Armed Forces on or
10 after February 28, 1961; and

11 (ii) receives benefits under chapter 55
12 of title 10, United States Code; and

13 (B) includes any air crew member of fixed-
14 wing aircraft and personnel supporting genera-
15 tion of the aircraft, including pilots, navigators,
16 weapons systems operators, aircraft system op-
17 erators, personnel associated with aircraft
18 maintenance, supply, logistics, fuels, or trans-
19 portation, and any other crew member who reg-
20 ularly flies in an aircraft or is required to com-
21 plete the mission of the aircraft.

22 **SEC. 751. STUDY ON EXPOSURE TO TOXIC SUBSTANCES AT**
23 **KARSHI-KHANABAD AIR BASE, UZBEKISTAN.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall conduct a study on exposure to toxic sub-
3 stances by members of the Armed Forces deployed
4 to Karshi-Khanabad Air Base, Uzbekistan, at any
5 time during the period beginning on October 1,
6 2001, and ending on December 31, 2005.

7 (2) MATTERS INCLUDED.—The study under
8 paragraph (1) shall include the following:

9 (A) An assessment regarding the condi-
10 tions of Karshi-Khanabad Air Base, Uzbek-
11 istan, during the period beginning on October
12 1, 2001, and ending on December 31, 2005, in-
13 cluding an identification of any toxic substances
14 contaminating the Air Base during such period.

15 (B) An epidemiological study of the health
16 consequences of members of the Armed Forces
17 deployed to the Air Base at any time during
18 such period.

19 (C) An assessment of any association be-
20 tween exposure to toxic substances identified
21 under subparagraph (A) and the health con-
22 sequences studied under subparagraph (B).

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 House of Representatives and the Senate a report on the
2 results of the study under subsection (a).

3 **SEC. 752. REVIEW AND REPORT ON PREVENTION OF SUI-**
4 **CIDE AMONG MEMBERS OF THE ARMED**
5 **FORCES STATIONED AT REMOTE INSTALLA-**
6 **TIONS OUTSIDE THE CONTIGUOUS UNITED**
7 **STATES.**

8 (a) REVIEW REQUIRED.—The Comptroller General
9 of the United States shall conduct a review of efforts by
10 the Department of Defense to prevent suicide among cov-
11 ered members.

12 (b) ELEMENTS OF REVIEW.—The review conducted
13 under subsection (a) shall include an assessment of each
14 of the following:

15 (1) Current policy guidelines of the Armed
16 Forces on the prevention of suicide among covered
17 members.

18 (2) Current suicide prevention programs and
19 activities of the Armed Forces provided to covered
20 members and their dependents, including programs
21 provided by the Defense Health Program and the
22 Defense Suicide Prevention Office.

23 (3) The integration of mental health screenings
24 and efforts relating to suicide risk and suicide pre-
25 vention for covered members and their dependents

1 into the delivery of primary care for such members
2 and dependents.

3 (4) The standards for responding to attempted
4 or completed suicides among covered members and
5 their dependents, including guidance and training to
6 assist commanders in addressing incidents of at-
7 tempted or completed suicide that occur within their
8 units.

9 (5) The standards regarding data collection for
10 covered members and their dependents, including the
11 collection of data on factors that relate to suicide,
12 such as domestic violence and child abuse.

13 (6) The means used to ensure the protection of
14 privacy of covered members and their dependents
15 who seek or receive treatment relating to suicide
16 prevention.

17 (7) The availability of information from indige-
18 nous populations on suicide prevention for covered
19 members who are members of such a population.

20 (8) The availability of information from grad-
21 uate research programs of institutions of higher edu-
22 cation on suicide prevention for members of the
23 Armed Forces.

24 (9) Such other matters as the Comptroller Gen-
25 eral considers appropriate in connection with the

1 prevention of suicide among covered members and
2 their dependents.

3 (c) BRIEFING AND REPORT.—The Comptroller Gen-
4 eral shall—

5 (1) not later than October 1, 2021, brief the
6 Committees on Armed Services of the House of Rep-
7 resentatives and the Senate on preliminary observa-
8 tions relating to the review under subsection (a); and

9 (2) not later than March 1, 2022, submit to the
10 Committees on Armed Services of the House of Rep-
11 resentatives and the Senate a report containing the
12 results of such review.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “covered installation” means a re-
15 mote installation of the Department of Defense lo-
16 cated outside the contiguous United States.

17 (2) The term “covered member” means a mem-
18 ber of the Armed Forces who is stationed at a cov-
19 ered installation.

20 **SEC. 753. STUDY ON MEDEVAC HELICOPTERS AND AMBU-**
21 **LANCES AT CERTAIN MILITARY INSTALLA-**
22 **TIONS.**

23 (a) STUDY.—Not later than one year after the date
24 of the enactment of this Act, the Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 House of Representatives and the Senate a report con-
2 taining a feasibility study on the use and maintenance of
3 medical evacuation helicopters and ground ambulances at
4 covered military installations.

5 (b) ELEMENTS.—The study under subsection (a)
6 shall include the following:

7 (1) The requirements analysis that determines
8 whether a medical evacuation helicopter and ground
9 ambulance or similar vehicles are required at covered
10 military installations.

11 (2) The frequency with which such helicopters
12 and ambulances are inspected for maintenance and
13 restocked with the required supplies and equipment.

14 (3) The frequency with which training exercises
15 occur involving the use of such helicopters and am-
16 bulances.

17 (4) The planning factors associated with ensur-
18 ing that the capabilities provided by such helicopters
19 and ambulances are readily available and the contin-
20 gency plans that may involve the use of helicopters
21 or ambulances provided by allies of the United
22 States or host countries.

23 (c) COVERED MILITARY INSTALLATION DEFINED.—
24 In this section, the term “covered military installation”
25 means each military installation outside the United States

1 at which the Secretary anticipates the United States will
2 have an enduring presence.

3 **SEC. 754. COMPTROLLER GENERAL STUDY ON PRENATAL**
4 **AND POSTPARTUM MENTAL HEALTH CONDI-**
5 **TIONS AMONG MEMBERS OF THE ARMED**
6 **FORCES AND THEIR DEPENDENTS.**

7 (a) STUDY.—

8 (1) IN GENERAL.—The Comptroller General of
9 the United States shall conduct a study on prenatal
10 and postpartum mental health conditions among
11 members of the Armed Forces and the dependents
12 of such members.

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

15 (A) An assessment of—

16 (i) the extent to which beneficiaries
17 under the TRICARE program, including
18 members of the Armed Forces and the de-
19 pendents of such members, are diagnosed
20 with—

21 (I) prenatal or postpartum de-
22 pression;

23 (II) prenatal or postpartum anx-
24 iety disorder;

1 (III) prenatal or postpartum ob-
2 sessive compulsive disorder;

3 (IV) prenatal or postpartum psy-
4 chosis; and

5 (V) other relevant mood dis-
6 orders; and

7 (ii) the extent to which data is col-
8 lected on the prenatal or postpartum men-
9 tal health conditions specified under clause
10 (i).

11 (B) A demographic assessment of the pop-
12 ulation included in the study with respect to
13 race, ethnicity, sex, age, relationship status,
14 military service, military occupation, and rank,
15 where applicable.

16 (C) An assessment of the status of pre-
17 natal and postpartum mental health care for
18 beneficiaries under the TRICARE program, in-
19 cluding those who seek care at military medical
20 treatment facilities and those who rely on civil-
21 ian providers.

22 (D) An assessment of the ease or delay for
23 beneficiaries under the TRICARE program in
24 obtaining treatment for prenatal and

1 postpartum mental health conditions, includ-
2 ing—

3 (i) an assessment of wait times for
4 mental health treatment at each military
5 medical treatment facility; and

6 (ii) a description of the reasons such
7 beneficiaries may cease seeking such treat-
8 ment.

9 (E) A comparison of the rates of prenatal
10 or postpartum mental health conditions within
11 the military community to such rates in the ci-
12 vilian population, as reported by the Centers for
13 Disease Control and Prevention.

14 (F) An assessment of any effects of im-
15 plicit or explicit bias in prenatal and
16 postpartum mental health care under the
17 TRICARE program, or evidence of racial or so-
18 cioeconomic barriers to such care.

19 (G) The extent to which treatment for
20 mental health issues specified under subpara-
21 graph (A)(i) is available and accessible to mem-
22 bers of the Armed Forces serving on active duty
23 and the spouses of such members.

24 (H) The barriers that prevent members of
25 the Armed Forces serving on active duty, and

1 the spouses of such members, from seeking or
2 obtaining care for such mental health issues.

3 (I) The ways in which the Department of
4 Defense is addressing barriers identified under
5 subparagraph (H).

6 (b) REPORT.—Not later than one year after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to the Committees on Armed Services of the Sen-
9 ate and the House of Representatives a report on the find-
10 ings of the study conducted under subsection (a), includ-
11 ing—

12 (1) recommendations for actions to be taken by
13 the Secretary of Defense to improve prenatal and
14 postpartum mental health among members of the
15 Armed Forces and dependents of such members; and

16 (2) such other recommendations as the Comp-
17 troller General determines appropriate.

18 (c) DEFINITIONS.—In this section, the terms “de-
19 pendent” and “TRICARE program” have the meanings
20 given those terms in section 1072 of title 10, United
21 States Code.

1 **SEC. 755. REPORT ON LAPSES IN TRICARE COVERAGE FOR**
2 **MEMBERS OF THE NATIONAL GUARD AND RE-**
3 **SERVE COMPONENTS.**

4 (a) REPORT.—Not later than one year after the date
5 of the enactment of this Act, each Secretary of a military
6 department, in consultation with the Director of the De-
7 fense Health Agency, shall submit to the Committees on
8 Armed Services of the House of Representatives and the
9 Senate a report containing an analysis of each of the fol-
10 lowing with respect to the military department of the Sec-
11 retary:

12 (1) Any lapses in coverage under the TRICARE
13 program for a member of a reserve component that
14 occurred during the eight-year period ending on the
15 date of the enactment of this Act and were caused
16 by a change in the duty status of such member, in-
17 cluding an identification of the total number of such
18 lapses.

19 (2) The factors contributing to any such lapses,
20 including—

21 (A) technological factors, including factors
22 relating to outdated systems;

23 (B) human errors in processing changes in
24 duty status;

25 (C) shortages in the level of administrative
26 staffing of the reserve component; and

1 (D) integration of systems of the reserve
2 component with Integrated Pay and Personnel
3 Systems.

4 (3) How factors contributing to any such lapses
5 were identified under paragraph (2) and whether ac-
6 tions have been taken to address the factors.

7 (4) The effect of any such lapses on—

8 (A) the delivery of health care benefits to
9 members of the reserve components and the eli-
10 gible dependents of such members; or

11 (B) force readiness and force retention.

12 (5) The parties responsible for identifying and
13 communicating to a member of a reserve component
14 issues relating to eligibility under the TRICARE
15 program.

16 (6) The methods by which a member of a re-
17 serve component, an eligible dependent of such mem-
18 ber, or the Secretary of Defense may verify the sta-
19 tus of enrollment in the TRICARE program regard-
20 ing the member before, during, and after a deploy-
21 ment of the member.

22 (7) The comparative effectiveness, with respect
23 to the delivery of health care benefits to a member
24 of a reserve component and eligible dependents of
25 such member, of—

1 (A) continuing the current process by
2 which a previously eligible member must transi-
3 tion from coverage under TRICARE Reserve
4 Select to coverage under TRICARE Prime after
5 a change to active service in the duty status of
6 such member; and

7 (B) establishing a new process by which a
8 previously eligible member may remain covered
9 by TRICARE Reserve Select after a change to
10 active service in the duty status of such mem-
11 ber (whether by allowing a previously eligible
12 member to pay a premium for such coverage or
13 by requiring the Federal Government to provide
14 for such coverage).

15 (8) Whether the current process referred to in
16 paragraph (7)(A) negatively affects the delivery of
17 health care benefits as a result of transitions be-
18 tween network providers.

19 (9) The current status and expected completion
20 of duty status reform for personnel of the reserve
21 components.

22 (10) The actions necessary to prevent future oc-
23 currences of such lapses, including legislative ac-
24 tions.

25 (b) DEFINITIONS.—In this section:

1 (1) The term “active service” has the meaning
2 given that term in section 101(d) of title 10, United
3 States Code.

4 (2) The term “eligible dependent” means a de-
5 pendent of a member of a reserve component—

6 (A) described in subparagraph (A), (D), or
7 (I) of section 1072(2) of title 10, United States
8 Code; and

9 (B) eligible for coverage under the
10 TRICARE program.

11 (3) The term “previously eligible member”
12 means a member of a reserve component who was el-
13 igible for coverage under TRICARE Reserve Select
14 pursuant to section 1076d of title 10, United States
15 Code, prior to a change to active service in the duty
16 status of such member.

17 (4) The terms “TRICARE Prime” and
18 “TRICARE program” have the meanings given
19 those terms in section 1072 of title 10, United
20 States Code.

21 (5) The term “TRICARE Reserve Select” has
22 the meaning given that term in section 1076d(f) of
23 title 10, United States Code.

1 **SEC. 756. STUDY AND REPORT ON INCREASING TELE-**
2 **HEALTH SERVICES ACROSS ARMED FORCES.**

3 (a) STUDY.—The Secretary of Defense shall conduct
4 a study that reviews, identifies, and evaluates the tech-
5 nology approaches, policies, and concepts of operations of
6 telehealth and telemedicine programs across all military
7 departments. The study shall include the following:

8 (1) Identification and evaluation of limitations
9 and vulnerabilities of health care and medicine capa-
10 bilities with respect to telemedicine.

11 (2) Identification and evaluation of essential
12 technologies needed to achieve documented goals and
13 capabilities of telehealth and associated technologies
14 required to support sustainability.

15 (3) Development of a technology maturation
16 roadmap, including an estimated funding profile over
17 time, needed to achieve an effective operational tele-
18 health usage that describes both the critical and as-
19 sociated supporting technologies, systems integra-
20 tion, prototyping and experimentation, and test and
21 evaluation.

22 (4) An analysis of telehealth programs, such as
23 remote diagnostic testing and evaluation tools that
24 contribute to the medical readiness of military med-
25 ical providers.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 House of Representatives and the Senate a report con-
5 taining the study conducted under subsection (a).

6 **SEC. 757. STUDY ON FORCE MIX OPTIONS AND SERVICE**
7 **MODELS TO ENHANCE READINESS OF MED-**
8 **ICAL FORCE OF THE ARMED FORCES.**

9 (a) STUDY.—Not later than 30 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall seek to enter into an agreement with a federally
12 funded research and development center or other inde-
13 pendent entity to conduct a study on force mix options
14 and service models (including traditional and nontradi-
15 tional active and reserve models) to enhance the readiness
16 of the medical force of the Armed Forces to deliver combat
17 care on the battlefield and assist public health responses
18 to pandemics or other national public health emergencies.

19 (b) ELEMENTS.—The study under subsection (a)
20 shall include, at a minimum and conducted separately with
21 respect to members of the Armed Forces on active duty
22 and members of the reserve components—

23 (1) a review of existing models for such mem-
24 bers who are medical professionals to improve clin-
25 ical readiness skills by serving in civilian trauma

1 centers, Federal agencies, or other organizations de-
2 termined appropriate by the Secretary;

3 (2) an assessment of the extent to which such
4 existing models can be optimized, standardized, and
5 scaled to address readiness shortfalls; and

6 (3) an evaluation of the cost and effectiveness
7 of alternative models for such members who are
8 medical professionals to serve in the centers, agen-
9 cies, and organizations specified in subparagraph
10 (A).

11 (c) REPORT.—Not later than 15 months after the
12 date of the enactment of this Act, the Secretary shall sub-
13 mit to the Committees on Armed Services of the Senate
14 and the House of Representatives a report on the findings
15 and recommendations resulting from the study under sub-
16 section (a).

17 **SEC. 758. REPORT ON BILLING PRACTICES FOR HEALTH**
18 **CARE FROM DEPARTMENT OF DEFENSE.**

19 (a) REPORT.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, the
22 Comptroller General of the United States shall sub-
23 mit to the Committees on Armed Services of the
24 Senate and the House of Representatives a report
25 assessing the billing practices of the Department of

1 Defense for care received under the TRICARE pro-
2 gram or at military medical treatment facilities.

3 (2) ELEMENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) A description of the extent to which
6 data is being collected and maintained on
7 whether beneficiaries under the TRICARE pro-
8 gram have other forms of health insurance.

9 (B) A description of the extent to which
10 the Secretary of Defense has implemented the
11 recommendations of the Inspector General of
12 the Department of Defense to improve collec-
13 tions of third-party payments for care at mili-
14 tary medical treatment facilities and a descrip-
15 tion of the impact such implementation has had
16 on such beneficiaries.

17 (C) A description of the extent to which
18 the process used by managed care support con-
19 tractors under the TRICARE program to adju-
20 dicate third-party liability claims is efficient
21 and effective, including with respect to commu-
22 nication with such beneficiaries.

23 (b) TRICARE PROGRAM DEFINED.—In this section,
24 the term “TRICARE program” has the meaning given
25 that term in section 1072 of title 10, United States Code.

1 **Subtitle E—Mental Health Services**
2 **From Department of Veterans**
3 **Affairs for Members of Reserve**
4 **Components**

5 **SEC. 761. SHORT TITLE.**

6 This subtitle may be cited as the “Care and Read-
7 ness Enhancement for Reservists Act of 2020” or the
8 “CARE for Reservists Act of 2020”.

9 **SEC. 762. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
10 **COUNSELING AND RELATED OUTPATIENT**
11 **SERVICES FROM DEPARTMENT OF VETERANS**
12 **AFFAIRS TO INCLUDE MEMBERS OF RESERVE**
13 **COMPONENTS OF THE ARMED FORCES.**

14 (a) READJUSTMENT COUNSELING.—Subsection
15 (a)(1) of section 1712A of title 38, United States Code,
16 is amended by adding at the end the following new sub-
17 paragraph:

18 “(D)(i) The Secretary, in consultation with the Sec-
19 retary of Defense, may furnish to any member of the re-
20 serve components of the Armed Forces who has a behav-
21 ioral health condition or psychological trauma, counseling
22 under subparagraph (A)(i), which may include a com-
23 prehensive individual assessment under subparagraph
24 (B)(i).

1 “(ii) A member of the reserve components of the
2 Armed Forces described in clause (i) shall not be required
3 to obtain a referral before being furnished counseling or
4 an assessment under this subparagraph.”.

5 (b) OUTPATIENT SERVICES.—Subsection (b) of such
6 section is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “to an individual” after
9 “If, on the basis of the assessment furnished”;
10 and

11 (B) by striking “veteran” each place it ap-
12 pears and inserting “individual”; and

13 (2) in paragraph (2), by striking “veteran” and
14 inserting “individual”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date that is one year
17 after the date of the enactment of this Act.

18 **SEC. 763. PROVISION OF MENTAL HEALTH SERVICES FROM**
19 **DEPARTMENT OF VETERANS AFFAIRS TO**
20 **MEMBERS OF RESERVE COMPONENTS OF**
21 **THE ARMED FORCES.**

22 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
23 title 38, United States Code, is amended by adding at the
24 end the following new section:

1 **“§ 1789. Mental health services for members of the re-**
2 **serve components of the Armed Forces**

3 “The Secretary, in consultation with the Secretary of
4 Defense, may furnish mental health services to members
5 of the reserve components of the Armed Forces.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such subchapter is amended by insert-
8 ing after the item relating to section 1788 the following
9 new item:

“1789. Mental health services for members of the reserve components of the
Armed Forces.”.

10 **SEC. 764. INCLUSION OF MEMBERS OF RESERVE COMPO-**
11 **NENTS IN MENTAL HEALTH PROGRAMS OF**
12 **DEPARTMENT OF VETERANS AFFAIRS.**

13 (a) SUICIDE PREVENTION PROGRAM.—

14 (1) IN GENERAL.—Section 1720F of title 38,
15 United States Code, is amended by adding at the
16 end the following new subsection:

17 “(1)(1) COVERED INDIVIDUAL DEFINED.—In this
18 section, the term ‘covered individual’ means a veteran or
19 a member of the reserve components of the Armed Forces.

20 “(2) In determining coverage of members of the re-
21 serve components of the Armed Forces under the com-
22 prehensive program, the Secretary shall consult with the
23 Secretary of Defense.”.

1 (2) CONFORMING AMENDMENTS.—Such section
2 is further amended—

3 (A) in subsection (a), by striking “vet-
4 erans” and inserting “covered individuals”;

5 (B) in subsection (b), by striking “vet-
6 erans” each place it appears and inserting “cov-
7 ered individuals”;

8 (C) in subsection (c)—

9 (i) in the subsection heading, by strik-
10 ing “OF VETERANS”;

11 (ii) by striking “veterans” each place
12 it appears and inserting “covered individ-
13 uals”; and

14 (iii) by striking “veteran” and insert-
15 ing “individual”;

16 (D) in subsection (d), by striking “to vet-
17 erans” each place it appears and inserting “to
18 covered individuals”;

19 (E) in subsection (e), in the matter pre-
20 ceding paragraph (1), by striking “veterans”
21 and inserting “covered individuals”;

22 (F) in subsection (f)—

23 (i) in the first sentence, by striking
24 “veterans” and inserting “covered individ-
25 uals”; and

1 (ii) in the second sentence, by insert-
2 ing “or members” after “veterans”;

3 (G) in subsection (g), by striking “vet-
4 erans” and inserting “covered individuals”;

5 (H) in subsection (h), by striking “vet-
6 erans” and inserting “covered individuals”;

7 (I) in subsection (i)—

8 (i) in the subsection heading, by strik-
9 ing “FOR VETERANS AND FAMILIES”;

10 (ii) in the matter preceding paragraph
11 (1), by striking “veterans and the families
12 of veterans” and inserting “covered indi-
13 viduals and the families of covered individ-
14 uals”;

15 (iii) in paragraph (2), by striking
16 “veterans” and inserting “covered individ-
17 uals”; and

18 (iv) in paragraph (4), by striking
19 “veterans” each place it appears and in-
20 serting “covered individuals”;

21 (J) in subsection (j)—

22 (i) in paragraph (1), by striking “vet-
23 erans” each place it appears and inserting
24 “covered individuals”; and

25 (ii) in paragraph (4)—

1 (I) in subparagraph (A), in the
2 matter preceding clause (i), by strik-
3 ing “women veterans” and inserting
4 “covered individuals who are women”;

5 (II) in subparagraph (B), by
6 striking “women veterans who” and
7 inserting “covered individuals who are
8 women and”; and

9 (III) in subparagraph (C), by
10 striking “women veterans” and insert-
11 ing “covered individuals who are
12 women”; and

13 (K) in subsection (k), by striking “vet-
14 erans” and inserting “covered individuals”.

15 (3) CLERICAL AMENDMENTS.—

16 (A) IN GENERAL.—Such section is further
17 amended, in the section heading, by inserting
18 **“and members of the reserve compo-**
19 **nents of the Armed Forces”** after **“vet-**
20 **erans”**.

21 (B) TABLE OF SECTIONS.—The table of
22 sections at the beginning of such subchapter is
23 amended by striking the item relating to section
24 1720F and inserting the following new item:

“1720F. Comprehensive program for suicide prevention among veterans and
members of the reserve components of the Armed Forces.”.

1 (b) MENTAL HEALTH TREATMENT FOR INDIVIDUALS
2 WHO SERVED IN CLASSIFIED MISSIONS.—

3 (1) IN GENERAL.—Section 1720H of such title
4 is amended—

5 (A) in subsection (a)—

6 (i) in paragraph (1)—

7 (I) by striking “eligible veteran”

8 and inserting “eligible individual”;

9 and

10 (II) by striking “the veteran”

11 and inserting “the individual”; and

12 (ii) in paragraph (3), by striking “eli-

13 gible veterans” and inserting “eligible indi-

14 viduals”;

15 (B) in subsection (b)—

16 (i) by striking “a veteran” and insert-

17 ing “an individual”; and

18 (ii) by striking “eligible veteran” and

19 inserting “eligible individual”; and

20 (C) in subsection (c)—

21 (i) in paragraph (2), in the matter

22 preceding subparagraph (A), by striking

23 “The term ‘eligible veteran’ means a vet-

24 eran” and inserting “The term ‘eligible in-

25 dividual’ means a veteran or a member of

1 the reserve components of the Armed
2 Forces”; and

3 (ii) in paragraph (3), by striking “eli-
4 gible veteran” and inserting “eligible indi-
5 vidual”.

6 (2) CLERICAL AMENDMENTS.—

7 (A) IN GENERAL.—Such section is further
8 amended, in the section heading, by inserting
9 **“and members of the reserve compo-
10 nents of the Armed Forces”** after **“vet-
11 erans”**.

12 (B) TABLE OF SECTIONS.—The table of
13 sections at the beginning of chapter 17 of such
14 title is amended by striking the item relating to
15 section 1720H and inserting the following new
16 item:

“1720H. Mental health treatment for veterans and members of the reserve com-
ponents of the Armed Forces who served in classified mis-
sions.”.

17 **SEC. 765. REPORT ON MENTAL HEALTH AND RELATED**
18 **SERVICES PROVIDED BY DEPARTMENT OF**
19 **VETERANS AFFAIRS TO MEMBERS OF THE**
20 **ARMED FORCES.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of the enactment of this Act, the Secretary of Vet-
23 erans Affairs shall submit to the Committees on Armed
24 Services and the Committees on Veterans’ Affairs of the

1 Senate and the House of Representatives a report that
2 includes an assessment of the following:

3 (1) The increase, as compared to the day before
4 the date of the enactment of this Act, of the number
5 of members of the Armed Forces that use readjust-
6 ment counseling or outpatient mental health care
7 from the Department of Veterans Affairs,
8 disaggregated by State, Vet Center location, and
9 clinical care site of the Department, as appropriate.

10 (2) The number of members of the reserve com-
11 ponents of the Armed Forces receiving telemental
12 health care from the Department.

13 (3) The increase, as compared to the day before
14 the date of the enactment of this Act, of the annual
15 cost associated with readjustment counseling and
16 outpatient mental health care provided by the De-
17 partment to members of the reserve components of
18 the Armed Forces.

19 (4) The changes, as compared to the day before
20 the date of the enactment of this Act, in staffing,
21 training, organization, and resources required for
22 the Department to offer readjustment counseling
23 and outpatient mental health care to members of the
24 reserve components of the Armed Forces.

1 (5) Any challenges the Department has encoun-
2 tered in providing readjustment counseling and out-
3 patient mental health care to members of the reserve
4 components of the Armed Forces.

5 (b) VET CENTER DEFINED.—In this section, the
6 term “Vet Center” has the meaning given that term in
7 section 1712A(h) of title 38, United States Code.

8 **TITLE VIII—ACQUISITION POL-**
9 **ICY, ACQUISITION MANAGE-**
10 **MENT, AND RELATED MAT-**
11 **TERS**

 Subtitle A—Acquisition Policy and Management

- Sec. 801. Report on acquisition risk assessment and mitigation as part of Adaptive Acquisition Framework implementation.
- Sec. 802. Improving planning, execution, and oversight of life cycle sustainment activities.
- Sec. 803. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.
- Sec. 804. Implementation of modular open systems approaches.
- Sec. 805. Congressional notification of termination of a middle tier acquisition program.
- Sec. 806. Definition of material weakness for contractor business systems.
- Sec. 807. Space system acquisition and the adaptive acquisition framework.
- Sec. 808. Acquisition authority of the Director of the Joint Artificial Intelligence Center.
- Sec. 809. Assessments of the process for developing capability requirements for Department of Defense acquisition programs.

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

- Sec. 811. Sustainment reform for the Department of Defense.
- Sec. 812. Inclusion of software in Government performance of acquisition functions.
- Sec. 813. Modifications to Comptroller General assessment of acquisition programs and related initiatives.
- Sec. 814. Cost or pricing data reporting requirements for Department of Defense contracts.
- Sec. 815. Prompt payment of contractors.
- Sec. 816. Documentation pertaining to commercial item determinations.
- Sec. 817. Modification to small purchase threshold exception to sourcing requirements for certain articles.

- Sec. 818. Repeal of program for qualified apprentices for military construction contracts.
- Sec. 819. Modifications to mitigating risks related to foreign ownership, control, or influence of Department of Defense contractors and subcontractors.
- Sec. 820. Contract closeout authority for services contracts.
- Sec. 821. Revision of proof required when using an evaluation factor for employing or subcontracting with members of the Selected Reserve.

Subtitle C—Provisions Relating to Software and Technology

- Sec. 831. Contract authority for development and demonstration of initial or additional prototype units.
- Sec. 832. Extension of pilot program for streamlined awards for innovative technology programs.
- Sec. 833. Listing of other transaction authority consortia.
- Sec. 834. Pilot program on the use of consumption-based solutions to address software-intensive warfighting capability.
- Sec. 835. Balancing security and innovation in software development and acquisition.
- Sec. 836. Digital modernization of analytical and decision-support processes for managing and overseeing Department of Defense acquisition programs.
- Sec. 837. Safeguarding defense-sensitive United States intellectual property, technology, and other data and information.
- Sec. 838. Comptroller General report on implementation of software acquisition reforms.
- Sec. 839. Comptroller General report on intellectual property acquisition and licensing.

Subtitle D—Industrial Base Matters

- Sec. 841. Additional requirements pertaining to printed circuit boards.
- Sec. 842. Report on nonavailability determinations and quarterly national technology and industrial base briefings.
- Sec. 843. Modification of framework for modernizing acquisition processes to ensure integrity of industrial base and inclusion of optical transmission components.
- Sec. 844. Expansion on the prohibition on acquiring certain metal products.
- Sec. 845. Miscellaneous limitations on the procurement of goods other than United States goods.
- Sec. 846. Improving implementation of policy pertaining to the national technology and industrial base.
- Sec. 847. Report and limitation on the availability of funds relating to eliminating the gaps and vulnerabilities in the national technology and industrial base.
- Sec. 848. Supply of strategic and critical materials for the Department of Defense.
- Sec. 849. Analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 850. Implementation of recommendations for assessing and strengthening the manufacturing and defense industrial base and supply chain resiliency.
- Sec. 851. Report on strategic and critical materials.
- Sec. 852. Report on aluminum refining, processing, and manufacturing.

Subtitle E—Small Business Matters

- Sec. 861. Initiatives to support small businesses in the national technology and industrial base.
- Sec. 862. Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.
- Sec. 863. Employment size standard requirements for small business concerns.
- Sec. 864. Maximum award price for sole source manufacturing contracts.
- Sec. 865. Reporting requirement on expenditure amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.
- Sec. 866. Small businesses in territories of the United States.
- Sec. 867. Eligibility of the Commonwealth of the Northern Mariana Islands for certain Small Business Administration programs.
- Sec. 868. Past performance ratings of certain small business concerns.
- Sec. 869. Extension of participation in 8(a) program.
- Sec. 870. Compliance of Offices of Small Business and Disadvantaged Business Utilization.
- Sec. 871. Category management training.

Subtitle F—Other Matters

- Sec. 881. Review of and report on overdue acquisition and cross-servicing agreement transactions.
- Sec. 882. Domestic comparative testing activities.
- Sec. 883. Prohibition on awarding of contracts to contractors that require non-disclosure agreements relating to waste, fraud, or abuse.
- Sec. 884. Program management improvement officers and program management policy council.
- Sec. 885. Disclosure of beneficial owners in database for Federal agency contract and grant officers.
- Sec. 886. Repeal of pilot program on payment of costs for denied Government Accountability Office bid protests.
- Sec. 887. Amendments to submissions to Congress relating to certain foreign military sales.
- Sec. 888. Revision to requirement to use firm fixed-price contracts for foreign military sales.
- Sec. 889. Assessment and enhancement of national security innovation base.
- Sec. 890. Identification of certain contracts relating to construction or maintenance of a border wall.
- Sec. 891. Waivers of certain conditions for progress payments under certain contracts during the COVID–19 national emergency.

1 **Subtitle A—Acquisition Policy and**
2 **Management**

3 **SEC. 801. REPORT ON ACQUISITION RISK ASSESSMENT AND**
4 **MITIGATION AS PART OF ADAPTIVE ACQUI-**
5 **SITION FRAMEWORK IMPLEMENTATION.**

6 (a) IN GENERAL.—Each service acquisition executive
7 shall submit to the Secretary of Defense, the Under Sec-
8 retary of Defense for Acquisition and Sustainment, the
9 Under Secretary of Defense for Research and Engineer-
10 ing, and the Chief Information Officer of the Department
11 of Defense a report on how such service acquisition execu-
12 tive is, with respect to the risks in acquisition programs
13 described in subsection (b)—

- 14 (1) assessing such risks;
15 (2) mitigating such risks; and
16 (3) reporting within the Department of Defense
17 and to Congress on such risks.

18 (b) ACQUISITION PROGRAM RISKS.—The risks in ac-
19 quisition programs described in this subsection are the fol-
20 lowing:

- 21 (1) Technical risks in engineering, software,
22 manufacturing and testing.
23 (2) Integration and interoperability risks, in-
24 cluding complications related to systems working
25 across multiple domains while using machine learn-

1 ing and artificial intelligence capabilities to continu-
2 ously change and optimize system performance.

3 (3) Operations and sustainment risks, including
4 as mitigated by appropriate sustainment planning
5 earlier in the lifecycle of a program, access to tech-
6 nical data, and intellectual property rights.

7 (4) Workforce and training risks, including con-
8 sideration of the role of contractors as part of the
9 total workforce.

10 (5) Supply chain risks, including cybersecurity,
11 foreign control and ownership of key elements of
12 supply chains, and the consequences that a fragile
13 and weakening defense industrial base, combined
14 with barriers to industrial cooperation with allies
15 and partners, pose for delivering systems and tech-
16 nologies in a trusted and assured manner.

17 (c) REPORT TO CONGRESS.—Not later than March
18 31, 2021, the Under Secretary of Defense for Acquisition
19 and Sustainment shall submit to the congressional defense
20 committees a report including—

21 (1) the input received from the service acquisi-
22 tion executives pursuant to subsection (a); and

23 (2) the views of the Under Secretary with re-
24 spect to the matters described in paragraphs (1)
25 through (5) of subsection (b).

1 **SEC. 802. IMPROVING PLANNING, EXECUTION, AND OVER-**
2 **SIGHT OF LIFE CYCLE SUSTAINMENT ACTIVI-**
3 **TIES.**

4 (a) PLANNING FOR LIFE CYCLE SUSTAINMENT.—
5 Section 2337 of title 10, United States Code, is amend-
6 ed—

7 (1) by striking “major weapon system” each
8 place it appears and inserting “covered system”;

9 (2) by striking “major weapon systems” each
10 place it appears and inserting “covered systems”;

11 (3) by striking “weapon system” each place it
12 appears and inserting “covered system”;

13 (4) by redesignating subsections (b) and (c) as
14 subsections (c) and (d), respectively;

15 (5) by inserting after subsection (a) the fol-
16 lowing new subsection:

17 “(b) LIFE CYCLE SUSTAINMENT PLAN.—Before
18 granting Milestone B approval (or the equivalent), the
19 milestone decision authority shall ensure that each covered
20 system has an approved life cycle sustainment plan. The
21 life cycle sustainment plan shall include—

22 “(1) a comprehensive product support strategy;

23 “(2) performance goals, including key perform-
24 ance parameters for sustainment, key system at-
25 tributes of the covered system, and other appro-
26 priate metrics;

1 “(3) an approved life-cycle cost estimate for the
2 covered system;

3 “(4) affordability constraints and key cost fac-
4 tors that could affect the operating and support
5 costs of the covered system;

6 “(5) sustainment risks and proposed mitigation
7 plans for such risks;

8 “(6) engineering and design considerations that
9 support cost-effective sustainment of the covered
10 system;

11 “(7) a technical data and intellectual property
12 management plan for product support; and

13 “(8) major maintenance and overhaul require-
14 ments that will be required during the life cycle of
15 the covered system.”;

16 (6) in subsection (c)(2), as so redesignated—

17 (A) by amending subparagraph (A) to read
18 as follows:

19 “(A) develop, update, and implement a life
20 cycle sustainment plan described in subsection
21 (b);”;

22 (B) in subparagraph (B), by striking
23 “use” and inserting “ensure the life cycle
24 sustainment plan is informed by”; and

1 (C) in subparagraph (C), by inserting “and
2 life cycle sustainment plan” after “product sup-
3 port strategy”; and

4 (7) in subsection (d), as so redesignated—

5 (A) by amending paragraph (5) to read as
6 follows:

7 “(5) COVERED SYSTEM.—The term ‘covered
8 system’ means—

9 “(A) a major defense acquisition program
10 as defined in section 2430 of this title; or

11 “(B) an acquisition program or project
12 that is carried out using the rapid fielding or
13 rapid prototyping acquisition pathway under
14 section 804 of the National Defense Authoriza-
15 tion Act for Fiscal Year 2016 (Public Law
16 114–92; 10 U.S.C. 2302 note) that is estimated
17 by the Secretary of Defense to require an even-
18 tual total expenditure described in section
19 2430(a)(1)(B).”; and

20 (B) by adding at the end the following new
21 paragraphs:

22 “(6) MILESTONE B APPROVAL.—The term
23 ‘Milestone B approval’ has the meaning given that
24 term in section 2366(e)(7) of this title.

1 “(7) MILESTONE DECISION AUTHORITY.—The
2 term ‘milestone decision authority’ has the meaning
3 given in section 2431a(e)(5) of this title.”.

4 (b) ADDITIONAL REQUIREMENTS BEFORE MILE-
5 STONE B APPROVAL.—Section 2366b of title 10, United
6 States Code is amended—

7 (1) in subsection (a)(3)—

8 (A) in subparagraph (N), by striking
9 “and” at the end;

10 (B) in subparagraph (O), by striking the
11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(P) has approved the life cycle
15 sustainment plan required under section
16 2337(b) of this title.”; and

17 (2) in subsection (c)(1)—

18 (A) by redesignating subparagraph (H) as
19 subparagraph (I); and

20 (B) by inserting after subparagraph (G)
21 the following new subparagraph:

22 “(H) A summary of the life cycle
23 sustainment plan required under section 2337
24 of this title.”.

1 (c) RECURRING SUSTAINMENT REVIEWS.—Section
2 2441 of title 10, United States Code, is amended—

3 (1) in subsection (a)—

4 (A) in the first sentence—

5 (i) by striking “major weapon system”
6 and inserting “covered system”;

7 (ii) by striking “and throughout the
8 life cycle of the weapon system” and in-
9 serting “, and every five years thereafter
10 throughout the life cycle of the covered
11 system,”; and

12 (iii) by striking “costs of the weapon
13 system” and inserting “costs of the cov-
14 ered system”; and

15 (B) by striking the second sentence;

16 (2) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
18 by inserting “assess execution of the life cycle
19 sustainment plan of the covered system and”
20 before “include the following elements.”; and

21 (B) by adding at the end the following new
22 paragraph:

23 “(10) As applicable, information regarding any
24 decision to restructure the life cycle sustainment
25 plan for a covered system or any other action that

1 will lead to critical operating and support cost
2 growth.”; and

3 (3) by adding at the end the following new sub-
4 sections:

5 “(d) SUBMISSION TO CONGRESS.—(1) Not later than
6 September 30 of each fiscal year, the Secretary of each
7 military department shall annually submit to the congres-
8 sional defense committees the sustainment reviews re-
9 quired by this section for such fiscal year.

10 “(2) Each submission under paragraph (1) shall be
11 submitted in unclassified form, but may include a classi-
12 fied annex.

13 “(3) For a covered system with critical operating and
14 support cost growth, such submission shall include a reme-
15 diation plan to reduce operating and support costs or a
16 certification by the Secretary concerned that such critical
17 operating and support cost growth is necessary to meet
18 national security requirements.

19 “(e) DEFINITIONS.—In this section:

20 “(1) COVERED SYSTEM.—The term ‘covered
21 system’ shall have the meaning given in section 2337
22 of this title.

23 “(2) CRITICAL OPERATING AND SUPPORT COST
24 GROWTH.—The term ‘critical operating and support

1 cost growth’ means operating and support cost
2 growth—

3 “(A) of at least 25 percent more than the
4 estimate documented in the most recent inde-
5 pendent cost estimate for the covered system; or

6 “(B) of at least 50 percent more than the
7 estimate documented in the original Baseline
8 Estimate (as defined in section 2435(d) of this
9 title) for the covered system.”.

10 (d) COMPTROLLER GENERAL REVIEW.—

11 (1) IN GENERAL.—The Comptroller General of
12 the United States shall—

13 (A) annually, select 10 covered systems for
14 which a sustainment review has been submitted
15 under section 2441(d) of title 10, United States
16 Code; and

17 (B) submit to the congressional defense
18 committees an assessment of the steps taken by
19 Secretaries concerned to quantify and address
20 critical operating and support cost growth with
21 respect to such covered systems.

22 (2) CONTENTS.—Each assessment described in
23 paragraph (1) shall include—

24 (A) an evaluation of—

1 (i) the causes of critical operating and
2 support cost growth for each such covered
3 system;

4 (ii) the extent to which the Secretary
5 concerned has mitigated critical operating
6 and support cost growth of such covered
7 system; and

8 (iii) any other issues related to poten-
9 tial critical operating and support cost
10 growth the Comptroller General determines
11 appropriate; and

12 (B) any recommendations, including steps
13 the Secretaries concerned could take to reduce
14 critical operating and support cost growth for
15 covered systems and lessons learned to be incor-
16 porated in covered system acquisitions.

17 (3) TERMINATION.—The requirement under
18 this subsection shall terminate on September 30,
19 2025.

20 (4) DEFINITIONS.—In this subsection, the
21 terms “covered system” and “critical operating and
22 support cost growth” have the meanings given, re-
23 spectively, in section 2441 of title 10, United States
24 Code.

1 (e) REPORT ON SUSTAINMENT PLANNING PROC-
2 ESSES FOR NON-MAJOR DEFENSE ACQUISITION PROGRAM
3 ACTIVITIES.—Not later than December 31, 2021, the Sec-
4 retary of Defense shall submit to the congressional defense
5 committees a report on the process for ensuring that time-
6 ly and robust sustainment planning processes are in place
7 for all acquisition activities. The report shall include a dis-
8 cussion of—

9 (1) sustainment planning processes for each—

10 (A) acquisition program or project that is
11 carried out using the rapid fielding or rapid
12 prototyping acquisition pathway under section
13 804 of the National Defense Authorization Act
14 for Fiscal Year 2016 (Public Law 114–92; 10
15 U.S.C. 2302 note);

16 (B) information technology and software
17 program;

18 (C) services contract, including each serv-
19 ices contract for information technologies and
20 systems; and

21 (D) acquisition activity other than major
22 defense acquisition programs (as defined in sec-
23 tion 2430 of title 10, United States Code), as
24 determined by the Secretary of Defense;

- 1 (2) methods to identify responsible individuals
- 2 for sustainment planning;
- 3 (3) required elements of sustainment planning;
- 4 (4) timing of sustainment planning activities in
- 5 the acquisition process;
- 6 (5) measures and metrics to assess compliance
- 7 with sustainment plans; and
- 8 (6) actions to continuously monitor, create in-
- 9 centives for, and ensure compliance with
- 10 sustainment plans.

11 **SEC. 803. DISCLOSURES FOR OFFERORS FOR CERTAIN**
12 **SHIPBUILDING MAJOR DEFENSE ACQUISI-**
13 **TION PROGRAM CONTRACTS.**

14 (a) IN GENERAL.—Chapter 137 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 2339c. Disclosures for offerors for certain ship-**
18 **building major defense acquisition pro-**
19 **gram contracts**

20 “(a) IN GENERAL.—Any covered offeror seeking to
21 be awarded a shipbuilding construction contract as part
22 of a major defense acquisition program with funds from
23 the Shipbuilding and Conversion, Navy account shall dis-
24 close along with the offer and any subsequent revisions
25 of the offer (including the final proposal revision offer)

1 if any part of the planned contract performance will or
2 is expected to include foreign government subsidized per-
3 formance, foreign financing, foreign financial guarantees,
4 or foreign tax concessions.

5 “(b) REQUIREMENTS.—A disclosure required under
6 subsection (a) shall be made in a form prescribed by the
7 Secretary of the Navy and shall include a specific descrip-
8 tion of the extent to which the planned contract perform-
9 ance will include, with or without contingencies, any for-
10 eign government subsidized performance, foreign financ-
11 ing, foreign financial guarantees, or foreign tax conces-
12 sions.

13 “(c) CONGRESSIONAL NOTIFICATION.—Not later
14 than 5 days after awarding a contract described under
15 subsection (a), the Secretary of the Navy shall notify the
16 congressional defense committees and summarize the dis-
17 closure provided under such subsection.

18 “(d) DEFINITIONS.—In this section:

19 “(1) COVERED OFFEROR.—The term ‘covered
20 offeror’ means any offeror that requires or may rea-
21 sonably be expected to require, during the period of
22 performance on a shipbuilding construction contract
23 described in subsection (a), a method to mitigate or
24 negate foreign ownership under section

1 2004.34(f)(6) of title 32, Code of Federal Regula-
2 tions.

3 “(2) FOREIGN GOVERNMENT SUBSIDIZED PER-
4 FORMANCE.—The term ‘foreign government sub-
5 sidized performance’ means any financial support,
6 materiel, services, or guarantees of support, services,
7 supply, performance, or intellectual property conces-
8 sions, that may be provided to or for the covered of-
9 feror or the customer of the offeror by a foreign gov-
10 ernment or entity effectively owned or controlled by
11 a foreign government, which may have the effect of
12 supplementing, supplying, servicing, or reducing the
13 cost or price of an end item, or supporting, financ-
14 ing in whole or in part, or guaranteeing contract
15 performance by the offeror.

16 “(3) MAJOR DEFENSE ACQUISITION PRO-
17 GRAM.—The term ‘major defense acquisition pro-
18 gram’ has the meaning given the term in section
19 2430 of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 137 of title 10, United States
22 Code, is amended by inserting after the item relating to
23 section 2339b the following new item:

 “2339c. Disclosures for offerors for certain shipbuilding major defense acquisi-
 tion program contracts.”.

1 **SEC. 804. IMPLEMENTATION OF MODULAR OPEN SYSTEMS**

2 **APPROACHES.**

3 (a) REQUIREMENTS FOR INTERFACE DELIVERY.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, the
6 Under Secretary of Defense for Acquisition and
7 Sustainment, in coordination with the Joint All-Do-
8 main Command and Control cross-functional team
9 and the Director for Command, Control, Commu-
10 nications, and Computers/Cyber, shall issue regula-
11 tions and guidance applicable to the military depart-
12 ments, Defense Agencies, Department of Defense
13 Field Activities (as such terms are defined, respec-
14 tively, in section 101 of title 10, United States
15 Code), and combatant commands, as appropriate,
16 to—

17 (A) facilitate the Department of Defense's
18 access to and utilization of modular system
19 interfaces;

20 (B) fully realize the intent of chapter 144B
21 of title 10, United States Code, by facilitating
22 the implementation of modular open system ap-
23 proaches across major defense acquisition pro-
24 grams (as defined in section 2430 of title 10,
25 United States Code) and other relevant acquisi-
26 tion programs, including in the acquisition and

1 sustainment of weapon systems, platforms, and
2 components for which no common interface
3 standard has been established, to enable com-
4 munication between such weapon systems, plat-
5 forms, and components; and

6 (C) advance the efforts of the Department
7 to generate diverse and recomposable kill
8 chains.

9 (2) ELEMENTS.—The regulations and guidance
10 required under paragraph (1) shall include require-
11 ments that—

12 (A) the program officer for each weapon
13 system characterizes, in the acquisition strategy
14 required under section 2431a of title 10, United
15 States Code or in other documentation, the de-
16 sired modularity of the weapon system for
17 which the program officer is responsible, includ-
18 ing—

19 (i) identification of—

20 (I) the modular systems that
21 comprise the weapon system;

22 (II) the information that should
23 be communicated between individual
24 modular systems (such as tracking

1 and targeting data or command and
2 control instructions); and

3 (III) the desired function of the
4 communication between modular sys-
5 tems (such as fire control functions);
6 and

7 (ii) a default configuration specifying
8 which modular systems should commu-
9 nicate with other modular systems, includ-
10 ing modular systems of other weapon sys-
11 tems;

12 (B) each relevant Department of Defense
13 contract entered into after the date on which
14 the regulations and guidance required under
15 paragraph (1) are implemented includes re-
16 quirements for the delivery of modular system
17 interfaces for modular systems deemed relevant
18 in the acquisition strategy or documentation re-
19 ferred to in subparagraph (A), including—

20 (i) software-defined interface syntax
21 and properties, specifically governing how
22 values are validly passed and received be-
23 tween major subsystems and components,
24 in machine-readable format;

1 (ii) a machine-readable definition of
2 the relationship between the delivered
3 interface and existing common standards
4 or interfaces available in the interface re-
5 positories established pursuant to sub-
6 section (c); and

7 (iii) documentation with functional de-
8 scriptions of software-defined interfaces,
9 conveying semantic meaning of interface
10 elements, such as the function of a given
11 interface field;

12 (C) the relevant program offices, including
13 those responsible for maintaining and upgrad-
14 ing legacy systems—

15 (i) that have not characterized the de-
16 sired modularity of the systems neverthe-
17 less meet the requirements of paragraph
18 (2)(A), if the program officers make an ef-
19 fort, to the extent practicable, to update
20 the acquisition strategies required under
21 section 2431a of title 10, United States
22 Code, or to develop or update other rel-
23 evant documentation; and

24 (ii) that have awarded contracts that
25 do not include the requirements specified

1 in subparagraph (B) of paragraph (2) nev-
2 ertheless acquire, to the extent practicable,
3 the items specified in clauses (i) through
4 (iii) of such subparagraph, either through
5 contractual updates, separate negotiations
6 or contracts, or program management
7 mechanisms; and

8 (D) the relevant program officers deliver
9 modular system interfaces and the associated
10 documentation to at least one of the reposi-
11 tories established pursuant to subsection (c).

12 (3) APPLICABILITY OF REGULATIONS AND
13 GUIDANCE.—

14 (A) APPLICABILITY.—The regulations and
15 guidance required under paragraph (1) shall
16 apply to any program office responsible for the
17 prototyping, acquisition, or sustainment of a
18 new or existing weapon system.

19 (B) EXTENSION OF SCOPE.—Not earlier
20 than 1 year before, and not later than 2 years
21 after the regulations and guidance required
22 under paragraph (1) are issued for weapon sys-
23 tems, the Under Secretary of Defense for Ac-
24 quisition and Sustainment may extend such
25 regulations and guidance to apply to software-

1 based non-weapon systems, including business
2 systems and cybersecurity systems.

3 (4) INCLUSION OF COMPONENTS.—For the pur-
4 poses of paragraph (2)(A), each component that
5 meets the following requirements shall be treated as
6 a modular system:

7 (A) A component that is able to execute
8 without requiring coincident execution of other
9 weapon systems or components and can com-
10 municate across component boundaries and
11 through interfaces.

12 (B) A component that can be separated
13 from and recombined with other weapon sys-
14 tems or components to achieve various effects,
15 missions, or capabilities.

16 (C) A component that is covered by a
17 unique contract line item.

18 (5) MACHINE-READABLE DEFINITION.—Where
19 appropriate and available, the requirement in para-
20 graph (2)(B)(ii) for a machine-readable definition
21 may be satisfied by using a covered technology.

22 (b) EXTENSION OF MODULAR OPEN SYSTEMS AP-
23 PROACH AND RIGHTS IN INTERFACE SOFTWARE.—

1 (1) REQUIREMENT FOR MODULAR OPEN SYS-
2 TEM APPROACH.—Section 2446a of title 10, United
3 States Code, is amended—

4 (A) in subsection (a), by adding at the end
5 the following: “Other defense acquisition pro-
6 grams shall also be designed and developed, to
7 the maximum extent practicable, with a mod-
8 ular open system approach to enable incre-
9 mental development and enhance competition,
10 innovation, and interoperability.”;

11 (B) in subsection (b)—

12 (i) in paragraph (1)—

13 (I) in subparagraph (A), by strik-
14 ing “major system interfaces” and all
15 that follows and inserting “modular
16 system interfaces between major sys-
17 tems, major system components and
18 modular systems;”;

19 (II) in subparagraph (B), by
20 striking “major system interfaces”
21 and all that follows and inserting the
22 following: “that relevant modular sys-
23 tem interfaces—

1 “(i) comply with, if available and suit-
2 able, widely supported and consensus-based
3 standards; or

4 “(ii) are delivered pursuant to the re-
5 quirements established in subsection
6 (a)(2)(B) of section 804 of the William M.
7 (Mac) Thornberry National Defense Au-
8 thorization Act for Fiscal Year 2021, in-
9 cluding the delivery of—

10 “(I) software-defined interface
11 syntax and properties, specifically gov-
12 erning how values are validly passed
13 and received between major sub-
14 systems and components, in machine-
15 readable format;

16 “(II) a machine-readable defini-
17 tion of the relationship between the
18 delivered interface and existing com-
19 mon standards or interfaces available
20 in Department interface repositories;
21 and

22 “(III) documentation with func-
23 tional descriptions of software-defined
24 interfaces, conveying semantic mean-
25 ing of interface elements, such as the

1 function of a given interface field;”;

2 and

3 (III) in subparagraph (C), by in-

4 serting “and modular systems” after

5 “severable major system components”;

6 (ii) in paragraph (3)(A), by striking

7 “well-defined major system interfaces” and

8 inserting “modular system interfaces”;

9 (iii) by amending paragraph (4) to
10 read as follows:

11 “(4) The term ‘modular system interface’
12 means a shared boundary between major systems,
13 major system components, or modular systems, de-
14 fined by various physical, logical, and functional
15 characteristics, such as electrical, mechanical,
16 fluidic, optical, radio frequency, data, networking, or
17 software elements.”;

18 (iv) by redesignating paragraphs (5)
19 through (8) as paragraphs (6) through (9),
20 respectively; and

21 (v) by inserting after paragraph (4)
22 the following new paragraph:

23 “(5) The term ‘modular system’ refers to a
24 weapon system or weapon system component that—

1 “(A) is able to execute without requiring
2 coincident execution of other specific weapon
3 systems or components;

4 “(B) can communicate across component
5 boundaries and through interfaces; and

6 “(C) functions as a module that can be
7 separated, recombined, and connected with
8 other weapon systems or weapon system compo-
9 nents in order to achieve various effects, mis-
10 sions, or capabilities.”.

11 (2) RIGHTS IN TECHNICAL DATA.—

12 (A) IN GENERAL.—Section 2320 of title
13 10, United States Code, is amended—

14 (i) in subsection (a)(2), by amending
15 subparagraph (G) to read as follows:

16 “(G) MODULAR SYSTEM INTERFACES DEVEL-
17 OPED EXCLUSIVELY AT PRIVATE EXPENSE OR WITH
18 MIXED FUNDING.—Notwithstanding subparagraphs
19 (B) and (E), the United States shall have govern-
20 ment purpose rights in technical data pertaining to
21 a modular system interface developed exclusively at
22 private expense or in part with Federal funds and in
23 part at private expense and used in a modular open
24 system approach pursuant to section 2446a of this
25 title, except in any case in which the Secretary of

1 Defense determines that negotiation of different
2 rights in such technical data would be in the best in-
3 terest of the United States. Such modular system
4 interface shall be identified in the contract solicita-
5 tion and the contract. For technical data pertaining
6 to a modular system interface developed exclusively
7 at private expense for which the United States as-
8 serts government purpose rights, the Secretary of
9 Defense shall negotiate with the contractor the ap-
10 propriate and reasonable compensation for such
11 technical data.”; and

12 (ii) in subsection (h), by striking “,
13 ‘major system interface’” and inserting “,
14 ‘modular system interface’”.

15 (B) REGULATIONS.—Not later than 180
16 days after the date of the enactment of this
17 Act, the Secretary of Defense shall update the
18 regulations required by section 2320(a)(1) of
19 title 10, United States Code, to reflect the
20 amendments made by this paragraph.

21 (c) INTERFACE REPOSITORIES.—

22 (1) ESTABLISHMENT.—Not later than 90 days
23 after the date of the enactment of this Act, the
24 Under Secretary of Defense for Acquisition and
25 Sustainment shall—

1 (A) direct the Secretaries concerned and
2 the heads of other appropriate Department of
3 Defense components to establish and maintain
4 repositories for interfaces, syntax and prop-
5 erties, documentation, and communication im-
6 plementations delivered pursuant to the require-
7 ments established under subsection (a)(2)(B);

8 (B) establish and maintain a comprehen-
9 sive index of interfaces, syntax and properties,
10 documentation, and communication implemen-
11 tations delivered pursuant to the requirements
12 established under subsection (a)(2)(B) and
13 maintained in the repositories required under
14 subparagraph (A); and

15 (C) if practicable, establish and maintain
16 an alternate reference repository of interfaces,
17 syntax and properties, documentation, and com-
18 munication implementations delivered pursuant
19 to the requirements established under sub-
20 section (a)(2)(B).

21 (2) DISTRIBUTION OF INTERFACES.—

22 (A) IN GENERAL.—Consistent with the re-
23 quirements of section 2320 of title 10, United
24 States Code, the Under Secretary of Defense
25 for Acquisition and Sustainment shall, in co-

1 ordination with the Director of the Defense
2 Standardization Program Office, use the index
3 and repositories established pursuant to para-
4 graph (1) to provide access to interfaces and
5 relevant documentation to authorized Federal
6 Government and non-Governmental entities.

7 (B) NON-GOVERNMENT RECIPIENT USE
8 LIMITS.—A non-Governmental entity that re-
9 ceives access under subparagraph (A) may not
10 further release, disclose, or use such data ex-
11 cept as authorized.

12 (d) SYSTEM OF SYSTEMS INTEGRATION TECH-
13 NOLOGY AND EXPERIMENTATION.—

14 (1) DEMONSTRATION AND ASSESSMENT.—

15 (A) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the
17 Director for Command, Control, Communica-
18 tions, and Computers/Cyber and the Chief In-
19 formation Officer of the Department of De-
20 fense, acting through the Joint All-Domain
21 Command and Control cross-functional team,
22 shall conduct demonstrations and complete an
23 assessment of the technologies developed under
24 the System of Systems Integration Technology
25 and Experimentation program of the Defense

1 Advanced Research Projects Agency, including
2 a covered technology, and the applicability of
3 any such technologies to the Joint All-Domain
4 Command and Control architecture.

5 (B) COVERAGE.—The demonstrations and
6 assessment required under subparagraph (A)
7 shall include—

8 (i) at least three demonstrations of
9 the use of a covered technology to create,
10 under constrained schedules and budgets,
11 novel kill chains involving previously in-
12 compatible weapon systems, sensors, and
13 command, control, and communication sys-
14 tems from multiple military services in co-
15 operation with United States Indo-Pacific
16 Command or United States European
17 Command;

18 (ii) an evaluation as to whether the
19 communications enabled via a covered
20 technology are sufficient for military mis-
21 sions and whether such technology results
22 in any substantial performance loss in
23 communication between systems, major
24 subsystems, and major components;

1 (iii) an evaluation as to whether a
2 covered technology obviates the need to de-
3 velop, impose, and maintain strict adher-
4 ence to common communication and inter-
5 face standards for weapon systems;

6 (iv) the appropriate roles and respon-
7 sibilities of the Chief Information Officer
8 of the Department of Defense, the Under
9 Secretary of Defense for Acquisition and
10 Sustainment, the heads of the combatant
11 commands, the Secretaries concerned, the
12 Defense Advanced Research Projects Agen-
13 cy, and the defense industrial base in using
14 and maintaining a covered technology to
15 generate diverse and recomposable kill
16 chains as part of the Joint All-Domain
17 Command and Control architecture;

18 (v) for at least one of the demonstra-
19 tions conducted under clause (i), dem-
20 onstration of the use of technology devel-
21 oped under the High-Assurance Cyber
22 Military Systems program of the Defense
23 Advanced Research Projects Agency to se-
24 cure legacy weapon systems and command

1 and control capabilities while facilitating
2 interoperability;

3 (vi) an evaluation of how the tech-
4 nology referred to in clause (v) and covered
5 technology should be used to improve cy-
6 bersecurity and interoperability across crit-
7 ical weapon systems and command and
8 control capabilities across the joint forces;
9 and

10 (vii) coordination with the program
11 manager for the Time Sensitive Targeting
12 Defeat program under the Under Secretary
13 of Defense for Research and Engineering
14 and the Under Secretary of Defense for
15 Intelligence and Security.

16 (2) CHIEF INFORMATION OFFICER ASSESS-
17 MENT.—

18 (A) IN GENERAL.—The Chief Information
19 Officer for the Department of Defense, in co-
20 ordination with the Principal Cyber Advisor to
21 the Secretary of Defense and the Director of
22 the Cybersecurity Directorate of the National
23 Security Agency, shall assess the technologies
24 developed under the System of Systems Inte-
25 gration Technology and Experimentation pro-

1 gram of the Defense Advanced Research
2 Projects Agency, including the covered tech-
3 nology, and applicability of such technology to
4 the business systems and cybersecurity tools of
5 the Department.

6 (B) COVERAGE.—The assessment required
7 under subparagraph (A) shall include—

8 (i) an evaluation as to how the tech-
9 nologies referred to in such subparagraph
10 could be used in conjunction with or in-
11 stead of existing cybersecurity standards,
12 frameworks, and technologies designed to
13 enable communication between, and coordi-
14 nation of, cybersecurity tools;

15 (ii) as appropriate, demonstrations by
16 the Chief Information Office of the use of
17 such technologies in enabling communica-
18 tion between, and coordination of, pre-
19 viously incompatible cybersecurity tools;
20 and

21 (iii) as appropriate, demonstrations of
22 the use of such technologies in enabling
23 communication between previously incom-
24 patible business systems.

1 (3) SUSTAINMENT OF CERTAIN ENGINEERING
2 RESOURCES AND CAPABILITIES.—During the period
3 the demonstrations and assessments required under
4 this subsection are conducted, and thereafter to the
5 extent required to execute the activities directed by
6 the Joint All-Domain Command and Control cross-
7 functional team, the Joint All-Domain Command
8 and Control cross-functional team shall sustain the
9 System of Systems Technology Integration Tool
10 Chain for Heterogeneous Electronic Systems engi-
11 neering resources and capabilities developed by the
12 Defense Advanced Research Projects Agency.

13 (4) TRANSFER OF RESPONSIBILITY.—Not ear-
14 lier than 1 year before, and not later than 2 years
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense may transfer responsibility for
17 maintaining the engineering resources and capabili-
18 ties described in paragraph (3) to a different organi-
19 zation within the Department.

20 (e) OPEN STANDARDS.—Nothing in this section shall
21 be construed as requiring, preventing, or interfering with
22 the use or application of any given communication stand-
23 ard or interface. The communication described in sub-
24 section (a)(2)(A) may be accomplished by using existing
25 open standards, by the creation and use of new open

1 standards, or through other approaches, provided that
2 such standards meet the requirements of subsection
3 (a)(2)(B).

4 (f) DEFINITIONS.—In this section:

5 (1) The term “covered technology” means the
6 domain-specific programming language for interface
7 field transformations and its associated compilation
8 toolchain (commonly known as the “System of Sys-
9 tems Technology Integration ToolChain for Hetero-
10 geneous Electronic Systems”) developed under the
11 Defense Advanced Research Projects Agency System
12 of Systems Integration Technology and Experimen-
13 tation program, or any other technology that is func-
14 tionally equivalent.

15 (2) The term “desired modularity” means the
16 desired degree to which weapon systems, components
17 within a weapon system, and components across
18 weapon systems can function as modules that can
19 communicate across component boundaries and
20 through interfaces and can be separated and recom-
21 bined to achieve various effects, missions, or capa-
22 bilities, as determined by the program officer for
23 such weapon system.

1 (3) The term “machine-readable format” means
2 a format that can be easily processed by a computer
3 without human intervention.

4 (4) The terms “major system”, “major system
5 component”, “modular open system approach”,
6 “modular system”, “modular system interface”, and
7 “weapon system” have the meanings given such
8 terms, respectively, in section 2446a of title 10,
9 United States Code.

10 **SEC. 805. CONGRESSIONAL NOTIFICATION OF TERMI-**
11 **NATION OF A MIDDLE TIER ACQUISITION**
12 **PROGRAM.**

13 Section 804 of the National Defense Authorization
14 Act for Fiscal Year 2016 (10 U.S.C. 2302 note) is amend-
15 ed by adding at the end the following new subsection:

16 “(e) REPORT.—Not later than 30 days after the date
17 of termination of an acquisition program commenced
18 using the authority under this section, the Secretary of
19 Defense shall submit to Congress a notification of such
20 termination. Such notice shall include—

21 “(1) the initial amount of a contract awarded
22 under such acquisition program;

23 “(2) the aggregate amount of funds awarded
24 under such contract; and

1 “(3) written documentation of the reason for
2 termination of such acquisition program.”.

3 **SEC. 806. DEFINITION OF MATERIAL WEAKNESS FOR CON-**
4 **TRACTOR BUSINESS SYSTEMS.**

5 Section 893 of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011 (Public Law 111–
7 383; 10 U.S.C. 2302 note) is amended—

8 (1) by striking “significant deficiencies” both
9 places it appears and inserting “material weak-
10 nesses”;

11 (2) by striking “significant deficiency” each
12 place it appears and inserting “material weakness”;
13 and

14 (3) by amending subsection (g)(4) to read as
15 follows:

16 “(4) The term ‘material weakness’ means a de-
17 ficiency or combination of deficiencies in the internal
18 control over information in contractor business sys-
19 tems, such that there is a reasonable possibility that
20 a material misstatement of such information will not
21 be prevented, or detected and corrected, on a timely
22 basis. For purposes of this paragraph, a reasonable
23 possibility exists when the likelihood of an event oc-
24 curring—

25 “(A) is probable; or

1 “(B) is more than remote but less than
2 likely.”.

3 **SEC. 807. SPACE SYSTEM ACQUISITION AND THE ADAPTIVE**
4 **ACQUISITION FRAMEWORK.**

5 (a) SERVICE ACQUISITION EXECUTIVE FOR SPACE
6 SYSTEMS AND PROGRAMS.—Before implementing the ap-
7 plication of the adaptive acquisition framework to a Space
8 Systems Acquisition pathway described in subsection (c),
9 there shall be within the Department of the Air Force an
10 individual serving as the Service Acquisition Executive of
11 the Department of the Air Force for Space Systems and
12 Programs as required under section 957 of the National
13 Defense Authorization Act for Fiscal Year 2020 (Public
14 Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note).

15 (b) MILESTONE DECISION AUTHORITY FOR UNITED
16 STATES SPACE FORCE.—

17 (1) PROGRAM EXECUTIVE OFFICER.—The Serv-
18 ice Acquisition Executive for Space Systems and
19 Programs of the United States Space Force may
20 further delegate authority to an appropriate pro-
21 gram executive officer to serve as the milestone deci-
22 sion authority for major defense acquisition pro-
23 grams of the United States Space Force.

24 (2) PROGRAM MANAGER.—The program execu-
25 tive officer assigned under paragraph (1) may fur-

1 ther delegate authority over major systems to an ap-
2 propriate program manager.

3 (c) ADAPTIVE ACQUISITION FRAMEWORK APPLICA-
4 TION TO SPACE ACQUISITION.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall take such actions necessary to ensure the
7 adaptive acquisition framework (as described in De-
8 partment of Defense Instruction 5000.02, “Oper-
9 ation of the Adaptive Acquisition Framework”) in-
10 cludes one or more pathways specifically tailored for
11 Space Systems Acquisition in order to achieve faster
12 acquisition, improve synchronization and more rapid
13 fielding of critical end-to-end capabilities (including
14 by using new commercial capabilities and services),
15 while maintaining accountability for effective pro-
16 grams that are delivered on time and on budget.

17 (2) GOAL.—The goal of the application of the
18 adaptive acquisition framework to a Space Systems
19 Acquisition pathway shall be to quickly and effec-
20 tively acquire end-to-end space warfighting capabili-
21 ties needed to address the requirements of the na-
22 tional defense strategy (as defined under section
23 113(g) of title 10, United States Code).

24 (d) REPORT.—

1 (1) IN GENERAL.—Not later than May 15,
2 2021, the Secretary of Defense shall submit to the
3 congressional defense committees a report on the ap-
4 plication of the adaptive acquisition framework to
5 any Space Systems Acquisition pathway established
6 under subsection (a) that includes the following:

7 (A) Proposed United States Space Force
8 budget line items for fiscal year 2022, includ-
9 ing—

10 (i) a comparison with budget line
11 items for any major defense acquisition
12 programs, middle tier acquisition pro-
13 grams, covered software programs, and
14 major systems of the United States Space
15 Force for three previous fiscal years;

16 (ii) existing and recommended meas-
17 ures to ensure sufficient transparency and
18 accountability related to the performance
19 of the Space Systems Acquisition pathway;
20 and

21 (iii) proposed mechanisms to enable
22 insight into the funding prioritization proc-
23 ess and significant funding changes, in-
24 cluding the independent cost estimate basis
25 and full funding considerations for any

1 major defense acquisition programs, middle
2 tier acquisition programs, covered software
3 programs, and major systems procured by
4 the United States Space Force.

5 (B) Proposed revised, flexible, and stream-
6 lined options for joint requirements validation
7 in order to be more responsive and innovative,
8 while ensuring the ability of the Joint Chiefs of
9 Staff to ensure top-level system requirements
10 are properly prioritized to address joint-
11 warfighting needs.

12 (C) A list of acquisition programs of the
13 United States Space Force for which multiyear
14 contracting authority under sections 2306b or
15 2306c of title 10, United States Code, is rec-
16 ommended.

17 (D) A list of space systems acquisition pro-
18 grams for which alternative acquisition path-
19 ways may be used.

20 (E) Policies or procedures for potential
21 new pathways in the application of the adaptive
22 acquisition framework to a Space Systems Ac-
23 quisition with specific acquisition key decision
24 points and reporting requirements for develop-
25 ment, fielding, and sustainment activities that

1 meet the requirements of the adaptive acquisi-
2 tion framework.

3 (F) An analysis of the need for updated
4 determination authority for procurement of use-
5 able end items that are not weapon systems.

6 (G) Policies and a governance structure,
7 for both the Office of the Secretary of Defense
8 and each military department, for a separate
9 United States Space Force budget topline, cor-
10 porate process, and portfolio management proc-
11 ess.

12 (H) An analysis of the risks and benefits
13 of the delegation of the authority of the head of
14 contracting activity authority to the Chief of
15 Space Operations in a manner that would not
16 expand the operations of the United States
17 Space Force.

18 (2) COMPTROLLER GENERAL REVIEW.—Not
19 later than 60 days after the submission of the report
20 required under paragraph (1), the Comptroller Gen-
21 eral of the United States shall review such report
22 and submit to the congressional defense committees
23 an analysis and recommendations based on such re-
24 port.

25 (e) DEFINITIONS.—In this section:

1 (1) COVERED SOFTWARE PROGRAM.—The term
2 “covered software program” means an acquisition
3 program or project that is carried out using the soft-
4 ware acquisition pathway established under section
5 800 of the National Defense Authorization Act for
6 Fiscal Year 2020 (Public Law 116–92; 133 Stat.
7 1478; 10 U.S.C. 2223a note).

8 (2) MAJOR DEFENSE ACQUISITION PROGRAM.—
9 The term “major defense acquisition program” has
10 the meaning given in section 2430 of title 10,
11 United States Code.

12 (3) MAJOR SYSTEM.—The term “major system”
13 has the meaning given in section 2302 of title 10,
14 United States Code.

15 (4) MIDDLE TIER ACQUISITION PROGRAM.—The
16 term “middle tier acquisition program” means an
17 acquisition program or project that is carried out
18 using the rapid fielding or rapid prototyping acquisi-
19 tion pathway under section 804 of the National De-
20 fense Authorization Act for Fiscal Year 2016 (Pub-
21 lic Law 114–92; 10 U.S.C. 2302 note).

22 (5) MILESTONE DECISION AUTHORITY.—The
23 term “milestone decision authority” has the meaning
24 given in section 2431a of title 10, United States
25 Code.

1 (6) PROGRAM EXECUTIVE OFFICER; PROGRAM
2 MANAGER.—The terms “program executive officer”
3 and “program manager” have the meanings given
4 those terms, respectively, in section 1737 of title 10,
5 United States Code.

6 **SEC. 808. ACQUISITION AUTHORITY OF THE DIRECTOR OF**
7 **THE JOINT ARTIFICIAL INTELLIGENCE CEN-**
8 **TER.**

9 (a) AUTHORITY.—The Secretary of Defense shall del-
10 egate to the Director of the Joint Artificial Intelligence
11 Center the acquisition authority to exercise the functions
12 of a head of an agency (as defined in section 2302 of title
13 10, United States Code) with respect to appropriate acqui-
14 sition activities of the Center.

15 (b) JAIC ACQUISITION EXECUTIVE.—

16 (1) IN GENERAL.—The staff of the Director
17 shall include an acquisition executive who shall be
18 responsible for the supervision of appropriate acqui-
19 sition activities under subsection (a). Subject to the
20 authority, direction, and control of the Director of
21 the Center, the acquisition executive shall have the
22 authority—

23 (A) to negotiate memoranda of agreement
24 with any element of the Department of Defense
25 to carry out the acquisition of technologies,

1 services, and capabilities developed or identified
2 by the Center;

3 (B) to supervise the acquisition of tech-
4 nologies, services, and capabilities to support
5 the mission of the Center;

6 (C) to represent the Center in discussions
7 with the Secretaries concerned regarding acqui-
8 sition programs relating to such appropriate ac-
9 quisition activities for which the Center is in-
10 volved; and

11 (D) to work with the Secretaries concerned
12 to ensure that the Center is appropriately rep-
13 resented in any joint working group or inte-
14 grated product team regarding acquisition pro-
15 grams relating to such appropriate activities for
16 which the Center is involved.

17 (2) DELIVERY OF ACQUISITION SOLUTIONS.—

18 The acquisition executive of the Center shall be—

19 (A) responsible to the Director for rapidly
20 delivering capabilities to meet validated require-
21 ments;

22 (B) subordinate to the Under Secretary of
23 Defense for Acquisition and Sustainment in
24 matters of acquisition; and

1 (C) included on the distribution list for ac-
2 quisition directives and instructions of the De-
3 partment of Defense.

4 (c) ACQUISITION PERSONNEL.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall provide the Center with at least 10 full-time
7 employees to support the Director in carrying out
8 the requirements of this section, including personnel
9 with experience in—

10 (A) acquisition practices and processes;

11 (B) the Joint Capabilities Integration and
12 Development System process;

13 (C) program management;

14 (D) software development and systems en-
15 gineering; and

16 (E) cost analysis.

17 (2) EXISTING PERSONNEL.—The personnel pro-
18 vided under this subsection shall be provided from
19 among the existing personnel of the Department of
20 Defense.

21 (d) FUNDING.—In exercising the acquisition author-
22 ity granted in subsection (a), the Director may not obli-
23 gate or expend more than \$75,000,000 out of the funds
24 made available in each of fiscal years 2021, 2022, 2023,
25 2024, and 2025 to enter into new contracts to support

1 appropriate acquisition activities carried out under this
2 section.

3 (e) IMPLEMENTATION PLAN AND DEMONSTRATION
4 REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense—

6 (A) may use the acquisition authority
7 granted under subsection (a) on or after 30
8 days after the date on which the Secretary pro-
9 vides to the congressional defense committees a
10 plan for implementation of such authority; and

11 (B) by March 15, 2022, shall provide a
12 demonstration of operational capability deliv-
13 ered under such authority.

14 (2) IMPLEMENTATION PLAN.—The plan shall
15 include the following:

16 (A) Description of the types of activities to
17 be undertaken using the acquisition authority
18 provided under subsection (a).

19 (B) Plan for the negotiation and approval
20 of any such memorandum of agreement with an
21 element of the Department of Defense to sup-
22 port Center missions and transition of artificial
23 intelligence capabilities into appropriate acquisi-
24 tion programs or into operational use.

1 (C) Plan for oversight of the position of
2 acquisition executive established in subsection
3 (b).

4 (D) Assessment of the acquisition work-
5 force, tools, and infrastructure needs of the
6 Center to support the authority under sub-
7 section (a) until September 30, 2025.

8 (E) Other matters as appropriate.

9 (3) DEMONSTRATION.—The capability dem-
10 onstration shall include a description of how the ac-
11 quisition authority enabled the capability, how re-
12 quirements were established and agreed upon, how
13 testing was conducted, and how the capability was
14 transitioned to the user, as well as any other mat-
15 ters deemed appropriate by the Center.

16 (4) RELATIONSHIP TO OTHER AUTHORITIES.—
17 The requirement to submit a plan under this sub-
18 section is in addition to the requirements under sec-
19 tion 260 of the National Defense Authorization Act
20 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
21 1293).

22 (f) SUNSET.—Effective October 1, 2025, the Director
23 may not exercise the authority under subsection (a) and
24 may not enter into any new contracts under this section.

1 The performance on any contract entered into before such
2 date may continue according to the terms of such contract.

3 (g) DEFINITIONS.—In this section:

4 (1) CENTER.—The term “Center” has the
5 meaning given the term “Joint Artificial Intelligence
6 Center” in section 260(c) of National Defense Au-
7 thorization Act for Fiscal Year 2020 (Public Law
8 116–92; 133 Stat. 1294).

9 (3) DIRECTOR.—The term “Director” means
10 the Director of the Center.

11 (4) ELEMENT.—The term “element” means an
12 element described under section 111(b) of title 10,
13 United States Code.

14 (5) SECRETARY CONCERNED.—The term “Sec-
15 retary concerned” has the meaning given in section
16 101(9) of title 10, United States Code.

17 **SEC. 809. ASSESSMENTS OF THE PROCESS FOR DEVEL-**
18 **OPING CAPABILITY REQUIREMENTS FOR DE-**
19 **PARTMENT OF DEFENSE ACQUISITION PRO-**
20 **GRAMS.**

21 (a) IN GENERAL.—The Secretary of Defense and the
22 individual appointed under section 2361a(c) of title 10,
23 United States Code, (in this section referred to as the “Di-
24 rector”) shall each—

1 (1) conduct an assessment of the processes for
2 developing and approving capability requirements for
3 the acquisition programs of the Department of De-
4 fense and each military department; and

5 (2) develop recommendations for reforming
6 such process to improve the agility and timeliness of
7 such process.

8 (b) ASSESSMENT ELEMENTS.—Each assessment con-
9 ducted under subsection (a) shall include the following:

10 (1) An assessment of the—

11 (A) adherence of the capability require-
12 ments development and approval processes to
13 statute, regulations, policies, and directives;

14 (B) alignment and standardization of the
15 capability requirements development, acquisi-
16 tion, and budget processes;

17 (C) technical feasibility of each approved
18 capability requirement;

19 (D) training and development of the work-
20 force in capability requirements development
21 and evaluation;

22 (E) ability of the process for developing ca-
23 pability requirements to address the urgent
24 needs of the Department of Defense;

1 (F) capacity to review changes in capa-
2 bility requirements for programs of record;

3 (G) validation of decisions made to approve
4 capability requirements and the alignment of
5 each such decision to the national defense strat-
6 egy required under section 113(g) of title 10,
7 United States Code;

8 (H) extent to which portfolio management
9 techniques are used in the process for devel-
10 oping capability requirements to coordinate de-
11 cisions and avoid duplication of capabilities
12 across acquisition programs; and

13 (I) implementation by each military de-
14 partment of Comptroller General of the United
15 States recommendations pertaining to the proc-
16 ess for developing and approving capability re-
17 quirements.

18 (2) A comprehensive analysis of the cir-
19 cumstances and factors contributing to the length of
20 time between the start of a Capabilities-Based As-
21 sessment and the date the Joint Requirements Over-
22 sight Council approves the related Capability Devel-
23 opment Document.

24 (3) Identification and comparison of best prac-
25 tices in the private sector and the public sector for

1 the development and approval of capability require-
2 ments.

3 (4) Any additional matters that the Secretary
4 or Director determine appropriate.

5 (c) REPORTS.—

6 (1) ASSESSMENT BY SECRETARY.—Not later
7 than October 1, 2021, the Secretary of Defense shall
8 submit to the congressional defense committees a re-
9 port on the assessment conducted by the Secretary
10 under subsection (a), including—

11 (A) a description of such assessment;

12 (B) the results of such assessment, includ-
13 ing the analysis described in subsection (b)(2);

14 (C) a plan to reduce, when appropriate,
15 the length of time between the start of a Capa-
16 bilities-Based Assessment and the date the
17 Joint Requirements Oversight Council approves
18 the related Capability Development Document;
19 and

20 (D) any additional recommendations for
21 legislation, regulations, or policies that the Sec-
22 retary determines appropriate.

23 (2) ASSESSMENT BY DIRECTOR.—

24 (A) REPORT TO SECRETARY.—Not later
25 than November 30, 2021, the Director shall

1 submit to the Secretary of Defense a report on
2 the assessment conducted by the Director pur-
3 suant to subsection (a).

4 (B) REPORT TO CONGRESS.—Not later
5 than January 1, 2022, the Secretary of Defense
6 shall submit to the congressional defense com-
7 mittees the report described in subparagraph
8 (A) together with such comments as the Sec-
9 retary determines appropriate, including—

10 (i) a description and the results of the
11 assessment conducted pursuant to sub-
12 section (a)(2);

13 (ii) recommendations on how the De-
14 partment of Defense can improve the effi-
15 ciency of developing and approving capa-
16 bility requirements; and

17 (iii) any additional recommendations
18 for legislation, regulations, or policies that
19 the Secretary determines appropriate.

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. SUSTAINMENT REFORM FOR THE DEPARTMENT**
5 **OF DEFENSE.**

6 (a) SUSTAINMENT ACTIVITIES IN THE NATIONAL
7 DEFENSE STRATEGY.—

8 (1) IN GENERAL.—Section 113(g)(1)(B) of title
9 10, United States Code, as amended by section 551
10 of this Act, is further amended by adding at the end
11 the following new clauses:

12 “(viii) A strategic framework prescribed by the
13 Secretary that guides how the Department will
14 prioritize and integrate activities relating to
15 sustainment of major defense acquisition programs,
16 core logistics capabilities (as described under section
17 2464 of this title), commercial logistics capabilities,
18 and the national technology and industrial base (as
19 defined in section 2500 of this title).

20 “(ix) A strategic framework prescribed by the
21 Secretary that guides how the Department will spe-
22 cifically address contested logistics, including major
23 investments for related infrastructure, logistics-re-
24 lated authorities, force posture, related emergent
25 technology and advanced computing capabilities,

1 operational resilience, and operational energy, over
2 the following five-year period to support such strat-
3 egy.”.

4 (2) DUTIES OF THE UNDER SECRETARY OF DE-
5 FENSE FOR ACQUISITION AND SUSTAINMENT.—Sec-
6 tion 133b(b) of title 10, United States Code, is
7 amended—

8 (A) in paragraph (7), by striking “and” at
9 the end;

10 (B) in paragraph (8), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(9) advising the Secretary on all aspects of ac-
15 quisition and sustainment relating to—

16 “(A) defense acquisition programs;

17 “(B) core logistics capabilities (as de-
18 scribed under section 2464 of this title); and

19 “(C) the national technology and industrial
20 base (as defined in section 2500 of this title).”.

21 (3) INTERIM GUIDANCE.—Not later than Octo-
22 ber 1, 2021, the Secretary of Defense shall publish
23 interim guidance to carry out the requirements of
24 this subsection.

1 (b) REPORT.—Not later than February 1, 2021, the
2 Secretary of Defense shall submit to the congressional de-
3 fense committees a report on the progress towards pub-
4 lishing the interim guidance required under subsection
5 (a)(3).

6 **SEC. 812. INCLUSION OF SOFTWARE IN GOVERNMENT PER-**
7 **FORMANCE OF ACQUISITION FUNCTIONS.**

8 Section 1706 of title 10, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),
12 by striking “and each major automated infor-
13 mation system program” and inserting “(as de-
14 fined in section 2430 of this title), each acquisi-
15 tion program that is estimated by the Secretary
16 of Defense to require an eventual total expendi-
17 ture greater than the amount described in sec-
18 tion 2430(a)(1)(B) of this title, and any other
19 acquisition program identified by the Sec-
20 retary”; and

21 (B) by adding at the end the following new
22 paragraph:

23 “(14) Program lead software.”; and

24 (2) by striking subsection (c).

1 **SEC. 813. MODIFICATIONS TO COMPTROLLER GENERAL AS-**
2 **SESSMENT OF ACQUISITION PROGRAMS AND**
3 **RELATED INITIATIVES.**

4 Section 2229b(b)(2) of title 10, United States Code,
5 is amended by striking “a summary of” and all that fol-
6 lows through “discussion of the” and inserting “a discus-
7 sion of selected organizational, policy, and legislative
8 changes, as determined appropriate by the Comptroller
9 General, and the potential”.

10 **SEC. 814. COST OR PRICING DATA REPORTING REQUIRE-**
11 **MENTS FOR DEPARTMENT OF DEFENSE CON-**
12 **TRACTS.**

13 (a) COST OR PRICING DATA.—

14 (1) IN GENERAL.—Section 2306a(a)(1) of title
15 10, United States Code, is amended—

16 (A) in subparagraph (B), by striking “con-
17 tract if” and all that follows through the period
18 at the end and inserting “contract if the price
19 adjustment is expected to exceed \$2,000,000.”;

20 (B) in subparagraph (C), by striking “sec-
21 tion and” and all that follows through the pe-
22 riod at the end and inserting “section and the
23 price of the subcontract is expected to exceed
24 \$2,000,000.”; and

25 (C) in subparagraph (D), by striking “sub-
26 contract if” and all that follows through the pe-

1 riod at the end and inserting “subcontract if
2 the price adjustment is expected to exceed
3 \$2,000,000.”.

4 (2) APPLICABILITY.—The amendments made
5 by this subsection shall apply to any contract, or
6 modification or change to a contract, entered into on
7 or after the date of the enactment of this Act.

8 (b) REPORT.—

9 (1) IN GENERAL.—Not later than July 1, 2022,
10 the Secretary of Defense, in consultation with the
11 Secretaries of the military departments, shall pro-
12 vide to the congressional defense committees a re-
13 port analyzing the impact, including any benefits to
14 the Federal Government, of the amendments made
15 by this section.

16 (2) ELEMENTS.—The report required under
17 paragraph (1) shall include the following elements:

18 (A) Data to illustrate any efficiencies
19 achieved, costs avoided, and acquisition
20 timelines improved.

21 (B) Analysis of associated costs to the
22 Federal Government, if any.

23 (C) Analysis of underlying causes or fac-
24 tors that limited the benefits described in sub-
25 paragraph (A).

1 (D) Other matters the Secretary deems ap-
2 propriate.

3 (3) FORM.—The report required under para-
4 graph (1) shall be in an unclassified form but may
5 contain a classified annex.

6 **SEC. 815. PROMPT PAYMENT OF CONTRACTORS.**

7 Section 2307(a)(2) of title 10, United States Code,
8 is amended—

9 (1) in subparagraph (A), by striking “if a spe-
10 cific payment date is not established by contract”;
11 and

12 (2) in subparagraph (B), by striking “if—” and
13 all that follows through “the prime contractor
14 agrees” and inserting “if the prime contractor
15 agrees or proposes”.

16 **SEC. 816. DOCUMENTATION PERTAINING TO COMMERCIAL**
17 **ITEM DETERMINATIONS.**

18 Section 2380 of title 10, United States Code, is
19 amended—

20 (1) by redesignating subsection (b) as sub-
21 section (c); and

22 (2) by inserting after subsection (a) the fol-
23 lowing new subsection:

24 “(b) DETERMINATIONS REGARDING THE COMMER-
25 CIAL NATURE OF PRODUCTS OR SERVICES.—

1 “(1) IN GENERAL.—In making a determination
2 whether a particular product or service offered by a
3 contractor meets the definition of a commercial
4 product or commercial service, a contracting officer
5 of the Department of Defense may—

6 “(A) request support from the Director of
7 the Defense Contract Management Agency, the
8 Director of the Defense Contract Audit Agency,
9 or other appropriate experts in the Department
10 to make a determination whether a product or
11 service is a commercial product or commercial
12 service; and

13 “(B) consider the views of appropriate
14 public and private sector entities.

15 “(2) MEMORANDUM.—Within 30 days after a
16 contract award, the contracting officer shall, con-
17 sistent with the policies and regulations of the De-
18 partment, submit a written memorandum summa-
19 rizing the determination referred to in paragraph
20 (1), including a detailed justification for such deter-
21 mination.”.

1 **SEC. 817. MODIFICATION TO SMALL PURCHASE THRESH-**
2 **OLD EXCEPTION TO SOURCING REQUIRE-**
3 **MENTS FOR CERTAIN ARTICLES.**

4 Subsection (h) of section 2533a of title 10, United
5 States Code, is amended to read as follows:

6 “(h) EXCEPTION FOR SMALL PURCHASES.—(1) Sub-
7 section (a) does not apply to purchases for amounts not
8 greater than \$150,000. A proposed procurement of an
9 item in an amount greater than \$150,000 may not be di-
10 vided into several purchases or contracts for lesser
11 amounts in order to qualify for this exception.

12 “(2) On October 1 of each year that is evenly divisible
13 by five, the Secretary of Defense may adjust the dollar
14 threshold in this subsection based on changes in the Con-
15 sumer Price Index. Any such adjustment shall take effect
16 on the date on which the Secretary publishes notice of
17 such adjustment in the Federal Register.”.

18 **SEC. 818. REPEAL OF PROGRAM FOR QUALIFIED APPREN-**
19 **TICES FOR MILITARY CONSTRUCTION CON-**
20 **TRACTS.**

21 (a) IN GENERAL.—Section 2870 of title 10, United
22 States Code, is repealed.

23 (b) CONFORMING AMENDMENTS.—

24 (1) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of subchapter III of chapter

1 169 of title 10, United States Code, is amended by
2 striking the item relating to section 2870.

3 (2) REPEAL.—Section 865 of the National De-
4 fense Authorization Act for Fiscal Year 2020 (Pub-
5 lic Law 116–92; 133 Stat. 1523) is repealed.

6 **SEC. 819. MODIFICATIONS TO MITIGATING RISKS RELATED**
7 **TO FOREIGN OWNERSHIP, CONTROL, OR IN-**
8 **FLUENCE OF DEPARTMENT OF DEFENSE**
9 **CONTRACTORS AND SUBCONTRACTORS.**

10 (a) ASSESSMENT OF FOCL.—Subparagraph (A) of
11 section 847(b)(2) of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
13 1505; 10 U.S.C. 2509 note) is amended by adding at the
14 end the following new clause:

15 “(v) A requirement for the Secretary to re-
16 quire reports and conduct examinations on a
17 periodic basis of covered contractors or sub-
18 contractors in order to assess compliance with
19 the requirements of this section.”.

20 (b) CONTRACT REQUIREMENTS, ADMINISTRATION,
21 AND OVERSIGHT RELATING TO FOCL.—Subparagraph (C)
22 of such section is amended—

23 (1) by redesignating clause (iv) as clause (v);
24 and

1 (2) by inserting after clause (iii) the following
2 new clause:

3 “(iv) Procedures for appropriately re-
4 sponding to changes in covered contractor
5 or subcontractor beneficial ownership sta-
6 tus based on changes in disclosures of
7 their beneficial ownership and whether
8 they are under FOCI and the reports and
9 examinations required by subparagraph
10 (A)(v).”.

11 (c) TIMELINES AND MILESTONES FOR IMPLEMENTA-
12 TION.—

13 (1) IMPLEMENTATION PLAN.—Not later than
14 March 1, 2021, the Secretary of Defense shall pro-
15 vide to the congressional defense committees a plan
16 and schedule for implementation of the requirements
17 of section 847 of the National Defense Authorization
18 Act for Fiscal Year 2020 (Public Law 116–92; 133
19 Stat. 1505; 10 U.S.C. 2509 note), as amended by
20 this section, including—

21 (A) a timeline for issuance of regulations,
22 development of training for appropriate offi-
23 cials, and development of systems for reporting
24 of beneficial ownership and FOCI by covered
25 contractors or subcontractors;

1 (B) the designation of officials and organi-
2 zations responsible for such implementation;
3 and

4 (C) interim milestones to be met in imple-
5 menting the plan and schedule.

6 (2) REVISION OF REGULATIONS, DIRECTIVES,
7 GUIDANCE, TRAINING, AND POLICIES.—Not later
8 than July 1, 2021, the Secretary of Defense shall re-
9 vise relevant directives, guidance, training, and poli-
10 cies, including revising the Department of Defense
11 Supplement to the Federal Acquisition Regulation,
12 to fully implement the requirements of such section
13 847.

14 (3) DEFINITIONS.—In this subsection, the term
15 “beneficial ownership”, “FOCI”, and “covered con-
16 tractors or subcontractors” have the meanings given,
17 respectively, in section 847 of the National Defense
18 Authorization Act for Fiscal Year 2020 (Public Law
19 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note).

20 (d) TECHNICAL AMENDMENTS.—Section 847 of the
21 National Defense Authorization Act for Fiscal Year 2020
22 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509
23 note), as amended by this section, is further amended—

24 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “contractors and subcontractors” and inserting “covered contractors or subcontractors”; and

4 (B) in paragraph (2)—

5 (i) by striking “covered contractors and subcontractors” each place it appears and inserting “covered contractors or subcontractors”;

9 (ii) in subparagraph (B)(iii), by striking “a contractor or subcontractor” and inserting “such a covered contractor or subcontractor”; and

13 (iii) in subparagraph (C)(ii), by striking “section 831(c)” and inserting “section 2509(c) of title 10, United States Code”; and

17 (2) in subsection (c), by striking “subsection (b)(2)(A) and (b)(2)(C)” and inserting “subsections (b)(2)(A) and (b)(2)(C)”.

20 **SEC. 820. CONTRACT CLOSEOUT AUTHORITY FOR SERVICES**
21 **CONTRACTS.**

22 Section 836(b) of the National Defense Authorization
23 Act for Fiscal Year 2017 (10 U.S.C. 2302 note) is amended—
24 ed—

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

3 “(1) was entered into—

4 “(A) with respect to a contract or group of
5 contracts not described in subparagraph (B), at
6 least 7 fiscal years before the current fiscal
7 year; and

8 “(B) with respect to a contract or group of
9 contracts for military construction (as defined
10 in section 2801 of title 10, United States Code)
11 or shipbuilding, at least 10 fiscal years before
12 the current fiscal year;”; and

13 (2) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) the performance or delivery has been com-
16 pleted at least 4 years before the current fiscal year;
17 and”.

18 **SEC. 821. REVISION OF PROOF REQUIRED WHEN USING AN**
19 **EVALUATION FACTOR FOR EMPLOYING OR**
20 **SUBCONTRACTING WITH MEMBERS OF THE**
21 **SELECTED RESERVE.**

22 Section 819 of the National Defense Authorization
23 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
24 3385; 10 U.S.C. 2305 note) is amended—

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

(2) by redesignating subsection (c) as subsection (b).

Subtitle C—Provisions Relating to Software and Technology

SEC. 831. CONTRACT AUTHORITY FOR DEVELOPMENT AND DEMONSTRATION OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) IN GENERAL.—Section 2302e of title 10, United States Code, is amended—

(1) in the heading, by striking “**advanced development**” and inserting “**development and demonstration**”;

(2) in subsection (a)(1), by striking “provision of advanced component development, prototype,” and inserting “development and demonstration”; and

(3) by adding at the end the following new subsection:

“(c) PROCEDURES.—The Secretary of Defense shall establish procedures to collect and analyze information on the use and benefits of the authority under this section and related impacts on performance, affordability, and capability delivery.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States

1 Code, is amended by striking the item relating to section
2 2302e and inserting the following new item:

“2302e. Contract authority for development and demonstration of initial or additional prototype units.”.

3 **SEC. 832. EXTENSION OF PILOT PROGRAM FOR STREAM-**
4 **LINED AWARDS FOR INNOVATIVE TECH-**
5 **NOLOGY PROGRAMS.**

6 Section 873(f) of the National Defense Authorization
7 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
8 2306a note) is amended by striking “October 1, 2020”
9 and inserting “October 1, 2022”.

10 **SEC. 833. LISTING OF OTHER TRANSACTION AUTHORITY**
11 **CONSORTIA.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, the Secretary of Defense shall maintain
14 on the single Government-wide point of entry described
15 under section 1708 of title 41, United States Code, a list
16 of the consortia used by the Secretary to announce or oth-
17 erwise make available opportunities to enter into a trans-
18 action under the authority of section 2371 of title 10,
19 United States Code, or a transaction for a prototype
20 project under section 2371b of such title.

1 **SEC. 834. PILOT PROGRAM ON THE USE OF CONSUMPTION-**
2 **BASED SOLUTIONS TO ADDRESS SOFTWARE-**
3 **INTENSIVE WARFIGHTING CAPABILITY.**

4 (a) IN GENERAL.—Subject to the availability of ap-
5 propriations, the Secretary of Defense is authorized to es-
6 tablish a pilot program to explore the use of consumption-
7 based solutions to address software-intensive warfighting
8 capability.

9 (b) SELECTION OF INITIATIVES.—Each Secretary of
10 a military department and each commander of a combat-
11 ant command with acquisition authority shall propose for
12 selection by the Secretary of Defense for the pilot program
13 at least one and not more than three initiatives that are
14 well-suited to explore consumption-based solutions, to in-
15 clude addressing software-intensive warfighting capability.
16 The initiatives may be new or existing programs of record,
17 and may include applications that—

18 (1) rapidly analyze sensor data;

19 (2) secure warfighter networks, including multi-
20 level security;

21 (3) swiftly transport information across various
22 networks and network modalities;

23 (4) enable joint all-domain operational concepts,
24 including in a contested environment; or

25 (5) advance military capabilities and effective-
26 ness.

1 (c) REQUIREMENTS.—A contract or other agreement
2 for consumption-based solutions entered into under the
3 pilot program shall require—

4 (1) the effectiveness of the solution to be meas-
5 urable at regular intervals customary for the type of
6 solution provided under contract or other agreement;
7 and

8 (2) that the awardee notify the Secretary of De-
9 fense when consumption under the contract or other
10 agreement reaches 75 percent and 90 percent of the
11 funded amount, respectively, of the contract or other
12 agreement.

13 (d) EXEMPTION.—A modification to a contract or
14 other agreement entered into under this section to add
15 new features or capabilities in an amount less than or
16 equal to 25 percent of the total value of such contract
17 or other agreement shall be exempt from the requirements
18 of full and open competition (as defined in section 2302
19 of title 10, United States Code).

20 (e) DURATION.—The duration of a contract or other
21 agreement entered into under this section may not exceed
22 three years.

23 (f) MONITORING AND EVALUATION OF PILOT PRO-
24 GRAM.—The Director of Cost Assessment and Program
25 Evaluation shall continuously monitor and evaluate the

1 pilot program, including by collecting data on cost, sched-
2 ule, and performance from the program office, the user
3 community, and the awardees involved in the program.

4 (g) REPORTS.—

5 (1) INITIAL REPORT.—Not later than May 15,
6 2021, the Secretary of Defense shall submit to the
7 congressional defense committees a report on initia-
8 tives selected for the pilot program, roles, and re-
9 sponsibilities for implementing the program, and the
10 monitoring and evaluation approach that will be
11 used for the program.

12 (2) PROGRESS REPORT.—Not later than Octo-
13 ber 15, 2021, the Secretary of Defense shall submit
14 to the congressional defense committees a report on
15 the progress of the initiatives selected for the pilot
16 program.

17 (3) FINAL REPORT.—Not later than 3 years
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees a report on the cost, schedule,
21 and performance outcomes of the initiatives carried
22 out under the pilot program. The report shall also
23 include lessons learned about the use of consump-
24 tion-based solutions for software-intensive capabili-

1 ties and any recommendations for statutory or regu-
2 latory changes to facilitate the use of such solutions.

3 (h) CONSUMPTION-BASED SOLUTION DEFINED.—In
4 this section, the term “consumption-based solution”
5 means any combination of software, hardware or equip-
6 ment, and labor or services that provides a seamless capa-
7 bility that is metered and billed based on actual usage and
8 predetermined pricing per resource unit, and includes the
9 ability to rapidly scale capacity up or down.

10 **SEC. 835. BALANCING SECURITY AND INNOVATION IN SOFT-**
11 **WARE DEVELOPMENT AND ACQUISITION.**

12 (a) REQUIREMENTS FOR SOLICITATIONS OF COM-
13 MERCIAL AND DEVELOPMENTAL SOLUTIONS.—The Under
14 Secretary of Defense for Acquisition and Sustainment, in
15 coordination with the Chief Information Officer of the De-
16 partment of Defense, shall develop requirements for ap-
17 propriate software security criteria to be included in solici-
18 tations for commercial and developmental solutions and
19 the evaluation of bids submitted in response to such solici-
20 tations, including a delineation of what processes were or
21 will be used for a secure software development life cycle.
22 Such requirements shall include—

23 (1) establishment and enforcement of secure
24 coding practices;

1 (2) management of supply chain risks and
2 third-party software sources and component risks;

3 (3) security of the software development envi-
4 ronment;

5 (4) secure deployment, configuration, and in-
6 stallation processes; and

7 (5) an associated vulnerability management
8 plan and identification of tools that will be applied
9 to achieve an appropriate level of security.

10 (b) SECURITY REVIEW OF CODE.—The Under Sec-
11 retary of Defense for Acquisition and Sustainment, in co-
12 ordination with the Chief Information Officer of the De-
13 partment of Defense, shall develop—

14 (1) procedures for the security review of code;
15 and

16 (2) other procedures necessary to fully imple-
17 ment the pilot program required under section 875
18 of the National Defense Authorization Act for Fiscal
19 Year 2018 (Public Law 115–91; 10 U.S.C. 2223
20 note).

21 (c) COORDINATION WITH CYBERSECURITY ACQUI-
22 TION POLICY EFFORTS.—The Under Secretary of Defense
23 for Acquisition and Sustainment shall develop the require-
24 ments and procedures described under subsections (a) and
25 (b) in coordination with the efforts of the Department of

1 Defense to develop new cybersecurity and program protec-
2 tion policies and guidance that are focused on cybersecu-
3 rity in the context of acquisition and program manage-
4 ment and on safeguarding information.

5 **SEC. 836. DIGITAL MODERNIZATION OF ANALYTICAL AND**
6 **DECISION-SUPPORT PROCESSES FOR MAN-**
7 **AGING AND OVERSEEING DEPARTMENT OF**
8 **DEFENSE ACQUISITION PROGRAMS.**

9 (a) DIGITAL DATA MANAGEMENT AND ANALYTICS
10 CAPABILITIES.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall iteratively develop and integrate advanced dig-
13 ital data management and analytics capabilities, con-
14 sistent with private sector best practices, that—

15 (A) integrate all aspects of the defense ac-
16 quisition system, including the development of
17 capability requirements, research, design, devel-
18 opment, testing, evaluation, acquisition, man-
19 agement, operations, and sustainment of sys-
20 tems;

21 (B) facilitate the management and analysis
22 of all relevant data generated during the devel-
23 opment of capability requirements, research, de-
24 sign, development, testing, evaluation, acquisi-
25 tion, operations, and sustainment of systems;

1 (C) enable the use of such data to inform
2 further development, acquisition, management
3 and oversight of such systems, including port-
4 folio management; and

5 (D) include software capabilities to collect,
6 transport, organize, manage, make available,
7 and analyze relevant data throughout the life
8 cycle of defense acquisition programs, including
9 any data needed to support individual and port-
10 folio management of acquisition programs.

11 (2) REQUIREMENTS.—The capabilities devel-
12 oped under paragraph (1) shall—

13 (A) be accessible to, and useable by, indi-
14 viduals throughout the Department of Defense
15 who have responsibilities relating to activities
16 described in clauses (A) through (C) of para-
17 graph (1);

18 (B) enable the development, use, curation,
19 and maintenance of original form and real-time
20 digital systems by—

21 (i) ensuring shared access to data
22 within the Department;

23 (ii) supplying data to digital engineer-
24 ing models for use in the defense acquisi-

1 tion, sustainment, and portfolio manage-
2 ment processes; and

3 (iii) supplying data to testing infra-
4 structure and software to support auto-
5 mated approaches for testing, evaluation,
6 and deployment throughout the defense ac-
7 quisition, sustainment, and portfolio man-
8 agement processes; and

9 (C) feature—

10 (i) improved data management and
11 sharing processes;

12 (ii) timely, high-quality, transparent,
13 and actionable analyses; and

14 (iii) analytical models and simula-
15 tions.

16 (3) ENABLING DATA INFRASTRUCTURE, TOOLS,
17 AND PROCESSES.—In developing the capability re-
18 quired under paragraph (1), the Secretary of De-
19 fense shall—

20 (A) move supporting processes and the
21 data associated with such processes from analog
22 to digital format, including planning and re-
23 porting processes;

24 (B) make new and legacy data more acces-
25 sible to, and usable by, appropriate employees

1 and contractors (at any tier) of the Department
2 of Defense and members of the Armed Forces,
3 including through migration of program and
4 other documentation into digital formats;

5 (C) modernize the query, collection, stor-
6 age, retrieval, reporting, and analysis capabili-
7 ties for stakeholders within the Department, in-
8 cluding research entities, Program Management
9 Offices, analytic organizations, oversight staff,
10 and decision makers;

11 (D) automate data collection and storage
12 to minimize or eliminate manual data entry or
13 manual reporting;

14 (E) enable employees and other appro-
15 priate users to access data from all relevant
16 data sources, including through—

17 (i) streamlining data access privileges;

18 (ii) sharing of appropriate data be-
19 tween and among Federal Government and
20 contractor information systems; and

21 (iii) enabling timely and continuous
22 data collection and sharing from all appro-
23 priate personnel, including contractors;

1 (F) modernize existing enterprise informa-
2 tion systems to enable interoperability con-
3 sistent with technical best practices; and

4 (G) provide capabilities and platforms to
5 enable continuous development and integration
6 of software using public and private sector best
7 practices.

8 (b) PORTFOLIO MANAGEMENT.—The Secretary of
9 Defense shall establish capabilities for robust, effective,
10 and data-driven portfolio management described in sub-
11 section (a)(1)(C), using the capability established in this
12 section, to improve the Department of Defense-wide as-
13 sessment, management, and optimization of the invest-
14 ments in weapon systems of the Department, including
15 through consolidation of duplicate or similar weapon sys-
16 tem programs.

17 (c) DEMONSTRATION ACTIVITIES.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall carry out activities to demonstrate the capa-
20 bility required under subsection (a).

21 (2) ACTIVITY SELECTION.—Not later than July
22 15, 2021, the Secretary of Defense shall select deci-
23 sion support processes and individual acquisition
24 programs to participate in the demonstration activi-
25 ties under paragraph (1), including—

1 (A) decision support processes, including—

2 (i) portfolio management as described
3 in subsection (b);

4 (ii) one or more acquisition data man-
5 agement test cases; and

6 (iii) one or more development and test
7 modeling and simulation test cases to dem-
8 onstrate the ability to collect data from
9 tests and operations in the field, and feed
10 the data back into models and simulations
11 for better software development and test-
12 ing;

13 (B) individual acquisition programs rep-
14 resenting—

15 (i) one or more defense business sys-
16 tems;

17 (ii) one or more command and control
18 systems;

19 (iii) one or more middle tier of acqui-
20 sition programs;

21 (iv) programs featuring a cost-plus
22 contract type, and a fixed-price contract
23 type, and a transaction authorized under
24 section 2371 or 2371b of title 10, United
25 States Code; and

1 (v) at least one program in each mili-
2 tary department.

3 (3) EXECUTION OF DEMONSTRATION ACTIVI-
4 TIES.—As part of the demonstration activities under
5 paragraph (1), the Secretary shall—

6 (A) conduct a comparative analysis that
7 assesses the risks and benefits of the digital
8 management and analytics capability used in
9 each of the programs participating in the dem-
10 onstration activities relative to the traditional
11 data collection, reporting, exposing, and anal-
12 ysis approaches of the Department;

13 (B) ensure that the intellectual property
14 strategy for each of the programs participating
15 in the demonstration activities is best aligned to
16 meet the goals of the program; and

17 (C) develop a workforce and infrastructure
18 plan to support any new policies and guidance
19 implemented in connection with the demonstra-
20 tion activities, including any policies and guid-
21 ance implemented after the completion of such
22 activities.

23 (d) POLICIES AND GUIDANCE REQUIRED.—Not later
24 than March 15, 2022, based on the results of the dem-
25 onstration activities carried out under subsection (c), the

1 Secretary of Defense shall issue or modify policies and
2 guidance to—

- 3 (1) promote the use of digital data management
4 and analytics capabilities; and
5 (2) address roles, responsibilities, and proce-
6 dures relating to such capabilities.

7 (e) STEERING COMMITTEE.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall establish a steering committee to assist the
10 Secretary in carrying out subsections (a) through
11 (c).

12 (2) MEMBERSHIP.—The steering committee
13 shall be composed of the following members or their
14 designees:

15 (A) The Deputy Secretary of Defense.

16 (B) The Chief Information Officer.

17 (C) The Director of Cost Assessment and
18 Program Evaluation.

19 (D) The Under Secretary of Defense for
20 Research and Engineering.

21 (E) The Under Secretary of Defense for
22 Acquisition and Sustainment.

23 (F) The Director of Operational Test and
24 Evaluation.

25 (G) The Service Acquisition Executives.

1 (H) The Director for Force Structure, Re-
2 sources, and Assessment of the Joint Staff.

3 (I) The Director of the Defense Digital
4 Service.

5 (J) Such other officials of the Department
6 of Defense as the Secretary determines appro-
7 priate.

8 (f) INDEPENDENT ASSESSMENTS.—

9 (1) INITIAL ASSESSMENT.—

10 (A) IN GENERAL.—The Defense Innova-
11 tion Board, in consultation with the Defense
12 Digital Service, shall conduct an independent
13 assessment and cost-benefits analysis to identify
14 recommended approaches for the implementa-
15 tion of subsections (a) through (c).

16 (B) ELEMENTS.—The assessment under
17 subparagraph (A) shall include the following:

18 (i) A plan for the development and
19 implementation of the capabilities required
20 under subsection (a), including a plan for
21 any procurement that may be required as
22 part of such development and implementa-
23 tion.

24 (ii) An independent cost assessment of
25 the total estimated cost of developing and

1 implementing the capability, as well as an
2 assessment of any potential cost savings.

3 (iii) An independent estimate of the
4 schedule for the development approach,
5 and order of priorities for implementation
6 of the capability, including a reasonable es-
7 timate of the dates on which the capability
8 can be expected to achieve initial oper-
9 ational capability and full operational ca-
10 pability, respectively.

11 (iv) A recommendation identifying the
12 office or other organization of the Depart-
13 ment of Defense that would be most ap-
14 propriate to manage and execute the capa-
15 bility.

16 (C) REPORT.—Not later than July 15,
17 2021, the Defense Innovation Board, in con-
18 sultation with the Defense Digital Service, shall
19 submit to the Secretary of Defense and the con-
20 gressional defense committees a report on the
21 findings of the assessment under subparagraph
22 (A), including the findings of the assessment
23 with respect to each element specified in sub-
24 paragraph (B).

25 (2) SECOND ASSESSMENT.—

1 (A) IN GENERAL.—Not later than March
2 15, 2023, the Defense Innovation Board and
3 the Defense Science Board shall jointly com-
4 plete an independent assessment of the progress
5 of the Secretary in implementing subsections
6 (a) through (c). The Secretary of Defense shall
7 ensure that the Defense Innovation Board and
8 the Defense Science Board have access to the
9 resources, data, and information necessary to
10 complete the assessment.

11 (B) INFORMATION TO CONGRESS.—Not
12 later than 30 days after the date on which the
13 assessment under subparagraph (A) is com-
14 pleted, the Defense Innovation Board and the
15 Defense Science Board shall jointly provide to
16 the congressional defense committees—

17 (i) a report summarizing the assess-
18 ment; and

19 (ii) a briefing on the findings of the
20 assessment.

21 (g) DEMONSTRATIONS AND BRIEFING.—

22 (1) DEMONSTRATION OF IMPLEMENTATION.—
23 Not later than October 20, 2021, the Secretary of
24 Defense shall submit to the congressional defense
25 committees a demonstration and briefing on the

1 progress of the Secretary in implementing sub-
2 sections (a) through (c). The briefing shall include
3 an explanation of how the results of the demonstra-
4 tion activities carried out under subsection (c) will
5 be incorporated into the policy and guidance re-
6 quired under subsection (d), particularly the policy
7 and guidance of the members of the steering com-
8 mittee established under subsection (e).

9 (2) BRIEFING ON LEGISLATIVE RECOMMENDA-
10 TIONS.—Not later than February 1, 2022, the Sec-
11 retary of Defense shall submit to the Committees on
12 Armed Services of the Senate and of the House of
13 Representatives a briefing that identifies any
14 changes to existing law that may be necessary to fa-
15 cilitate the implementation of subsections (a)
16 through (c).

17 (3) DEMONSTRATION OF PORTFOLIO MANAGE-
18 MENT.—In conjunction with the budget of the Presi-
19 dent for fiscal year 2023 (as submitted to Congress
20 under section 1105(a) of title 21, United States
21 Code), the Deputy Secretary of Defense shall sched-
22 ule a demonstration of the portfolio management ca-
23 pability developed under subsection (b) with the con-
24 gressional defense committees.

1 **SEC. 837. SAFEGUARDING DEFENSE-SENSITIVE UNITED**
2 **STATES INTELLECTUAL PROPERTY, TECH-**
3 **NOLOGY, AND OTHER DATA AND INFORMA-**
4 **TION.**

5 (a) IN GENERAL.—The Secretary of Defense shall,
6 in coordination with relevant departments and agencies—

7 (1) identify policies and procedures protecting
8 defense-sensitive United States intellectual property,
9 technology, and other data and information, includ-
10 ing hardware and software, from acquisition by the
11 government of China; and

12 (2) to the extent that the Secretary determines
13 that such policies and procedures are insufficient to
14 provide such protection, develop additional policies
15 and procedures.

16 (b) MATTERS CONSIDERED.—In developing the poli-
17 cies and procedures under subsection (a), the Secretary
18 shall take the following actions:

19 (1) Establish and maintain a list of critical na-
20 tional security technology that may require certain
21 restrictions on current or former employees, contrac-
22 tors, or subcontractors (at any tier) of the Depart-
23 ment of Defense that contribute to such technology.

24 (2) Review the existing authorities under which
25 employees of the Department of Defense may be
26 subject to post-employment restrictions with foreign

1 governments and with organizations subject to for-
2 eign ownership, control, or influence.

3 (3) Identify additional measures that may be
4 necessary to enhance the authorities described in
5 paragraph (2).

6 (c) POST-EMPLOYMENT MATTERS.—The Secretary
7 shall consider mechanisms to restrict current or former
8 employees of contractors or subcontractors (at any tier)
9 of the Department of Defense that contribute significantly
10 and materially to a technology referred to in subsection
11 (b)(1) from working directly for companies wholly owned
12 by the government of China, or for companies that have
13 been determined by a cognizant Federal agency to be
14 under the ownership, control, or influence of the govern-
15 ment of China.

16 **SEC. 838. COMPTROLLER GENERAL REPORT ON IMPLE-**
17 **MENTATION OF SOFTWARE ACQUISITION RE-**
18 **FORMS.**

19 (a) REPORT REQUIRED.—Not later than March 15,
20 2021, the Comptroller General of the United States shall
21 brief the congressional defense committees on the imple-
22 mentation by the Secretary of Defense of required acquisi-
23 tion reforms with respect to acquiring software for weapon
24 systems, business systems, and other activities that are
25 part of the defense acquisition system, with one or more

1 reports based on such briefing to be submitted to such
2 committees, as jointly determined by such committees and
3 the Comptroller General.

4 (b) ELEMENTS.—The briefing and any reports re-
5 quired under subsection (a) shall include an assessment
6 of the extent to which the Secretary of Defense has—

7 (1) implemented the recommendations set forth
8 in—

9 (A) the final report of the Defense Innova-
10 tion Board submitted to the congressional de-
11 fense committees under section 872 of the Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2018 (Public Law 115–91; 131 Stat.
14 1497);

15 (B) the final report of the Defense Science
16 Board Task Force on the Design and Acquisi-
17 tion of Software for Defense Systems described
18 in section 868 of the John S. McCain National
19 Defense Authorization Act for Fiscal Year 2019
20 (Public Law 115–232; 132 Stat. 1902; 10
21 U.S.C. 2223a note); and

22 (C) other relevant studies on software re-
23 search, development, and acquisition activities
24 of the Department of Defense;

1 (2) carried out software acquisition activities,
2 including programs required under—

3 (A) section 2322a of title 10, United
4 States Code; and

5 (B) section 875 of the National Defense
6 Authorization Act for Fiscal Year 2018 (Public
7 Law 115–91; 131 Stat. 1503; 10 U.S.C. 2223
8 note);

9 (3) used the authority provided under section
10 800 of the National Defense Authorization Act for
11 Fiscal Year 2020 (Public Law 116–92; 133 Stat.
12 1478; 10 U.S.C. 2223a); and

13 (4) carried out software acquisition pilot pro-
14 grams, including pilot programs required under sec-
15 tions 873 and 874 of the National Defense Author-
16 ization Act for Fiscal Year 2018 (Public Law 115–
17 91; 10 U.S.C. 2223a note; 10 U.S.C. 2302 note).

18 (c) ASSESSMENT OF ACQUISITION POLICY, GUID-
19 ANCE, AND PRACTICES.—Each report required under sub-
20 section (a) shall include an assessment of the extent to
21 which the software acquisition policy, guidance, and prac-
22 tices of the Department of Defense reflect implementation
23 of—

24 (1) relevant recommendations from software
25 studies and pilot programs; and

1 (2) directives from the congressional defense
2 committees.

3 (d) DEFENSE ACQUISITION SYSTEM DEFINED.—In
4 this section, the term “defense acquisition system” has the
5 meaning given that term in section 2545(2) of title 10,
6 United States Code.

7 **SEC. 839. COMPTROLLER GENERAL REPORT ON INTELLEC-**
8 **TUAL PROPERTY ACQUISITION AND LICENS-**
9 **ING.**

10 (a) IN GENERAL.—Not later than October 1, 2021,
11 the Comptroller General of the United States shall submit
12 to the congressional defense committees a report evalu-
13 ating the implementation of Department of Defense In-
14 struction 5010.44 relating to Intellectual Property Acqui-
15 sition and Licensing (or successor instruction).

16 (b) ELEMENTS.—The report required under sub-
17 section (a) shall assess the following:

18 (1) The extent to which the Department of De-
19 fense is fulfilling the core principles established in
20 such Instruction.

21 (2) The extent to which the Defense Acquisition
22 University (established under section 1746 of title
23 10, United States Code) and elements of the De-
24 partment of Defense (specified in paragraphs (1)

1 through (10) of section 111(b) of such title) are carrying out the requirements of such Instruction.

3 (3) The progress of the Secretary of Defense in
4 establishing a cadre of intellectual property experts
5 (as required under section 2322(b) of such title), including the extent to which members of such cadre
6 are executing their roles and responsibilities.

8 (4) The performance of the Secretary of Defense in assessing and demonstrating the implementation of such Instruction, including the effectiveness
9 of the cadre described in paragraph (3).

12 (5) The effectiveness of the cadre described in
13 paragraph (3) in providing resources on the acquisition and licensing of intellectual property.

15 (6) The effect implementation of such Instruction has had on particular acquisitions.

17 (7) The extent to which feedback from appropriate stakeholders was incorporated, including large
18 and small businesses, traditional and nontraditional
19 defense contractors (as defined in section 2302(9) of
20 title 10, United States Code), and maintenance and
21 repair organizations.

23 (8) Any other matters the Comptroller General
24 determines appropriate.

**Subtitle D—Industrial Base
Matters**

**SEC. 841. ADDITIONAL REQUIREMENTS PERTAINING TO
PRINTED CIRCUIT BOARDS.**

(a) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2533c the following section:

**“§ 2533d. Additional requirements pertaining to
printed circuit boards**

“(a) IN GENERAL.—

“(1) Beginning on January 1, 2023, the Secretary of Defense may not acquire a covered printed circuit board from a covered nation.

“(2) Paragraph (1) shall not apply with respect to any acquisition of supplies or services below the micro-purchase threshold under section 2338 of this title.

“(b) WAIVER.—

“(1) The Secretary may waive the prohibition under subsection (a) if the Secretary determines in writing that—

“(A) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by such waiver;

1 “(B) the waiver is required to support na-
2 tional security; and

3 “(C) a covered printed circuit board of sat-
4 isfactory quality and sufficient quantity, in the
5 required form, cannot be procured as and when
6 needed from nations other than a covered na-
7 tion at reasonable cost, excluding comparisons
8 with non-market economies.

9 “(2) Not later than 10 days after the Secretary
10 provides a waiver under paragraph (1), the Sec-
11 retary shall submit to the Committee on Armed
12 Services of the Senate and the Committee on Armed
13 Services of the House of Representatives a written
14 notice setting forth the reasoning for the waiver, to-
15 gether with a copy of the waiver itself.

16 “(c) DEFINITIONS.—In this section:

17 “(1) COVERED NATION.—The term ‘covered na-
18 tion’ means—

19 “(A) the Democratic People’s Republic of
20 North Korea;

21 “(B) the People’s Republic of China;

22 “(C) the Russian Federation; and

23 “(D) the Islamic Republic of Iran.

24 “(2) COVERED PRINTED CIRCUIT BOARD.—The
25 term ‘covered printed circuit board’ means any par-

1 tially manufactured or complete bare printed circuit
2 board or fully or partially assembled printed circuit
3 board that—

4 “(A) performs a mission critical function
5 in any product or service that is not a commer-
6 cial product or commercial service (as such
7 terms are defined under sections 103 and 103a
8 of title 41, respectively); or

9 “(B) the Secretary designates as a covered
10 printed circuit board, after reasonable notice,
11 based on a determination that the designation
12 is required to support national security.

13 “(3) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Defense.

15 “(d) RULEMAKING.—Not later than May 1, 2022, the
16 Secretary shall promulgate regulations, after an oppor-
17 tunity for notice and comment, implementing this section.

18 “(e) APPLICABILITY.—This section shall apply only
19 with respect to contracts entered into after the issuance
20 of a final rule implementing this section.

21 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to prohibit the Department of De-
23 fense from entering into a contract with an entity that
24 connects to the facilities of a third party, for the purposes
25 of backhaul, roaming, or interconnection arrangements, on

1 the basis of the noncompliance by the third party with
2 the provisions of this section or use of equipment or serv-
3 ices that do not route or redirect user data traffic or per-
4 mit visibility into any user data or packets that such
5 equipment transmits or otherwise handles.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for subchapter V of chapter 148 of title 10, United States
8 Code, is amended by inserting after the item relating to
9 section 2533c the following:

“2533d. Additional requirements pertaining to printed circuit boards.”.

10 (c) TRUSTED SUPPLY.—The Secretary of Defense
11 shall apply the requirements of section 224 of the National
12 Defense Authorization Act for Fiscal Year 2020 (Public
13 Law 116-92; 10 U.S.C. 2302 note) to the acquisition of
14 covered printed circuit boards (as such term is defined
15 under section 2533d(c) of title 10, United States Code,
16 as added by this section).

17 (d) INDEPENDENT ASSESSMENT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of enactment of this Act, the Secretary of
20 Defense shall seek to enter into an agreement with
21 a federally funded research and development center
22 under which the center will conduct an assessment
23 of the benefits and risks of expanding the prohibi-
24 tion in section 2533d(a) and the definitions in sec-
25 tion 2533d(c) of title 10, United States Code, each

1 as added by this section, to include printed circuit
2 boards in commercial products or services, or in
3 commercially available off-the-shelf products or serv-
4 ices. The assessment shall also include analysis and
5 recommendations regarding the scope of mission
6 critical functions, as such term is used in such sec-
7 tion.

8 (2) SUBMISSION TO DEPARTMENT OF DE-
9 FENSE.—Not later than one year after entering into
10 the contract described in paragraph (1), the feder-
11 ally funded research and development center that
12 conducts the assessment described in such para-
13 graph shall submit to the Secretary of Defense a re-
14 port on the results of the assessment.

15 (3) SUBMISSION TO CONGRESS.—Not later than
16 90 days after the date on which the Secretary of De-
17 fense receives the report described in paragraph (2),
18 the Secretary shall submit to the congressional de-
19 fense committees an unaltered copy of the report, to-
20 gether with any comments the Secretary may have
21 with respect to the report, as well as a summary of
22 the recommendations of the report. The comments
23 of the Secretary, if any, and the summary of rec-
24 ommendations shall be in an unclassified form, but
25 the submission may include a classified annex.

1 **SEC. 842. REPORT ON NONAVAILABILITY DETERMINATIONS**
2 **AND QUARTERLY NATIONAL TECHNOLOGY**
3 **AND INDUSTRIAL BASE BRIEFINGS.**

4 (a) IN GENERAL.—Section 2504 of title 10, United
5 States Code, is amended—

6 (1) by striking “The Secretary” and inserting
7 the following:

8 “(a) ANNUAL REPORT.—The Secretary”;

9 (2) in subsection (a), as designated by para-
10 graph (1), by adding at the end the following new
11 paragraph:

12 “(5) A detailed description of any use by the Sec-
13 retary of Defense or a Secretary concerned, as applicable,
14 during the prior 12 months of a waiver or exception to
15 the sourcing requirements or prohibitions established by
16 chapter 83 of title 41 or subchapter V of chapter 148 of
17 this title, including—

18 “(A) the type of waiver or exception used; and

19 “(B) the reasoning for the use of each such
20 waiver or exception.”; and

21 (3) by adding at the end the following new sub-
22 section:

23 “(b) QUARTERLY BRIEFINGS.—(1) The Secretary of
24 Defense shall ensure that the congressional defense com-
25 mittees receive quarterly briefings on the industrial base
26 supporting the Department of Defense, describing chal-

1 lenges, gaps, and vulnerabilities in the defense industrial
2 base and commercial sector relevant to execution of de-
3 fense missions, and describing initiatives to address such
4 challenges.

5 “(2) Each briefing under paragraph (1) shall include
6 an update on the progress of addressing such gaps or
7 vulnerabilities by the Secretary, the Secretary of the mili-
8 tary department concerned, or the appropriate head of a
9 Defense Agency, including an update on—

10 “(A) actions taken to address such gaps or
11 vulnerabilities;

12 “(B) policy changes necessary to address such
13 gaps or vulnerabilities; and

14 “(C) the proposed timeline for action and re-
15 sources required to address such gaps or
16 vulnerabilities.”.

17 (b) CONFORMING AND CLERICAL AMENDMENTS.—

18 (1) HEADING AMENDMENT.—The heading of
19 section 2504 of title 10, United States Code, is
20 amended to read as follows:

21 “§ 2504. National technology and industrial base: an-
22 nual report and quarterly briefings”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions for subchapter II of chapter 148 of such title

1 is amended by striking the item relating to section
2 2504 and inserting the following new item:

“2504. National technology and industrial base: annual report and quarterly briefings.”.

3 **SEC. 843. MODIFICATION OF FRAMEWORK FOR MODERN-**
4 **IZING ACQUISITION PROCESSES TO ENSURE**
5 **INTEGRITY OF INDUSTRIAL BASE AND INCLU-**
6 **SION OF OPTICAL TRANSMISSION COMPO-**
7 **NENTS.**

8 (a) IN GENERAL.— Section 2509 of title 10, United
9 States Code, is amended—

10 (1) in subsection (b)(2)—

11 (A) in subparagraph (A)—

12 (i) in the matter preceding clause (i),
13 by inserting “such as those identified
14 through the supply chain risk management
15 process of the Department and by the Fed-
16 eral Acquisition Security Council, and”
17 after “supply chain risks,”; and

18 (ii) in clause (ii), by striking “(other
19 than optical transmission components)”;

20 (B) in subparagraph (C)—

21 (i) in clause (x), by striking “; and”
22 and inserting a semicolon;

23 (ii) by redesignating clause (xi) as
24 clause (xii); and

1 (iii) by inserting after clause (x) the
2 following new clause:

3 “(xi) processes and procedures related to
4 supply chain risk management and processes
5 and procedures implemented pursuant to sec-
6 tion 2339a of this title; and”;

7 (C) by adding at the end the following new
8 subparagraph:

9 “(E) Characterization and assessment of indus-
10 trial base support policies, programs, and proce-
11 dures, including—

12 “(i) limitations and acquisition guidance
13 relevant to the national technology and indus-
14 trial base (as defined in section 2500(1) of this
15 title);

16 “(ii) limitations and acquisition guidance
17 relevant to section 2533a of this title;

18 “(iii) the Industrial Base Analysis and
19 Sustainment program of the Department, in-
20 cluding direct support and common design ac-
21 tivities;

22 “(iv) the Small Business Innovation Re-
23 search Program (as defined in section 9(e) of
24 the Small Business Act (15 U.S.C. 638(e));

1 “(v) the Manufacturing Technology Pro-
2 gram established under section 2521 of this
3 title;

4 “(vi) programs relating to the Defense
5 Production Act of 1950 (50 U.S.C. 4511 et
6 seq.); and

7 “(vii) programs operating in each military
8 department.”; and

9 (2) in subsection (f)(2), by inserting “, and
10 supporting policies, procedures, and guidance relat-
11 ing to such actions” after “subsection (b)”.

12 (b) CONFORMING AMENDMENT.—Section 806 of the
13 Ike Skelton National Defense Authorization Act for Fiscal
14 Year 2011 (10 U.S.C. 2304 note) is repealed.

15 **SEC. 844. EXPANSION ON THE PROHIBITION ON ACQUIRING**
16 **CERTAIN METAL PRODUCTS.**

17 (a) IN GENERAL.—Section 2533c of title 10, United
18 States Code, is amended—

19 (1) in subsection (a)(1), by striking “material
20 melted” and inserting “material mined, refined, sep-
21 arated, melted,”; and

22 (2) in subsection (c)(3)(A)(i), by striking
23 “tungsten” and inserting “covered material”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is 5 years
3 after the date of the enactment of this Act.

4 **SEC. 845. MISCELLANEOUS LIMITATIONS ON THE PRO-**
5 **CUREMENT OF GOODS OTHER THAN UNITED**
6 **STATES GOODS.**

7 (a) IN GENERAL.—Section 2534 of title 10, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraphs (2) through (5)
11 and redesignating paragraph (6) as paragraph
12 (3);

13 (B) by inserting after paragraph (1) the
14 following new paragraph:

15 “(2) COMPONENTS FOR NAVAL VESSELS.—The
16 following components of vessels, to the extent they
17 are unique to marine applications:

18 “(A) Gyrocompasses.

19 “(B) Electronic navigation chart systems.

20 “(C) Steering controls.

21 “(D) Propulsion and machinery control
22 systems.

23 “(E) Totally enclosed lifeboats.”;

1 (C) in paragraph (3), as so redesignated,
2 by striking “subsection (k)” and inserting “sub-
3 section (j)”; and

4 (D) by adding at the end the following new
5 paragraph:

6 “(4) COMPONENTS FOR T-AO 205 CLASS VES-
7 SELS.—The following components of T-AO 205
8 class vessels:

9 “(A) Auxiliary equipment, including
10 pumps, for all shipboard services.

11 “(B) Propulsion system components, in-
12 cluding engines, reduction gears, and propellers.

13 “(C) Shipboard cranes.

14 “(D) Spreaders for shipboard cranes.”;

15 (2) by amending subsection (b) to read as fol-
16 lows:

17 “(b) MANUFACTURER IN THE NATIONAL TECH-
18 NOLOGY AND INDUSTRIAL BASE.—A manufacturer meets
19 the requirements of this subsection if the manufacturer
20 is part of the national technology and industrial base.”;

21 (3) in subsection (c)—

22 (A) by striking “ITEMS.—” and all that
23 follows through “Subsection (a) does not apply”
24 and inserting “ITEMS.—Subsection (a) does not
25 apply”; and

1 (B) by striking paragraphs (2) through (5);
2 (4) in subsection (g)—

3 (A) by striking “(1) This section” and in-
4 serting “This section”; and

5 (B) by striking paragraph (2);

6 (5) in subsection (h), by striking “subsection
7 (a)(3)(B)” and inserting “subsection (a)(2)”;

8 (6) in subsection (i)(3), by striking “Under Sec-
9 retary of Defense for Acquisition, Technology, and
10 Logistics” and inserting “Under Secretary of De-
11 fense for Acquisition and Sustainment”;

12 (7) by striking subsection (j);

13 (8) by redesignating the first subsection des-
14 ignated subsection (k) (relating to “Limitation on
15 Certain Procurements Application Process”) as sub-
16 section (j); and

17 (9) in subsection (k) (relating to “Implementa-
18 tion of Auxiliary Ship Component Limitation”), by
19 striking “Subsection (a)(6)” and inserting “Sub-
20 section (a)(3)”.

21 (b) REVIEW OF SELECT COMPONENTS.—The Sec-
22 retary of the Defense shall expedite the review period
23 under paragraph (3)(B) of section 2534(j) of title 10,
24 United States Code, as redesignated by subsection (a), to
25 not more than 60 days for applications submitted pursu-

1 ant to such section 2534(j) for the following components
2 for auxiliary ships:

3 (1) Auxiliary equipment, including pumps, for
4 all shipboard services.

5 (2) Propulsion system components, including
6 engines, reduction gears, and propellers.

7 (3) Shipboard cranes.

8 (4) Spreaders for shipboard cranes.

9 **SEC. 846. IMPROVING IMPLEMENTATION OF POLICY PER-**
10 **TAINING TO THE NATIONAL TECHNOLOGY**
11 **AND INDUSTRIAL BASE.**

12 (a) ASSESSMENT OF RESEARCH AND DEVELOPMENT,
13 MANUFACTURING, AND PRODUCTION CAPABILITIES.—

14 (1) IN GENERAL.—In developing the strategy
15 required by section 2501 of title 10, United States
16 Code, carrying out the program for analysis of the
17 national technology and industrial base required by
18 section 2503 of such title, and performing the as-
19 sessments required under section 2505 of such title,
20 the Secretary of Defense, in consultation with the
21 Under Secretary of Defense for Acquisition and
22 Sustainment and the Under Secretary of Research
23 and Engineering, shall assess the research and de-
24 velopment, manufacturing, and production capabili-
25 ties of the national technology and industrial base

1 (as defined in section 2500 of such title) and other
2 allies and partner countries.

3 (2) IDENTIFICATION OF SPECIFIC TECH-
4 NOLOGIES, COMPANIES, LABORATORIES, AND FAC-
5 TORIES.—The map of the industrial base described
6 in section 2504 of title 10, United States Code, shall
7 highlight specific technologies, companies, labora-
8 tories, and factories of, or located in, the national
9 technology and industrial base of potential value to
10 current and future Department of Defense plans
11 and programs.

12 (b) POLICY AND GUIDANCE.—

13 (1) IN GENERAL.—Section 2440 of title 10,
14 United States Code is amended—

15 (A) by amending the section heading to
16 read as follows: “**National technology**
17 **and industrial base plans, policy, and**
18 **guidance**”;

19 (B) striking “The Secretary” and inserting
20 the following:

21 “(a) IN GENERAL.—The Secretary”; and

22 (C) by adding at the end the following new
23 subsection:

24 “(b) ACQUISITION POLICY AND GUIDANCE.—The
25 Secretary of Defense shall develop and promulgate acqui-

1 sition policy and guidance to the service acquisition execu-
2 tives, the heads of the appropriate Defense Agencies and
3 Department of Defense Field Activities, and relevant pro-
4 gram managers. Such policy and guidance shall be ger-
5 mane to the use of the research and development, manu-
6 facturing, and production capabilities identified pursuant
7 to chapter 148 of this title and the technologies, compa-
8 nies, laboratories, and factories in specific Department of
9 Defense research and development, international coopera-
10 tive research, procurement, and sustainment activities.”.

11 (2) CLERICAL AMENDMENTS.—The table of sec-
12 tions at the beginning of chapter 144 of title 10,
13 United States Code, is amended by striking the item
14 relating to section 2440 and inserting the following
15 new item:

“2440. National technology and industrial base plans, policy, and guidance.”.

16 (c) RESPONSIBILITIES OF THE NATIONAL DEFENSE
17 TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section
18 2502(c) of title 10, United States Code, is amended—

19 (1) in paragraph (2), by striking “and” at the
20 end;

21 (2) in paragraph (3), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(4) collaboration with government officials of
2 member countries of the national technology and in-
3 dustrial base in order to strengthen the national
4 technology and industrial base.”.

5 (d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS
6 OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL
7 BASE.—

8 (1) IN GENERAL.—The Secretary of Defense, in
9 consultation with the heads of any relevant Federal
10 agencies, shall establish a process to consider the in-
11 clusion of additional member countries in the na-
12 tional technology and industrial base.

13 (2) ELEMENTS.—The process developed under
14 paragraph (1) shall include an analysis of—

15 (A) the national security and foreign policy
16 impacts, costs, and benefits to the United
17 States and allied countries of the inclusion of
18 any such additional member countries in the
19 national technology and industrial base;

20 (B) the economic impacts, costs, and bene-
21 fits to entities within the United States and al-
22 lied countries of the inclusion of any such addi-
23 tional member countries into the national tech-
24 nology and industrial base, including an assess-
25 ment of—

1 (i) specific shortfalls in the techno-
2 logical and industrial capacities of current
3 member countries of the national tech-
4 nology and industrial base that would be
5 addressed by inclusion of such additional
6 member countries;

7 (ii) specific areas in the industrial
8 bases of current member countries of the
9 national technology and industrial base
10 that would likely be impacted by additional
11 competition if such additional member
12 countries were included in the national
13 technology and industrial base; and

14 (iii) costs to reconstitute capability
15 should such capability be lost to competi-
16 tion; and

17 (C) other factors as determined relevant by
18 the Secretary.

19 (3) CONCURRENCE.—For the purposes of the
20 process developed under paragraph (1), the Sec-
21 retary of Defense may recommend the inclusion of
22 an additional member country in the national tech-
23 nology and industrial base only with the concurrence
24 of the Secretary of State.

1 **SEC. 847. REPORT AND LIMITATION ON THE AVAILABILITY**
2 **OF FUNDS RELATING TO ELIMINATING THE**
3 **GAPS AND VULNERABILITIES IN THE NA-**
4 **TIONAL TECHNOLOGY AND INDUSTRIAL**
5 **BASE.**

6 (a) IN GENERAL.—Beginning January 1, 2021, if the
7 Secretary of Defense has not submitted to the congres-
8 sional defense committees the national security strategy
9 for the national technology and industrial base required
10 by section 2501(a) of title 10, United States Code, not
11 more than 75 percent of the funds specified in subsection
12 (b) may be obligated or expended until the date on which
13 the Secretary submits such strategy to such committees.

14 (b) FUNDS SPECIFIED.—The funds specified in this
15 subsection are the funds authorized to be appropriated by
16 this Act or otherwise made available for fiscal year 2021
17 for the Department of Defense for the following:

18 (1) The immediate office of the Secretary of
19 Defense.

20 (2) The Office of the Under Secretary of De-
21 fense for Acquisition and Sustainment.

22 **SEC. 848. SUPPLY OF STRATEGIC AND CRITICAL MATE-**
23 **RIALS FOR THE DEPARTMENT OF DEFENSE.**

24 (a) PREFERENCE FOR SOURCING FROM THE NA-
25 TIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Sec-
26 retary of Defense shall, to the maximum extent prac-

1 ticable, acquire strategic and critical materials required to
2 meet the defense, industrial, and essential civilian needs
3 of the United States in the following order of preference:

4 (1) From sources located within the United
5 States.

6 (2) From sources located within the national
7 technology and industrial base (as defined in section
8 2500 of title 10, United States Code).

9 (3) From other sources as appropriate.

10 (b) STATEMENT OF POLICY.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall pursue the following goals:

13 (A) Not later than January 1, 2035, en-
14 suring access to secure sources of supply for
15 strategic and critical materials that will—

16 (i) fully meet the demands of the do-
17 mestic defense industrial base;

18 (ii) eliminate the dependence of the
19 United States on potentially vulnerable
20 sources of supply for strategic and critical
21 materials; and

22 (iii) ensure that the Department of
23 Defense is not reliant upon potentially vul-
24 nerable sources of supply for the proc-
25 essing or manufacturing of any strategic

1 and critical materials deemed essential to
2 national security by the Secretary of De-
3 fense.

4 (B) Provide incentives for the defense in-
5 dustrial base to develop robust processing and
6 manufacturing capabilities in the United States
7 to refine strategic and critical materials for De-
8 partment of Defense purposes.

9 (C) Maintain secure sources of supply for
10 strategic and critical materials required to
11 maintain current military requirements in the
12 event that international supply chains are dis-
13 rupted.

14 (2) METHODS.—The Secretary of Defense shall
15 achieve the goals described in paragraph (1)
16 through—

17 (A) the development of guidance in con-
18 sultation with appropriate officials of the De-
19 partment of State, the Joint Staff, and the Sec-
20 retaries of the military departments;

21 (B) the continued and expanded use of ex-
22 isting programs, such as the National Defense
23 Stockpile;

1 (C) the continued use of authorities under
2 title III of the Defense Production Act of 1950
3 (50 U.S.C. 4531 et seq.); and

4 (D) other methods, as the Secretary of De-
5 fense deems appropriate.

6 **SEC. 849. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION**
7 **TO ADDRESS SOURCING AND INDUSTRIAL CA-**
8 **PACITY.**

9 (a) ANALYSIS REQUIRED.—

10 (1) IN GENERAL.—The Secretary of Defense,
11 acting through the Undersecretary of Defense for
12 Acquisition and Sustainment and other appropriate
13 officials, shall review the items under subsection (c)
14 to determine and develop appropriate actions, con-
15 sistent with the policies, programs, and activities re-
16 quired under chapter 148 of title 10, United States
17 Code, chapter 83 of title 41, United States Code,
18 and the Defense Production Act of 1950 (50 U.S.C.
19 4501 et seq.), including—

20 (A) restricting procurement, with appro-
21 priate waivers for cost, emergency require-
22 ments, and non-availability of suppliers, includ-
23 ing restricting procurement to—

24 (i) suppliers in the United States;

1 (ii) suppliers in the national tech-
2 nology and industrial base (as defined in
3 section 2500 of title 10, United States
4 Code);

5 (iii) suppliers in other allied nations;
6 or

7 (iv) other suppliers;

8 (B) increasing investment through use of
9 research and development or procurement ac-
10 tivities and acquisition authorities to—

11 (i) expand production capacity;

12 (ii) diversify sources of supply; or

13 (iii) promote alternative approaches
14 for addressing military requirements;

15 (C) prohibiting procurement from selected
16 sources or nations;

17 (D) taking a combination of actions de-
18 scribed under subparagraphs (A),(B), and (C);

19 or

20 (E) taking no action.

21 (2) CONSIDERATIONS.—The analyses conducted
22 pursuant to paragraph (1) shall consider national se-
23 curity, economic, and treaty implications, as well as
24 impacts on current and potential suppliers of goods
25 and services.

1 (b) REPORTING ON ANALYSES, RECOMMENDATIONS,
2 AND ACTIONS.—

3 (1) INTERIM BRIEF.—Not later than January
4 15, 2022, the Secretary of Defense shall submit to
5 the congressional defense committees—

6 (A) a summary of the findings of the anal-
7 yses undertaken for each item pursuant to sub-
8 section (a);

9 (B) relevant recommendations resulting
10 from the analyses; and

11 (C) descriptions of specific activities under-
12 taken as a result of the analyses, including
13 schedule and resources allocated for any
14 planned actions.

15 (2) REPORTING.—The Secretary of Defense
16 shall include the analyses conducted under sub-
17 section (a), and any relevant recommendations and
18 descriptions of activities resulting from such anal-
19 yses, as appropriate, in each of the following sub-
20 mitted during the 2022 calendar year:

21 (A) The annual report to Congress re-
22 quired under section 2504 of title 10, United
23 States Code.

1 (B) The annual report on unfunded prior-
2 ities of the national technology and industrial
3 base required under section 2504a of such title.

4 (C) Department of Defense technology and
5 industrial base policy guidance prescribed under
6 section 2506 of such title.

7 (D) Activities to modernize acquisition
8 processes to ensure integrity of industrial base
9 pursuant to section 2509 of such title.

10 (E) Defense memoranda of understanding
11 and related agreements considered in accord-
12 ance with section 2531 of such title.

13 (F) Industrial base or acquisition policy
14 changes.

15 (G) Legislative proposals for changes to
16 relevant statutes which the Department shall
17 consider, develop, and submit to the Commit-
18 tees on Armed Services of the Senate and
19 House of Representatives not less frequently
20 than once per fiscal year.

21 (H) Quarterly briefings on the national
22 technology and industrial base required under
23 section 2504 of such title, as amended by sec-
24 tion 842 of this Act.

1 (I) Other actions as the Secretary of De-
2 fense determines appropriate.

3 (c) LIST OF HIGH PRIORITY GOODS AND SERVICES
4 FOR ANALYSES, RECOMMENDATIONS, AND ACTIONS.—
5 The items described in this subsection are the following:

6 (1) Goods and services covered under existing
7 restrictions, where a waiver, exception, or domestic
8 non-availability determination has been applied.

9 (2) Printed circuit boards and other electronics
10 components, consistent with the requirements of
11 other provisions of this Act.

12 (3) Pharmaceuticals, including active pharma-
13 ceutical ingredients.

14 (4) Medical devices.

15 (5) Therapeutics.

16 (6) Vaccines.

17 (7) Diagnostic medical equipment and
18 consumables, including reagents and swabs.

19 (8) Ventilators and related products.

20 (9) Personal protective equipment.

21 (10) Strategic and critical materials, including
22 rare earth materials.

23 (11) Natural or synthetic graphite.

24 (12) Coal-based rayon carbon fibers.

25 (13) Aluminum and aluminum alloys.

1 **SEC. 850. IMPLEMENTATION OF RECOMMENDATIONS FOR**
2 **ASSESSING AND STRENGTHENING THE MAN-**
3 **UFACTURING AND DEFENSE INDUSTRIAL**
4 **BASE AND SUPPLY CHAIN RESILIENCY.**

5 (a) SUBMISSION OF RECOMMENDATIONS TO SEC-
6 RETARY OF DEFENSE.—In order to fully implement the
7 recommendations of the report of the Interagency Task
8 Force (established by the Department of Defense pursu-
9 ant to section 2 of Executive Order 13806 (82 Fed. Reg.
10 34597; July 21, 2017)) titled “Assessing and Strength-
11 ening the Manufacturing and Defense Industrial Base and
12 Supply Chain Resiliency of the United States: Report to
13 President Donald J. Trump by the Interagency Task
14 Force in Fulfillment of Executive Order 13806” (Sep-
15 tember 2018), not later than 540 days after the date of
16 the enactment of this Act, the Under Secretary of Defense
17 for Acquisition and Sustainment shall submit to the Sec-
18 retary of Defense additional recommendations regarding
19 United States industrial policies. The additional rec-
20 ommendations shall consist of specific executive actions,
21 programmatic changes, regulatory changes, and legislative
22 proposals and changes, as appropriate.

23 (b) SCOPE OF ASSESSMENT.—In developing the addi-
24 tional recommendations required under subsection (a), the
25 Under Secretary shall—

1 (1) assess the macro forces and risk archetypes
2 identified in the report of the Interagency Task
3 Force described in subsection (a);

4 (2) evaluate the success of responsive actions
5 undertaken; and

6 (3) identify any such recommendations that
7 may require new legislative authorities.

8 (c) OBJECTIVES.—The additional recommendations
9 made pursuant to subsection (a) shall—

10 (1) aim to expand the defense industrial base to
11 leverage contributions and capabilities of allies and
12 partner countries;

13 (2) identify and preserve the viability of domes-
14 tic and trusted international suppliers; and

15 (3) strengthen the domestic industrial base, es-
16 pecially in areas subject to the risk archetypes iden-
17 tified in the report of the Interagency Task Force
18 described in subsection (a).

19 (d) CONSULTATION.—In developing the additional
20 recommendations required under subsection (a), the
21 Under Secretary may engage through appropriate mecha-
22 nisms with—

23 (1) the Defense Science Board;

24 (2) the Defense Innovation Board;

25 (3) the Defense Business Board;

1 (4) entities representing industry interests; and

2 (5) entities representing labor interests.

3 (e) SUBMISSION OF RECOMMENDATIONS TO PRESI-
4 DENT.—Not later than 30 days after receiving the addi-
5 tional recommendations required under subsection (a), the
6 Secretary of Defense shall submit such recommendations,
7 together with any supplementary views or recommenda-
8 tions, to the President, the Director of the Office of Man-
9 agement and Budget, the Assistant to the President for
10 National Security Affairs, and the Director of the Na-
11 tional Economic Council.

12 (f) SUBMISSION OF RECOMMENDATIONS TO CON-
13 GRESS.—Not later than 30 days after submitting the rec-
14 ommendations under subsection (e), the Secretary of De-
15 fense shall submit to and brief the congressional defense
16 committees on such recommendations.

17 **SEC. 851. REPORT ON STRATEGIC AND CRITICAL MATE-**
18 **RIALS.**

19 (a) REPORT REQUIRED.—The Secretary of Defense
20 shall submit to the Committees on Armed Services of the
21 Senate and the House of Representatives an appendix to
22 the annual report required in section 2504 of title 10,
23 United States Code, due on March 1, 2021, describing
24 strategic and critical materials, including the gaps and
25 vulnerabilities in supply chains of such materials.

1 (b) ELEMENTS.—The Secretary of Defense shall in-
2 clude in the appendix required in subsection (a) the fol-
3 lowing:

4 (1) An identification of the strategic and crit-
5 ical materials that are currently used by the Depart-
6 ment of Defense.

7 (2) To the extent practicable, an identification
8 of the overall annual tonnage of each strategic or
9 critical material identified pursuant to paragraph (1)
10 that was used by the Department during the 10-year
11 period ending on December 31, 2020.

12 (3) An identification of domestic and inter-
13 national sources for the strategic and critical mate-
14 rials identified pursuant to paragraph (1).

15 (4) An identification of risks relating to access
16 to the strategic and critical materials identified pur-
17 suant to paragraph (1) from supply chain disrup-
18 tions due to geopolitical, economic, and other
19 vulnerabilities.

20 (5) An evaluation of the benefits of a robust do-
21 mestic supply chain for providing strategic and crit-
22 ical materials, as needed, to manufacturers in the
23 defense industrial base.

24 (6) An evaluation of the effects of the use of
25 waivers by the Strategic Materials Protection Board

1 established under section 187 of title 10, United
2 States Code, on the domestic supply of strategic and
3 critical materials.

4 (7) Recommendations for policies and proce-
5 dures to ensure a capability within the Department
6 of Defense to secure strategic and critical materials
7 necessary for emerging technologies, as well as anti-
8 microbial products, minerals, and metals for use in
9 medical equipment and other technologies.

10 (8) An identification of improvements required
11 to the National Defense Stockpile in order to ensure
12 the Secretary of Defense has access to the strategic
13 and critical materials identified pursuant to para-
14 graph (1).

15 (9) An evaluation of the domestic processing
16 and manufacturing capacity needed to supply the
17 strategic and critical materials identified pursuant to
18 paragraph (1) to the Secretary of Defense in an eco-
19 nomic and secure manner.

20 (10) In consultation with the Director of the
21 United States Geological Survey, an identification of
22 domestic locations with existing commercial manu-
23 facturing interest that are already verified to contain
24 large supplies of the strategic and critical materials
25 identified pursuant to paragraph (1).

1 (11) An assessment of the feasibility of partner-
2 ships with institutions of higher education (as de-
3 fined in section 101 of the Higher Education Act of
4 1965 (20 U.S.C. 1001)) that receive grants for the
5 purpose of enhancing the security and stability of
6 the supply chain for strategic and critical materials
7 for the National Defense Stockpile, including an
8 identification of barriers to such partnerships and
9 recommendations for improving such partnerships.

10 (12) Any other matter relating to strategic and
11 critical materials that the Secretary considers appro-
12 prium.

13 (c) FORM.—The appendix required in subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 (d) STRATEGIC AND CRITICAL MATERIALS DE-
17 FINED.—In this section, the term “strategic and critical
18 materials” means materials, including rare earth ele-
19 ments, that are necessary to meet national defense and
20 national security requirements, including requirements re-
21 lating to supply chain resiliency, and for the economic se-
22 curity of the United States.

1 **SEC. 852. REPORT ON ALUMINUM REFINING, PROCESSING,**
2 **AND MANUFACTURING.**

3 (a) IN GENERAL.—In preparing the annual report re-
4 quired under section 2504 of title 10, United States Code,
5 due on March 1, 2022, the Secretary of Defense shall in-
6 clude as an appendix to such report information on—

7 (1) how authorities under the Defense Produc-
8 tion Act of 1950 (50 U.S.C. 4501 et seq.) could be
9 used to provide incentives to increase activities relat-
10 ing to refining aluminum and the development of
11 processing and manufacturing capabilities for alu-
12 minum; and

13 (2) whether a new initiative would further the
14 development of such processing and manufacturing
15 capabilities for aluminum.

16 (b) SUBMISSION.—Not later than March 1, 2022, the
17 Secretary of Defense shall submit to the Committee on
18 Financial Services of the House of Representatives and
19 the Committee on Banking, Housing, and Urban Affairs
20 of the Senate the appendix described in subsection (a).

21 **Subtitle E—Small Business Matters**

22 **SEC. 861. INITIATIVES TO SUPPORT SMALL BUSINESSES IN**
23 **THE NATIONAL TECHNOLOGY AND INDUS-**
24 **TRIAL BASE.**

25 (a) IN GENERAL.—The Secretary of Defense, acting
26 through the Assistant Secretary of Defense for Industrial

1 Base Policy (established under section 903 of this Act)
2 and other appropriate officials, in carrying out the activi-
3 ties described under subchapter II of chapter 148 of title
4 10, United States Code, shall establish initiatives to in-
5 crease the effectiveness of the Department of Defense in
6 specifically leveraging small businesses to eliminate gaps
7 and vulnerabilities in the national technology and indus-
8 trial base (as defined in section 2500 of title 10, United
9 States Code) and expand the number of small businesses
10 in the national technology and industrial base.

11 (b) INITIATIVES.—

12 (1) UPDATES FOR SMALL BUSINESS STRAT-
13 EGY.—Not later than October 1, 2022, and bienni-
14 ally thereafter, shall update the small business strat-
15 egy required under section 2283 of title 10, United
16 States Code, and provide such updated strategy to
17 the congressional defense committees.

18 (2) IMPLEMENTATION PLAN.—

19 (A) IN GENERAL.—Not later than March
20 1, 2023, and biennially thereafter, the Sec-
21 retary of Defense shall develop an implementa-
22 tion plan consistent with the most recent small
23 business strategy developed under such section
24 2283, and provide such plan to the congres-
25 sional defense committees.

1 (B) ELEMENTS.—The implementation plan
2 described in subparagraph (A) shall include an
3 identification of the following:

4 (i) Organizations responsible for im-
5 plementation activities.

6 (ii) Metrics to evaluate progress of
7 implementation activities.

8 (iii) Resources to support implementa-
9 tion activities.

10 (iv) Outcomes achieved as a result of
11 executing the previous small business
12 strategy developed under such section
13 2283.

14 (3) MECHANISMS TO ASSESS AND SUPPORT
15 SMALL BUSINESSES IN NATIONAL TECHNOLOGY AND
16 INDUSTRIAL BASE.—The Secretary of Defense
17 shall—

18 (A) establish policies, procedures, and in-
19 formation repositories to identify small busi-
20 nesses in the defense supply chain, including—

21 (i) small businesses participating in
22 an acquisition program of a military de-
23 partment or Defense Agency (as defined in
24 section 101(11) of title 10, United States
25 Code);

1 (ii) small businesses contracting with
2 the Defense Logistics Agency; and

3 (iii) other small businesses in the na-
4 tional technology and industrial base;

5 (B) establish policies and procedures to as-
6 sess the financial status of critical small busi-
7 nesses; and

8 (C) enter into an agreement with the ac-
9 quisition research organization within a civilian
10 college or university that is described under sec-
11 tion 2361a(a) of title 10, United States Code
12 (commonly referred to as the “Acquisition Inno-
13 vation Research Center”), to analyze mecha-
14 nisms that could be established to allow the
15 Secretary of Defense to provide direct financial
16 support to critical small businesses that require
17 additional financial assistance, including critical
18 small businesses that are—

19 (i) contracting with the Defense Lo-
20 gistics Agency;

21 (ii) subcontractors (at any tier); or

22 (iii) in critical technology sectors.

23 (c) REPORTS.—

24 (1) REPORT ON ACTIVITIES.—Not later than
25 October 1, 2021, the Assistant Secretary of Defense

1 for Industrial Base Policy shall submit to the appro-
2 priate committees a report on activities undertaken
3 pursuant to this section.

4 (2) IMPLEMENTATION PLAN FOR 2019 SMALL
5 BUSINESS STRATEGY.—Not later than June 1, 2021,
6 the Secretary of Defense shall submit an implemen-
7 tation plan for the small business strategy required
8 under section 2283 of title 10, United States Code,
9 and dated October 1, 2019, including an identifica-
10 tion of specific responsible individuals and organiza-
11 tions, milestones and metrics, and resources to sup-
12 port activities identified in the implementation plan.

13 (d) SMALL BUSINESS DEFINED.—In this section, the
14 term “small business” has the meaning given by the Sec-
15 retary of Defense, except that such term shall include
16 prime contractors and subcontractors (at any tier).

17 **SEC. 862. TRANSFER OF VERIFICATION OF SMALL BUSI-**
18 **NESS CONCERNS OWNED AND CONTROLLED**
19 **BY VETERANS OR SERVICE-DISABLED VET-**
20 **ERANS TO THE SMALL BUSINESS ADMINIS-**
21 **TRATION.**

22 (a) TRANSFER DATE.—For purposes of this section,
23 the term “transfer date” means the date that is 2 years
24 after the date of enactment of this Act.

1 (b) AMENDMENT TO AND TRANSFER OF VETERAN-
2 OWNED AND SERVICE-DISABLED VETERAN-OWNED BUSI-
3 NESS DATABASE.—

4 (1) AMENDMENT OF VETERAN-OWNED AND
5 SERVICE-DISABLED VETERAN-OWNED BUSINESS
6 DATABASE.—Effective on the transfer date, section
7 8127 of title 38, United States Code, is amended—

8 (A) in subsection (e), by striking “the Sec-
9 retary under subsection (f)” and inserting “the
10 Administrator under section 36 of the Small
11 Business Act”;

12 (B) in subsection (f)—

13 (i) by striking “the Secretary” each
14 place it appears, except in the last place it
15 appears in paragraph (2)(A), and inserting
16 “the Administrator”;

17 (ii) in paragraph (1), by striking
18 “small business concerns owned and con-
19 trolled by veterans with service-connected
20 disabilities” and inserting “small business
21 concerns owned and controlled by service-
22 disabled veterans”;

23 (iii) in paragraph (2)—

24 (I) in subparagraph (A)—

1 (aa) by striking “to access”
2 and inserting “to obtain from the
3 Secretary of Veterans Affairs”;
4 and

5 (bb) by inserting “, United
6 States Code,” after “title 5”; and
7 (II) by striking subparagraph (B)

8 and inserting the following:

9 “(B) For purposes of this subsection—

10 “(i) the Secretary of Veterans Affairs shall—

11 “(I) verify an individual’s status as a vet-
12 eran or a service-disabled veteran; and

13 “(II) establish a system to permit the Ad-
14 ministrator to access, but not alter, the
15 verification of such status; and

16 “(ii) the Administrator shall verify—

17 “(I) the status of a business concern as a
18 small business concern; and

19 “(II) the ownership and control of such
20 business concern.

21 “(C) The Administrator may not certify a concern
22 under subsection (b) or section 36A if the Secretary of
23 Veterans Affairs cannot provide the verification described
24 under subparagraph (B)(i)(I).”;

1 (iv) in paragraph (3), by striking
2 “such veterans” and inserting “a veteran
3 described in paragraph (1)”;

4 (v) by striking paragraphs (4) and
5 (7);

6 (vi) by redesignating paragraphs (5)
7 and (6) as paragraphs (4) and (5), respec-
8 tively, and redesignating paragraph (8) as
9 paragraph (6);

10 (vii) in paragraph (4), as so redesign-
11 ated, by striking “The Secretary” and in-
12 serting “The Administrator”; and

13 (viii) in paragraph (6), as so redesign-
14 ated—

15 (I) in subparagraph (A)—

16 (aa) by striking “verify the
17 status of the concern as a small
18 business concern or the owner-
19 ship or control of the concern”
20 and inserting “certify the status
21 of the concern as a small busi-
22 ness concern owned and con-
23 trolled by veterans (under section
24 36A) or a small business concern
25 owned and controlled by service-

1 disabled veterans (under sub-
2 section (g) of this section)”;

3 (bb) by striking
4 “verification” and inserting “cer-
5 tification”; and

6 (cc) by striking “the Small
7 Business Administration (as es-
8 tablished under section 5(i) of
9 the Small Business Act)” and in-
10 serting “the Administration (as
11 established under section 5(i))”;

12 (II) in subparagraph (B)—

13 (aa) in clause (i)—

14 (AA) by striking “small
15 business concern owned and
16 controlled by veterans with
17 service-connected disabil-
18 ities” and inserting “small
19 business concern owned and
20 controlled by service-disabled
21 veterans”; and

22 (BB) by striking “of
23 the Small Business Adminis-
24 tration”; and

25 (bb) in clause (ii)—

1 (AA) by amending sub-
2 clause (I) to read as follows:

3 “(I) the Secretary of Veterans Affairs or
4 the Administrator; or”; and

5 (BB) in subclause (II),
6 by striking “the contracting
7 officer of the Department”
8 and inserting “the applicable
9 contracting officer”; and

10 (III) by striking subparagraph
11 (C);

12 (C) by redesignating subsections (k) (relat-
13 ing to limitations on subcontracting) and (l)
14 (relating to definitions) as subsections (l) and
15 (m), respectively;

16 (D) by inserting after subsection (j) (relat-
17 ing to annual reports) the following new sub-
18 section:

19 “(k) ANNUAL TRANSFER FOR CERTIFICATION
20 COSTS.—For each fiscal year, the Secretary of Veterans
21 Affairs shall reimburse the Administrator in an amount
22 necessary to cover any cost incurred by the Administrator
23 for certifying small business concerns owned and con-
24 trolled by veterans that do not qualify as small business
25 concerns owned and controlled by service-disabled veterans

1 for the Secretary for purposes of this section and section
2 8128 of this title. The Administrator is authorized to ac-
3 cept such reimbursement. The amount of any such reim-
4 bursement shall be determined jointly by the Secretary
5 and the Administrator and shall be provided from fees col-
6 lected by the Secretary under multiple-award schedule
7 contracts. Any disagreement about the amount shall be
8 resolved by the Director of the Office of Management and
9 Budget.”; and

10 (E) in subsection (m) (relating to defini-
11 tions), as so redesignated—

12 (i) by redesignating paragraphs (1),
13 (2), and (3) as paragraphs (2), (3), and
14 (4), respectively; and

15 (ii) by inserting before paragraph (2),
16 as so redesignated, the following new para-
17 graph:

18 “(1) The term ‘Administrator’ means the Ad-
19 ministrator of the Small Business Administration.”.

20 (2) TRANSFER OF REQUIREMENTS RELATING
21 TO DATABASE TO THE SMALL BUSINESS ACT.—Ef-
22 fective on the transfer date, subsection (f) of section
23 8127 of title 38, United States Code (as amended by
24 paragraph (1)), is transferred to section 36 of the

1 Small Business Act (15 U.S.C. 657f), and inserted
2 so as to appear after subsection (e).

3 (3) CONFORMING AMENDMENTS.—The fol-
4 lowing amendments shall take effect on the transfer
5 date:

6 (A) SMALL BUSINESS ACT.—Section
7 3(q)(2)(C)(i)(III) of the Small Business Act (15
8 U.S.C. 632(q)(2)(C)(i)(III)) is amended by
9 striking “section 8127(f) of title 38, United
10 States Code” and inserting “section 36”.

11 (B) TITLE 38.—Section 8128 of title 38,
12 United States Code, is amended by striking
13 “maintained by the Secretary under section
14 8127(f) of this title” and inserting “maintained
15 by the Administrator of the Small Business Ad-
16 ministration under section 36 of the Small
17 Business Act”.

18 (c) ADDITIONAL REQUIREMENTS FOR DATABASE.—

19 (1) ADMINISTRATOR ACCESS TO DATABASE BE-
20 FORE THE TRANSFER DATE.—During the period be-
21 tween the date of the enactment of this Act and the
22 transfer date, the Secretary of Veterans Affairs shall
23 provide the Administrator of the Small Business Ad-
24 ministration with access to the contents of the data-

1 base described under section 8127(f) of title 38,
2 United States Code.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 section or the amendments made by this section may
5 be construed—

6 (A) as prohibiting the Administrator of the
7 Small Business Administration from combining
8 the contents of the database described under
9 section 8127(f) of title 38, United States Code,
10 with other databases maintained by the Admin-
11 istration; or

12 (B) as requiring the Administrator to use
13 any system or technology related to the data-
14 base described under section 8127(f) of title 38,
15 United States Code, on or after the transfer
16 date to comply with the requirement to main-
17 tain a database under subsection (f) of section
18 36 of the Small Business Act (as transferred
19 pursuant to subsection (b)(2) of this section).

20 (3) RECOGNITION OF THE ISSUANCE OF JOINT
21 REGULATIONS.—The date specified under section
22 1832(e) of the National Defense Authorization Act
23 for Fiscal Year 2017 (15 U.S.C. 632 note) shall be
24 deemed to be October 1, 2018.

1 (d) PROCUREMENT PROGRAM FOR SMALL BUSINESS
2 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-
3 ABLED VETERANS.—

4 (1) PROCUREMENT PROGRAM FOR SMALL BUSI-
5 NESS CONCERNS OWNED AND CONTROLLED BY
6 SERVICE-DISABLED VETERANS.—Section 36 of the
7 Small Business Act (15 U.S.C. 657f) is amended—

8 (A) by redesignating subsection (d) as
9 paragraph (3), adjusting the margin accord-
10 ingly, and transferring such paragraph to sub-
11 section (h) of such section, as added by sub-
12 paragraph (F) of this paragraph, so as to ap-
13 pear after paragraph (2);

14 (B) by striking subsection (e);

15 (C) by redesignating subsections (a), (b),
16 and (c) as subsections (c), (d), and (e) respec-
17 tively;

18 (D) by inserting before subsection (c), as
19 so redesignated, the following new subsections:

20 “(a) CONTRACTING OFFICER DEFINED.—For pur-
21 poses of this section, the term ‘contracting officer’ has the
22 meaning given such term in section 2101 of title 41,
23 United States Code.

24 “(b) CERTIFICATION OF SMALL BUSINESS CON-
25 CERNS OWNED AND CONTROLLED BY SERVICE-DISABLED

1 VETERANS.—With respect to a procurement program or
2 preference established under this Act that applies to prime
3 contractors, the Administrator shall—

4 “(1) certify the status of a concern as a small
5 business concern owned and controlled by service-
6 disabled veterans; and

7 “(2) require the periodic recertification of such
8 status.”;

9 (E) in subsection (d), as so redesignated,
10 by inserting “certified under subsection (b)” be-
11 fore “if the contracting officer”;

12 (F) by adding at the end the following new
13 subsections:

14 “(g) CERTIFICATION REQUIREMENT.—Notwith-
15 standing subsection (c), a contracting officer may only
16 award a sole source contract to a small business concern
17 owned and controlled by service-disabled veterans or a
18 contract on the basis of competition restricted to small
19 business concerns owned and controlled by service-disabled
20 veterans if such a concern is certified by the Administrator
21 as a small business concern owned and controlled by serv-
22 ice-disabled veterans.

23 “(h) ENFORCEMENT; PENALTIES.—

1 “(1) VERIFICATION OF ELIGIBILITY.—In car-
2 rying out this section, the Administrator shall estab-
3 lish procedures relating to—

4 “(A) the filing, investigation, and disposi-
5 tion by the Administration of any challenge to
6 the eligibility of a small business concern to re-
7 ceive assistance under this section (including a
8 challenge, filed by an interested party, relating
9 to the veracity of a certification made or infor-
10 mation provided to the Administration by a
11 small business concern under subsection (b));
12 and

13 “(B) verification by the Administrator of
14 the accuracy of any certification made or infor-
15 mation provided to the Administration by a
16 small business concern under subsection (b).

17 “(2) EXAMINATIONS.—The procedures estab-
18 lished under paragraph (1) shall provide for a pro-
19 gram of examinations by the Administrator of any
20 small business concern making a certification or pro-
21 viding information to the Administrator under sub-
22 section (b), to determine the veracity of any state-
23 ments or information provided as part of such cer-
24 tification or otherwise provided under subsection (b).

1 “(i) PROVISION OF DATA.—Upon the request of the
2 Administrator, the head of any Federal department or
3 agency shall promptly provide to the Administrator such
4 information as the Administrator determines to be nec-
5 essary to carry out subsection (b) or to be able to certify
6 the status of the concern as a small business concern
7 owned and controlled by veterans under section 36A.”;
8 and

9 (G) in paragraph (3) of subsection (h), as
10 redesignated and transferred by subparagraph
11 (A) of this paragraph, by inserting “and section
12 36A” before the period at the end.

13 (2) PENALTIES FOR MISREPRESENTATION.—
14 Section 16 of the Small Business Act (15 U.S.C.
15 645) is amended—

16 (A) in subsection (d)(1)—

17 (i) in the matter preceding subpara-
18 graph (A)—

19 (I) by striking the comma that
20 immediately follows another comma;
21 and

22 (II) by striking “, a ‘small’ and
23 inserting “, a ‘small business concern
24 owned and controlled by service-dis-
25 abled veterans’, a ‘small business con-

1 cern owned and controlled by vet-
2 erans’, a ‘small’; and

3 (ii) in subparagraph (A), by striking
4 “9, 15, or 31” and inserting “8, 9, 15, 31,
5 36, or 36A”; and

6 (B) in subsection (e)—

7 (i) by striking the comma that imme-
8 diately follows another comma; and

9 (ii) by striking “, a ‘small” and in-
10 serting “, a ‘small business concern owned
11 and controlled by service-disabled vet-
12 erans’, a ‘small business concern owned
13 and controlled by veterans’, a ‘small”.

14 (e) CERTIFICATION FOR SMALL BUSINESS CON-
15 CERNS OWNED AND CONTROLLED BY VETERANS.—The
16 Small Business Act (15 U.S.C. 631 et seq.) is amended
17 by inserting after section 36 the following new section:

18 **“SEC. 36A. CERTIFICATION OF SMALL BUSINESS CONCERNS**
19 **OWNED AND CONTROLLED BY VETERANS.**

20 “(a) IN GENERAL.—With respect to the program es-
21 tablished under section 8127 of title 38, United States
22 Code, the Administrator shall—

23 “(1) certify the status of a concern as a small
24 business concern owned and controlled by veterans;
25 and

1 “(2) require the periodic recertification of such
2 status.

3 “(b) ENFORCEMENT; PENALTIES.—

4 “(1) VERIFICATION OF ELIGIBILITY.—In car-
5 rying out this section, the Administrator shall estab-
6 lish procedures relating to—

7 “(A) the filing, investigation, and disposi-
8 tion by the Administration of any challenge to
9 the eligibility of a small business concern to re-
10 ceive assistance under section 36 (including a
11 challenge, filed by an interested party, relating
12 to the veracity of a certification made or infor-
13 mation provided to the Administration by a
14 small business concern under subsection (a));
15 and

16 “(B) verification by the Administrator of
17 the accuracy of any certification made or infor-
18 mation provided to the Administration by a
19 small business concern under subsection (a).

20 “(2) EXAMINATION OF APPLICANTS.—The pro-
21 cedures established under paragraph (1) shall pro-
22 vide for a program of examinations by the Adminis-
23 trator of any small business concern making a cer-
24 tification or providing information to the Adminis-
25 trator under subsection (a), to determine the verac-

1 ity of any statements or information provided as
2 part of such certification or otherwise provided
3 under subsection (a).”.

4 (f) STATUS OF SELF-CERTIFIED SMALL BUSINESS
5 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-
6 ABLED VETERANS.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of law, any small business concern (as de-
9 fined under section 3 of the Small Business Act (15
10 U.S.C. 632)) that self-certified as a small business
11 concern owned and controlled by service-disabled
12 veterans (as defined in section 36 of such Act (15
13 U.S.C. 657f)) shall—

14 (A) if the concern files a certification ap-
15 plication with the Administrator of the Small
16 Business Administration before the end of the
17 1-year period beginning on the transfer date,
18 maintain such self-certification until the Admin-
19 istrator makes a determination with respect to
20 such certification; and

21 (B) if the concern does not file such a cer-
22 tification application before the end of the 1-
23 year period beginning on the transfer date, lose,
24 at the end of such 1-year period, any self-cer-
25 tification of the concern as a small business

1 concern owned and controlled by service-dis-
2 abled veterans.

3 (2) NON-APPLICABILITY TO DEPARTMENT OF
4 VETERANS AFFAIRS.—Paragraph (1) shall not apply
5 to participation in contracts (including subcontracts)
6 with the Department of Veterans Affairs.

7 (3) NOTICE.—The Administrator shall notify
8 any small business concern that self-certified as a
9 small business concern owned and controlled by serv-
10 ice-disabled veterans about the requirements of this
11 section and the amendments made by this section,
12 including the transfer date, and make such notice
13 publicly available, on the date of the enactment of
14 this Act.

15 (g) TRANSFER OF THE CENTER FOR VERIFICATION
16 AND EVALUATION OF THE DEPARTMENT OF VETERANS
17 AFFAIRS TO THE SMALL BUSINESS ADMINISTRATION.—

18 (1) DEFINITION.—In this subsection, the term
19 “function”—

20 (A) means any duty, obligation, power, au-
21 thority, responsibility, right, privilege, activity,
22 or program; and

23 (B) does not include employees.

24 (2) ABOLISHMENT.—The Center for
25 Verification and Evaluation of the Department of

1 Veterans Affairs, as defined under section 74.1 of
2 title 38, Code of Federal Regulations, is abolished
3 effective on the transfer date.

4 (3) TRANSFER OF FUNCTIONS.—Effective on
5 the transfer date, all functions that, immediately be-
6 fore the transfer date, were functions of the Center
7 for Verification and Evaluation shall be functions of
8 the Small Business Administration.

9 (4) TRANSFER OF ASSETS.—So much of the
10 property (including contracts for the procurement of
11 property or services) and records used, held, avail-
12 able, or to be made available in connection with a
13 function transferred under this subsection shall be
14 available to the Small Business Administration at
15 such time or times as the President directs for use
16 in connection with the functions transferred.

17 (5) SAVINGS PROVISIONS.—

18 (A) CONTINUING EFFECT OF LEGAL DOCU-
19 MENTS.—All orders, determinations, rules, reg-
20 ulations, permits, agreements, grants, contracts,
21 certificates, licenses, registrations, privileges,
22 and other administrative actions—

23 (i) which have been issued, made,
24 granted, or allowed to become effective by
25 the President, any Federal agency or offi-

1 cial thereof, or by a court of competent ju-
2 risdiction, in the performance of functions
3 which are transferred under this sub-
4 section; and

5 (ii) which are in effect on the transfer
6 date, or were final before the transfer date
7 and are to become effective on or after the
8 transfer date,
9 shall continue in effect according to their terms
10 until modified, terminated, superseded, set
11 aside, or revoked in accordance with law by the
12 President, the Administrator of the Small Busi-
13 ness Administration or other authorized official,
14 a court of competent jurisdiction, or by oper-
15 ation of law.

16 (B) PROCEEDINGS NOT AFFECTED.—The
17 provisions of this subsection shall not affect any
18 proceedings, including notices of proposed rule-
19 making, or any application for any license, per-
20 mit, certificate, or financial assistance pending
21 before the Department of Veterans Affairs on
22 the transfer date, with respect to functions
23 transferred by this subsection but such pro-
24 ceedings and applications shall be continued.
25 Orders shall be issued in such proceedings, ap-

1 peals shall be taken therefrom, and payments
2 shall be made pursuant to such orders, as if
3 this subsection had not been enacted, and or-
4 ders issued in any such proceedings shall con-
5 tinue in effect until modified, terminated, su-
6 perseded, or revoked by a duly authorized offi-
7 cial, by a court of competent jurisdiction, or by
8 operation of law. Nothing in this subparagraph
9 shall be deemed to prohibit the discontinuance
10 or modification of any such proceeding under
11 the same terms and conditions and to the same
12 extent that such proceeding could have been
13 discontinued or modified if this subsection had
14 not been enacted.

15 (C) SUITS NOT AFFECTED.—The provi-
16 sions of this subsection shall not affect suits
17 commenced before the transfer date, and in all
18 such suits, proceedings shall be had, appeals
19 taken, and judgments rendered in the same
20 manner and with the same effect as if this sub-
21 section had not been enacted.

22 (D) NONABATEMENT OF ACTIONS.—No
23 suit, action, or other proceeding commenced by
24 or against the Department of Veterans Affairs,
25 or by or against any individual in the official

1 capacity of such individual as an officer of the
2 Department of Veterans Affairs, shall abate by
3 reason of the enactment of this subsection.

4 (E) ADMINISTRATIVE ACTIONS RELATING
5 TO PROMULGATION OF REGULATIONS.—Any ad-
6 ministrative action relating to the preparation
7 or promulgation of a regulation by the Depart-
8 ment of Veterans Affairs relating to a function
9 transferred under this subsection may be con-
10 tinued by the Administrator of the Small Busi-
11 ness Administration with the same effect as if
12 this subsection had not been enacted.

13 (F) EFFECT ON PERSONNEL.—The Sec-
14 retary of Veterans Affairs shall appoint any em-
15 ployee represented by a labor organization ac-
16 corded exclusive recognition under section 7111
17 of title 5, United States Code, that is affected
18 by the transfer of functions under this sub-
19 section to a position of a continuing nature for
20 which the employee is qualified, at a grade and
21 compensation not lower than the current grade
22 and compensation of the employee.

23 (6) REFERENCES.—Any reference in any other
24 Federal law, Executive order, rule, regulation, or
25 delegation of authority, or any document of or per-

1 taining to a function of the Center for Verification
2 and Evaluation that is transferred under this sub-
3 section is deemed, after the transfer date, to refer
4 to the Small Business Administration.

5 (h) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, and every 6 months there-
7 after until the transfer date, the Administrator of the
8 Small Business Administration and Secretary of Veterans
9 Affairs shall jointly submit to the Committee on Appro-
10 priations, the Committee on Small Business, and the Com-
11 mittee on Veterans' Affairs of the House of Representa-
12 tives and the Committee on Appropriations, the Com-
13 mittee on Small Business and Entrepreneurship, and the
14 Committee on Veterans' Affairs of the Senate a report on
15 the planning for the transfer of functions and property
16 required under this section and the amendments made by
17 this section on the transfer date, which shall include—

18 (1) a discussion of whether and how the
19 verification database and operations of the Center
20 for Verification and Evaluation of the Department
21 of Veterans Affairs will be incorporated into the ex-
22 isting certification database of the Small Business
23 Administration;

24 (2) projections for the numbers and timing, in
25 terms of fiscal year, of—

1 (A) already verified concerns that will
2 come up for recertification; and

3 (B) self-certified concerns that are ex-
4 pected to apply for certification;

5 (3) an explanation of how outreach to veteran
6 service organizations, the service-disabled veteran-
7 owned and veteran-owned small business community,
8 and other stakeholders will be conducted; and
9 (4) other pertinent information determined by
10 the Administrator and the Secretary.

11 **SEC. 863. EMPLOYMENT SIZE STANDARD REQUIREMENTS**
12 **FOR SMALL BUSINESS CONCERNS.**

13 (a) IN GENERAL.—Section 3(a)(2) of the Small Busi-
14 ness Act (15 U.S.C. 632(a)(2)) is amended—

15 (1) in subparagraph (A), by inserting “and sub-
16 ject to the requirements specified under subpara-
17 graph (C)” after “paragraph (1)”; and

18 (2) in subparagraph (C)—

19 (A) by inserting “(including the Adminis-
20 tration when acting pursuant to subparagraph
21 (A))” after “no Federal department or agency”;
22 and

23 (B) in clause (ii)(I) by striking “12
24 months” and inserting “24 months”.

1 (b) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect 1 year after
3 the date of the enactment of this Act.

4 **SEC. 864. MAXIMUM AWARD PRICE FOR SOLE SOURCE MAN-**
5 **UFACTURING CONTRACTS.**

6 The Small Business Act (15 U.S.C. 631 et seq.) is
7 amended—

8 (1) in section 8 (15 U.S.C. 637)—

9 (A) in subsection (a)(1)(D)(i)(II), by strik-
10 ing “\$5,000,000” and inserting “\$7,000,000”;
11 and

12 (B) in subsection (m)—

13 (i) in paragraph (7)(B)(i), by striking
14 “\$6,500,000” and inserting “\$7,000,000”;
15 and

16 (ii) in paragraph (8)(B)(i), by striking
17 “\$6,500,000” and inserting “\$7,000,000”;

18 (2) in section 31(c)(2)(A)(ii)(I) (15 U.S.C.
19 657a(c)(2)(A)(ii)(I)), by striking “\$5,000,000” and
20 inserting “\$7,000,000”; and

21 (3) in section 36(c)(2)(A), as so redesignated
22 by section 862(d)(1)(C), by striking “\$5,000,000”
23 and inserting “\$7,000,000”.

1 **SEC. 865. REPORTING REQUIREMENT ON EXPENDITURE**
2 **AMOUNTS FOR THE SMALL BUSINESS INNO-**
3 **VATION RESEARCH PROGRAM AND THE**
4 **SMALL BUSINESS TECHNOLOGY TRANSFER**
5 **PROGRAM.**

6 Section 9 of the Small Business Act (15 U.S.C. 638)
7 is amended—

8 (1) in subsection (b)(7)—

9 (A) in subparagraph (F), by striking
10 “and” at the end;

11 (B) in subparagraph (G), by adding “and”
12 after the semicolon at the end; and

13 (C) by adding at the end the following:

14 “(H) with respect to a Federal agency to
15 which subsection (f)(1) or (n)(1) applies, wheth-
16 er the Federal agency has complied with the ap-
17 plicable subsection for the year covered by the
18 report;”;

19 (2) in subsection (g)(10), by inserting “, which
20 section shall describe whether or not the Federal
21 agency complied with the requirements of subsection
22 (f) for the year covered by that plan and include a
23 justification for failure to comply (if applicable),”
24 after “a section on its SBIR program”; and

25 (3) in subsection (o)(8), by inserting “, which
26 section shall describe whether or not the Federal

1 agency complied with the requirements of subsection
2 (n) for the year covered by that plan and include a
3 justification for failure to comply (if applicable),”
4 after “a section on its STTR program”.

5 **SEC. 866. SMALL BUSINESSES IN TERRITORIES OF THE**
6 **UNITED STATES.**

7 (a) DEFINITION OF COVERED TERRITORY BUSI-
8 NESS.—

9 (1) IN GENERAL.—Section 3 of the Small Busi-
10 ness Act (15 U.S.C. 632) is amended by adding at
11 the end the following new subsection:

12 “(ff) COVERED TERRITORY BUSINESS.—In this Act,
13 the term ‘covered territory business’ means a small busi-
14 ness concern that has its principal office located in one
15 of the following:

16 “(1) The United States Virgin Islands.

17 “(2) American Samoa.

18 “(3) Guam.

19 “(4) The Northern Mariana Islands.”.

20 (2) CONFORMING AMENDMENT.—Section 15(x)
21 of the Small Business Act (15 U.S.C. 644(x)) is
22 amended by striking paragraph (3).

23 (b) PRIORITY FOR SURPLUS PROPERTY TRANS-
24 FERS.—Section 7(j)(13)(F)(iii) of the Small Business Act
25 (15 U.S.C. 636(j)(13)(F)(iii)) is amended—

1 (1) in subclause (I), by striking “means” and
2 all that follows through the period at the end and
3 inserting the following: “means—

4 “(aa) in the case of a Puerto Rico
5 business, the period beginning on August
6 13, 2018, and ending on the date on which
7 the Oversight Board established under sec-
8 tion 2121 of title 48 terminates; and

9 “(bb) in the case of a covered terri-
10 tory business, the period beginning on the
11 date of the enactment of this item and
12 ending on the date that is 4 years after
13 such date of enactment.”; and

14 (2) in subclause (II)—

15 (A) by inserting “or a covered territory
16 business” after “a Puerto Rico business”; and

17 (B) by striking “the Puerto Rico business”
18 each place it appears and inserting “either such
19 business”.

20 (c) CONTRACTING INCENTIVES FOR PROTEGE FIRMS
21 THAT ARE COVERED TERRITORY BUSINESSES.—

22 (1) CONTRACTING INCENTIVES.—Section 45(a)
23 of the Small Business Act (15 U.S.C. 657r(a)) is
24 amended by adding at the end the following new
25 paragraph:

1 “(4) COVERED TERRITORY BUSINESSES.—Dur-
2 ing the period beginning on the date of the enact-
3 ment of this paragraph and ending on the date that
4 is 4 years after such date of enactment, the Admin-
5 istrator shall identify potential incentives to a cov-
6 ered territory mentor that awards a subcontract to
7 its covered territory protege, including—

8 “(A) positive consideration in any past per-
9 formance evaluation of the covered territory
10 mentor; and

11 “(B) the application of costs incurred for
12 providing training to such covered territory pro-
13 tege to the subcontracting plan (as required
14 under paragraph (4) or (5) of section 8(d)) of
15 the covered territory mentor.”.

16 (2) MENTOR-PROTEGE RELATIONSHIPS.—Sec-
17 tion 45(b)(3)(A) of the Small Business Act (15
18 U.S.C. 657r(b)(3)(A)) is amended by striking “rela-
19 tionships are” and all that follows through the pe-
20 riod at the end and inserting the following: “rela-
21 tionships—

22 “(i) are between a covered protege
23 and a covered mentor; or

24 “(ii) are between a covered territory
25 protege and a covered territory mentor.”.

1 (3) DEFINITIONS.—Section 45(d) of the Small
2 Business Act (15 U.S.C. 657r(d)) is amended by
3 adding at the end the following new paragraphs:

4 “(6) COVERED TERRITORY MENTOR.—The term
5 ‘covered territory mentor’ means a mentor that en-
6 ters into an agreement under this Act, or under any
7 mentor-protege program approved under subsection
8 (b)(1), with a covered territory protege.

9 “(7) COVERED TERRITORY PROTEGE.—The
10 term ‘covered territory protege’ means a protege of
11 a covered territory mentor that is a covered territory
12 business.”.

13 **SEC. 867. ELIGIBILITY OF THE COMMONWEALTH OF THE**
14 **NORTHERN MARIANA ISLANDS FOR CERTAIN**
15 **SMALL BUSINESS ADMINISTRATION PRO-**
16 **GRAMS.**

17 The Small Business Act (15 U.S.C. 631 et seq.) is
18 amended—

19 (1) in section 21(a)—

20 (A) in paragraph (1), by inserting before
21 “The Administration shall require” the fol-
22 lowing: “The previous sentence shall not apply
23 to an applicant that has its principal office lo-
24 cated in the Commonwealth of the Northern
25 Mariana Islands.”; and

1 (B) in paragraph (4)(C)(ix), by striking
2 “and American Samoa” and inserting “Amer-
3 ican Samoa, and the Commonwealth of the
4 Northern Mariana Islands”; and
5 (2) in section 34(a)(9), by striking “and Amer-
6 ican Samoa” and inserting “American Samoa, and
7 the Commonwealth of the Northern Mariana Is-
8 lands”.

9 **SEC. 868. PAST PERFORMANCE RATINGS OF CERTAIN**
10 **SMALL BUSINESS CONCERNS.**

11 (a) PAST PERFORMANCE RATINGS OF JOINT VEN-
12 TURES FOR SMALL BUSINESS CONCERNS.—Section 15(e)
13 of the Small Business Act (15 U.S.C. 644(e)) is amended
14 by adding at the end the following new paragraph:

15 “(5) PAST PERFORMANCE RATINGS OF JOINT
16 VENTURES FOR SMALL BUSINESS CONCERNS.—With
17 respect to evaluating an offer for a prime contract
18 made by a small business concern that previously
19 participated in a joint venture with another business
20 concern (whether or not such other business concern
21 was a small business concern), the Administrator
22 shall establish regulations—

23 “(A) allowing the small business concern
24 to elect to use the past performance of the joint

1 venture if the small business concern has no
2 relevant past performance of its own;

3 “(B) requiring the small business concern,
4 when making an election under subparagraph
5 (A)—

6 “(i) to identify to the contracting offi-
7 cer the joint venture of which the small
8 business concern was a member; and

9 “(ii) to inform the contracting officer
10 what duties and responsibilities the small
11 business concern carried out as part of the
12 joint venture; and

13 “(C) requiring a contracting officer, if the
14 small business concern makes an election under
15 subparagraph (A), to consider the past per-
16 formance of the joint venture when evaluating
17 the past performance of the small business con-
18 cern, giving due consideration to the informa-
19 tion provided under subparagraph (B)(ii).”.

20 (b) PAST PERFORMANCE RATINGS OF FIRST-TIER
21 SMALL BUSINESS SUBCONTRACTORS.—Section 8(d)(17)
22 of the Small Business Act (15 U.S.C. 637(d)(17)) is
23 amended to read as follows:

24 “(17) PAST PERFORMANCE RATINGS FOR CER-
25 TAIN SMALL BUSINESS SUBCONTRACTORS.—Upon

1 request by a small business concern that performed
2 as a first tier subcontractor on a covered contract
3 (as defined in paragraph (13)(A)), the prime con-
4 tractor for such covered contract shall submit to
5 such small business concern a record of past per-
6 formance for such small business concern with re-
7 spect to such covered contract. If a small business
8 concern elects to use such record of past perform-
9 ance, a contracting officer shall consider such record
10 of past performance when evaluating an offer for a
11 prime contract made by such small business con-
12 cern.”.

13 (c) RULEMAKING.—Not later than 120 days after the
14 date of the enactment of this Act, the Administrator of
15 the Small Business Administration shall issue rules to
16 carry out this section and the amendments made by this
17 section.

18 **SEC. 869. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.**

19 (a) IN GENERAL.—The Administrator of the Small
20 Business Administration shall ensure that a small busi-
21 ness concern participating in the program established
22 under section 8(a) of the Small Business Act (15 U.S.C.
23 637) on or before September 9, 2020, may elect to extend
24 such participation by a period of 1 year, regardless of
25 whether such concern previously elected to suspend par-

1 ticipation in such program pursuant to guidance of the
2 Administrator.

3 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
4 later than 15 days after the date of enactment of this sec-
5 tion, the Administrator shall issue regulations to carry out
6 this section without regard to the notice requirements
7 under section 553(b) of title 5, United States Code.

8 **SEC. 870. COMPLIANCE OF OFFICES OF SMALL BUSINESS**
9 **AND DISADVANTAGED BUSINESS UTILIZA-**
10 **TION.**

11 (a) REPORT.—If the Comptroller General of the
12 United States has determined that a Director of Small
13 and Disadvantaged Business Utilization of a Federal
14 agency is not in compliance with the requirements of sec-
15 tion 15(k) of the Small Business Act (15 U.S.C. 644(k)),
16 such Director shall submit, not later than the specified
17 date, to the Committee on Small Business and Entrepre-
18 neurship of the Senate and the Committee on Small Busi-
19 ness of the House of Representatives a report that in-
20 cludes the reasons for such noncompliance and the specific
21 actions the Director shall take to remedy such noncompli-
22 ance.

23 (b) SPECIFIED DATE DEFINED.—In this section, the
24 term “specified date” means the later of—

1 (1) the date that is 120 days after the date on
2 which a determination is made under subsection (a);
3 and

4 (2) 120 days after the date of the enactment of
5 this Act.

6 **SEC. 871. CATEGORY MANAGEMENT TRAINING.**

7 (a) IN GENERAL.—Not later than 8 months after the
8 date of the enactment of this section, the Administrator
9 of the Small Business Administration, in coordination
10 with the Administrator of the Office of Federal Procure-
11 ment Policy and any other head of a Federal agency (as
12 determined by the Administrator), shall develop a training
13 curriculum on category management for staff of Federal
14 agencies with procurement or acquisition responsibilities.
15 Such training shall include—

16 (1) best practices for procuring goods and serv-
17 ices from small business concerns (as defined under
18 section 3 of the Small Business Act (15 U.S.C.
19 632)); and

20 (2) information on avoiding conflicts with the
21 requirements of the Small Business Act (15 U.S.C.
22 631 et seq.).

23 (b) USE OF CURRICULUM.—The Administrator of the
24 Small Business Administration—

1 (1) shall ensure that staff for Federal agencies
2 described in subsection (a) receive the training de-
3 scribed in such subsection; and

4 (2) may request the assistance of the relevant
5 Director of Small and Disadvantaged Business Utili-
6 zation (as described in section 15(k) of the Small
7 Business Act (15 U.S.C. 644(k))) to carry out the
8 requirements of paragraph (1).

9 (c) SUBMISSION TO CONGRESS.—The Administrator
10 of the Small Business Administration shall provide a copy
11 of the training curriculum developed under subsection (a)
12 to the Committee on Small Business of the House of Rep-
13 resentatives and the Committee on Small Business and
14 Entrepreneurship of the Senate.

15 (d) CATEGORY MANAGEMENT DEFINED.—In this
16 section, the term “category management” has the mean-
17 ing given by the Director of the Office of Management
18 and Budget.

19 **Subtitle F—Other Matters**

20 **SEC. 881. REVIEW OF AND REPORT ON OVERDUE ACQUISI-** 21 **TION AND CROSS-SERVICING AGREEMENT** 22 **TRANSACTIONS.**

23 (a) REVIEW.—The Secretary of Defense, acting
24 through the official designated to provide oversight of ac-
25 quisition and cross-servicing agreements under section

1 2342(f) of title 10, United States Code, shall conduct a
2 review of acquisition and cross-servicing agreement trans-
3 actions for which reimbursement to the United States is
4 overdue under section 2345 of such title.

5 (b) REPORT.—

6 (1) IN GENERAL.—Not later than March 1,
7 2021, the designated official described in subsection
8 (a) shall submit to the congressional defense com-
9 mittees a report on the results of the review of ac-
10 quisition and cross-servicing agreement transactions
11 described in such subsection.

12 (2) ELEMENTS.—The report required by para-
13 graph (1) shall include the following:

14 (A) For each such transaction valued at
15 \$1,000,000 or more for which reimbursement to
16 the United States was overdue as of October 1,
17 2020—

18 (i) the total amount of the trans-
19 action;

20 (ii) the unreimbursed balance of the
21 transaction;

22 (iii) the date on which the transaction
23 was originally made;

24 (iv) the date on which the most recent
25 request for payment was sent to the rel-

1 evant foreign government or international
2 organization; and

3 (v) a plan for securing reimbursement
4 from the foreign government or inter-
5 national organization.

6 (B) A description of the steps taken to im-
7 plement the recommendations made in the
8 March 4, 2020, report of the Government Ac-
9 countability Office titled “Defense Logistics
10 Agreements: DOD Should Improve Oversight
11 and Seek Payment from Foreign Partners for
12 Thousands of Orders It Identifies as Overdue”,
13 including efforts to validate data reported under
14 this subsection and in the system of the De-
15 partment of Defense to record data on acqui-
16 sition and cross-servicing agreement transactions.

17 (C) The amount of reimbursement received
18 from a foreign government or international or-
19 ganization, as applicable, for each order—

20 (i) for which the reimbursement is re-
21 corded as overdue in the system of the De-
22 partment of Defense to record data on ac-
23 quisition and cross-servicing agreement
24 transactions; and

1 (ii) that was authorized during the pe-
2 riod beginning on October 1, 2013, and
3 ending on September 30, 2020.

4 (D) A plan for improving recordkeeping of
5 acquisition and cross-servicing agreement trans-
6 actions and ensuring timely reimbursement by a
7 foreign government or international organiza-
8 tion.

9 (E) Any other matter considered relevant
10 by the designated official described in sub-
11 section (a).

12 **SEC. 882. DOMESTIC COMPARATIVE TESTING ACTIVITIES.**

13 Section 2350a(g) of title 10, United States Code, is
14 amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (A)—

17 (i) by striking “conventional defense
18 equipment, munitions, and technologies
19 manufactured and developed by countries
20 referred to in subsection (a)(2)” and in-
21 serting “covered equipment, munitions,
22 and technologies”; and

23 (ii) by striking “such equipment, mu-
24 nitions, and technologies” and inserting

1 “such covered equipment, munitions, and
2 technologies”; and

3 (B) in subparagraph (B), by inserting
4 “such covered” before “equipment, munitions,
5 and technologies”;

6 (2) in paragraph (2), by striking “equipment,
7 munitions, and technologies of the type described in
8 paragraph (1)” and inserting “covered equipment,
9 munitions, and technologies”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(4) COVERED EQUIPMENT, MUNITIONS, AND TECH-
13 NOLOGIES DEFINED.—In this subsection, the term ‘cov-
14 ered equipment, munitions, and technologies’ means—

15 “(A) conventional defense equipment, munitions, and
16 technologies manufactured and developed by countries re-
17 ferred to in subsection (a)(2); and

18 “(B) conventional defense equipment, munitions, and
19 technologies manufactured and developed domestically.”.

1 **SEC. 883. PROHIBITION ON AWARDING OF CONTRACTS TO**
2 **CONTRACTORS THAT REQUIRE NONDISCLO-**
3 **SURE AGREEMENTS RELATING TO WASTE,**
4 **FRAUD, OR ABUSE.**

5 (a) IN GENERAL.—The Secretary of Defense may not
6 award a contract for the procurement of goods or services
7 to a contractor unless the contractor represents that—

8 (1) it does not require its employees to sign in-
9 ternal confidentiality agreements or statements that
10 would prohibit or otherwise restrict such employees
11 from lawfully reporting waste, fraud, or abuse re-
12 lated to the performance of a Department of De-
13 fense contract to a designated investigative or law
14 enforcement representative of the Department of
15 Defense authorized to receive such information; and
16 (2) it will inform its employees of the limita-
17 tions on confidentiality agreements and other state-
18 ments described in paragraph (1).

19 (b) RELIANCE ON REPRESENTATION.—A contracting
20 officer of the Department of Defense may rely on the rep-
21 resentation of a contractor as to the requirements de-
22 scribed under subsection (a) in awarding a contract unless
23 the officer has reason to question the accuracy of the rep-
24 resentation.

1 **SEC. 884. PROGRAM MANAGEMENT IMPROVEMENT OFFI-**
2 **CERS AND PROGRAM MANAGEMENT POLICY**
3 **COUNCIL.**

4 Section 1126 of title 31, United States Code, is
5 amended—

6 (1) in subsection (a)(1), by inserting after “sen-
7 ior executive of the agency” the following: “, who
8 has significant program and project management
9 oversight responsibilities,”; and

10 (2) in subsection (b)(4) by striking “twice” and
11 inserting “four times”.

12 **SEC. 885. DISCLOSURE OF BENEFICIAL OWNERS IN DATA-**
13 **BASE FOR FEDERAL AGENCY CONTRACT AND**
14 **GRANT OFFICERS.**

15 Section 2313(d) of title 41, United States Code, is
16 amended—

17 (1) in paragraph (3), by inserting “, and an
18 identification of any beneficial owner of such cor-
19 poration,” after “to the corporation”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(4) DEFINITIONS.—In this subsection:

23 “(A) BENEFICIAL OWNERSHIP.—The term
24 ‘beneficial ownership’ has the meaning given
25 under section 847 of the National Defense Au-
26 thorization Act for Fiscal Year 2020 (Public

1 Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509
2 note).

3 “(B) CORPORATION.—The term ‘corpora-
4 tion’ means any corporation, company, limited
5 liability company, limited partnership, business
6 trust, business association, or other similar en-
7 tity.”.

8 **SEC. 886. REPEAL OF PILOT PROGRAM ON PAYMENT OF**
9 **COSTS FOR DENIED GOVERNMENT ACCOUNT-**
10 **ABILITY OFFICE BID PROTESTS.**

11 Section 827 of the National Defense Authorization
12 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
13 1467; 10 U.S.C. 2304 note) is repealed.

14 **SEC. 887. AMENDMENTS TO SUBMISSIONS TO CONGRESS**
15 **RELATING TO CERTAIN FOREIGN MILITARY**
16 **SALES.**

17 Section 887(b) of the National Defense Authorization
18 Act for Fiscal Year 2018 (Public Law 115–91; 22 U.S.C.
19 2761 note) is amended—

20 (1) by striking “December 31, 2021” each
21 place it appears and inserting “December 31,
22 2022”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(3) APPLICABILITY.—The requirements of this
2 subsection apply only to foreign military sales proc-
3 esses within the Department of Defense.”.

4 **SEC. 888. REVISION TO REQUIREMENT TO USE FIRM FIXED-**
5 **PRICE CONTRACTS FOR FOREIGN MILITARY**
6 **SALES.**

7 Section 830 of the National Defense Authorization
8 Act for Fiscal Year 2017 (22 U.S.C. 2762 note) is re-
9 pealed.

10 **SEC. 889. ASSESSMENT AND ENHANCEMENT OF NATIONAL**
11 **SECURITY INNOVATION BASE.**

12 (a) IN GENERAL.—The Secretary of Defense shall as-
13 sess the economic forces and structures shaping the capac-
14 ity of the national security innovation base, and develop
15 policies to address such forces and structures.

16 (b) ELEMENTS.—The assessment required under
17 subsection (a) shall review the following matters as they
18 pertain to the innovative and manufacturing capacity of
19 the national security innovation base:

20 (1) A detailed description of the entities com-
21 prising the national security innovation base and
22 how they currently interact.

23 (2) Competition and antitrust policy.

1 (3) Immigration policy, including the policies
2 germane to the attraction and retention of skilled
3 immigrants.

4 (4) Education funding and policy.

5 (5) Demand stabilization and social safety net
6 policies.

7 (6) The structure and incentives of financial
8 markets and the effects of such on the access of
9 businesses to credit.

10 (7) Trade policy, including export control policy
11 and trade remedies.

12 (8) The tax code and its effect on investment,
13 including the Federal research and development tax
14 credit.

15 (9) Regulatory policy, including with respect to
16 land use, environmental impact, and construction
17 and manufacturing activities.

18 (10) Economic and manufacturing infrastruc-
19 ture.

20 (11) Intellectual property policy.

21 (12) Federally funded investments in the econ-
22 omy, including investments in research and develop-
23 ment and advanced manufacturing.

24 (13) Federally funded purchases of goods and
25 services.

1 (14) Federally funded investments to expand
2 domestic manufacturing capabilities.

3 (15) Coordination and collaboration with allies
4 and partners.

5 (16) Measures to protect technological advantages over adversaries and to counteract hostile or
6 destabilizing activity by adversaries.

8 (17) Other matters as the Secretary of Defense
9 deems appropriate.

10 (c) ENGAGEMENT WITH CERTAIN ENTITIES.—In
11 conducting the assessment required under subsection (a),
12 the Secretary of Defense shall engage through appropriate
13 mechanisms with—

14 (1) the Defense Science Board;

15 (2) the Defense Innovation Board;

16 (3) the Defense Business Board;

17 (4) entities representing industry interests; and

18 (5) entities representing labor interests.

19 (d) SUBMISSION OF ASSESSMENT.—Not later than
20 March 1, 2022, the Secretary of Defense shall submit to
21 the President, the Director of the Office of Management
22 and Budget, the Assistant to the President for National
23 Security Affairs, the Director of the National Economic
24 Council, and the congressional defense committees the as-

1 sessment required under subsection (a), together with rec-
2 ommendations and any additional views of the Secretary.

3 **SEC. 890. IDENTIFICATION OF CERTAIN CONTRACTS RE-**
4 **LATING TO CONSTRUCTION OR MAINTENANCE OF A BORDER WALL.**

6 With respect to contract actions reported to the Fed-
7 eral Procurement Data system established pursuant to
8 section 1122(a)(4) of title 41, United States Code (or any
9 successor system), the Secretary of Defense shall identify
10 any contracts (including any task order contract (as de-
11 fined in section 2304d of title 10, United States Code)
12 and any modifications to a contract) entered into by the
13 Secretary relating to the construction or maintenance of
14 a barrier along the international border between the
15 United States and Mexico that have an estimated value
16 greater than or equal to \$7,000,000.

17 **SEC. 891. WAIVERS OF CERTAIN CONDITIONS FOR**
18 **PROGRESS PAYMENTS UNDER CERTAIN CON-**
19 **TRACTS DURING THE COVID-19 NATIONAL**
20 **EMERGENCY.**

21 (a) WAIVER OF PROGRESS PAYMENTS REQUIRE-
22 MENTS.—The Secretary of Defense may waive the require-
23 ments of section 2307(e)(2) of title 10, United States
24 Code, with respect to progress payments for any
25 undefinitized contractual action (as defined in section

1 2326 of title 10, United States Code; in this section re-
2 ferred to as “UCA”) if the Secretary determines that the
3 waiver is necessary due to the national emergency for the
4 Coronavirus Disease 2019 (COVID–19) and—

5 (1) a contractor performing the contract for
6 which a UCA is entered into has not already re-
7 ceived increased progress payments from the Sec-
8 retary of Defense on contractual actions other than
9 UCAs; or

10 (2) a contractor performing the contract for
11 which a UCA is entered into, and that has received
12 increased progress payments from the Secretary of
13 Defense on contractual actions other than UCAs,
14 can demonstrate that the contractor has promptly
15 provided the amount of the increase to any sub-
16 contractors (at any tier), small business concerns (as
17 defined under section 3 of the Small Business Act
18 (15 U.S.C. 632)), or suppliers of the contractor.

19 (b) DEFINITIZATION.—With respect to a UCA that
20 not been definitized for a period of 180 days beginning
21 on the date on which such UCA was entered into, the Sec-
22 retary of Defense may only use the waiver authority de-
23 scribed in subsection (a) if the Secretary (or a designee
24 at a level not below the head of a contracting activity)
25 provides a certification to the congressional defense com-

1 mittees that such UCA will be definitized within 60 days
2 after the date on which the waiver is issued.

3 (c) SUBMISSION.—For each use of the waiver author-
4 ity under subsection (a), the Secretary of Defense shall
5 submit to the congressional defense committees an esti-
6 mate of the amounts to be provided to subcontractors (at
7 any tier), small business concerns, and suppliers, including
8 an identification of the specific entities receiving an
9 amount from an increased progress payment described
10 under such subsection (a).

11 **TITLE IX—DEPARTMENT OF DE-**
12 **FENSE ORGANIZATION AND**
13 **MANAGEMENT**

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

- Sec. 901. Repeal of position of Chief Management Officer of the Department of Defense.
- Sec. 902. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and related matters.
- Sec. 903. Assistant Secretary of Defense for Industrial Base Policy.
- Sec. 904. Assistant Secretary of Defense for Energy, Installations, and Environment.
- Sec. 905. Office of Local Defense Community Cooperation.
- Sec. 906. Input from the Vice Chief of the National Guard Bureau to the Joint Requirements Oversight Council.
- Sec. 907. Assignment of responsibility for the Arctic region within the Office of the Secretary of Defense.
- Sec. 908. Modernization of process used by the Department of Defense to identify, task, and manage Congressional reporting requirements.

Subtitle B—Other Department of Defense Organization and Management Matters

- Sec. 911. Reform of the Department of Defense.
- Sec. 912. Limitation on reduction of civilian workforce.
- Sec. 913. Chief Diversity Officer and Senior Advisors for Diversity and Inclusion.
- Sec. 914. Limitation on consolidation or transition to alternative content delivery methods within the Defense Media Activity.

Subtitle C—Space Force Matters

- Sec. 921. Office of the Chief of Space Operations.
Sec. 922. Clarification of Space Force and Chief of Space Operations authorities.
Sec. 923. Amendments to Department of the Air Force provisions in title 10, United States Code.
Sec. 924. Amendments to other provisions of title 10, United States Code.
Sec. 925. Amendments to provisions of law relating to pay and allowances.
Sec. 926. Amendments to provisions of law relating to veterans' benefits.
Sec. 927. Amendments to other provisions of the United States Code and other laws.
Sec. 928. Applicability to other provisions of law.
Sec. 929. Temporary exemption from authorized daily average of members in pay grades E–8 and E–9.
Sec. 930. Limitation on transfer of military installations to the jurisdiction of the Space Force.
Sec. 931. Organization of the Space Force.

1 **Subtitle A—Office of the Secretary**
2 **of Defense and Related Matters**

3 **SEC. 901. REPEAL OF POSITION OF CHIEF MANAGEMENT**
4 **OFFICER OF THE DEPARTMENT OF DEFENSE.**

5 (a) REPEAL OF POSITION.—

6 (1) IN GENERAL.—Section 132a of title 10,
7 United States Code is repealed.

8 (2) CONFORMING REPEALS.—The following pro-
9 visions of law are repealed:

10 (A) Paragraph (2) of section 131(b) of
11 title 10, United States Code.

12 (B) Section 910 of the National Defense
13 Authorization Act for Fiscal Year 2018 (Public
14 Law 115–91; 131 Stat. 1516).

15 (3) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 4 of title 10,

1 United States Code, is amended by striking the item
2 relating to section 132a.

3 (4) EFFECTIVE DATE.—The repeals and
4 amendments made by this subsection shall take ef-
5 fect on the date of the enactment of this Act.

6 (b) IMPLEMENTATION.—Not later than one year
7 after the date of the enactment of this Act—

8 (1) each duty or responsibility that remains as-
9 signed to the Chief Management Officer of the De-
10 partment of Defense shall be transferred to an offi-
11 cer or employee of the Department of Defense des-
12 ignated by the Secretary of Defense, except that any
13 officer or employee so designated may not be an in-
14 dividual who served as the Chief Management Offi-
15 cer before the date of the enactment of this Act; and

16 (2) the personnel, functions, and assets of the
17 Office of the Chief Management Officer shall be
18 transferred to such other organizations and elements
19 of the Department as the Secretary considers appro-
20 priate.

21 (c) REFERENCES.—Any reference in any law, regula-
22 tion, guidance, instruction, or other document of the Fed-
23 eral Government to the Chief Management Officer of the
24 Department of Defense shall be deemed to refer to the
25 applicable officer or employee of the Department of De-

1 fense designated by the Secretary of Defense under sub-
2 section (b)(1).

3 (d) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port that sets forth such recommendations for legislative
7 action as the Secretary considers appropriate for modifica-
8 tions to law to carry out this section and the repeals and
9 amendments made by this section.

10 **SEC. 902. ASSISTANT SECRETARY OF DEFENSE FOR SPE-**
11 **CIAL OPERATIONS AND LOW INTENSITY CON-**
12 **FLICT AND RELATED MATTERS.**

13 (a) IN GENERAL.—

14 (1) CLARIFICATION OF CHAIN OF ADMINISTRA-
15 TIVE COMMAND.—Section 138(b)(2) of title 10,
16 United States Code, is amended—

17 (A) by redesignating clauses (i), (ii), and
18 (iii) of subparagraph (B) as subclauses (I), (II),
19 and (III), respectively;

20 (B) by redesignating subparagraphs (A)
21 and (B) as clauses (i) and (ii), respectively;

22 (C) by inserting “(A)” after “(2)”;

23 (D) in clause (i) of subparagraph (A), as
24 redesignated by this paragraph, by inserting be-
25 fore the period at the end the following:

1 “through the administrative chain of command
2 specified in section 167(f) of this title;” and

3 (E) by adding at the end the following new
4 subparagraph:

5 “(B) In the discharge of the responsibilities specified
6 in subparagraph (A)(i), the Assistant Secretary is imme-
7 diately subordinate to the Secretary of Defense. Unless
8 otherwise directed by the President, no officer below the
9 Secretary may intervene to exercise authority, direction,
10 or control over the Assistant Secretary in the discharge
11 of such responsibilities.”.

12 (2) TECHNICAL AMENDMENT.—Subparagraph
13 (A) of such section, as redesignated by paragraph
14 (1), is further amended in the matter preceding
15 clause (i), as so redesignated, by striking “section
16 167(j)” and inserting “section 167(k)”.

17 (b) FULFILLMENT OF SPECIAL OPERATIONS RE-
18 SPONSIBILITIES.—

19 (1) IN GENERAL.—Section 139b of title 10,
20 United States Code, is amended to read as follows:

21 **“§ 139b. Secretariat for Special Operations; Special**
22 **Operations Policy and Oversight Council**

23 **“(a) SECRETARIAT FOR SPECIAL OPERATIONS.—**

24 **“(1) IN GENERAL.—**In order to fulfill the re-
25 sponsibilities of the Assistant Secretary of Defense

1 for Special Operations and Low Intensity Conflict
2 specified in section 138(b)(2)(A)(i) of this title,
3 there shall be within the Office of the Assistant Sec-
4 retary of Defense for Special Operations and Low
5 Intensity Conflict an office to be known as the ‘Sec-
6 retariat for Special Operations’.

7 “(2) PURPOSE.—The purpose of the Secretariat
8 is to assist the Assistant Secretary in exercising au-
9 thority, direction, and control with respect to the
10 special operations-peculiar administration and sup-
11 port of the special operations command, including
12 the readiness and organization of special operations
13 forces, resources and equipment, and civilian per-
14 sonnel as specified in such section.

15 “(3) DIRECTOR.—The Director of the Secre-
16 tariat for Special Operations shall be appointed by
17 the Secretary of Defense from among individuals
18 qualified to serve as the Director. An individual
19 serving as Director shall, while so serving, be a
20 member of the Senior Executive Service.

21 “(4) ADMINISTRATIVE CHAIN OF COMMAND.—
22 For purposes of the support of the Secretariat for
23 the Assistant Secretary in the fulfillment of the re-
24 sponsibilities referred to in paragraph (1), the ad-
25 ministrative chain of command is as specified in sec-

1 tion 167(f) of this title. Unless otherwise directed by
2 the President, no officer below the Secretary of De-
3 fense (other than the Assistant Secretary) may in-
4 tervene to exercise authority, direction, or control
5 over the Secretariat in its support of the Assistant
6 Secretary in the discharge of such responsibilities.

7 “(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT
8 COUNCIL.—

9 “(1) IN GENERAL.—In order to fulfill the re-
10 sponsibilities specified in section 138(b)(2)(A)(i) of
11 this title, the Assistant Secretary of Defense for
12 Special Operations and Low Intensity Conflict shall
13 establish and lead a team known as the ‘Special Op-
14 eration Policy and Oversight Council’ (in this sub-
15 section referred to as the ‘Council’).

16 “(2) PURPOSE.—The purpose of the Council is
17 to integrate the functional activities of the head-
18 quarters of the Department of Defense in order to
19 most efficiently and effectively provide for special
20 operations forces and capabilities. In fulfilling this
21 purpose, the Council shall develop and continuously
22 improve policy, joint processes, and procedures that
23 facilitate the development, acquisition, integration,
24 employment, and sustainment of special operations
25 forces and capabilities.

1 “(3) MEMBERSHIP.—The Council shall include
2 the following:

3 “(A) The Assistant Secretary.

4 “(B) Appropriate senior representatives of
5 each of the following:

6 “(i) The Under Secretary of Defense
7 for Research and Engineering.

8 “(ii) The Under Secretary of Defense
9 for Acquisition and Sustainment.

10 “(iii) The Under Secretary of Defense
11 (Comptroller).

12 “(iv) The Under Secretary of Defense
13 for Personnel and Readiness.

14 “(v) The Under Secretary of Defense
15 for Intelligence.

16 “(vi) The General Counsel of the De-
17 partment of Defense.

18 “(vii) The other Assistant Secretaries
19 of Defense under the Under Secretary of
20 Defense for Policy.

21 “(viii) The military departments.

22 “(ix) The Joint Staff.

23 “(x) The United States Special Oper-
24 ations Command.

1 “(xi) Such other officers or Agencies,
2 elements, or components of the Depart-
3 ment of Defense as the Secretary of De-
4 fense considers appropriate.

5 “(4) OPERATION.—The Council shall operate
6 continuously.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 4 of such title is
9 amended by striking the item relating to section
10 139b and inserting the following new item:

 “139b. Secretariat for Special Operations; Special Operations Policy and Over-
 sight Council.”.

11 (c) DoD DIRECTIVE ON RESPONSIBILITIES OF ASD
12 SOLIC.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall publish a Department of De-
16 fense directive establishing policy and procedures re-
17 lated to the exercise of authority, direction, and con-
18 trol of all special-operations peculiar administrative
19 matters relating to the organization, training, and
20 equipping of special operations forces by the Assist-
21 ant Secretary of Defense for Special Operations and
22 Low Intensity Conflict as specified by section
23 138(b)(2)(A)(i) of title 10, United States Code, as
24 amended by subsection (a)(1).

1 (2) MATTERS FOR INCLUDING.—The directive
2 required by paragraph (1) shall include the fol-
3 lowing:

4 (A) A specification of responsibilities for
5 coordination on matters affecting the organiza-
6 tion, training, and equipping of special oper-
7 ations forces.

8 (B) An identification and specification of
9 updates to applicable documents and instruc-
10 tions of the Department of Defense.

11 (C) Mechanisms to ensure the inclusion of
12 the Assistant Secretary in all Departmental
13 governance forums affecting the organization,
14 training, and equipping of special operations
15 forces.

16 (D) Such other matters as the Secretary
17 considers appropriate.

18 (3) APPLICABILITY.— The directive required by
19 paragraph (1) shall apply throughout the Depart-
20 ment of Defense to all components of the Depart-
21 ment of Defense.

22 (4) LIMITATION ON AVAILABILITY OF CERTAIN
23 FUNDING PENDING PUBLICATION.—Of the amounts
24 authorized to be appropriated by this Act for fiscal
25 year 2021 for operation and maintenance, Defense-

1 wide, and available for the Office of the Secretary of
2 Defense, not more than 75 percent may be obligated
3 or expended until the date that is 15 days after the
4 date on which the Secretary publishes the directive
5 required by paragraph (1).

6 **SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR INDUS-**
7 **TRIAL BASE POLICY.**

8 (a) INCREASE IN AUTHORIZED NUMBER OF ASSIST-
9 ANT SECRETARIES OF DEFENSE.—Subsection (a)(1) of
10 section 138 of title 10, United States Code, is amended
11 by striking “13” and inserting “14”.

12 (b) ASSISTANT SECRETARY OF DEFENSE FOR INDUS-
13 TRIAL BASE POLICY.—Subsection (b) of that section is
14 amended by adding at the end the following new para-
15 graph:

16 “(6) One of the Assistant Secretaries is the Assistant
17 Secretary of Defense for Industrial Base Policy. The As-
18 sistant Secretary shall—

19 “(A) advise the Under Secretary of Defense for
20 Acquisition and Sustainment on industrial base poli-
21 cies; and

22 “(B) perform other duties as directed by the
23 Under Secretary.”.

1 **SEC. 904. ASSISTANT SECRETARY OF DEFENSE FOR EN-**
2 **ERGY, INSTALLATIONS, AND ENVIRONMENT.**

3 (a) INCREASE IN AUTHORIZED NUMBER OF ASSIST-
4 ANT SECRETARIES OF DEFENSE.—Subsection (a)(1) of
5 section 138 of title 10, United States Code, as amended
6 by section 903 of this Act, is further amended by striking
7 “14” and inserting “15”.

8 (b) ASSISTANT SECRETARY OF DEFENSE FOR EN-
9 ERGY, INSTALLATIONS, AND ENVIRONMENT.—Subsection
10 (b) of that section, as so amended, is further amended
11 by adding at the end the following new paragraph:

12 “(7) One of the Assistant Secretaries is the Assistant
13 Secretary of Defense for Energy, Installations, and Envi-
14 ronment. The principal duty of the Assistant Secretary
15 shall be the overall supervision of matters relating to en-
16 ergy, installations, and the environment for the Depart-
17 ment of Defense.”.

18 **SEC. 905. OFFICE OF LOCAL DEFENSE COMMUNITY CO-**
19 **OPERATION.**

20 (a) ACKNOWLEDGMENT IN LAW AND REDESIGNA-
21 TION OF OFFICE OF ECONOMIC ADJUSTMENT AS OFFICE
22 OF LOCAL DEFENSE COMMUNITY COOPERATION.—

23 (1) IN GENERAL.—Chapter 4 of title 10, United
24 States Code, is amended by adding at the end the
25 following new section:

1 **“§ 146. Office of Local Defense Community Coopera-**
2 **tion**

3 “(a) IN GENERAL.—There is in the Office of the Sec-
4 retary of Defense an office to be known as the Office of
5 Local Defense Community Cooperation (in this section re-
6 ferred to as the ‘Office’).

7 “(b) DIRECTOR.—The Office shall be headed by the
8 Director of the Office of Local Defense Community Co-
9 operation, who shall be appointed by the Under Secretary
10 of Defense for Acquisition and Sustainment from among
11 civilian employees of the Federal Government or private
12 individuals who have the following:

13 “(1) Experience in the interagency in the Exec-
14 utive Branch.

15 “(2) Experience in the administration and man-
16 agement of Federal grants programs.

17 “(c) DUTIES.—The Office shall—

18 “(1) serve as the office in the Department of
19 Defense with primary responsibility for—

20 “(A) providing assistance to States, coun-
21 ties, municipalities, regions, and other commu-
22 nities to foster cooperation with military instal-
23 lations to enhance the military mission, achieve
24 facility and infrastructure savings and reduced
25 operating costs, address encroachment and
26 compatible land use issues, support military

1 families, and increase military, civilian, and in-
2 dustrial readiness and resiliency; and

3 “(B) providing adjustment and diversifica-
4 tion assistance to State and local governments
5 under section 2391(b) of this title to achieve
6 the objectives described in subparagraph (A);

7 “(2) coordinate the provision of such assistance
8 with other organizations and elements of the De-
9 partment;

10 “(3) provide support to the Economic Adjust-
11 ment Committee established under Executive Order
12 No. 12788 (57 Fed. Reg. 2213; 10 U.S.C. 2391
13 note) or any successor to such Committee; and

14 “(4) carry out such other activities as the
15 Under Secretary of Defense for Acquisition and
16 Sustainment considers appropriate.

17 “(d) ANNUAL REPORT TO CONGRESS.—Not later
18 than June 1 each year, the Director of the Office of Local
19 Defense Community Cooperation shall submit to the con-
20 gressional defense committees a report on the activities
21 of the Office during the preceding year, including the as-
22 sistance provided pursuant to subsection (c)(1) during
23 such year.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 4 of such title is

1 amended by adding at the end the following new
2 item:

“146. Office of Local Defense Community Cooperation.”.

3 (b) LIMITATION ON INVOLUNTARY SEPARATION OF
4 PERSONNEL.—No personnel of the Office of Local De-
5 fense Community Cooperation under section 146 of title
6 10, United States Code (as added by subsection (a)), may
7 be involuntarily separated from service with that Office
8 during the one-year period beginning on the date of the
9 enactment of this Act, except for cause.

10 (c) ADMINISTRATION OF PROGRAMS.—Any program,
11 project, or other activity administered by the Office of
12 Economic Adjustment of the Department of Defense as
13 of the date of the enactment of this Act shall be adminis-
14 tered by the Office of Local Defense Community Coopera-
15 tion under section 146 of title 10, United States Code (as
16 so added), after that date.

17 **SEC. 906. INPUT FROM THE VICE CHIEF OF THE NATIONAL**
18 **GUARD BUREAU TO THE JOINT REQUIRE-**
19 **MENTS OVERSIGHT COUNCIL.**

20 (a) IN GENERAL.—Section 181(d) of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new paragraph:

23 “(4) INPUT FROM VICE CHIEF OF THE NA-
24 TIONAL GUARD BUREAU.—The Council shall seek,
25 and strongly consider, the views of the Vice Chief of

1 the National Guard Bureau regarding non-Federal-
2 ized National Guard capabilities in support of home-
3 land defense and civil support missions.”.

4 (b) TECHNICAL AMENDMENT.—Paragraph (1)(D) of
5 such section is amended by striking “the” and inserting
6 “The”.

7 **SEC. 907. ASSIGNMENT OF RESPONSIBILITY FOR THE ARC-**
8 **TIC REGION WITHIN THE OFFICE OF THE**
9 **SECRETARY OF DEFENSE.**

10 The Assistant Secretary of Defense for International
11 Security Affairs shall assign responsibility for the Arctic
12 region to the Deputy Assistant Secretary of Defense for
13 the Western Hemisphere or any other Deputy Assistant
14 Secretary of Defense the Secretary of Defense considers
15 appropriate.

16 **SEC. 908. MODERNIZATION OF PROCESS USED BY THE DE-**
17 **PARTMENT OF DEFENSE TO IDENTIFY, TASK,**
18 **AND MANAGE CONGRESSIONAL REPORTING**
19 **REQUIREMENTS.**

20 (a) ONGOING ANALYSIS REQUIRED.—The Assistant
21 Secretary of Defense for Legislative Affairs shall conduct
22 on an ongoing basis an analysis of the process used by
23 the Department of Defense to identify reports to Congress
24 required by annual national defense authorization Acts,
25 assign responsibility for preparation of such reports, and

1 manage the completion and delivery of such reports to
2 Congress for the purpose of identifying mechanisms to op-
3 timize and otherwise modernize the process.

4 (b) CONSULTATION.—The Assistant Secretary shall
5 conduct the analysis required by subsection (a) with the
6 assistance of and in consultation with the Chief Informa-
7 tion Officer of the Department of Defense.

8 (c) ELEMENTS.—The analysis required by subsection
9 (a) shall include the following:

10 (1) A business process reengineering of the
11 process described in subsection (a).

12 (2) An assessment of applicable commercially
13 available analytics tools, technologies, and services in
14 connection with such business process reengineering.

15 (3) Such other actions as the Assistant Sec-
16 retary considers appropriate for purposes of the
17 analysis.

18 **Subtitle B—Other Department of**
19 **Defense Organization and Man-**
20 **agement Matters**

21 **SEC. 911. REFORM OF THE DEPARTMENT OF DEFENSE.**

22 (a) REFORM OF THE DEPARTMENT OF DEFENSE.—

23 (1) IN GENERAL.—Chapter 3 of title 10, United
24 States Code, is amended by inserting after section
25 125 the following new section:

1 **“§ 125a. Reform: improvement of efficacy and effi-**
2 **ciency**

3 “(a) IN GENERAL.—The Secretary of Defense shall
4 take such action as is necessary to reform the Department
5 of Defense to improve the efficacy and efficiency of the
6 Department, and to improve the ability of the Department
7 to prioritize among and assess the costs and benefits of
8 covered elements of reform.

9 “(b) POLICY.—The Secretary shall develop a policy
10 and issue guidance to implement reform within the De-
11 partment and to improve the ability of the Department
12 to prioritize among and assess the costs and benefits of
13 covered elements of reform.

14 “(c) FRAMEWORK FOR REFORM.—

15 “(1) IN GENERAL.—Not later than February 1,
16 2022, the Secretary shall establish policies, guid-
17 ance, and a consistent reporting framework to meas-
18 ure the progress of the Department toward covered
19 elements of reform, including by establishing cat-
20 egories of reform, consistent metrics, and a process
21 for prioritization of reform activities.

22 “(2) SCOPE.—The framework required by para-
23 graph (1) may address duties under the following:

24 “(A) Section 125 of this title.

25 “(B) Section 192 of this title.

26 “(C) Section 2222 of this title.

1 “(D) Section 1124 of title 31.

2 “(E) Section 11319 of title 40.

3 “(3) CONSULTATION.—The Secretary shall con-
4 sult with the Deputy Secretary of Defense, the Per-
5 formance Improvement Officer of the Department of
6 Defense, the Chief Data Officer of the Department
7 of Defense, the Chief Information Officer of the De-
8 partment of Defense, and the financial managers of
9 the military departments in carrying out activities
10 under this subsection.

11 “(d) COVERED ELEMENTS OF REFORM.—For pur-
12 poses of this section and the policies, guidance, and report-
13 ing framework required by subsection (c), covered ele-
14 ments of reform may include the following:

15 “(1) Business systems modernization.

16 “(2) Enterprise business operations process re-
17 engineering.

18 “(3) Expanded and modernized collection, man-
19 agement, dissemination, and visualization of data to
20 support decision-making at all levels of the enter-
21 prise.

22 “(4) Improvements in workforce training and
23 education and increasing capabilities of the Depart-
24 ment workforce to support and execute reform ac-
25 tivities and business processes.

1 “(5) Improvements to decision-making proc-
2 esses to enable cost savings, cost avoidance, or in-
3 vestments to develop process improvements.

4 “(6) Such other elements as the Secretary con-
5 siders appropriate.

6 “(e) ANNUAL REPORT.—At the same time the budget
7 of the President for a fiscal year is submitted to Congress
8 pursuant to section 1105 of title 31, the Secretary shall,
9 using the policies, guidance, and reporting framework re-
10 quired by subsection (c), submit to the congressional de-
11 fense committees a report, including detailed narrative
12 justifications and tradeoff analyses between options, on
13 the actions of the Department as follows:

14 “(1) The activities, expenditures, and accom-
15 plishments carried out or made to effect reform
16 under this section during the fiscal year in which
17 such budget is submitted.

18 “(2) The proposed activities, expenditures, and
19 accomplishments to effect reform under this section,
20 and consistent with priorities established by the Sec-
21 retary, during the fiscal year covered by such budget
22 and each of the four succeeding fiscal years.”.

23 “(2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 3 of such title is

1 amended by inserting after the item relating to sec-
2 tion 125 the following new item:

“125a. Reform: improvement of efficacy and efficiency.”.

3 (b) IMPLEMENTING POLICIES, GUIDANCE, AND RE-
4 PORTING FRAMEWORK.—

5 (1) SUBMITTAL TO CONGRESS.—Not later than
6 March 1, 2022, the Secretary of Defense shall sub-
7 mit to the congressional defense committees a report
8 setting forth the policies, guidance, and reporting
9 framework established pursuant to subsection (c) of
10 section 125a of title 10, United States Code (as
11 added by subsection (a) of this section).

12 (2) UPDATE.—Not later than 90 days after the
13 date of the submittal to Congress of the report re-
14 quired by section 901(d) of this Act, the Secretary
15 shall update the reporting framework referred to in
16 paragraph (1).

17 (c) COMPTROLLER GENERAL OF THE UNITED
18 STATES REPORT.—Not later than 270 days after the date
19 of the submittal to Congress pursuant to subsection (b)
20 of the policies, guidance, and reporting framework estab-
21 lished pursuant to subsection (c) of section 125a of title
22 10, United States Code (as so added), the Comptroller
23 General of the United States shall submit to the congres-
24 sional defense committees a report setting forth an evalua-
25 tion, based on a review by the Comptroller General of such

1 policies, guidance, and framework, to the extent to which
2 the categories and metrics in such policies, guidance, and
3 reporting framework will enable consistent measurement
4 of progress in reform and prioritization of reform of the
5 Department.

6 **SEC. 912. LIMITATION ON REDUCTION OF CIVILIAN WORK-**
7 **FORCE.**

8 Section 129a(b) of title 10, United States Code, is
9 amended by adding at the end the following: “The Sec-
10 retary may not reduce the civilian workforce programmed
11 full-time equivalent levels unless the Secretary conducts
12 an appropriate analysis of the impacts of such reductions
13 on workload, military force structure, lethality, readiness,
14 operational effectiveness, stress on the military force, and
15 fully burdened costs.”.

16 **SEC. 913. CHIEF DIVERSITY OFFICER AND SENIOR ADVI-**
17 **SORS FOR DIVERSITY AND INCLUSION.**

18 (a) DEPARTMENT OF DEFENSE.—

19 (1) IN GENERAL.—Chapter 4 of title 10, United
20 States Code, as amended by section 905 of this Act,
21 is further amended by adding at the end the fol-
22 lowing new section:

1 **“§ 147. Chief Diversity Officer**

2 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
3 Chief Diversity Officer of the Department of Defense, who
4 shall be appointed by the Secretary of Defense.

5 “(2) The Chief Diversity Officer shall be appointed
6 from among persons who have an extensive management
7 or business background and experience with diversity and
8 inclusion. A person may not be appointed as Chief Diver-
9 sity Officer within three years after relief from active duty
10 as a commissioned officer of a regular component of an
11 armed force.

12 “(3) The Chief Diversity Officer shall report directly
13 to the Secretary of Defense in the performance of the du-
14 ties of the Chief Diversity Officer under this section.

15 “(b) DUTIES.—The Chief Diversity Officer—

16 “(1) is responsible for providing advice on pol-
17 icy, oversight, guidance, and coordination for all
18 matters of the Department of Defense related to di-
19 versity and inclusion;

20 “(2) advises the Secretary of Defense, the Sec-
21 retaries of the military departments, and the heads
22 of all other elements of the Department with regard
23 to matters of diversity and inclusion;

24 “(3) shall establish and maintain a Department
25 of Defense strategic plan that publicly states a di-

1 iversity definition, vision, and goals for the Depart-
2 ment;

3 “(4) shall define a set of strategic metrics that
4 are directly linked to key organizational priorities
5 and goals, actionable, and actively used to imple-
6 ment the strategic plan under paragraph (3);

7 “(5) shall advise in the establishment of train-
8 ing in diversity dynamics and training in practices
9 for leading diverse groups effectively;

10 “(6) shall advise in the establishment of a stra-
11 tegic plan for diverse participation by institutions of
12 higher education (including historically black colleges
13 and universities and minority-serving institutions),
14 federally funded research and development centers,
15 and individuals in defense-related research, develop-
16 ment, test, and evaluation activities;

17 “(7) shall advise in the establishment of a stra-
18 tegic plan for outreach to, and recruiting from, un-
19 tapped locations and underrepresented demographic
20 groups;

21 “(8) shall coordinate with, and be supported by,
22 the Office of People Analytics on studies, assess-
23 ments, and related work relevant to diversity and in-
24 clusion; and

1 “(9) shall perform such additional duties and
2 exercise such powers as the Secretary of Defense
3 may prescribe.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 4 of such title, as
6 so amended, is further amended by adding at the
7 end the following new item:

“147. Chief Diversity Officer.”.

8 (b) SENIOR ADVISORS FOR DIVERSITY AND INCLU-
9 SION FOR THE MILITARY DEPARTMENTS AND COAST
10 GUARD.—

11 (1) APPOINTMENT REQUIRED.—Each Secretary
12 of a military department shall appoint within such
13 military department a Senior Advisor for Diversity
14 and Inclusion for such military department (and for
15 the Armed Force or Armed Forces under the juris-
16 diction of such Secretary). The Commandant of the
17 Coast Guard shall appoint a Senior Advisor for Di-
18 versity and Inclusion for the Coast Guard.

19 (2) QUALIFICATIONS AND LIMITATION.—Each
20 Senior Advisor for Diversity and Inclusion shall be
21 appointed from among persons who have an exten-
22 sive management or business background and expe-
23 rience with diversity and inclusion. A person may
24 not be appointed as Senior Advisor for Diversity and
25 Inclusion within three years after relief from active

1 duty as a commissioned officer of a regular compo-
2 nent of an Armed Force.

3 (3) REPORTING.—A Senior Advisor for Diver-
4 sity and Inclusion shall report directly to the Sec-
5 retary of the military department within which ap-
6 pointed. The Senior Advisor for Diversity and Inclu-
7 sion for the Coast Guard shall report directly to the
8 Commandant of the Coast Guard.

9 (4) DUTIES.—A Senior Advisor for Diversity
10 and Inclusion, with respect to the military depart-
11 ment and Armed Force or Armed Forces con-
12 cerned—

13 (A) is responsible for providing advice,
14 guidance, and coordination for all matters re-
15 lated to diversity and inclusion;

16 (B) shall advise in the establishment of
17 training in diversity dynamics and training in
18 practices for leading diverse groups effectively;

19 (C) shall advise and assist in evaluations
20 and assessments of diversity;

21 (D) shall develop a strategic diversity and
22 inclusion plan, which plan shall be consistent
23 with the strategic plan developed and main-
24 tained pursuant to subsection (b)(3) of section

1 147 of title 10, United States Code (as added
2 by subsection (a) of this section);

3 (E) shall develop strategic goals and meas-
4 ures of performance related to efforts to reflect
5 the diverse population of the United States eli-
6 gible to serve in the Armed Forces, which goals
7 and measures of performance shall be con-
8 sistent with the strategic metrics defined pursu-
9 ant to subsection (b)(4) of such section 147;
10 and

11 (F) shall perform such additional duties
12 and exercise such powers as the Secretary of
13 the military department concerned or the Com-
14 mandant of the Coast Guard, as applicable,
15 may prescribe.

16 (c) EFFECTIVE DATE.—This section and the amend-
17 ments made by this section shall take effect on February
18 1, 2021.

19 **SEC. 914. LIMITATION ON CONSOLIDATION OR TRANSITION**
20 **TO ALTERNATIVE CONTENT DELIVERY METH-**
21 **ODS WITHIN THE DEFENSE MEDIA ACTIVITY.**

22 (a) IN GENERAL.—No consolidation or transition to
23 alternative content delivery methods may occur within the
24 Defense Media Activity until a period of 180 days has
25 elapsed following the date on which the Secretary of De-

1 fense submits to the Committees on Armed Services of the
2 Senate and the House of Representatives a report that
3 identifies key aspects of the business case for alternative
4 content delivery, and actions to mitigate risks, relating to
5 the following:

6 (1) The safety and security of members of the
7 Armed Forces and their families.

8 (2) The cybersecurity or security of content de-
9 livery to members of the Armed Forces, whether
10 through—

11 (A) vulnerabilities in the content delivery
12 method concerned;

13 (B) vulnerabilities in the personal devices
14 used by members; or

15 (C) vulnerabilities in the receivers or
16 streaming devices necessary to accommodate
17 the alternative content delivery method.

18 (3) Costs or personal financial liabilities to
19 members of the Armed Forces or their families,
20 whether through monthly subscription fees or other
21 tolls required to access digital content.

22 (4) Access to content with respect to bandwidth
23 or other technical limitations where members of the
24 Armed Forces receive content.

25 (b) DEFINITIONS.—In this section:

1 (1) The term “alternative content delivery”
2 means any method of the Defense Media Activity for
3 the delivery of digital content that is different from
4 a method used by the Activity as of the date of the
5 enactment of this Act.

6 (2) The term “consolidation”, when used with
7 respect to the Defense Media Activity, means any
8 action to reduce or limit the functions, personnel, fa-
9 cilities, or capabilities of the Activity, including en-
10 tering into contracts or developing plans for such re-
11 duction or limitation.

12 **Subtitle C—Space Force Matters**

13 **SEC. 921. OFFICE OF THE CHIEF OF SPACE OPERATIONS.**

14 (a) IN GENERAL.—Chapter 908 of title 10, United
15 States Code, is amended by striking section 9083 and in-
16 serting the following new sections:

17 **“§ 9083. Office of the Chief of Space Operations: func-** 18 **tion; composition**

19 “(a) FUNCTION.—There is in the executive part of
20 the Department of the Air Force an Office of the Chief
21 of Space Operations to assist the Secretary of the Air
22 Force in carrying out the responsibilities of the Secretary.

23 “(b) COMPOSITION.—The Office of the Chief of
24 Space Operations is composed of the following:

25 “(1) The Chief of Space Operations.

1 “(2) Other members of the Space Force and
2 Air Force assigned or detailed to the Office of the
3 Chief of Space Operations.

4 “(3) Civilian employees in the Department of
5 the Air Force assigned or detailed to the Office of
6 the Chief of Space Operations.

7 “(c) ORGANIZATION.—Except as otherwise specifi-
8 cally prescribed by law, the Office of the Chief of Space
9 Operations shall be organized in such manner, and the
10 members of the Office of the Chief of Space Operations
11 shall perform such duties and have such titles, as the Sec-
12 retary of the Air Force may prescribe.

13 **“§ 9084. Office of the Chief of Space Operations: gen-**
14 **eral duties**

15 “(a) PROFESSIONAL ASSISTANCE.—The Office of the
16 Chief of Space Operations shall furnish professional as-
17 sistance to the Secretary, the Under Secretary, and the
18 Assistant Secretaries of the Air Force and to the Chief
19 of Space Operations.

20 “(b) AUTHORITIES.—Under the authority, direction,
21 and control of the Secretary of the Air Force, the Office
22 of the Chief of Space Operations shall—

23 “(1) subject to subsections (c) and (d) of sec-
24 tion 9014 of this title, prepare for such employment
25 of the Space Force, and for such recruiting, orga-

1 nizing, supplying, equipping (including research and
2 development), training, servicing, mobilizing, de-
3 mobilizing, administering, and maintaining of the
4 Space Force, as will assist in the execution of any
5 power, duty, or function of the Secretary of the Air
6 Force or the Chief of Space Operations;

7 “(2) investigate and report upon the efficiency
8 of the Space Force and its preparation to support
9 military operations by commanders of the combatant
10 commands;

11 “(3) prepare detailed instructions for the execu-
12 tion of approved plans and supervise the execution
13 of those plans and instructions;

14 “(4) as directed by the Secretary of the Air
15 Force or the Chief of Space Operations, coordinate
16 the action of organizations of the Space Force; and

17 “(5) perform such other duties, not otherwise
18 assigned by law, as may be prescribed by the Sec-
19 retary of the Air Force.”.

20 (b) TABLE OF SECTIONS.—The table of sections at
21 the beginning of chapter 908 of such title is amended by
22 striking the item relating to section 9083 and inserting
23 the following new items:

“9083. Office of the Chief of Space Operations: function; composition.

“9084. Office of the Chief of Space Operations: general duties.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date on which the Sec-
3 retary of the Air Force and the Chief of Space Operations
4 jointly submit to the congressional defense committees a
5 report detailing the functions that the headquarters staff
6 of the Department of the Air Force will continue to per-
7 form in support of the Space Force.

8 (d) NO AUTHORIZATION OF ADDITIONAL MILITARY
9 BILLETS.—The Secretary shall establish the Office of the
10 Chief of Space Operations under section 9083 of title 10,
11 United States Code, as amended by subsection (a), using
12 military personnel otherwise authorized. Nothing in this
13 section or the amendments made by this section shall be
14 construed to authorize additional military billets for the
15 purposes of, or in connection with, the establishment of
16 the Office of the Chief of Space Operations.

17 **SEC. 922. CLARIFICATION OF SPACE FORCE AND CHIEF OF**
18 **SPACE OPERATIONS AUTHORITIES.**

19 (a) COMPOSITION OF SPACE FORCE.—Section 9081
20 of title 10, United States Code, is amended by striking
21 subsection (b) and inserting the following new subsection
22 (b):

23 “(b) COMPOSITION.—The Space Force consists of—
24 “(1) the Regular Space Force;

1 “(2) all persons appointed or enlisted in, or
2 conscripted into, the Space Force, including those
3 not assigned to units, necessary to form the basis
4 for a complete and immediate mobilization for the
5 national defense in the event of a national emer-
6 gency; and

7 “(3) all Space Force units and other Space
8 Force organizations, including installations and sup-
9 porting and auxiliary combat, training, administra-
10 tive, and logistic elements.”.

11 (b) FUNCTIONS.—Section 9081 of title 10, United
12 States Code, is further amended—

13 (1) by striking subsection (c) and inserting the
14 following new subsection (c):

15 “(c) FUNCTIONS.—The Space Force shall be orga-
16 nized, trained, and equipped to—

17 “(1) provide freedom of operation for the
18 United States in, from, and to space;

19 “(2) conduct space operations; and

20 “(3) protect the interests of the United States
21 in space.”; and

22 (2) by striking subsection (d).

23 (c) CLARIFICATION OF CHIEF OF SPACE OPER-
24 ATIONS AUTHORITIES.—Section 9082 of title 10, United
25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “general
3 officers of the Air Force” and inserting “gen-
4 eral, flag, or equivalent officers of the Space
5 Force”; and

6 (B) by adding at the end the following new
7 paragraphs:

8 “(3) The President may appoint an officer as Chief
9 of Space Operations only if—

10 “(A) the officer has had significant experience
11 in joint duty assignments; and

12 “(B) such experience includes at least one full
13 tour of duty in a joint duty assignment (as defined
14 in section 664(d) of this title) as a general, flag, or
15 equivalent officer of the Space Force.

16 “(4) The President may waive paragraph (3) in the
17 case of an officer if the President determines such action
18 is necessary in the national interest.”;

19 (2) in subsection (b), by striking “grade of gen-
20 eral” and inserting “grade in the Space Force equiv-
21 alent to the grade of general in the Army, Air Force,
22 and Marine Corps, or admiral in the Navy”; and

23 (3) in subsection (d)—

24 (A) in paragraph (4), by striking “and” at
25 the end;

1 (B) by redesignating paragraph (5) as
2 paragraph (6); and

3 (C) by inserting after paragraph (4) the
4 following new paragraph (5):

5 “(5) perform duties prescribed for the Chief of
6 Space Operations by sections 171 and 2547 of this
7 title and other provision of law; and”.

8 (d) REGULAR SPACE FORCE.—Chapter 908 of title
9 10, United States Code, as amended by section 921 of this
10 Act, is further amended by adding at the end the following
11 new section:

12 **“§ 9085. Regular Space Force: composition**

13 “(a) IN GENERAL.—The Regular Space Force is the
14 component of the Space Force that consists of persons
15 whose continuous service on active duty in both peace and
16 war is contemplated by law, and of retired members of
17 the Regular Space Force.

18 “(b) COMPOSITION.—The Regular Space Force in-
19 cludes—

20 “(1) the officers and enlisted members of the
21 Regular Space Force; and

22 “(2) the retired officers and enlisted members
23 of the Regular Space Force.”.

24 (e) TABLE OF SECTIONS.—The table of sections at
25 the beginning of chapter 908 of title 10, United States

1 Code, as so amended, is further amended by adding at
2 the end the following new item:

“9085. Regular Space Force: composition.”.

3 **SEC. 923. AMENDMENTS TO DEPARTMENT OF THE AIR**
4 **FORCE PROVISIONS IN TITLE 10, UNITED**
5 **STATES CODE.**

6 (a) SUBTITLE.—

7 (1) HEADING.—The heading of subtitle D of
8 title 10, United States Code, is amended to read as
9 follows:

10 **“Subtitle D—Air Force and Space**
11 **Force”.**

12 (2) TABLE OF SUBTITLES.—The table of sub-
13 titles at the beginning of such title is amended is
14 amended by striking the item relating to subtitle D
15 and inserting the following new item:

“D. Air Force and Space Force 9011”.

16 (b) ORGANIZATION.—

17 (1) SECRETARY OF THE AIR FORCE.—Section
18 9013 of title 10, United States Code, is amended—

19 (A) in subsection (f), by inserting “and of-
20 ficers of the Space Force” after “Officers of the
21 Air Force”; and

22 (B) in subsection (g)(1), by inserting “,
23 members of the Space Force,” after “members
24 of the Air Force”.

1 (2) OFFICE OF THE SECRETARY OF THE AIR
2 FORCE.—Section 9014 of such title is amended—

3 (A) in subsection (b), by striking para-
4 graph (4) and inserting the following new para-
5 graph (4):

6 “(4) The Inspector General of the Department
7 of the Air Force.”;

8 (B) in subsection (c)—

9 (i) in paragraph (1), by striking “and
10 the Air Staff” and inserting “, the Air
11 Staff, and the Office of the Chief of Space
12 Operations”;

13 (ii) in paragraph (2), by inserting “or
14 the Office of the Chief of Space Oper-
15 ations” after “the Air Staff”;

16 (iii) in paragraph (3), by striking “to
17 the Chief of Staff and to the Air Staff”
18 and all that follows through the end and
19 inserting “to the Chief of Staff of the Air
20 Force and the Air Staff, and to the Chief
21 of Space Operations and the Office of the
22 Chief of Space Operations, and shall en-
23 sure that each such office or entity pro-
24 vides the Chief of Staff and Chief of Space
25 Operations such staff support as the Chief

1 concerned considers necessary to perform
2 the Chief's duties and responsibilities.”;
3 and

4 (iv) in paragraph (4)—

5 (I) by inserting “and the Office
6 of the Chief of Space Operations”
7 after “the Air Staff”; and

8 (II) by inserting “and the Chief
9 of Space Operations” after “Chief of
10 Staff”;

11 (C) in subsection (d)—

12 (i) in paragraph (1), by striking “and
13 the Air Staff” and inserting “, the Air
14 Staff, and the Office of the Chief of Space
15 Operations”;

16 (ii) in paragraph (2), by inserting
17 “and the Office of the Chief of Space Op-
18 erations” after “the Air Staff”; and

19 (iii) in paragraph (4), by striking “to
20 the Chief of Staff of the Air Force and to
21 the Air Staff” and all that follows through
22 the end and inserting “to the Chief of
23 Staff of the Air Force and the Air Staff,
24 and to the Chief of Space Operations and
25 the Office of the Chief of Space Oper-

1 ations, and shall ensure that each such of-
2 fice or entity provides the Chief of Staff
3 and Chief of Space Operations such staff
4 support as the Chief concerned considers
5 necessary to perform the Chief’s duties
6 and responsibilities.”; and

7 (D) in subsection (e)—

8 (i) by striking “and the Air Staff”
9 and inserting “, the Air Staff, and the Of-
10 fice of the Chief of Space Operations”; and

11 (ii) by striking “to the other” and in-
12 serting “to any of the others”.

13 (3) SECRETARY OF THE AIR FORCE: SUCCES-
14 SORS TO DUTIES.—Section 9017 of such title is
15 amended by adding at the end the following new
16 paragraph:

17 “(5) The Chief of Space Operations.”.

18 (4) INSPECTOR GENERAL.—Section 9020 of
19 such title is amended—

20 (A) in subsection (a)—

21 (i) by inserting “Department of the”
22 after “Inspector General of the”; and

23 (ii) by inserting “or the general, flag,
24 or equivalent officers of the Space Force”
25 after “general officers of the Air Force”;

1 (B) in subsection (b)—

2 (i) in the matter preceding paragraph
3 (1), by striking “or the Chief of Staff” and
4 inserting “, the Chief of Staff of the Air
5 Force, or the Chief of Space Operations”;

6 (ii) in paragraph (1), by inserting
7 “Department of the” before “Air Force”;
8 and

9 (iii) in paragraph (2), by striking “or
10 the Chief of Staff” and inserting “, the
11 Chief of Staff, or the Chief of Space Oper-
12 ations” ; and

13 (C) in subsection (e), by inserting “or the
14 Space Force” before “for a tour of duty”.

15 (5) THE AIR STAFF: FUNCTION; COMPOSI-
16 TION.—Section 9031(b)(8) of such title is amended
17 by inserting “or the Space Force” after “of the Air
18 Force”.

19 (6) SURGEON GENERAL: APPOINTMENT; DU-
20 TIES.—Section 9036(b) of such title is amended—

21 (A) in paragraph (1), by striking “Sec-
22 retary of the Air Force and the Chief of Staff
23 of the Air Force on all health and medical mat-
24 ters of the Air Force” and inserting “Secretary
25 of the Air Force, the Chief of Staff of the Air

1 Force, and the Chief of Space Operations on all
2 health and medical matters of the Air Force
3 and the Space Force”; and

4 (B) in paragraph (2)—

5 (i) by inserting “and the Space
6 Force” after “of the Air Force” the first
7 place it appears; and

8 (ii) by inserting “and members of the
9 Space Force” after “of the Air Force” the
10 second place it appears.

11 (7) JUDGE ADVOCATE GENERAL, DEPUTY
12 JUDGE ADVOCATE GENERAL: APPOINTMENT; DU-
13 TIES.—Section 9037 of such title is amended—

14 (A) in subsection (e)(2)(B), by inserting
15 “or the Space Force” after “of the Air Force”;
16 and

17 (B) in subsection (f)(1), by striking “the
18 Secretary of the Air Force or the Chief of Staff
19 of the Air Force” and inserting “the Secretary
20 of the Air Force, the Chief of Staff of the Air
21 Force, or the Chief of Space Operations”.

22 (8) CHIEF OF CHAPLAINS: APPOINTMENT; DU-
23 TIES.—Section 9039(a) of such title is amended by
24 striking “in the Air Force” and inserting “for the
25 Air Force and the Space Force”.

1 (9) PROVISION OF CERTAIN PROFESSIONAL
2 FUNCTIONS FOR THE SPACE FORCE.—Section 9063
3 of such title is amended—

4 (A) in subsections (a) through (i), by strik-
5 ing “in the Air Force” each place it appears
6 and inserting “in the Air Force and the Space
7 Force”; and

8 (B) in subsection (i), as amended by sub-
9 paragraph (A), by inserting “or the Space
10 Force” after “members of the Air Force”.

11 (c) PERSONNEL.—

12 (1) GENDER-FREE BASIS FOR ACCEPTANCE OF
13 ORIGINAL ENLISTMENTS.—

14 (A) IN GENERAL.—Section 9132 of title
15 10, United States Code, is amended by insert-
16 ing “or the Regular Space Force” after “Reg-
17 ular Air Force”.

18 (B) HEADING.—The heading of such sec-
19 tion 9132 is amended to read as follows:

20 **“§ 9132. Regular Air Force and Regular Space Force:**
21 **gender-free basis for acceptance of origi-**
22 **nal enlistments”.**

23 (C) TABLE OF SECTIONS.—The table of
24 sections at the beginning of chapter 913 of such
25 title is amended by striking the item relating to

1 section 9132 and inserting the following new
2 item:

“9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments.”.

3 (2) REENLISTMENT AFTER SERVICE AS AN OF-
4 FICER.—

5 (A) IN GENERAL.—Section 9138 of such
6 title is amended in subsection (a)—

7 (i) by inserting “or the Regular Space
8 Force” after “Regular Air Force” both
9 places it appears; and

10 (ii) by inserting “or the Space Force”
11 after “officer of the Air Force” both places
12 it appears.

13 (B) HEADING.—The heading of such sec-
14 tion 9132 is amended to read as follows:

15 **“§ 9132. Regular Air Force and Regular Space Force:**
16 **reenlistment after service as an officer”.**

17 (C) TABLE OF SECTIONS.—The table of
18 sections at the beginning of chapter 913 of such
19 title, as amended by paragraph (1)(C), is fur-
20 ther by striking the item relating to section
21 9138 and inserting the following new item:

“9138. Regular Air Force and Regular Space Force: reenlistment after service as an officer.”.

22 (3) APPOINTMENTS IN THE REGULAR AIR
23 FORCE AND REGULAR SPACE FORCE.—

1 (A) IN GENERAL.—Section 9160 of such
2 title is amended—

3 (i) by inserting “or the Regular Space
4 Force” after “Regular Air Force”; and

5 (ii) by inserting “or the Space Force”
6 before the period.

7 (B) CHAPTER HEADING.—The heading of
8 chapter 915 of such title is amended to read as
9 follows:

10 **“CHAPTER 915—APPOINTMENTS IN THE**
11 **REGULAR AIR FORCE AND THE REG-**
12 **ULAR SPACE FORCE”.**

13 (C) TABLES OF CHAPTERS.—The table of
14 chapters at the beginning of subtitle D of such
15 title, and at the beginning of part II of subtitle
16 D of such title, are each amended by striking
17 the item relating to chapter 915 and inserting
18 the following new item:

“915. Appointments in the Regular Air Force and the
Regular Space Force 9151”.

19 (4) RETIRED COMMISSIONED OFFICERS: STA-
20 TUS.—Section 9203 of such title is amended by in-
21 serting “or the Space Force” after “the Air Force”.

22 (5) DUTIES: CHAPLAINS; ASSISTANCE RE-
23 QUIRED OF COMMANDING OFFICERS.—Section

1 9217(a) of such title is amended by inserting “or the
2 Space Force” after “the Air Force”.

3 (6) RANK: COMMISSIONED OFFICERS SERVING
4 UNDER TEMPORARY APPOINTMENTS.—Section 9222
5 of such title is amended by inserting “or the Space
6 Force” after “the Air Force” both places it appears.

7 (7) REQUIREMENT OF EXEMPLARY CONDUCT.—
8 Section 9233 of such title is amended—

9 (A) in the matter preceding paragraph (1),
10 by inserting “and in the Space Force” after
11 “the Air Force”; and

12 (B) in paragraphs (3) and (4), by inserting
13 “or the Space Force, respectively” after “the
14 Air Force”.

15 (8) ENLISTED MEMBERS: OFFICERS NOT TO
16 USE AS SERVANTS.—Section 9239 of such title is
17 amended by inserting “or the Space Force” after
18 “Air Force” both places it appears.

19 (9) PRESENTATION OF UNITED STATES FLAG
20 UPON RETIREMENT.—Section 9251(a) of such title
21 is amended by inserting “or the Space Force” after
22 “member of the Air Force”.

23 (10) SERVICE CREDIT: REGULAR ENLISTED
24 MEMBERS; SERVICE AS AN OFFICER TO BE COUNTED

1 AS ENLISTED SERVICE.—Section 9252 of such title
2 is amended—

3 (A) by inserting “or the Regular Space
4 Force” after “Regular Air Force”; and

5 (B) by inserting “in the Space Force,”
6 after “in the Air Force,”.

7 (11) WHEN SECRETARY MAY REQUIRE HOS-
8 PITALIZATION.—Section 9263 of such title is amend-
9 ed by inserting “or the Space Force” after “member
10 of the Air Force”.

11 (12) DECORATIONS AND AWARDS.—

12 (A) IN GENERAL.—Chapter 937 of such
13 title is amended by inserting “or the Space
14 Force” after “the Air Force” each place it ap-
15 pears in the following provisions:

16 (i) Section 9271.

17 (ii) Section 9272.

18 (iii) Section 9273.

19 (iv) Section 9276.

20 (v) Section 9281 other than the first
21 place it appears in subsection (a).

22 (vi) Section 9286(a) other than the
23 first place it appears.

24 (B) MEDAL OF HONOR; AIR FORCE CROSS;
25 DISTINGUISHED-SERVICE MEDAL: DELEGATION

1 OF POWER TO AWARD.—Section 9275 of such
2 title is amended by inserting before the period
3 at the end the following: “, or to an equivalent
4 commander of a separate space force or higher
5 unit in the field”.

6 (13) TWENTY YEARS OR MORE: REGULAR OR
7 RESERVE COMMISSIONED OFFICERS.—Section
8 9311(a) of such title is amended by inserting “or the
9 Space Force” after “officer of the Air Force”.

10 (14) TWENTY TO THIRTY YEARS: ENLISTED
11 MEMBERS.—Section 9314 of such title is amended
12 by inserting “or the Space Force” after “member of
13 the Air Force”.

14 (15) THIRTY YEARS OR MORE: REGULAR EN-
15 LISTED MEMBERS.—Section 9317 of such title is
16 amended by inserting “or the Space Force” after
17 “Air Force”.

18 (16) THIRTY YEARS OR MORE: REGULAR COM-
19 MISSIONED OFFICERS.—Section 9318 of such title is
20 amended by inserting “or the Space Force” after
21 “Air Force”.

22 (17) FORTY YEARS OR MORE: AIR FORCE OFFI-
23 CERS.—

24 (A) IN GENERAL.—Section 9324 of such
25 title is amended in subsections (a) and (b) by

1 inserting “or the Space Force” after “Air
2 Force”.

3 (B) HEADING.—The heading of such sec-
4 tion 9324 is amended to read as follows:

5 **“§ 9324. Forty years or more: Air Force officers and**
6 **Space Force officers”.**

7 (C) TABLE OF SECTIONS AMENDMENT.—
8 The table of sections at the beginning of chap-
9 ter 941 of such title is amended by striking the
10 item relating to section 9324 and inserting the
11 following new item:

“9324. Forty years or more: Air Force officers and Space Force officers.”.

12 (18) COMPUTATION OF YEARS OF SERVICE:
13 VOLUNTARY RETIREMENT; ENLISTED MEMBERS.—
14 Section 9325(a) of such title is amended by insert-
15 ing “or the Space Force” after “Air Force”.

16 (19) COMPUTATION OF YEARS OF SERVICE:
17 VOLUNTARY RETIREMENT; REGULAR AND RESERVE
18 COMMISSIONED OFFICERS.—

19 (A) IN GENERAL.—Section 9326(a) of
20 such title is amended—

21 (i) in the matter preceding paragraph
22 (1), by inserting “or the Space Force”
23 after “of the Air Force”; and

1 (ii) in paragraph (1), by striking “or
2 the Air Force” and inserting “, the Air
3 Force, or the Space Force”.

4 (B) TECHNICAL AMENDMENTS.—Such sec-
5 tion 9326(a) is further amended by striking
6 “his” each place it appears and inserting “the
7 officer’s”.

8 (20) COMPUTATION OF RETIRED PAY: LAW AP-
9 PLICABLE.—Section 9329 of such title is amended
10 by inserting “or the Space Force” after “Air
11 Force”.

12 (21) RETIRED GRADE.—

13 (A) HIGHER GRADE AFTER 30 YEARS OF
14 SERVICE: WARRANT OFFICERS AND ENLISTED
15 MEMBERS.—Section 9344 of such title is
16 amended—

17 (i) in subsection (a), by inserting “or
18 the Space Force” after “member of the Air
19 Force”; and

20 (ii) in subsection (b)—

21 (I) in paragraphs (1) and (3), by
22 inserting “or the Space Force” after
23 “Air Force” each place it appears;
24 and

1 (II) in paragraph (2), by insert-
2 ing “or the Regular Space Force”
3 after “Regular Air Force”.

4 (B) RESTORATION TO FORMER GRADE: RE-
5 TIRED WARRANT OFFICERS AND ENLISTED
6 MEMBERS.—Section 9345 of such title is
7 amended by inserting “or the Space Force”
8 after “member of the Air Force”.

9 (C) RETIRED LISTS.—Section 9346 of
10 such title is amended—

11 (i) in subsections (a) and (d), by in-
12 serting “or the Regular Space Force” after
13 “Regular Air Force”;

14 (ii) in subsection (b)(1), by inserting
15 before the semicolon the following: “, or
16 for commissioned officers of the Space
17 Force other than of the Regular Space
18 Force”; and

19 (iii) in subsections (b)(2) and (c), by
20 inserting “or the Space Force” after “Air
21 Force”.

22 (22) RECOMPUTATION OF RETIRED PAY TO RE-
23 FLECT ADVANCEMENT ON RETIRED LIST.—Section
24 9362(a) of such title is amended by inserting “or the
25 Space Force” after “Air Force”.

1 (23) FATALITY REVIEWS.—Section 9381(a) of
2 such title is amended in paragraphs (1), (2), and (3)
3 by inserting “or the Space Force” after “Air
4 Force”.

5 (d) TRAINING.—

6 (1) MEMBERS OF AIR FORCE: DETAIL AS STU-
7 DENTS, OBSERVERS, AND INVESTIGATORS AT EDU-
8 CATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND
9 HOSPITALS.—

10 (A) IN GENERAL.—Section 9401 of title
11 10, United States Code, is amended—

12 (i) in subsection (a), by inserting
13 “and members of the Space Force” after
14 “members of the Air Force”;

15 (ii) in subsection (b), by inserting “or
16 the Regular Space Force” after “Regular
17 Air Force”;

18 (iii) in subsection (c), by inserting “or
19 Reserve of the Space Force” after “Re-
20 serve of the Air Force”;

21 (iv) in subsection (e), by inserting “or
22 the Space Force” after “Air Force”; and

23 (v) in subsection (f)—

1 (I) by inserting “or the Regular
2 Space Force” after “Regular Air
3 Force”; and

4 (II) by inserting “or the Space
5 Force Reserve” after “the reserve
6 components of the Air Force”.

7 (B) TECHNICAL AMENDMENTS.—Sub-
8 section (c) of such section 9401 is further
9 amended—

10 (i) by striking “his” and inserting
11 “the Reserve’s”; and

12 (ii) by striking “he” and inserting
13 “the Reserve”,

14 (C) HEADING.—The heading of such sec-
15 tion 9401 is amended to read as follows:

16 **“§ 9401. Members of Air Force and Space Force: de-**
17 **tail as students, observers and investiga-**
18 **tors at educational institutions, indus-**
19 **trial plants, and hospitals”.**

20 (D) TABLE OF SECTIONS.—The table of
21 sections at the beginning of chapter 951 of such
22 title is amended by striking the item relating to
23 section 9401 and inserting the following new
24 item:

“9401. Members of Air Force and Space Force: detail as students, observers,
and investigators at educational institutions, industrial plants,
and hospitals.”.

1 (2) ENLISTED MEMBERS OF AIR FORCE:
2 SCHOOLS.—

3 (A) IN GENERAL.—Section 9402 of such
4 title is amended—

5 (i) in subsection (a)—

6 (I) in the first sentence, by in-
7 serting “and enlisted members of the
8 Space Force” after “members of the
9 Air Force”; and

10 (II) in the third sentence, by in-
11 serting “and Space Force officers”
12 after “Air Force officers”; and

13 (ii) in subsection (b), by inserting “or
14 the Space Force” after “Air Force” each
15 place it appears.

16 (B) HEADING.—The heading of such sec-
17 tion 9402 is amended to read as follows:

18 **“§ 9402. Enlisted members Air Force or Space Force:**
19 **schools”.**

20 (C) TABLE OF SECTIONS.—The table of
21 sections at the beginning of chapter 951 of such
22 title is amended by striking the item relating to
23 section 9402 and inserting the following new
24 item:

“9402. Enlisted members of Air Force or Space Force: schools.”.

1 (3) SERVICE SCHOOLS: LEAVES OF ABSENCE
2 FOR INSTRUCTORS.—Section 9406 of such title is
3 amended by inserting “or Space Force” after “Air
4 Force”.

5 (4) DEGREE GRANTING AUTHORITY FOR
6 UNITED STATES AIR FORCE INSTITUTE OF TECH-
7 NOLOGY.—Section 9414(d)(1) of such title is
8 amended by inserting “or the Space Force” after
9 “needs of the Air Force”.

10 (5) UNITED STATES AIR FORCE INSTITUTE OF
11 TECHNOLOGY: ADMINISTRATION.—Section
12 9414b(a)(2) is amended—

13 (A) by inserting “or the Space Force”
14 after “the Air Force” each place it appears;
15 and

16 (B) in subparagraph (B), by inserting “or
17 the equivalent grade in the Space Force” after
18 “brigadier general”.

19 (6) COMMUNITY COLLEGE OF THE AIR FORCE:
20 ASSOCIATE DEGREES.—Section 9415 of such title is
21 amended—

22 (A) in subsection (a) in the matter pre-
23 ceding paragraph (1), by striking “in the Air
24 Force” and inserting “in the Department of the
25 Air Force”; and

1 (B) in subsection (b)—

2 (i) in paragraph (1), by inserting “or
3 the Space Force” after “Air Force”;

4 (ii) in paragraph (2), by striking
5 “other than” and all that follows through
6 the end and inserting “other than the Air
7 Force or the Space Force who are serving
8 as instructors at Department of the Air
9 Force training schools.”; and

10 (iii) in paragraph (3), by inserting “or
11 the Space Force” after “Air Force”.

12 (7) AIR FORCE ACADEMY ESTABLISHMENT; SU-
13 PERINTENDENT; FACULTY.—Section 9431(a) of such
14 title is amended by striking “Air Force cadets” and
15 inserting “cadets”.

16 (8) AIR FORCE ACADEMY SUPERINTENDENT;
17 FACULTY: APPOINTMENT AND DETAIL.—Section
18 9433(a) of such title is amended by inserting “or the
19 Space Force” after “Air Force”.

20 (9) AIR FORCE ACADEMY PERMANENT PROFES-
21 SORS; DIRECTOR OF ADMISSIONS.—

22 (A) IN GENERAL.—Section 9436 of such
23 title is amended—

24 (i) in subsection (a)—

1 (I) in the first sentence, by in-
2 serting “in the Air Force or the equiv-
3 alent grade in the Space Force” after
4 “colonel”;

5 (II) in the second sentence, by
6 inserting “and a permanent professor
7 appointed from the Regular Space
8 Force has the grade equivalent to the
9 grade of colonel in the Regular Air
10 Force” after “grade of colonel”; and

11 (III) in the third sentence, by in-
12 serting “in the Air Force or the equiv-
13 alent grade in the Space Force” after
14 “lieutenant colonel”; and

15 (ii) in subsection (b)—

16 (I) in the first sentence, “in the
17 Air Force or the equivalent grade in
18 the Space Force” after “colonel” each
19 place it appears; and

20 (II) in the second sentence, by
21 inserting “and a person appointed
22 from the Regular Space Force has the
23 grade equivalent to the grade of colo-
24 nel in the Regular Air Force” after
25 “grade of colonel”.

1 (B) TECHNICAL AMENDMENTS.—Sub-
2 sections (a) and (b) of such section 9436 are
3 further amended by striking “he” each place it
4 appears and inserting “such person”.

5 (10) CADETS: APPOINTMENT; NUMBERS, TERRI-
6 TORIAL DISTRIBUTION.—

7 (A) IN GENERAL.—Section 9442 of such
8 title is amended—

9 (i) by striking “Air Force Cadets”
10 each place it appears and inserting “ca-
11 dets”; and

12 (ii) in subsection (b)(2), by inserting
13 “or the Regular Space Force” after “Reg-
14 ular Air Force”.

15 (B) TECHNICAL AMENDMENT.—Subsection
16 (b)(4) of such section 9442 is amended by
17 striking “him” and inserting “the Secretary”.

18 (11) CADETS: AGREEMENT TO SERVE AS OFFI-
19 CER.—Section 9448(a) of such title is amended—

20 (A) in paragraph (2)(A), by inserting “or
21 the Regular Space Force” after “Regular Air
22 Force”; and

23 (B) in paragraph (3)(A), by inserting be-
24 fore the semicolon the following: “or as a Re-

1 serve in the Space Force for service in the
2 Space Force Reserve”.

3 (12) CADETS: ORGANIZATION; SERVICE; IN-
4 STRUCTION.—Section 9449 of such title is amended
5 by striking subsection (d).

6 (13) CADETS: HAZING.—Section 9452(c) of
7 such title is amended—

8 (A) by striking “an Air Force cadet” and
9 inserting “a cadet”; and

10 (B) by striking “or Marine Corps” and in-
11 serting “Marine Corps, or Space Force”.

12 (14) CADETS: DEGREE AND COMMISSION ON
13 GRADUATION.—Section 9453(b) of such title is
14 amended by inserting “or in the equivalent grade in
15 the Regular Space Force” after “Regular Air
16 Force”.

17 (15) SUPPORT OF ATHLETIC PROGRAMS.—Sec-
18 tion 9462(c)(2) of such title is amended by striking
19 “personnel of the Air Force” and inserting “per-
20 sonnel of the Department of the Air Force”.

21 (16) SCHOOLS AND CAMPS: ESTABLISHMENT:
22 PURPOSE.—Section 9481 of such title is amended—

23 (A) by inserting “, the Space Force,” after
24 “members of the Air Force,”; and

1 (B) by inserting “or the Space Force Re-
2 serve” after “the Air Force Reserve”.

3 (17) SCHOOLS AND CAMPS: OPERATION.—Sec-
4 tion 9482 of such title is amended—

5 (A) in paragraph (4), by inserting “or the
6 Regular Space Force” after “Regular Air
7 Force”; and

8 (B) in paragraph (7), in the matter pre-
9 ceding subparagraph (A), by inserting “or
10 Space Force” after “Air Force”.

11 (e) SERVICE, SUPPLY, AND PROCUREMENT.—

12 (1) EQUIPMENT: BAKERIES, SCHOOLS, KITCH-
13 ENS, AND MESS HALLS.—Section 9536 of title 10,
14 United States Code, is amended in the matter pre-
15 ceding paragraph (1) by inserting “or the Space
16 Force” after “the Air Force”.

17 (2) RATIONS.—Section 9561 of such title is
18 amended—

19 (A) in subsection (a)—

20 (i) in the first sentence, by inserting
21 “and the Space Force ration” after “the
22 Air Force ration”; and

23 (ii) in the second sentence, by insert-
24 ing “or the Space Force” after “the Air
25 Force”; and

1 (B) in subsection (b), by inserting “or the
2 Space Force” after “the Air Force”.

3 (3) CLOTHING.—Section 9562 of such title is
4 amended by inserting “and members of the Space
5 Force” after “the Air Force”.

6 (4) CLOTHING: REPLACEMENT WHEN DE-
7 STROYED TO PREVENT CONTAGION.—Section 9563
8 of such title is amended by inserting “or the Space
9 Force” after “member of the Air Force”.

10 (5) COLORS, STANDARDS, AND GUIDONS OF DE-
11 MOBILIZED ORGANIZATIONS: DISPOSITION.—Section
12 9565 of such title is amended—

13 (A) in subsection (a), in the matter pre-
14 ceding paragraph (1), by inserting “or the
15 Space Force” after “organizations of the Air
16 Force”; and

17 (B) in subsection (b), by inserting “or the
18 Space Force” after “the Air Force”.

19 (6) UTILITIES: PROCEEDS FROM OVERSEAS OP-
20 ERATIONS.—Section 9591 of such title is amended
21 by inserting “or the Space Force” after “the Air
22 Force”.

23 (7) QUARTERS: HEAT AND LIGHT.—Section
24 9593 of such title is amended by inserting “and
25 members of the Space Force” after “the Air Force”.

1 (8) AIR FORCE MILITARY HISTORY INSTITUTE:
2 FEE FOR PROVIDING HISTORICAL INFORMATION TO
3 THE PUBLIC.—

4 (A) IN GENERAL.—Section 9594 of such
5 title is amended—

6 (i) in subsections (a) and (d), by in-
7 serting “Department of the” before “Air
8 Force Military History” each place it ap-
9 pears; and

10 (ii) in subsection (e)(1)—

11 (I) by inserting “Department of
12 the” before “Air Force Military His-
13 tory”; and

14 (II) by inserting “and the Space
15 Force” after “materials of the Air
16 Force”.

17 (B) HEADING.—The heading of such sec-
18 tion 9594 is amended to read as follows:

19 **“§ 9594. Department of the Air Force Military History**
20 **Institute: fee for providing historical in-**
21 **formation to the public”.**

22 (C) TABLE OF SECTIONS.—The table of
23 sections at the beginning of chapter 967 of such
24 title is amended by striking the item relating to

1 section 9594 and inserting the following new
2 item:

“9594. Department of the Air Force Military History Institute: fee for providing
historical information to the public.”.

3 (9) SUBSISTENCE AND OTHER SUPPLIES: MEM-
4 BERS OF ARMED FORCES; VETERANS; EXECUTIVE OR
5 MILITARY DEPARTMENTS AND EMPLOYEES;
6 PRICES.—Section 9621 of such title is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (1), by inserting
9 “and members of the Space Force” after
10 “the Air Force”; and

11 (ii) in paragraph (2), by inserting
12 “and officers of the Space Force” after
13 “the Air Force”;

14 (B) in subsection (b), by inserting “or the
15 Space Force” after “the Air Force”;

16 (C) in subsection (c), by inserting “or the
17 Space Force” after “the Air Force”;

18 (D) in subsection (d), by striking “or Ma-
19 rine Corps” and inserting “Marine Corps, or
20 Space Force”;

21 (E) in subsection (e)—

22 (i) by inserting “or the Space Force”
23 after “the Air Force” the first place it ap-
24 pears; and

1 (ii) by inserting “or the Space Force,
2 respectively” after “the Air Force” the sec-
3 ond place it appears;

4 (F) in subsection (f), by inserting “or the
5 Space Force” after “the Air Force”; and

6 (G) in subsection (h)—

7 (i) by inserting “or the Space Force”
8 after “the Air Force” the first place it ap-
9 pears; and

10 (ii) by inserting “or members of the
11 Space Force” after “members of the Air
12 Force”.

13 (10) RATIONS: COMMISSIONED OFFICERS IN
14 FIELD.—Section 9622 of such title is amended by
15 inserting “and commissioned officers of the Space
16 Force” after “officers of the Air Force”.

17 (11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES
18 OF THE AIR FORCE.—Section 9624(a) of such title
19 is amended—

20 (A) by striking “air base” and inserting
21 “Air Force or Space Force military installa-
22 tion”; and

23 (B) by striking “Air Force when” and in-
24 serting “Department of the Air Force when”.

1 (12) ORDNANCE PROPERTY: OFFICERS OF
2 ARMED FORCES; CIVILIAN EMPLOYEES OF AIR
3 FORCE.—

4 (A) IN GENERAL.—Section 9625 of such
5 title is amended—

6 (i) in subsection (a), by inserting “or
7 the Space Force” after “officers of the Air
8 Force”; and

9 (ii) in subsection (b), by striking “the
10 Air Force” and inserting “the Department
11 of the Air Force”.

12 (B) HEADING.—The heading of such sec-
13 tion is amended to read as follows:

14 **“§ 9625. Ordnance property: officers of the armed**
15 **forces; civilian employees of the Depart-**
16 **ment of the Air Force; American National**
17 **Red Cross; educational institutions;**
18 **homes for veterans’ orphans”.**

19 (C) TABLE OF SECTIONS.—The table of
20 sections at the beginning of chapter 969 of such
21 title is amended by striking the item relating to
22 section 9625 and inserting the following new
23 item:

 “9625. Ordnance property: officers of the armed forces; civilian employees of the
 Department of the Air Force; American National Red Cross;
 educational institutions; homes for veterans’ orphans.”.

1 (13) SUPPLIES: EDUCATIONAL INSTITUTIONS.—

2 Section 9627 of such title is amended—

3 (A) by inserting “or the Space Force”
4 after “for the Air Force”;

5 (B) by inserting “or the Space Force”
6 after “officer of the Air Force”; and

7 (C) by striking “air science and tactics”
8 and inserting “science and tactics”.

9 (14) SUPPLIES: MILITARY INSTRUCTION
10 CAMPS.—Section 9654 of such title is amended—

11 (A) by inserting “or Space Force” after
12 “an Air Force”; and

13 (B) by striking “air science and tactics”
14 and inserting “science and tactics”.

15 (15) DISPOSITION OF EFFECTS OF DECEASED
16 PERSONS BY SUMMARY COURT-MARTIAL.—Section
17 9712(a)(1) of such title is amended by inserting “or
18 the Space Force” after “the Air Force”.

19 (16) ACCEPTANCE OF DONATIONS: LAND FOR
20 MOBILIZATION, TRAINING, SUPPLY BASE, OR AVIA-
21 TION FIELD.—

22 (A) IN GENERAL.—Section 9771 of such
23 title is amended in paragraph (2) by inserting
24 “or space mission-related facility” after “avia-
25 tion field”.

1 (B) HEADING.—The heading of such sec-
2 tion 9771 is amended to read as follows:

3 **“§ 9771. Acceptance of donations: land for mobiliza-**
4 **tion, training, supply base, aviation field,**
5 **or space mission-related facility”.**

6 (C) TABLE OF SECTIONS.—The table of
7 sections at the beginning of chapter 979 of such
8 title is amended by striking the item relating to
9 section 9771 and inserting the following new
10 item:

“9771. Acceptance of donations: land for mobilization, training, supply base,
aviation field, or space mission-related facility.”.

11 (17) ACQUISITION AND CONSTRUCTION: AIR
12 BASES AND DEPOTS.—

13 (A) IN GENERAL.—Section 9773 of such
14 title is amended—

15 (i) in subsection (a)—

16 (I) by striking “permanent air
17 bases” and inserting “permanent Air
18 Force and Space Force military in-
19 stallations”;

20 (II) by striking “existing air
21 bases” and inserting “existing instal-
22 lations”; and

1 (III) by inserting “or the Space
2 Force” after “training of the Air
3 Force”;

4 (ii) in subsections (b) and (c), by
5 striking “air bases” each place it appears
6 and inserting “installations”;

7 (iii) in subsection (b)(7), by inserting
8 “or Space Force” after “Air Force”;

9 (iv) in subsection (c)—

10 (I) in paragraph (1), by inserting
11 “or Space Force” after “Air Force”;
12 and

13 (II) in paragraphs (3) and (4),
14 by inserting “or the Space Force”
15 after “the Air Force” both places it
16 appears; and

17 (v) in subsection (f), by striking “air
18 base” and inserting “installation”.

19 (B) HEADING.—The heading of such sec-
20 tion 9773 is amended to read as follows:

21 **“§ 9773. Acquisition and construction: installations**
22 **and depots”.**

23 (C) TABLE OF SECTIONS.—The table of
24 sections at the beginning of chapter 979 of such
25 title is amended by striking the item relating to

1 section 9773 and inserting the following new
2 item:

“9773. Acquisition and construction: installations and depots.”.

3 (18) EMERGENCY CONSTRUCTION: FORTIFICA-
4 TIONS.—Section 9776 of such title is amended by
5 striking “air base” and inserting “installation”.

6 (19) USE OF PUBLIC PROPERTY.—Section 9779
7 of such title is amended—

8 (A) in subsection (a), by inserting “or the
9 Space Force” after “economy of the Air
10 Force”; and

11 (B) in subsection (b), by inserting “or the
12 Space Force” after “support of the Air Force”.

13 (20) DISPOSITION OF REAL PROPERTY AT MIS-
14 SILE SITES.—Section 9781(a)(2) of such title is
15 amended—

16 (A) in the matter preceding subparagraph
17 (A), by striking “Air Force” and inserting “De-
18 partment of the Air Force”;

19 (B) in subparagraph (A), by striking “Air
20 Force” the first two places it appears and in-
21 serting “Department of the Air Force”; and

22 (C) in subparagraph (C), by striking “Air
23 Force” and inserting “Department of the Air
24 Force”.

1 (21) MAINTENANCE AND REPAIR OF REAL
2 PROPERTY.—Section 9782 of such title is amended
3 in subsections (c) and (d) by inserting “or the Space
4 Force” after “the Air Force” both places it appears.

5 (22) SETTLEMENT OF ACCOUNTS: REMISSION
6 OR CANCELLATION OF INDEBTEDNESS OF MEM-
7 BERS.—Section 9837(a) of such title is amended by
8 inserting “or the Space Force” after “member of the
9 Air Force”.

10 (23) FINAL SETTLEMENT OF OFFICER’S AC-
11 COUNTS.—

12 (A) IN GENERAL.—Section 9840 of such
13 title is amended by inserting “or the Space
14 Force” after “Air Force”.

15 (B) TECHNICAL AMENDMENTS.—Such sec-
16 tion 9840 is further amended—

17 (i) by striking “he” each place it ap-
18 pears and inserting “the officer”; and

19 (ii) by striking “his” each place it ap-
20 pears and inserting “the officer’s”.

21 (24) PAYMENT OF SMALL AMOUNTS TO PUBLIC
22 CREDITORS.—Section 9841 of such title is amended
23 by inserting “or Space Force” after “official of Air
24 Force”.

1 (25) SETTLEMENT OF ACCOUNTS OF LINE OF-
2 FICERS.—Section 9842 of such title is amended by
3 inserting “or the Space Force” after “Air Force”.

4 (f) SERVICE OF INCUMBENTS IN CERTAIN POSITIONS
5 WITHOUT REAPPOINTMENT.—

6 (1) IN GENERAL.—The individual serving in a
7 position under a provision of law specified in para-
8 graph (2) as of the date of the enactment of this Act
9 may continue to serve in such position after that
10 date without further appointment as otherwise pro-
11 vided by such provision of law, notwithstanding the
12 amendment of such provision of law by subsection
13 (b).

14 (2) PROVISIONS OF LAW.—The provisions of
15 law specified in this paragraph are the provisions of
16 title 10, United States Code, as follows:

17 (A) Section 9020, relating to the Inspector
18 General of the Department of the Air Force.

19 (B) Section 9036, relating to the Surgeon
20 General of the Air Force.

21 (C) Section 9037(a), relating to the Judge
22 Advocate General of the Air Force.

23 (D) Section 9037(d), relating to the Dep-
24 uty Judge Advocate General of the Air Force.

1 (E) Section 9039, relating to the Chief of
2 Chaplains for the Air Force and the Space
3 Force.

4 **SEC. 924. AMENDMENTS TO OTHER PROVISIONS OF TITLE**
5 **10, UNITED STATES CODE.**

6 (a) DEFINITIONS.—Section 101(b)(13) of title 10,
7 United States Code, is amended by striking “or Marine
8 Corps” and inserting “Marine Corps, or Space Force”.

9 (b) OTHER PROVISIONS OF SUBTITLE A.—

10 (1) SPACE FORCE I.—Subtitle A of title 10,
11 United States Code, as amended by subsection (a),
12 is further amended by striking “and Marine Corps”
13 each place it appears and inserting “Marine Corps,
14 and Space Force” in the following provisions:

15 (A) Section 116(a)(1) in the matter pre-
16 ceding subparagraph (A).

17 (B) Section 533(a)(2).

18 (C) Section 646.

19 (D) Section 661(a).

20 (E) Section 712(a).

21 (F) Section 717(c)(1).

22 (G) Subsections (c) and (d) of section 741.

23 (H) Section 743.

24 (I) Section 1111(b)(4).

1 (J) Subsections (a)(2)(A) and (c)(2)(A)(ii)
2 of section 1143.

3 (K) Section 1174(j).

4 (L) Section 1463(a)(1).

5 (M) Section 1566.

6 (N) Section 2217(c)(2).

7 (O) Section 2259(a).

8 (P) Section 2640(j).

9 (2) SPACE FORCE II.—

10 (A) IN GENERAL.—Such subtitle is further
11 amended by striking “Marine Corps,” each
12 place it appears and inserting “Marine Corps,
13 Space Force,” in the following provisions:

14 (i) Section 123(a).

15 (ii) Section 172(a).

16 (iii) Section 518.

17 (iv) Section 747.

18 (v) Section 749.

19 (vi) Section 1552(c)(1).

20 (vii) Section 2632(c)(2)(A).

21 (viii) Section 2686(a).

22 (ix) Section 2733(a).

23 (B) HEADING.—The heading of section
24 747 of such title is amended to read as follows:

1 **“§ 747. Command: when different commands of Army,**
2 **Navy, Air Force, Marine Corps, Space**
3 **Force, and Coast Guard join”.**

4 (C) TABLE OF SECTIONS.—The table of
5 sections at the beginning of chapter 43 of such
6 title is amended by striking the item relating to
7 section 747 and inserting the following new
8 item:

“747. Command: when different commands of Army, Navy, Air Force, Marine
Corps, Space Force, and Coast Guard join.”.

9 (3) SPACE FORCE III.—Such subtitle is further
10 amended by striking “or Marine Corps” each place
11 it appears and inserting “Marine Corps, or Space
12 Force” in the following provisions:

13 (A) Section 125(b).

14 (B) Section 541(a).

15 (C) Section 601(a).

16 (D) Section 603(a).

17 (E) Section 619(a).

18 (F) Section 619a(a).

19 (G) Section 624(c).

20 (H) Section 625(b).

21 (I) Subsections (a) and (d) of section 631.

22 (J) Section 632(a).

23 (K) Section 637(a)(2).

24 (L) Section 638(a).

- 1 (M) Section 741(d).
- 2 (N) Section 771.
- 3 (O) Section 772.
- 4 (P) Section 773.
- 5 (Q) Section 1123.
- 6 (R) Section 1143(d).
- 7 (S) Section 1174(a)(2).
- 8 (T) Section 1251(a).
- 9 (U) Section 1252(a).
- 10 (V) Section 1253(a).
- 11 (W) Section 1375.
- 12 (X) Section 1413a(h).
- 13 (Y) Section 1551.
- 14 (Z) Section 1561(a).
- 15 (AA) Section 1731(a)(1)(A)(ii).
- 16 (BB) Section 2102(a).
- 17 (CC) Section 2103a(a)(2).
- 18 (DD) Section 2104(b)(5).
- 19 (EE) Section 2107.
- 20 (FF) Section 2421.
- 21 (GG) Section 2631(a).
- 22 (HH) Section 2787(a).
- 23 (4) REGULAR SPACE FORCE I.—Such subtitle is
- 24 further amended by striking “or Regular Marine
- 25 Corps” each place it appears and inserting “Regular

1 Marine Corps, or Regular Space Force” in the fol-
2 lowing provisions:

3 (A) Section 531(c).

4 (B) Section 532(a) in the matter preceding
5 paragraph (1).

6 (C) Subsections (a)(1), (b)(1), and (f) of
7 section 533.

8 (D) Section 633(a).

9 (E) Section 634(a).

10 (F) Section 635.

11 (G) Section 636(a).

12 (H) Section 647(c).

13 (I) Section 688(b)(1).

14 (J) Section 1181.

15 (5) REGULAR SPACE FORCE II.—Such subtitle
16 is further amended by striking “Regular Marine
17 Corps,” each place it appears and inserting “Reg-
18 ular Marine Corps, Regular Space Force,” in the
19 following provisions:

20 (A) Section 505.

21 (B) Section 506.

22 (C) Section 508.

23 (6) TRANSFER, ETC. OF FUNCTIONS, POWERS,
24 AND DUTIES.—Section 125(b) of such title, as
25 amended by paragraph (3)(A), is further amended

1 by striking “or 9062(c)” and inserting “9062(c), or
2 9081”.

3 (7) JOINT STAFF MATTERS.—

4 (A) APPOINTMENT OF CHAIRMAN; GRADE
5 AND RANK.—Section 152 of such title is
6 amended—

7 (i) in subsection (b)(1)(C), by striking
8 “or the Commandant of the Marine Corps”
9 and inserting “the Commandant of the
10 Marine Corps, or the Chief of Space Oper-
11 ations”; and

12 (ii) in subsection (c), by striking “or,
13 in the case of the Navy, admiral” and in-
14 serting “, in the case of the Navy, admiral,
15 or, in the case of an officer of the Space
16 Force, the equivalent grade,”.

17 (B) INCLUSION OF SPACE FORCE ON JOINT
18 STAFF.—Section 155(a)(2)(C) of such title is
19 amended by inserting “and the Space Force”
20 after “the Air Force”.

21 (8) ARMED FORCES POLICY COUNCIL.—Section
22 171(a) of such title is amended—

23 (A) in paragraph (15), by striking “and”;

24 (B) in paragraph (16), by striking the pe-
25 riod and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(17) the Chief of Space Operations.”.

4 (9) JOINT REQUIREMENTS OVERSIGHT COUN-
5 CIL.—Section 181(c)(1) of such title is amended by
6 adding at the end the following new subparagraph:

7 “(F) A Space Force officer in the grade
8 equivalent to the grade of general in the Army,
9 Air Force, or Marine Corps, or admiral in the
10 Navy.”.

11 (10) UNFUNDED PRIORITIES.—Section 222a(b)
12 of such title is amended—

13 (A) by redesignating paragraph (5) as
14 paragraph (6); and

15 (B) by inserting after paragraph (4) the
16 following new paragraph:

17 “(5) The Chief of Space Operations.”.

18 (11) THEATER SECURITY COOPERATION EX-
19 PENSES.—Section 312(b)(3) of such title is amended
20 by inserting “the Chief of Space Operations,” after
21 “the Commandant of the Marine Corps,”.

22 (12) WESTERN HEMISPHERE INSTITUTE.—Sec-
23 tion 343(e)(1)(E) of such title is amended by insert-
24 ing “or Space Force” after “for the Air Force”.

1 (13) ORIGINAL APPOINTMENTS OF COMMIS-
2 SIONED OFFICERS.—Section 531(a) of such title is
3 amended—

4 (A) in paragraph (1), by striking “and in
5 the grades of ensign, lieutenant (junior grade),
6 and lieutenant in the Regular Navy” and in-
7 serting “in the grades of ensign, lieutenant
8 (junior grade), and lieutenant in the Regular
9 Navy, and in the equivalent grades in the Reg-
10 ular Space Force”; and

11 (B) in paragraph (2), by striking “and in
12 the grades of lieutenant commander, com-
13 mander, and captain in the Regular Navy” and
14 inserting “in the grades of lieutenant com-
15 mander, commander, and captain in the Reg-
16 ular Navy, and in the equivalent grades in the
17 Regular Space Force”.

18 (14) SERVICE CREDIT UPON ORIGINAL AP-
19 POINTMENT AS A COMMISSIONED OFFICER.—Section
20 533(b)(2) of such title is amended by striking “or
21 captain in the Navy” and inserting “, captain in the
22 Navy, or an equivalent grade in the Space Force”.

23 (15) SENIOR JOINT OFFICER POSITIONS: REC-
24 COMMENDATIONS TO THE SECRETARY OF DE-
25 FENSE.—Section 604(a)(1)(A) of such title is

1 amended by inserting “and the name of at least one
2 Space Force officer” after “Air Force officer”.

3 (16) FORCE SHAPING AUTHORITY.—Section
4 647(a)(2) of such title is amended by striking “of
5 that armed force”.

6 (17) MEMBERS: REQUIRED SERVICE.—Section
7 651(b) of such title is amended by striking “of his
8 armed force”.

9 (18) CAREER FLEXIBILITY TO ENHANCE RE-
10 TENTION OF MEMBERS.—Section 710(c)(1) of such
11 title is amended by striking “the armed force con-
12 cerned” and inserting “an armed force”.

13 (19) SENIOR MEMBERS OF MILITARY STAFF
14 COMMITTEE OF UNITED NATIONS.—Section 711 of
15 such title is amended by inserting “or the Space
16 Force” after “Air Force”.

17 (20) RANK: CHIEF OF SPACE OPERATIONS.—

18 (A) IN GENERAL.—Section 743 of such
19 title is amended by striking “and the Com-
20 mandant of the Marine Corps” and inserting
21 “the Commandant of the Marine Corps, and
22 the Chief of Space Operations”.

23 (B) HEADING.—The heading of such sec-
24 tion 743 is amended to read as follows:

1 **“§ 743. Rank: Chief of Staff of the Army; Chief of**
2 **Naval Operations; Chief of Staff of the**
3 **Air Force; Commandant of the Marine**
4 **Corps; Chief of Space Operations”.**

5 (C) TABLE OF SECTIONS.—The table of
6 sections at the beginning of chapter 43 of such
7 title is amended by striking the item relating to
8 section 743 and inserting the following new
9 item:

“743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of
Staff of the Air Force; Commandant of the Marine Corps;
Chief of Space Operations.”.

10 (21) UNIFORM CODE OF MILITARY JUSTICE.—
11 Chapter 47 of such title (the Uniform Code of Mili-
12 tary Justice) is amended—

13 (A) in section 822(a)(7) (article 22(a)(7)),
14 by striking “Marine Corps” and inserting “Ma-
15 rine Corps, or the commanding officer of a cor-
16 responding unit of the Space Force”;

17 (B) in section 823(a) (article 23(a))—

18 (i) in paragraph (2)—

19 (I) by striking “Air Force base”
20 and inserting “Air Force or Space
21 Force military installation”; and

22 (II) by striking “or the Air
23 Force” and inserting “the Air Force,
24 or the Space Force”; and

1 (ii) in paragraph (4), by inserting “or
2 a corresponding unit of the Space Force”
3 after “Air Force”; and

4 (C) in section 824(a)(3) (article 24(a)(3)),
5 by inserting “or a corresponding unit of the
6 Space Force” after “Air Force”.

7 (22) SERVICE AS CADET OR MIDSHIPMAN NOT
8 COUNTED FOR LENGTH OF SERVICE.—Section
9 971(b)(2) of such title is amended by striking “or
10 Air Force” and inserting “, Air Force, or Space
11 Force”.

12 (23) REFERRAL BONUS.—Section 1030(h)(3) of
13 such title is amended by inserting “and the Space
14 Force” after “concerning the Air Force”.

15 (24) RETURN TO ACTIVE DUTY FROM TEM-
16 PORARY DISABILITY.—Section 1211(a) of such title
17 is amended—

18 (A) in the matter preceding paragraph (1),
19 by striking “or the Air Force” and inserting “,
20 the Air Force, or the Space Force”; and

21 (B) in paragraph (6)—

22 (i) by striking “or the Air Force,
23 who” and inserting “the Air Force, or the
24 Space Force who”; and

1 (ii) by striking “or the Air Force, as”
2 and inserting “the Air Force, or the Space
3 Force, as”.

4 (25) YEARS OF SERVICE.—Section 1405(c) of
5 such title is amended by striking “or Air Force” and
6 inserting “, Air Force, or Space Force”.

7 (26) RETIRED PAY BASE FOR PERSONS WHO
8 BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—
9 Section 1406 of such title is amended—

10 (A) in the heading of subsection (e), by in-
11 serting “AND SPACE FORCE” after “AIR
12 FORCE”; and

13 (B) in subsection (i)(3)—

14 (i) in subparagraph (A)—

15 (I) by redesignating clause (v) as
16 clause (vi); and

17 (II) by inserting after clause (iv)
18 the following new clause (v):

19 “(v) Chief of Space Operations.”; and

20 (ii) in subparagraph (B)—

21 (I) by redesignating clause (v) as
22 clause (vi); and

23 (II) by inserting after clause (iv)
24 the following new clause (v):

1 “(v) The senior enlisted advisor of the
2 Space Force.”.

3 (27) SPECIAL REQUIREMENTS FOR MILITARY
4 PERSONNEL IN THE ACQUISITION FIELD.—

5 (A) IN GENERAL.—Section 1722a(a) of
6 such title is amended by striking “and the
7 Commandant of the Marine Corps (with respect
8 to the Army, Navy, Air Force, and Marine
9 Corps, respectively)” and inserting “, the Com-
10 mandant of the Marine Corps, and the Chief of
11 Space Operations (with respect to the Army,
12 Navy, Air Force, Marine Corps, and Space
13 Force, respectively)”.

14 (B) CLARIFYING AMENDMENT.—Such sec-
15 tion 1722a(a) is further amended by striking
16 “the Under Secretary of Defense for Acquisi-
17 tion, Technology, and Logistics” and inserting
18 “the Under Secretary of Defense for Acquisi-
19 tion and Sustainment”.

20 (28) SENIOR MILITARY ACQUISITION ADVI-
21 SORS.—Section 1725(e)(1)(C) of such title is
22 amended by inserting “and Space Force” before the
23 period.

24 (29) MILITARY FAMILY READINESS COUNCIL.—
25 Section 1781a(b)(1) of such title is amended by

1 striking “Marine Corps, and Air Force” each place
2 it appears and inserting “Air Force, Marine Corps,
3 and Space Force”.

4 (30) FINANCIAL ASSISTANCE PROGRAM FOR
5 SPECIALLY SELECTED MEMBERS.—Section 2107 of
6 such title is amended—

7 (A) in subsection (a)—

8 (i) by striking “or as a” and inserting
9 “, as a”; and

10 (ii) by inserting “or as an officer in
11 the equivalent grade in the Space Force”
12 after “Marine Corps,”;

13 (B) in subsection (b)—

14 (i) in paragraph (3), by striking “the
15 reserve component of the armed force in
16 which he is appointed as a cadet or mid-
17 shipman” and inserting “the reserve com-
18 ponent of an armed force”; and

19 (ii) in paragraph (5), by striking “re-
20 serve component of that armed force” each
21 place it appears and inserting “reserve
22 component of an armed force”; and

23 (C) in subsection (d), by striking “second
24 lieutenant or ensign” and inserting “second

1 lieutenant, ensign, or an equivalent grade in the
2 Space Force”.

3 (31) SPACE RAPID CAPABILITIES OFFICE.—Sec-
4 tion 2273a(d) of such title is amended by striking
5 paragraph (3).

6 (32) ACQUISITION-RELATED FUNCTIONS OF
7 CHIEFS OF THE ARMED FORCES.—Section 2547(a)
8 of such title is amended by striking “and the Com-
9 mandant of the Marine Corps” and inserting “the
10 Commandant of the Marine Corps, and the Chief of
11 Space Operations”.

12 (33) AGREEMENTS RELATED TO MILITARY
13 TRAINING, TESTING, AND OPERATIONS.—Section
14 2684a(i) of such title is amended by inserting
15 “Space Force,” before “or Defense-wide activities”
16 each place it appears.

17 (c) PROVISIONS OF SUBTITLE B.—

18 (1) IN GENERAL.—Subtitle B of title 10,
19 United States Code, is amended by striking “or Ma-
20 rine Corps” each place it appears and inserting
21 “Marine Corps, or Space Force” in the following
22 provisions:

23 (A) Section 7452(c).

24 (B) Section 7621(d).

1 (2) COMPUTATION OF YEARS OF SERVICE.—

2 Section 7326(a)(1) of such title is amended by strik-
3 ing “or the Air Force” and inserting “, the Air
4 Force, or the Space Force”.

5 (d) PROVISIONS OF SUBTITLE C.—

6 (1) CADETS; HAZING.—Section 8464(f) of title
7 10, United States Code, is amended by striking “or
8 Marine Corps” and inserting “Marine Corps, or
9 Space Force”.

10 (2) SALES PRICES.—

11 (A) IN GENERAL.—Section 8802 of such
12 title is amended by striking “or the Air Force”
13 and inserting “, the Air Force, or the Space
14 Force”.

15 (B) HEADING.—The heading of such sec-
16 tion 8802 is amended to read as follows:

17 “§ 8802. Sales: members of Army, Air Force, and
18 Space Force; prices”.

19 (C) TABLE OF SECTIONS.—The table of
20 sections at the beginning of chapter 879 of such
21 title is amended by striking the item relating to
22 section 8802 and inserting the following new
23 item:

“8802. Sales: members of Army, Air Force, and Space Force; prices.”.

24 (3) SALES TO CERTAIN VETERANS.—Section
25 8803 of such title is amended by striking “or the

1 Marine Corps” and inserting “the Marine Corps, or
2 the Space Force”.

3 (4) SUBSISTENCE AND OTHER SUPPLIES.—Sec-
4 tion 8806(d) of such title is amended by striking “or
5 Air Force or Marine Corps” and inserting “, Air
6 Force, Marine Corps, or Space Force”.

7 (5) SCOPE OF CHAPTER ON PRIZE.—Section
8 8851(a) of such title is amended by striking “or the
9 Air Force” and inserting “, the Air Force, or the
10 Space Force”.

11 **SEC. 925. AMENDMENTS TO PROVISIONS OF LAW RELATING**
12 **TO PAY AND ALLOWANCES.**

13 (a) DEFINITIONS.—Section 101 of title 37, United
14 States Code, is amended—

15 (1) in paragraphs (3) and (4), by inserting
16 “Space Force,” after “Marine Corps,” each place it
17 appears; and

18 (2) in paragraph (5)(C), by inserting “and the
19 Space Force” after “Air Force”.

20 (b) BASIC PAY RATES.—

21 (1) COMMISSIONED OFFICERS.—Footnote 2 of
22 the table titled “COMMISSIONED OFFICERS” in
23 section 601(c) of the John Warner National Defense
24 Authorization Act for Fiscal Year 2007 (Public Law
25 109–364; 37 U.S.C. 1009 note) is amended by in-

1 serting after “Commandant of the Marine Corps,”
2 the following: “Chief of Space Operations,”.

3 (2) ENLISTED MEMBERS.—Footnote 2 of the
4 table titled “ENLISTED MEMBERS” in section
5 601(c) of the John Warner National Defense Au-
6 thorization Act for Fiscal Year 2007 (Public Law
7 109–364; 37 U.S.C. 1009 note) is amended by in-
8 serting after “Sergeant Major of the Marine Corps,”
9 the following: “the senior enlisted advisor of the
10 Space Force,”.

11 (c) PAY GRADES: ASSIGNMENT TO; GENERAL
12 RULES.—Section 201(a) of title 37, United States Code,
13 is amended—

14 (1) by striking “(a) For the purpose” and in-
15 serting “(a)(1) Subject to paragraph (2), for the
16 purpose”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(2) For the purpose of computing their basic pay,
20 commissioned officers of the Space Force are assigned to
21 the pay grades in the table in paragraph (1) by grade or
22 rank in the Air Force that is equivalent to the grade or
23 rank in which such officers are serving in the Space
24 Force.”.

1 (d) PAY OF SENIOR ENLISTED MEMBERS.—Section
2 210(c) of title 37, United States Code, is amended—

3 (1) by redesignating paragraph (5) as para-
4 graph (6); and

5 (2) by inserting after paragraph (4) the fol-
6 lowing new paragraph (5):

7 “(5) The senior enlisted advisor of the Space
8 Force.”.

9 (e) ALLOWANCES OTHER THAN TRAVEL AND TRANS-
10 PORTATION ALLOWANCES.—

11 (1) PERSONAL MONEY ALLOWANCE.—Section
12 414 of title 37, United States Code, is amended—

13 (A) in subsection (a)(5), by inserting
14 “Chief of Space Operations,” after “Com-
15 mandant of the Marines Corps,”; and

16 (B) in subsection (b), by inserting “the
17 senior enlisted advisor of the Space Force,”
18 after “the Sergeant Major of the Marine
19 Corps,”.

20 (2) CLOTHING ALLOWANCE: ENLISTED MEM-
21 BERS.—Section 418(d) of such title is amended—

22 (A) in paragraph (1), by striking “or Ma-
23 rine Corps” and inserting “Marine Corps, or
24 Space Force”; and

1 (B) in paragraph (4), by striking “or the
2 Marine Corps” and inserting “the Marine
3 Corps, or the Space Force”.

4 (f) TRAVEL AND TRANSPORTATION ALLOWANCES:
5 PARKING EXPENSES.—Section 481i(b) of title 37, United
6 States Code, is amended by striking “or Marine Corps”
7 and inserting “Marine Corps, or Space Force”.

8 (g) LEAVE.—

9 (1) ADDITION OF SPACE FORCE.—Chapter 9 of
10 title 37, United States Code, is amended by insert-
11 ing “Space Force,” after “Marines Corps,” each
12 place it appears in the following provisions:

13 (A) Subsections (b)(1) and (e)(1) of sec-
14 tion 501.

15 (B) Section 502(a).

16 (C) Section 503(a).

17 (2) ADDITION OF REGULAR SPACE FORCE.—
18 Section 501(b)(5)(C) of such title is amended by
19 striking “or Regular Marine Corps” and inserting
20 “Regular Marine Corps, or Regular Space Force”.

21 (3) TECHNICAL AMENDMENTS.—Chapter 9 of
22 such title is further amended as follows:

23 (A) In section 501(b)(1)—

24 (i) by striking “his” each place it ap-
25 pears and inserting “the member’s”; and

1 (ii) by striking “he” and inserting
2 “the member”.

3 (B) In section 502—

4 (i) by striking “his designated rep-
5 resentative” each place it appears and in-
6 serting “the Secretary’s designated rep-
7 resentative”;

8 (ii) in subsection (a), by striking “he”
9 each place it appears and inserting “the
10 member”; and

11 (iii) in subsection (b), by striking
12 “his” and inserting “the member’s”.

13 (h) ALLOTMENT AND ASSIGNMENT OF PAY.—

14 (1) IN GENERAL.—Subsections (a), (c), and (d)
15 of section 701 of title 37, United States Code, are
16 each amended by striking “or Marine Corps” and
17 inserting “Marine Corps, or Space Force”.

18 (2) TECHNICAL AMENDMENTS.—Such section
19 701 is further amended—

20 (A) in subsection (a), by striking “his” and
21 inserting “the officer’s”;

22 (B) in subsection (b), by striking “his”
23 and inserting “the person’s”; and

1 (C) in subsection (c), by striking “his pay,
2 and if he does so” and inserting “the member’s
3 pay, and if the member does so”.

4 (3) HEADING.—The heading of such section
5 701 is amended to read as follows:

6 **“§ 701. Members of the Army, Navy, Air Force, Marine
7 Corps, and Space Force; contract sur-
8 geons”.**

9 (4) TABLE OF SECTIONS.—The table of sections
10 at the beginning of chapter 13 of such title is
11 amended by striking the item relating to section 701
12 and inserting the following new item:

“701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force;
contract surgeons.”.

13 (i) FORFEITURE OF PAY.—

14 (1) FORFEITURE FOR ABSENCE FOR INTEM-
15 PERATE USE OF ALCOHOL OR DRUGS.—

16 (A) IN GENERAL.—Section 802 of title 37,
17 United States Code, is amended by striking “or
18 Marine Corps” and inserting “Marine Corps, or
19 Space Force”.

20 (B) TECHNICAL AMENDMENTS.—Such sec-
21 tion 802 is further amended by striking “his”
22 each place it appears and inserting “the mem-
23 ber’s”.

1 (2) FORFEITURE WHEN DROPPED FROM
2 ROLLS.—

3 (A) IN GENERAL.—Section 803 of such
4 title is amended by striking “or the Air Force”
5 and inserting “, the Air Force, or the Space
6 Force”.

7 (B) HEADING.—The heading of such sec-
8 tion 803 is amended to read as follows:

9 **“§ 803. Commissioned officers of the Army, Air Force,**
10 **or Space Force: forfeiture of pay when**
11 **dropped from rolls”.**

12 (C) TABLE OF SECTIONS.—The table of
13 sections at the beginning of chapter 15 of such
14 title is amended by striking the item relating to
15 section 803 and inserting the following new
16 item:

 “803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture
 of pay when dropped from rolls.”.

17 (j) EFFECT ON PAY OF EXTENSION OF ENLIST-
18 MENT.—Section 906 of title 37, United States Code, is
19 amended by inserting “Space Force,” after “Marine
20 Corps,”.

21 (k) ADMINISTRATION OF PAY.—

22 (1) PROMPT PAYMENT REQUIRED.—

23 (A) IN GENERAL.—Section 1005 of title
24 37, United States Code, is amended by striking

1 “and of the Air Force” and inserting “, the Air
2 Force, and the Space Force”.

3 (B) HEADING.—The heading of such sec-
4 tion 1005 is amended to read as follows:

5 **“§ 1005. Army, Air Force, and Space Force: prompt**
6 **payments required”.**

7 (C) TABLE OF SECTIONS.—The table of
8 sections at the beginning of chapter 15 of such
9 title is amended by striking the item relating to
10 section 803 and inserting the following new
11 item:

“1005. Army, Air Force, and Space Force: prompt payments required.”.

12 (2) DEDUCTIONS FROM PAY.—

13 (A) IN GENERAL.—Section 1007 of such
14 title is amended—

15 (i) in subsections (b), (d), (f), and (g),
16 by striking “or the Air Force” and insert-
17 ing “, the Air Force, or the Space Force”;
18 and

19 (ii) in subsection (e), by striking “or
20 Marine Corps” and inserting “Marine
21 Corps, or Space Force”.

22 (B) TECHNICAL AMENDMENTS.—Such sec-
23 tion 1007 is further amended—

24 (i) in subsection (b), by striking
25 “him” and inserting “the member”;

1 (ii) in subsection (d), by striking
2 “his” each place it appears and inserting
3 “the member’s”; and

4 (iii) in subsection (f)—

5 (I) by striking “his” and insert-
6 ing “the officer’s”; and

7 (II) by striking “he” both places
8 it appears and inserting “the officer”.

9 **SEC. 926. AMENDMENTS TO PROVISIONS OF LAW RELATING**
10 **TO VETERANS’ BENEFITS.**

11 (a) ADDITION OF SPACE SERVICE TO REFERENCES
12 TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United
13 States Code, is amended by striking “or air service” and
14 inserting “air, or space service” each place it appears in
15 the following provisions:

16 (1) Paragraphs (2), (5), (12), (16), (17), (18),
17 (24), and (32) of section 101.

18 (2) Section 105(a).

19 (3) Section 106(b).

20 (4) Section 701.

21 (5) Paragraphs (1) and (2)(A) of section 1101.

22 (6) Section 1103.

23 (7) Section 1110.

24 (8) Subsections (b)(1) and (c)(1) of section
25 1112.

- 1 (9) Section 1113(b).
- 2 (10) Section 1131.
- 3 (11) Section 1132.
- 4 (12) Section 1133.
- 5 (13) Section 1137.
- 6 (14) Section 1141.
- 7 (15) Section 1153.
- 8 (16) Section 1301.
- 9 (17) Subsections (a) and (b) of section 1302.
- 10 (18) Section 1310(b).
- 11 (19) Section 1521(j).
- 12 (20) Section 1541(h).
- 13 (21) Subsections (a)(2)(B) and (e)(3) of section
- 14 1710.
- 15 (22) Section 1712(a).
- 16 (23) Section 1712A(c).
- 17 (24) Section 1717(d)(1).
- 18 (25) Subsections (b) and (c) of section 1720A.
- 19 (26) Section 1720D(c)(3).
- 20 (27) Section 1720E(a).
- 21 (28) Section 1720G(a)(2)(B).
- 22 (29) Subsections (b)(2), (e)(1), and (e)(4) of
- 23 section 1720I.
- 24 (30) Section 1781(a)(3).
- 25 (31) Section 1783(b)(1).

- 1 (32) Section 1922(a).
- 2 (33) Section 2002(b)(1).
- 3 (34) Section 2101A(a)(1).
- 4 (35) Subsections (a)(1)(C) and (d) of section
- 5 2301.
- 6 (36) Section 2302(a).
- 7 (37) Section 2303(b)(2).
- 8 (38) Subsections (b)(4)(A) and (g)(2) of section
- 9 2306.
- 10 (39) Section 2402(a)(1).
- 11 (40) Section 3018B(a).
- 12 (41) Section 3102(a)(1)(A)(ii).
- 13 (42) Subsections (a) and (b)(2)(A) of section
- 14 3103.
- 15 (43) Section 3113(a).
- 16 (44) Section 3501(a).
- 17 (45) Section 3512(b)(1)(B)(iii).
- 18 (46) Section 3679(c)(2)(A).
- 19 (47) Section 3701(b)(2).
- 20 (48) Section 3712(e)(2).
- 21 (49) Section 3729(c)(1).
- 22 (50) Subparagraphs (A) and (B) of section
- 23 3901(1).
- 24 (51) Subsections (c)(1)(A) and (d)(2)(B) of sec-
- 25 tion 5103A.

1 (52) Section 5110(j).

2 (53) Section 5111(a)(2)(A).

3 (54) Section 5113(b)(3)(C).

4 (55) Section 5303(e).

5 (56) Section 6104(c).

6 (57) Section 6105(a).

7 (58) Subsections (a)(1) and (b)(3) of section
8 6301.

9 (59) Section 6303(b).

10 (60) Section 6304(b)(1).

11 (61) Section 8301.

12 (b) DEFINITIONS.—

13 (1) ARMED FORCES.—Paragraph (10) of sec-
14 tion 101 of title 38, United States Code, is amended
15 by inserting “Space Force,” after “Air Force,”.

16 (2) SECRETARY CONCERNED.—Paragraph
17 (25)(C) of such section is amended by inserting “or
18 the Space Force” before the semicolon.

19 (3) SPACE FORCE RESERVE.—Paragraph (27)
20 of such section is amended—

21 (A) by redesignating subparagraphs (E)
22 through (G) as subparagraphs (F) through (H),
23 respectively; and

24 (B) by inserting after subparagraph (D)
25 the following new subparagraph (E):

1 “(E) the Space Force Reserve;”.

2 (c) PLACEMENT OF EMPLOYEES IN MILITARY IN-
3 STALLATIONS.—Section 701 of title 38, United States
4 Code, is amended by striking “and Air Force” and insert-
5 ing “Air Force, and Space Force”.

6 (d) CONSIDERATION TO BE ACCORDED TIME,
7 PLACE, AND CIRCUMSTANCES OF SERVICE.—Section
8 1154(b) of title 38, United States Code, is amended by
9 striking “or air organization” and inserting “air, or space
10 organization”.

11 (e) PREMIUM PAYMENTS.—Section 1908 of title 38,
12 United States Code, is amended by inserting “Space
13 Force,” after “Marine Corps,”.

14 (f) SECRETARY CONCERNED FOR GI BILL.—Section
15 3020(l)(3) of title 38, United States Code, is amended by
16 inserting “or the Space Force” before the semicolon.

17 (g) DEFINITIONS FOR POST-9/11 GI BILL.—Section
18 3301(2)(C) of title 38, United States Code, is amended by
19 inserting “or the Space Force” after “Air Force”.

20 (h) PROVISION OF CREDIT PROTECTION AND OTHER
21 SERVICES.—Section 5724(c)(2) of title 38, United States
22 Code, is amended by striking “or Marine Corps” and in-
23 serting “Marine Corps, or Space Force”.

1 **SEC. 927. AMENDMENTS TO OTHER PROVISIONS OF THE**
2 **UNITED STATES CODE AND OTHER LAWS.**

3 (a) TITLE 5; DEFINITION OF ARMED FORCES.—Sec-
4 tion 2101(2) of title 5, United States Code, is amended
5 by inserting after “Marine Corps,” the following: “Space
6 Force,”.

7 (b) TITLE 14.—

8 (1) VOLUNTARY RETIREMENT.—Section 2152
9 of title 14, United States Code, is amended by strik-
10 ing “or Marine Corps” and inserting “Marine Corps,
11 or Space Force”.

12 (2) COMPUTATION OF LENGTH OF SERVICE.—
13 Section 2513 of such title is amended by inserting
14 after “Air Force,” the following: “Space Force,”.

15 (c) TITLE 18; FIREARMS AS NONMAILABLE.—Sec-
16 tion 1715 of such title is amended by inserting “Space
17 Force,” after “Marine Corps,”.

18 (d) TITLE 31.—

19 (1) DEFINITIONS RELATING TO CLAIMS.—Sec-
20 tion 3701(a)(7) of title 31, United States Code, is
21 amended by inserting “Space Force,” after “Marine
22 Corps,”.

23 (2) COLLECTION AND COMPROMISE.—Section
24 3711(f) of such title is amended in paragraphs (1)
25 and (3) by inserting “Space Force,” after “Marine
26 Corps,” each place it appears.

1 (e) TITLE 41; HONORABLE DISCHARGE CERTIFI-
2 CATE IN LIEU OF BIRTH CERTIFICATE.—Section 6309(a)
3 of title 41, United States Code, is amended by inserting
4 “Space Force,” after “Marine Corps,”.

5 (f) TITLE 51; POWERS OF THE ADMINISTRATION IN
6 PERFORMANCE OF FUNCTIONS.—Section 20113(l) of title
7 51, United States Code, is amended—

8 (1) in the subsection heading, by striking
9 “SERVICES” and inserting “FORCES”; and

10 (2) by striking “and Marine Corps” and insert-
11 ing “Marine Corps, and Space Force”.

12 (g) PUBLIC LAW 79–772; BOARD OF NATIONAL AIR
13 AND SPACE MUSEUM.—Section 1(a) of the Act of August
14 12, 1946 (60 Stat. 997, chapter 995; 20 U.S.C. 77(a)),
15 is amended by inserting “the Chief of Space Operations,
16 or the Chief’s designee,” after “the Chief of Staff of the
17 Air Force, or his designee,”.

18 **SEC. 928. APPLICABILITY TO OTHER PROVISIONS OF LAW.**

19 Section 958(b)(1) of the National Defense Authoriza-
20 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
21 Stat. 1567; 10 U.S.C. 9081 note) is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “or the amendments made by this sub-
24 title” and inserting “, the amendments made by this
25 subtitle, or the amendments made by subtitle C of

1 title IX of the William M. (Mac) Thornberry Na-
2 tional Defense Authorization Act for Fiscal Year
3 2021”;

4 (2) in subparagraph (A), by striking “and” at
5 the end;

6 (3) in subparagraph (B), by striking the period
7 at the end and inserting a semicolon; and

8 (4) by adding at the end the following new sub-
9 paragraphs:

10 “(C) the authority of the Secretary of De-
11 fense with respect to the Air Force, members of
12 the Air Force, or civilian employees of the Air
13 Force may be exercised by the Secretary with
14 respect to the Space Force, members of the
15 Space Force, or civilian employees of the Space
16 Force; and

17 “(D) the authority of the Secretary of the
18 Air Force with respect to the Air Force, mem-
19 bers of the Air Force, or civilian employees of
20 the Air Force may be exercised by the Sec-
21 retary with respect to the Space Force, mem-
22 bers of the Space Force, or civilian employees
23 of the Space Force.”.

1 **SEC. 929. TEMPORARY EXEMPTION FROM AUTHORIZED**
2 **DAILY AVERAGE OF MEMBERS IN PAY**
3 **GRADES E-8 AND E-9.**

4 Section 517 of title 10, United States Code, shall not
5 apply to the Space Force until October 1, 2023.

6 **SEC. 930. LIMITATION ON TRANSFER OF MILITARY INSTAL-**
7 **LATIONS TO THE JURISDICTION OF THE**
8 **SPACE FORCE.**

9 (a) LIMITATION.—A military installation (whether or
10 not under the jurisdiction of the Department of the Air
11 Force) may not be transferred to the jurisdiction or com-
12 mand of the Space Force until the Secretary of the Air
13 Force briefs the congressional defense committees on the
14 results of a business case analysis, conducted by the Sec-
15 retary in connection with the transfer, of the cost and effi-
16 cacy of the transfer.

17 (b) TIMING OF BRIEFING.—The briefing on a busi-
18 ness case analysis conducted pursuant to subsection (a)
19 shall be provided not later than 15 days after the date
20 of the completion of the business case analysis by the Sec-
21 retary.

22 **SEC. 931. ORGANIZATION OF THE SPACE FORCE.**

23 (a) LIMITATIONS.—

24 (1) SECRETARY OF DEFENSE.—The Secretary
25 of Defense may not establish a Space National
26 Guard or Space Reserve as a reserve component of

1 the Space Force until the Secretary completes the
2 study under subsection (b) and determines, based on
3 the result of such study, that a Space National
4 Guard or a Space Reserve is the organization best
5 suited to discharge, in an effective and efficient
6 manner, the missions intended to be assigned to
7 such organization.

8 (2) SECRETARY OF THE AIR FORCE.—Until the
9 Secretary of Defense carries out subsection (b), the
10 Secretary of the Air Force may not—

11 (A) transfer, to another component of the
12 Air Force, any member or civilian personnel of
13 the Air National Guard who is assigned to a
14 space mission; or

15 (B) relocate any asset, or dissolve any ele-
16 ment, of the Air National Guard or Air Force
17 Reserve that is assigned to a space mission.

18 (b) STUDY AND REPORT REQUIRED.—Not later than
19 March 31, 2021, the Secretary of Defense shall conduct
20 a study to formulate a plan regarding how best to organize
21 the active and reserve components of the Space Force and
22 submit to the Committees on Armed Services of the Sen-
23 ate and the House of Representatives a report regarding
24 such study. The report shall include the following:

1 (1) The assumptions and factors used to make
2 the plan.

3 (2) Individuals who made recommendations re-
4 garding the organization of such components.

5 (3) Determinations of the Secretary regarding
6 the mission, organization, and unit retention of such
7 components.

8 (4) The final organizational and integration
9 recommendations regarding such components.

10 (5) The proposed staffing and operational orga-
11 nization for such components.

12 (6) The estimated date of implementation of
13 the plan.

14 (7) Any savings or costs arising from the pres-
15 ervation of existing space-related force structures in
16 the Air National Guard.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to prohibit the reserve components
19 of the Air Force from performing space missions or con-
20 tinuing to support the Air Force and the Space Force in
21 the performance of space missions.

22 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Budget materials for special operations forces.

Sec. 1003. Application of Financial Improvement and Audit Remediation Plan
to fiscal years following fiscal year 2020.

Sec. 1004. Incentives for the achievement by the components of the Department of Defense of unqualified audit opinions on the financial statements.

Sec. 1005. Audit readiness and remediation.

Sec. 1006. Addition of Chief of the National Guard Bureau to the list of officers providing reports of unfunded priorities.

Subtitle B—Counterdrug Activities

Sec. 1011. Quarterly reports on Department of Defense support provided to other United States agencies for counterdrug activities and activities to counter transnational organized crime.

Subtitle C—Naval Vessels

Sec. 1021. Limitation on availability of certain funds without naval vessels plan and certification.

Sec. 1022. Limitations on use of funds in National Defense Sealift Fund for purchase of foreign constructed vessels.

Sec. 1023. Use of National Sea-Based Deterrence Fund for incrementally funded contracts to provide full funding for Columbia class submarines.

Sec. 1024. Preference for United States vessels in transporting supplies by sea.

Sec. 1025. Restrictions on overhaul, repair, etc. of naval vessels in foreign shipyards.

Sec. 1026. Biennial report on shipbuilder training and the defense industrial base.

Sec. 1027. Modification of waiver authority on prohibition on use of funds for retirement of certain legacy maritime mine countermeasure platforms.

Sec. 1028. Extension of authority for reimbursement of expenses for certain Navy mess operations afloat.

Sec. 1029. Working group on stabilization of Navy shipbuilding industrial base workforce.

Sec. 1030. Limitation on naval force structure changes.

Subtitle D—Counterterrorism

Sec. 1041. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

Sec. 1042. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1043. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.

Sec. 1044. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

Sec. 1051. Support of special operations to combat terrorism.

Sec. 1052. Expenditure of funds for Department of Defense clandestine activities that support operational preparation of the environment.

Sec. 1053. Sale or donation of excess Department of Defense personal property for law enforcement activities.

- Sec. 1054. Prohibition on retirement of nuclear powered aircraft carriers before first refueling.
- Sec. 1055. Reauthorization of National Oceanographic Partnership Program.
- Sec. 1056. Modification and technical correction to Department of Defense authority to provide assistance along the southern land border of the United States.
- Sec. 1057. Limitation on use of funds for retirement of A-10 aircraft.
- Sec. 1058. Considerations relating to permanently basing United States equipment or additional forces in host countries with at-risk vendors in 5G or 6G networks.
- Sec. 1059. Public availability of Department of Defense legislative proposals.
- Sec. 1060. Arctic planning, research, and development.
- Sec. 1061. Authority to establish a movement coordination center pacific in the Indo-Pacific region.
- Sec. 1062. Limitation on provision of funds to institutions of higher education hosting Confucius Institutes.
- Sec. 1063. Support for national maritime heritage grants program.
- Sec. 1064. Requirements for use of Federal law enforcement personnel, active duty members of the Armed Forces, and National Guard personnel in support of Federal authorities to respond to civil disturbances.

Subtitle F—Studies and Reports

- Sec. 1071. FFRDC study of explosive ordnance disposal agencies.
- Sec. 1072. Study on force structure for Marine Corps aviation.
- Sec. 1073. Report on joint training range exercises for the Pacific region.
- Sec. 1074. Reports on threats to United States forces from small unmanned aircraft systems worldwide.
- Sec. 1075. Under Secretary of Defense (Comptroller) reports on improving the budget justification and related materials of the Department of Defense.
- Sec. 1076. Quarterly briefings on Joint All Domain Command and Control effort.
- Sec. 1077. Report on civilian casualty resourcing and authorities.
- Sec. 1078. Comptroller General Review of Department of Defense efforts to prevent resale of goods manufactured by forced labor in commissaries and exchanges.
- Sec. 1079. Comptroller General report on Department of Defense processes for responding to congressional reporting requirements.

Subtitle G—Other Matters

- Sec. 1081. Technical, conforming, and clerical amendments.
- Sec. 1082. Reporting of adverse events relating to consumer products on military installations.
- Sec. 1083. Modification to First Division monument.
- Sec. 1084. Sense of Congress regarding reporting of civilian casualties resulting from United States military operations.
- Sec. 1085. Deployment of real-time status of special use airspace.
- Sec. 1086. Duties of Secretary under uniformed and overseas citizens absentee voting act.
- Sec. 1087. Mitigation of military helicopter noise.
- Sec. 1088. Congressional expression of support for designation of National Borinqueneers Day.
- Sec. 1089. Ted Stevens Center for Arctic Security Studies.

Sec. 1090. Establishment of vetting procedures and monitoring requirements for certain military training.

Sec. 1091. Personal protective equipment matters.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2021 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

14 (2) LIMITATION.—Except as provided in para-
15 graph (3), the total amount of authorizations that
16 the Secretary may transfer under the authority of
17 this section may not exceed \$4,000,000,000.

18 (3) EXCEPTION FOR TRANSFERS BETWEEN
19 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
20 fer of funds between military personnel authoriza-
21 tions under title IV shall not be counted toward the
22 dollar limitation in paragraph (2).

23 (b) LIMITATIONS.—The authority provided by sub-
24 section (a) to transfer authorizations—

1 (1) may only be used to provide authority for
2 items that have a higher priority than the items
3 from which authority is transferred; and

4 (2) may not be used to provide authority for an
5 item that has been denied authorization by Con-
6 gress.

7 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer made from one account to another under the au-
9 thority of this section shall be deemed to increase the
10 amount authorized for the account to which the amount
11 is transferred by an amount equal to the amount trans-
12 ferred.

13 (d) NOTICE TO CONGRESS.—The Secretary shall
14 promptly notify Congress of each transfer made under
15 subsection (a).

16 **SEC. 1002. BUDGET MATERIALS FOR SPECIAL OPERATIONS**
17 **FORCES.**

18 Section 226 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by inserting “of Defense and the Sec-
22 retary of each of the military departments”
23 after “Secretary”;

24 (B) by striking “2021” and inserting
25 “2022”;

1 (C) by striking “a consolidated budget jus-
2 tification display” and inserting “a budget jus-
3 tification display for each applicable appropria-
4 tion”;

5 (D) in the second sentence, by striking
6 “display” and all that follows and inserting
7 “displays shall include each of the following:”
8 and

9 (E) by adding at the end the following new
10 paragraphs:

11 “(1) Details at the appropriation and line item
12 level, including any amount for service-common sup-
13 port, acquisition support, training, operations, pay
14 and allowances, base operations sustainment, and
15 any other common services and support.

16 “(2) An identification of any change in the level
17 or type of service-common support and enabling ca-
18 pabilities provided by each of the military services or
19 Defense Agencies to special operations forces for the
20 fiscal year covered by the budget justification display
21 when compared to the preceding fiscal year, includ-
22 ing the rationale for any such change and any miti-
23 gating actions.

24 “(3) An assessment of the specific effects that
25 the budget justification display for the fiscal year

1 covered by the display and any anticipated future
2 manpower and force structure changes are likely to
3 have on the ability of each of the military services
4 to provide service-common support and enabling ca-
5 pabilities to special operations forces.

6 “(4) Any other matters the Secretary of De-
7 fense or the Secretary of a military department de-
8 termines are relevant.”;

9 (2) by redesignating subsection (b) as sub-
10 section (c); and

11 (3) by inserting after subsection (a) the fol-
12 lowing new subsection (b):

13 “(b) CONSOLIDATED BUDGET JUSTIFICATION DIS-
14 PLAY.—The Secretary of Defense shall include, in the
15 budget materials submitted to Congress under section
16 1105 of title 31, for fiscal year 2022 and any subsequent
17 fiscal year, a consolidated budget justification display con-
18 taining the same information as is required in the budget
19 justification displays required under subsection (a). Such
20 consolidated budget justification display may be provided
21 as a summary by appropriation for each military depart-
22 ment and a summary by appropriation for all Defense
23 Agencies.”.

1 **SEC. 1003. APPLICATION OF FINANCIAL IMPROVEMENT**
2 **AND AUDIT REMEDIATION PLAN TO FISCAL**
3 **YEARS FOLLOWING FISCAL YEAR 2020.**

4 Section 240b(a)(2)(A)(iii) of title 10, United States
5 Code, is amended by striking “for fiscal year 2018” and
6 all that follows and inserting “for each fiscal year after
7 fiscal year 2020 occurs by not later than March 31 fol-
8 lowing such fiscal year;”.

9 **SEC. 1004. INCENTIVES FOR THE ACHIEVEMENT BY THE**
10 **COMPONENTS OF THE DEPARTMENT OF DE-**
11 **FENSE OF UNQUALIFIED AUDIT OPINIONS ON**
12 **THE FINANCIAL STATEMENTS.**

13 (a) INCENTIVES REQUIRED.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the
16 Under Secretary of Defense (Comptroller), acting
17 through the Deputy Chief Financial Officer of the
18 Department of Defense, shall develop and issue
19 guidance to provide incentives for the achievement
20 by each department, agency, and other component of
21 the Department of Defense of unqualified audit
22 opinions on their financial statements.

23 (2) APPLICABILITY.—The guidance required
24 under paragraph (1) shall provide incentives for in-
25 dividual employees in addition to departments, agen-
26 cies, and components.

1 (b) REPORT.—Section 240b(b)(1)(B) of title 10,
2 United States Code, is amended by adding at the end the
3 following new clause:

4 “(xiii) An description of the incentives
5 available pursuant to the guidance required
6 by section 1004(a) of the William M.
7 (Mac) Thornberry National Defense Au-
8 thorization Act for Fiscal Year 2021, in-
9 cluding a detailed explanation of how such
10 incentives were provided during the fiscal
11 year covered by the report.”.

12 **SEC. 1005. AUDIT READINESS AND REMEDIATION.**

13 (a) AUDIT REMEDIATION PLAN.—Section 240g(a) of
14 title 10, United States Code, is amended—

15 (1) in paragraph (2), by striking “and” at the
16 end;

17 (2) in paragraph (3), by striking the period and
18 inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraphs:

21 “(4) the amount spent by the Department on
22 operating and maintaining financial management
23 systems during the preceding five fiscal years; and

1 “(5) the amount spent by the Department on
2 acquiring or developing new financial management
3 systems during such five fiscal years.”.

4 (b) ANNUAL REPORT ON UNFUNDED PRIORITIES.—

5 (1) IN GENERAL.—Chapter 9A of title 10,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 240i. Annual report on unfunded priorities**

9 “(a) IN GENERAL.—Not later than 10 days after the
10 date on which the budget of the President for a fiscal year
11 is submitted to Congress pursuant to section 1105 of title
12 31, the Under Secretary of Defense (Comptroller) shall
13 submit to the Secretary of Defense, the Chairman of the
14 Joint Chiefs of Staff, and the congressional defense com-
15 mittees a report on unfunded priorities of the Department
16 of Defense related to audit readiness and remediation.

17 “(b) ELEMENTS.—(1) Each report under subsection
18 (a) shall include, for each unfunded priority covered by
19 such report, the following:

20 “(A) A summary description of such priority,
21 including the objectives to be achieved if such pri-
22 ority were to be funded (whether in whole or in
23 part).

1 “(B) The additional amount of funds rec-
2 ommended in connection with the objectives identi-
3 fied under subparagraph (A).

4 “(C) Account information with respect to such
5 priority, including, as applicable, the following:

6 “(i) Line item number, in the case of ap-
7 plicable procurement accounts.

8 “(ii) Program element number, in the case
9 of applicable research, development, test, and
10 evaluation accounts.

11 “(iii) Sub-activity group, in the case of ap-
12 plicable operation and maintenance accounts.

13 “(2) The Under Secretary shall ensure that the un-
14 funded priorities covered by a report under subsection (a)
15 are listed in the order of urgency of priority, as determined
16 by the Under Secretary.

17 “(c) UNFUNDED PRIORITY DEFINED.—In this sec-
18 tion, the term ‘unfunded priority’, with respect to a fiscal
19 year, means an activity related to an audit readiness or
20 remediation effort stemming from a relevant requirement
21 under the Chief Financial Officer Act (Public Law 101–
22 576), chapter 9 of title 31, or this chapter that—

23 “(1) is not funded in the budget of the Presi-
24 dent for that fiscal year, as submitted to Congress
25 pursuant to section 1105 of title 31;

1 “(2) is necessary to address a shortfall in an
2 audit readiness or remediation activity; and

3 “(3) would have been recommended for funding
4 through the budget referred to in paragraph (1) if—

5 “(A) additional resources had been avail-
6 able for the budget to fund the program, activ-
7 ity, or mission requirement; or

8 “(B) the program, activity, or mission re-
9 quirement had emerged before the budget was
10 formulated.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of such chapter is amended
13 by inserting after the item relating to section 240h
14 the following new item:

“240i. Annual report on unfunded priorities.”.

15 **SEC. 1006. ADDITION OF CHIEF OF THE NATIONAL GUARD**
16 **BUREAU TO THE LIST OF OFFICERS PRO-**
17 **VIDING REPORTS OF UNFUNDED PRIORITIES.**

18 Section 222a of title 10, United States Code, is
19 amended—

20 (1) in subsection (b), as amended by section
21 924, by adding at the end the following new para-
22 graph:

23 “(7) The Chief of the National Guard Bureau
24 in the role assigned to that position in section
25 10502(c)(1) of this title.”; and

1 (2) in subsection (c), by adding at the end the
2 following new paragraph:

3 “(3) NATIONAL GUARD UNFUNDED PRIOR-
4 ITIES.—

5 “(A) IN GENERAL.—The officer specified
6 under subsection (b)(6) shall only include in a
7 report submitted under subsection (a) such pri-
8 orities that—

9 “(i) relate to equipping requirements
10 in support of non-federalized National
11 Guard responsibilities for the homeland de-
12 fense or civil support missions; and

13 “(ii) except as provided in subpara-
14 graph (B), were not included in a report
15 under this section submitted by an officer
16 specified in subsection (b)(1) or (3) for any
17 of five fiscal years preceding the fiscal year
18 for which the report is submitted, on be-
19 half of National Guard forces to address a
20 warfighting requirement.

21 “(B) EXCEPTION.—The officer specified
22 under subsection (b)(6) may include in a report
23 submitted under subsection (a) an unfunded
24 priority covered by subparagraph (A)(ii) if the
25 Secretary of Defense—

1 “(i) determines that the inclusion
2 such unfunded priority reasonably supports
3 the priorities of the Department under the
4 national defense strategy under section
5 113(g) of this title; and

6 “(ii) submits to the congressional de-
7 fense committees written notice of such de-
8 termination.”.

9 **Subtitle B—Counterdrug Activities**

10 **SEC. 1011. QUARTERLY REPORTS ON DEPARTMENT OF DE-**
11 **FENSE SUPPORT PROVIDED TO OTHER**
12 **UNITED STATES AGENCIES FOR**
13 **COUNTERDRUG ACTIVITIES AND ACTIVITIES**
14 **TO COUNTER TRANSNATIONAL ORGANIZED**
15 **CRIME.**

16 Section 284(h) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graph:

19 “(3) QUARTERLY REPORTS.—

20 “(A) IN GENERAL.—Not less frequently
21 than once each quarter, the Secretary shall sub-
22 mit to the appropriate committees of Congress
23 a report on Department of Defense support
24 provided under subsection (b) during the quar-
25 ter preceding the quarter during which the re-

1 port is submitted. Each such report shall be
2 submitted in written and electronic form and
3 shall include—

4 “(i) an identification of each recipient
5 of such support;

6 “(ii) a description of the support pro-
7 vided and anticipated duration of such
8 support; and

9 “(iii) a description of the sources and
10 amounts of funds used to provide such
11 support;

12 “(B) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—Notwithstanding subsection (i)(1), for
14 purposes of a report under this paragraph, the
15 appropriate committees of Congress are—

16 “(i) the Committees on Armed Serv-
17 ices of the Senate and House of Represent-
18 atives; and

19 “(ii) any committee with jurisdiction
20 over the department or agency that re-
21 ceives support covered by the report.”.

1 **Subtitle C—Naval Vessels**

2 **SEC. 1021. LIMITATION ON AVAILABILITY OF CERTAIN**
3 **FUNDS WITHOUT NAVAL VESSELS PLAN AND**
4 **CERTIFICATION.**

5 Section 231 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking “Secretary of Defense” and
9 inserting “Secretary of the Navy”; and

10 (B) by striking “and” after the colon; and

11 (2) in subsection (e)—

12 (A) in paragraph (1), by striking “the Sec-
13 retary of the Navy may not use more than 50
14 percent of the funds” and inserting “the Sec-
15 retary of Defense may not use more than 25
16 percent of the funds”; and

17 (B) in paragraph (2)—

18 (i) by striking “Secretary of the
19 Navy” and inserting “Secretary of De-
20 fense”;

21 (ii) by striking “operation and mainte-
22 nance, Navy” and inserting “operation and
23 maintenance, Defense-wide”; and

24 (iii) by inserting before the period at
25 the end the following: “, that remain avail-

1 able for obligation or expenditure as of the
2 date on which the plan and certification
3 under subsection (a) are required to be
4 submitted”.

5 **SEC. 1022. LIMITATIONS ON USE OF FUNDS IN NATIONAL**
6 **DEFENSE SEALIFT FUND FOR PURCHASE OF**
7 **FOREIGN CONSTRUCTED VESSELS.**

8 Section 2218(f)(3) of title 10, United States Code,
9 is amended—

10 (1) in subparagraph (C), by striking “seven”
11 and inserting “nine”;

12 (2) in subparagraph (E)—

13 (A) in the matter preceding clause (i), by
14 striking “two” and inserting “four”; and

15 (B) in clause (ii), by striking “2026” and
16 inserting “2028”; and

17 (3) in subparagraph (G), by striking “subpara-
18 graph (E)” and inserting “subparagraph (F)”.

19 **SEC. 1023. USE OF NATIONAL SEA-BASED DETERRENCE**
20 **FUND FOR INCREMENTALLY FUNDED CON-**
21 **TRACTS TO PROVIDE FULL FUNDING FOR CO-**
22 **LUMBIA CLASS SUBMARINES.**

23 (a) IN GENERAL.—Section 2218a(h)(1) of title 10,
24 United States Code, is amended—

1 (1) by striking “incrementally funded contracts
2 for” and all that follows and inserting “incremen-
3 tally funded contracts for—”; and

4 (2) by adding at the end the following new sub-
5 paragraphs:

6 “(A) advance procurement of high value, long
7 lead time items for nuclear powered vessels to better
8 support construction schedules and achieve cost sav-
9 ings through schedule reductions and properly
10 phased installment payments; and

11 “(B) construction of the first two Columbia
12 class submarines.”.

13 (b) LIMITATION.—None of the amounts authorized to
14 be appropriated or otherwise made available for any of fis-
15 cal years 2021 through 2023 for the Department of De-
16 fense for Shipbuilding and Conversion, Navy, for the
17 “Ohio Replacement Submarine” line item, may be obli-
18 gated or expended for the construction of SSBN 827, un-
19 less otherwise specifically provided by law.

20 **SEC. 1024. PREFERENCE FOR UNITED STATES VESSELS IN**
21 **TRANSPORTING SUPPLIES BY SEA.**

22 (a) PREFERENCE FOR UNITED STATES VESSELS IN
23 TRANSPORTING SUPPLIES BY SEA.—

24 (1) IN GENERAL.—Section 2631 of title 10,
25 United States Code, is amended to read as follows:

1 **“§ 2631. Preference for United States vessels in trans-**
2 **porting supplies by sea**

3 “(a) IN GENERAL.—Supplies bought for the Army,
4 Navy, Air Force, or Marine Corps, or for a Defense Agen-
5 cy, or otherwise transported by the Department of De-
6 fense, may only be transported by sea in—

7 “(1) a vessel belonging to the United States; or

8 “(2) a vessel of the United States (as such term
9 is defined in section 116 of title 46).

10 “(b) WAIVER AND NOTIFICATION.—(1) The Sec-
11 retary of Defense may waive the requirement under sub-
12 section (a) if such a vessel is—

13 “(A) not available at a fair and reasonable rate
14 for commercial vessels of the United States; or

15 “(B) otherwise not available.

16 “(2) At least once each fiscal year, the Secretary of
17 Defense shall submit, in writing, to the appropriate con-
18 gressional committees a notice of any waiver granted
19 under this subsection and the reasons for such waiver.

20 “(c) REQUIREMENTS FOR REFLAGGING OR REPAIR
21 WORK.—(1) In each request for proposals to enter into
22 a time-charter contract for the use of a vessel for the
23 transportation of supplies under this section, the Sec-
24 retary of Defense shall require that—

25 “(A) any reflagging or repair work on a vessel
26 for which a proposal is submitted in response to the

1 request for proposals be performed in the United
2 States (including any territory of the United States);
3 and

4 “(B) any corrective and preventive maintenance
5 or repair work on a vessel under contract pursuant
6 to this section relevant to the purpose of such con-
7 tract be performed in the United States (including
8 any territory of the United States) for the duration
9 of the contract, to the greatest extent practicable.

10 “(2) The Secretary of Defense may waive a require-
11 ment under paragraph (1) if the Secretary determines that
12 such waiver is critical to the national security of the
13 United States. The Secretary shall immediately submit, in
14 writing, to the appropriate congressional committees a no-
15 tice of any waiver granted under this paragraph and the
16 reasons for such waiver.

17 “(3) In this subsection:

18 “(A) The term ‘reflagging or repair work’
19 means work performed on a vessel—

20 “(i) to enable the vessel to meet applicable
21 standards to become a vessel of the United
22 States; or

23 “(ii) to convert the vessel to a more useful
24 military configuration.

1 “(B) The term ‘corrective and preventive main-
2 tenance or repair’ means—

3 “(i) maintenance or repair actions per-
4 formed as a result of a failure in order to re-
5 turn or restore equipment to acceptable per-
6 formance levels; and

7 “(ii) scheduled maintenance or repair ac-
8 tions to prevent or discover functional failures.

9 “(d) COMPLIANCE.—The Secretary of Defense shall
10 ensure that contracting officers of the Department of De-
11 fense award contracts under this section to responsible
12 offerors and monitor and ensure compliance with the re-
13 quirements of this section. The Secretary shall—

14 “(1) ensure that timely, accurate, and complete
15 information on contractor performance under this
16 section is included in any contractor past perform-
17 ance database used by an executive agency; and

18 “(2) exercise appropriate contractual rights and
19 remedies against contractors who fail to comply with
20 this section, or subchapter I of chapter 553 of title
21 46, as determined by the Secretary of Transpor-
22 tation under such subchapter, including by—

23 “(A) determining that a contractor is ineli-
24 gible for an award of such a contract; or

1 “(B) terminating such a contract or sus-
2 pension or debarment of the contractor for such
3 contract.

4 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term ‘appropriate congres-
6 sional committees’ means—

7 “(1) the Committees on Armed Services of the
8 Senate and the House of Representatives;

9 “(2) the Committee on Transportation and In-
10 frastructure of the House of Representatives; and

11 “(3) the Committee on Commerce, Science, and
12 Transportation of the Senate.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 157 of title 10,
15 United States Code, is amended by striking the item
16 relating to section 2631 and inserting the following
17 new item:

“2631. Preference for United States vessels in transporting supplies by sea.”.

18 (b) AMENDMENTS TO TITLE 46, UNITED STATES
19 CODE.—

20 (1) TRANSFER OF PROVISION RELATING TO
21 PRIORITY LOADING FOR COAL.—

22 (A) IN GENERAL.—Section 55301 of title
23 46, United States Code, is redesignated as sec-
24 tion 55123 of such title, transferred to appear
25 after section 55122 of such title, and amended

1 so that the enumerator, section heading, type-
2 face, and typestyle conform to those appearing
3 in other sections in such title.

4 (B) CONFORMING AMENDMENTS.—

5 (i) The analysis for subchapter I of
6 chapter 553 of title 46, United States
7 Code, is amended by striking the item re-
8 lating to section 55301.

9 (ii) The analysis for chapter 551 of
10 title 46, United States Code, is amended
11 by inserting after the item relating to sec-
12 tion 55122 the following new item:

“55123. Priority loading for coal.”.

13 (2) AMENDMENT TO SUBCHAPTER HEADING.—

14 The heading of subchapter I of chapter 553 of title
15 46, United States Code, is amended to read as fol-
16 lows:

“SUBCHAPTER I—GOVERNMENT IMPELLED TRANSPORTATION”.

17 **SEC. 1025. RESTRICTIONS ON OVERHAUL, REPAIR, ETC. OF**
18 **NAVAL VESSELS IN FOREIGN SHIPYARDS.**

19 (a) EXCEPTION FOR DAMAGE REPAIR DUE TO HOS-
20 TILE ACTIONS OR INTERVENTIONS.—Section 8680(a) of
21 title 10, United States Code, is amended—

22 (1) in paragraph (1), by striking “, other than
23 in the case of voyage repairs”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3) Notwithstanding paragraph (1), a naval vessel
4 described in paragraph (1) may be repaired in a shipyard
5 outside the United States or Guam if the repairs are—

6 “(A) voyage repairs; or

7 “(B) necessary to correct damage sustained due
8 to hostile actions or interventions.”.

9 (b) LIMITED AUTHORITY TO USE FOREIGN WORK-
10 ERS.—Section 8680(a)(2)(B)(i) of title 10, United States
11 Code, is amended—

12 (1) by inserting “(I)” after “(i)”; and

13 (2) by adding at the end the following new sub-
14 clauses:

15 “(II) Notwithstanding subclause (I), foreign workers
16 may be used to perform corrective and preventive mainte-
17 nance or repair on a vessel as described in subparagraph
18 (A) only if the Secretary of the Navy determines that trav-
19 el by United States Government personnel or United
20 States contractor personnel to perform the corrective or
21 preventive maintenance or repair is not advisable for
22 health or safety reasons. The Secretary of the Navy may
23 not delegate the authority to make a determination under
24 this subclause.

1 “(III) Not later than 30 days after making a deter-
2 mination under subclause (II), the Secretary of the Navy
3 shall submit to the congressional defense committees writ-
4 ten notification of the determination. The notification
5 shall include the reasons why travel by United States per-
6 sonnel is not advisable for health or safety reasons, the
7 location where the corrective and preventive maintenance
8 or repair will be performed, and the approximate duration
9 of the corrective and preventive maintenance or repair.”.

10 (c) TECHNICAL CORRECTION.—Section
11 8680(a)(2)(C)(ii) of title 10, United States Code, is
12 amended by striking the period after “means—”.

13 **SEC. 1026. BIENNIAL REPORT ON SHIPBUILDER TRAINING**
14 **AND THE DEFENSE INDUSTRIAL BASE.**

15 (a) IN GENERAL.—Chapter 863 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 8692. Biennial report on shipbuilder training and**
19 **the defense industrial base**

20 “Not later than February 1 of each even-numbered
21 year until 2026, the Secretary of the Navy, in coordination
22 with the Secretary of Labor, shall submit to the Com-
23 mittee on Armed Services and the Committee on Health,
24 Education, Labor, and Pensions of the Senate and the
25 Committee on Armed Services and the Committee on Edu-

1 cation and Labor of the House of Representatives a report
2 on shipbuilder training and hiring requirements necessary
3 to achieve the Navy's 30-year shipbuilding plan and to
4 maintain the shipbuilding readiness of the defense indus-
5 trial base. Each such report shall include each of the fol-
6 lowing:

7 “(1) An analysis and estimate of the time and
8 investment required for new shipbuilders to gain
9 proficiency in particular shipbuilding occupational
10 specialties, including detailed information about the
11 occupational specialty requirements necessary for
12 construction of naval surface ship and submarine
13 classes to be included in the Navy's 30-year ship-
14 building plan.

15 “(2) An analysis of the age demographics and
16 occupational experience level (measured in years of
17 experience) of the shipbuilding defense industrial
18 workforce.

19 “(3) An analysis of the potential time and in-
20 vestment challenges associated with developing and
21 retaining shipbuilding skills in organizations that
22 lack intermediate levels of shipbuilding experience.

23 “(4) Recommendations concerning how to ad-
24 dress shipbuilder training during periods of demo-
25 graphic transition and evolving naval fleet architec-

1 ture consistent with the Navy’s most recent Inte-
2 grated Force Structure Assessment.

3 “(5) An analysis of whether emerging tech-
4 nologies, such as augmented reality, may aid in new
5 shipbuilder training.

6 “(6) Recommendations concerning how to en-
7 courage young adults to enter the defense ship-
8 building industry and to develop the skills necessary
9 to support the shipbuilding defense industrial base.”.

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

“8692. Biennial report on shipbuilder training and the defense industrial base.”.

13 **SEC. 1027. MODIFICATION OF WAIVER AUTHORITY ON PRO-**
14 **HIBITION ON USE OF FUNDS FOR RETIRE-**
15 **MENT OF CERTAIN LEGACY MARITIME MINE**
16 **COUNTERMEASURE PLATFORMS.**

17 (a) IN GENERAL.—Section 1046(b)(1) of the Na-
18 tional Defense Authorization Act for Fiscal Year 2018
19 (Public law 115–91; 131 Stat. 1556) is amended by strik-
20 ing “certifies” and inserting “, with the concurrence of
21 the Director of Operational Test and Evaluation, certifies
22 in writing”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act, and shall apply with respect to waivers

1 under subsection (b)(1) of section 1046 of the National
2 Defense Authorization Act for Fiscal Year 2018 of the
3 prohibition under subsection (a) of that section that occur
4 on or after that date.

5 **SEC. 1028. EXTENSION OF AUTHORITY FOR REIMBURSE-**
6 **MENT OF EXPENSES FOR CERTAIN NAVY**
7 **MESS OPERATIONS AFLOAT.**

8 Section 1014(b) of the Duncan Hunter National De-
9 fense Authorization Act for Fiscal Year 2009 (Public Law
10 110–417; 122 Stat. 4585), as most recently amended by
11 section 1023(a) of the National Defense Authorization Act
12 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 966),
13 is further amended by striking “September 30, 2020” and
14 inserting “September 30, 2025”.

15 **SEC. 1029. WORKING GROUP ON STABILIZATION OF NAVY**
16 **SHIPBUILDING INDUSTRIAL BASE WORK-**
17 **FORCE.**

18 (a) IN GENERAL.—The Secretary of the Navy and
19 the Secretary of Labor shall jointly establish and appoint
20 members to a working group, which shall make rec-
21 ommendations to enhance the integration of programs, re-
22 sources, and expertise to strengthen the Navy shipbuilding
23 industrial base through greater stabilization of the work-
24 force available to the Navy shipbuilding industrial base.

1 (b) DUTIES.—The working group established pursu-
2 ant to subsection (a) shall carry out the following activi-
3 ties:

4 (1) Analyze existing Department of the Navy
5 shipbuilding contracts and other relevant informa-
6 tion to better anticipate future employment trends
7 and tailor support and opportunities for workers
8 most vulnerable to upcoming workforce fluctuations.

9 (2) Identify existing Department of Labor pro-
10 grams for unemployed, underemployed, and fur-
11 loughed employees that could benefit the Navy ship-
12 building industrial base workforce during times of
13 workload fluctuations and workforce instability, and
14 explore potential partnerships to connect employees
15 with appropriate resources.

16 (3) Explore possible cost sharing agreements to
17 enable the Secretary of the Navy to contribute fund-
18 ing to existing Department of Labor workforce pro-
19 grams to support the Navy shipbuilding industrial
20 base workforce.

21 (4) Examine possible programs that will specifi-
22 cally assist furloughed employees in the Navy ship-
23 building industrial base workforce who may sporadi-
24 cally rely on unemployment benefits.

1 (5) Explore opportunities for unemployed, un-
2 deremployed, or furloughed employees in the Navy
3 shipbuilding industrial base workforce to receive
4 workforce training through temporary partnerships
5 with States, technical schools, community colleges,
6 and other local workforce development opportunities.

7 (6) Review existing training programs for the
8 Navy shipbuilding industrial base workforce to maxi-
9 mize relevant and necessary training opportunities
10 that would broaden employee skillset during times of
11 unemployment, underemployment, or furlough,
12 where applicable.

13 (7) Assess the possibility of Navy shipbuilding
14 employee support programs to weather a period of
15 unemployment, underemployment, or furlough, in-
16 cluding compensation options, alternative employ-
17 ment, temporary stipends, or other worker support
18 opportunities.

19 (8) Study cross-State credentialing require-
20 ments and identify any restrictions that inhibit the
21 flexibility of the Navy shipbuilding industrial base
22 workforce to seek employment opportunities across
23 State lines, and make recommendations to stream-
24 line licensing, credentialing, certification, and quali-

1 fication requirements within the shipbuilding indus-
2 try.

3 (9) Review additional or new contracting au-
4 thorities that could enable the Department of the
5 Navy to award short-term, flexible contracts that
6 will prioritize work for unemployed, underemployed,
7 or furloughed employees within the Navy ship-
8 building industrial base workforce.

9 (10) Identify specific workforce support pro-
10 grams to support suppliers of all sizes within the
11 Navy shipbuilding industrial base, and assess any
12 additional support from prime contractors that
13 would improve the stability of such suppliers.

14 (11) Assess whether greater collaboration with
15 the United States Coast Guard and its shipbuilding
16 contractors and subcontractors would improve Navy
17 shipbuilding industrial base workforce stability by
18 assessing a totality of Navy and Coast Guard ship-
19 building demands.

20 (12) Consider potential pilot programs that will
21 specifically address Navy shipbuilding industrial
22 base workforce stability.

23 (13) Explore any additional opportunities to in-
24 vest in recruiting, retaining, and training a skilled
25 Navy shipbuilding industrial base workforce.

1 (14) Consider and incorporate the findings and
2 recommendations, as appropriate, of the report on
3 shipbuilder training and the defense industrial base
4 required under section 1037 of the National Defense
5 Authorization Act for Fiscal Year 2020 (Public Law
6 116–92; 133 Stat. 1583).

7 (c) NOTICE OF ESTABLISHMENT AND STRUCTURE.—
8 Not later than 90 days after the date of the enactment
9 of this Act, the Secretary of the Navy, in coordination with
10 the Secretary of Labor, shall submit to the congressional
11 defense committees notice regarding the membership and
12 structure of the working group established pursuant to
13 subsection (a).

14 (d) REPORT.—Not later than one year after the date
15 of the enactment of this Act, the Secretary of the Navy,
16 in consultation with the Secretary of Labor, shall submit
17 to the congressional defense committees, the Committee
18 on Health, Education, Labor, and Pensions of the Senate,
19 and the Committee on Education and Labor of the House
20 of Representatives a report containing the findings and
21 recommendations of the working group established pursu-
22 ant to subsection (a).

23 (e) TERMINATION.—The working group established
24 pursuant to subsection (a) shall terminate on the date that

1 is 30 days after the submittal of the report required under
2 subsection (d).

3 **SEC. 1030. LIMITATION ON NAVAL FORCE STRUCTURE**
4 **CHANGES.**

5 None of the funds authorized to be appropriated by
6 this Act or otherwise made available for fiscal year 2021
7 for the Navy may be obligated or expended to retire, or
8 to prepare for the retirement, transfer, or placement in
9 storage of, any Department of the Navy ship until the date
10 that is 30 days after the date on which Secretary of De-
11 fense submits to the congressional defense committees the
12 2020 Naval Integrated Force Structure Assessment.

13 **Subtitle D—Counterterrorism**

14 **SEC. 1041. EXTENSION OF PROHIBITION ON USE OF FUNDS**
15 **FOR TRANSFER OR RELEASE OF INDIVID-**
16 **UALS DETAINED AT UNITED STATES NAVAL**
17 **STATION, GUANTANAMO BAY, CUBA, TO THE**
18 **UNITED STATES.**

19 Section 1033 of the John S. McCain National De-
20 fense Authorization Act for Fiscal Year 2019 (Public Law
21 115–232; 132 Stat. 1953), as amended by section 1043
22 of the National Defense Authorization Act for Fiscal Year
23 2020 (Public Law 116–92; 133 Stat. 1586), is further
24 amended by striking “December 31, 2020” and inserting
25 “December 31, 2021”.

1 **SEC. 1042. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **TO CONSTRUCT OR MODIFY FACILITIES IN**
3 **THE UNITED STATES TO HOUSE DETAINEES**
4 **TRANSFERRED FROM UNITED STATES NAVAL**
5 **STATION, GUANTANAMO BAY, CUBA.**

6 Section 1034(a) of the John S. McCain National De-
7 fense Authorization Act for Fiscal Year 2019 (Public Law
8 115–232; 132 Stat. 1954), as amended by section 1044
9 of the National Defense Authorization Act for Fiscal Year
10 2020 (Public Law 116–92; 133 Stat. 1586), is further
11 amended by striking “December 31, 2020” and inserting
12 “December 31, 2021”.

13 **SEC. 1043. EXTENSION OF PROHIBITION ON USE OF FUNDS**
14 **FOR TRANSFER OR RELEASE OF INDIVID-**
15 **UALS DETAINED AT UNITED STATES NAVAL**
16 **STATION, GUANTANAMO BAY, CUBA, TO CER-**
17 **TAIN COUNTRIES.**

18 Section 1035 of the John S. McCain National De-
19 fense Authorization Act for Fiscal Year 2019 (Public Law
20 115–232; 132 Stat. 1954), as amended by section 1042
21 of the National Defense Authorization Act for Fiscal Year
22 2020 (Public Law 116–92; 133 Stat. 1568), is further
23 amended by striking “December 31, 2020” and inserting
24 “December 31, 2021”.

1 **SEC. 1044. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **TO CLOSE OR RELINQUISH CONTROL OF**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 Section 1036 of the National Defense Authorization
6 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
7 1551), as most recently amended by section 1045 of the
8 National Defense Authorization Act for Fiscal Year 2020
9 (Public Law 116–92; 133 Stat. 1586), is further amended
10 by striking “fiscal year 2018, 2019, or 2020” and insert-
11 ing “fiscal years 2018 through 2021”.

12 **Subtitle E—Miscellaneous**
13 **Authorities and Limitations**

14 **SEC. 1051. SUPPORT OF SPECIAL OPERATIONS TO COMBAT**
15 **TERRORISM.**

16 Section 127e of title 10, United States Code, is
17 amended—

18 (1) by striking subsection (c) and inserting the
19 following new subsection (c):

20 “(c) PROCEDURES.—

21 “(1) IN GENERAL.—The authority in this sec-
22 tion shall be exercised in accordance with such pro-
23 cedures as the Secretary shall establish for purposes
24 of this section. The Secretary shall notify the con-
25 gressional defense committees of any material
26 change to such procedures.

1 “(2) ELEMENTS.—The procedures required
2 under paragraph (1) shall establish, at a minimum,
3 each of the following:

4 “(A) Policy, strategy, or other guidance for
5 the execution of, and constraints within, activi-
6 ties conducted under this section.

7 “(B) The processes through which activi-
8 ties conducted under this section are to be de-
9 veloped, validated, and coordinated, as appro-
10 prium, with relevant Federal entities.

11 “(C) The processes through which legal re-
12 views and determinations are made to comply
13 with this section and ensure that the exercise of
14 the authority in this section is consistent with
15 the national security of the United States.”;

16 (2) in subsection (d)(2), by adding at the end
17 the following new subparagraphs:

18 “(G) A description of the entities with
19 which the recipients of support are engaged in
20 hostilities and whether each such entity is cov-
21 ered under an authorization for use of military
22 force.

23 “(H) A description of the steps taken to
24 ensure the support is consistent with United
25 States national security objectives.

1 “(I) A description of the steps taken to en-
2 sure that the recipients of support have not en-
3 gaged in human rights violations.”;

4 (3) by redesignating subsections (e) through (h)
5 as subsections (f) through (i), respectively;

6 (4) by inserting after subsection (d) the fol-
7 lowing new subsection (e):

8 “(e) NOTIFICATION OF SUSPENSION OR TERMI-
9 NATION OF SUPPORT.—

10 “(1) IN GENERAL.—Not later than 48 hours
11 after suspending or terminating support to any for-
12 eign force, irregular force, group, or individual under
13 the authority in this section, the Secretary shall sub-
14 mit to the congressional defense committees a writ-
15 ten notice of such suspension or termination.

16 “(2) ELEMENTS.—Notice provided under para-
17 graph (1) with respect to the suspension or termi-
18 nation of support shall include each of the following
19 elements:

20 “(A) A description of the reasons for the
21 suspension or termination of such support.

22 “(B) A description of any effects on re-
23 gional, theatre, or global campaign plan objec-
24 tives anticipated to result from the suspension
25 or termination of such support.

1 “(C) A plan for the suspension or termi-
2 nation of the support, and, in the case of sup-
3 port that is planned to be transitioned to an-
4 other program of the Department of Defense or
5 another Federal department or agency, a de-
6 tailed description of the transition plan, includ-
7 ing the resources, equipment, capabilities, and
8 personnel associated with such plan.”; and

9 (5) by striking subsection (g), as redesignated
10 by paragraph (3), and inserting the following new
11 subsection (g):

12 “(g) CONSTRUCTION OF AUTHORITY.—Nothing in
13 this section may be construed to constitute authority to
14 conduct or provide statutory authorization for any of the
15 following:

16 “(1) A covert action, as such term is defined in
17 section 503(e) of the National Security Act of 1947
18 (50 U.S.C. 3093(e)).

19 “(2) An introduction of the armed forces, (in-
20 cluding as such term is defined in section 8(c) of the
21 War Powers Resolution (50 U.S.C. 1547(c)), into
22 hostilities, or into situations where hostilities are
23 clearly indicated by the circumstances, without spe-
24 cific statutory authorization within the meaning of
25 section 5(b) of such Resolution (50 U.S.C. 1544(b)).

1 “(3) Activities or support of activities, directly
2 or indirectly, that are inconsistent with the laws of
3 armed conflict.”.

4 **SEC. 1052. EXPENDITURE OF FUNDS FOR DEPARTMENT OF**
5 **DEFENSE CLANDESTINE ACTIVITIES THAT**
6 **SUPPORT OPERATIONAL PREPARATION OF**
7 **THE ENVIRONMENT.**

8 (a) IN GENERAL.—Chapter 3 of title 10, United
9 States Code, is amended by inserting after section 127e
10 the following new section:

11 **“§ 127f. Expenditure of funds for clandestine activi-**
12 **ties that support operational preparation**
13 **of the environment**

14 “(a) AUTHORITY.—Subject to subsections (b)
15 through (d), the Secretary of Defense may expend up to
16 \$15,000,000 in any fiscal year for clandestine activities
17 for any purpose the Secretary determines to be proper for
18 preparation of the environment for operations of a con-
19 fidential nature. Such a determination is final and conclu-
20 sive upon the accounting officers of the United States. The
21 Secretary may certify the amount of any such expenditure
22 authorized by the Secretary that the Secretary considers
23 advisable not to specify, and the Secretary’s certificate is
24 sufficient voucher for the expenditure of that amount.

1 “(b) FUNDS.—Funds for expenditures under this sec-
2 tion in a fiscal year shall be derived from amounts author-
3 ized to be appropriated for that fiscal year for operation
4 and maintenance, Defense-wide.

5 “(c) LIMITATION ON DELEGATION.—The Secretary
6 of Defense may not delegate the authority under this sec-
7 tion with respect to any expenditure in excess of \$250,000.

8 “(d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—
9 (1) This section does not constitute authority to conduct,
10 or expend funds for, intelligence, counterintelligence, or
11 intelligence-related activities.

12 “(2) In this subsection, the terms ‘intelligence’ and
13 ‘counterintelligence’ have the meaning given those terms
14 in section 3 of the National Security Act of 1947 (50
15 U.S.C. 3003).

16 “(e) ANNUAL REPORT.—Not later than December 31
17 each year, the Secretary of Defense shall submit to the
18 congressional defense committees a report on expenditures
19 made under this section during the fiscal year preceding
20 the year in which the report is submitted. Each report
21 shall include, for each expenditure under this section dur-
22 ing the fiscal year covered by such report—

23 “(1) the amount and date of such expenditure;

24 “(2) a detailed description of the purpose for
25 which such expenditure was made;

1 “(3) an explanation why other authorities avail-
2 able to the Department of Defense could not be used
3 for such expenditure; and

4 “(4) any other matters the Secretary considers
5 appropriate.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 127e the following new
9 item:

“127f. Expenditure of funds for clandestine activities that support operational
preparation of the environment.”.

10 **SEC. 1053. SALE OR DONATION OF EXCESS DEPARTMENT**
11 **OF DEFENSE PERSONAL PROPERTY FOR LAW**
12 **ENFORCEMENT ACTIVITIES.**

13 (a) INCLUSION OF DISASTER-RELATED EMERGENCY
14 PREPAREDNESS ACTIVITIES AMONG LAW ENFORCEMENT
15 ACTIVITIES AUTHORITIES.—

16 (1) INCLUSION.—Subsection (a)(1)(A) of sec-
17 tion 2576a of title 10, United States Code, is
18 amended by inserting “disaster-related emergency
19 preparedness,” after “counterterrorism,”.

20 (2) PREFERENCE IN TRANSFERS.—Subsection
21 (d) of such section is amended to read as follows:

22 “(d) PREFERENCE FOR CERTAIN TRANSFERS.—In
23 considering applications for the transfer of personal prop-
24 erty under this section, the Secretary shall give a pref-

1 erence to applications indicating that the transferred prop-
2 erty will be used in the counterdrug, counterterrorism, dis-
3 aster-related emergency preparedness, or border security
4 activities of the recipient agency. Applications that request
5 vehicles used for disaster-related emergency preparedness,
6 such as high-water rescue vehicles, should receive the
7 highest preference.”.

8 (b) ADDITIONAL CONDITIONS AND LIMITATIONS.—

9 (1) ADDITIONAL TRAINING OF RECIPIENT
10 AGENCY PERSONNEL REQUIRED.—Subsection (b)(6)
11 of section 2576a of title 10, United States Code, is
12 amended by inserting before the period at the end
13 the following: “, including respect for the rights of
14 citizens under the Constitution of the United States
15 and de-escalation of force”.

16 (2) CERTAIN PROPERTY NOT
17 TRANSFERRABLE.—Such section is further amend-
18 ed—

19 (A) by redesignating subsections (e) and
20 (f) as subsections (f) and (g), respectively; and

21 (B) by inserting after subsection (d) the
22 following new subsection (e):

23 “(e) PROPERTY NOT TRANSFERRABLE.—The Sec-
24 retary may not transfer to a Tribal, State, or local law
25 enforcement agency under this section the following:

1 “(1) Bayonets.

2 “(2) Grenades (other than stun and flash-bang
3 grenades).

4 “(3) Weaponized tracked combat vehicles.

5 “(4) Weaponized drones.”.

6 **SEC. 1054. PROHIBITION ON RETIREMENT OF NUCLEAR**
7 **POWERED AIRCRAFT CARRIERS BEFORE**
8 **FIRST REFUELING.**

9 Section 8062 of title 10, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(f) A nuclear powered aircraft carrier may not be
13 retired before its first refueling.”.

14 **SEC. 1055. REAUTHORIZATION OF NATIONAL OCEANO-**
15 **GRAPHIC PARTNERSHIP PROGRAM.**

16 (a) NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-
17 GRAM.—Section 8931 of title 10, United States Code, is
18 amended to read as follows:

19 **“SEC. 8931. NATIONAL OCEANOGRAPHIC PARTNERSHIP**
20 **PROGRAM.**

21 “(a) ESTABLISHMENT.—The Secretary of the Navy
22 shall establish a program to be known as the ‘National
23 Oceanographic Partnership Program’.

24 “(b) PURPOSES.—The purposes of the program are
25 as follows:

1 “(1) To promote the national goals of assuring
2 national security, advancing economic development,
3 protecting quality of life, ensuring environmental
4 stewardship, and strengthening science education
5 and communication through improved knowledge of
6 the ocean.

7 “(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

9 “(A) creating and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic community in the areas of science, data, technology development, resources, education, and communication; and

15 “(B) accepting, planning, and executing oceanographic research projects funded by grants, contracts, cooperative agreements, or other vehicles as appropriate, that contribute to assuring national security, advancing economic development, protecting quality of life, ensuring environmental stewardship, and strengthening science education and communication through improved knowledge of the ocean.”.

24 (b) OCEAN POLICY COMMITTEE.—

1 (1) IN GENERAL.—Section 8932 of such title is
2 amended—

3 (A) by striking subsections (a) through (f);

4 (B) by inserting the following new sub-
5 sections (a) through (e):

6 “(a) COMMITTEE.—There is established an Ocean
7 Policy Committee (hereinafter referred to as the ‘Com-
8 mittee’). The Committee shall retain broad and inclusive
9 membership.

10 “(b) RESPONSIBILITIES.—The Committee shall—

11 “(1) continue the activities of that Committee
12 as it was in existence on the day before the date of
13 the enactment of the William M. (Mac) Thornberry
14 National Defense Authorization Act for Fiscal Year
15 2021;

16 “(2) engage and collaborate, pursuant to exist-
17 ing laws and regulations, with stakeholders, includ-
18 ing regional ocean partnerships, to address ocean-re-
19 lated matters that may require interagency or inter-
20 governmental solutions;

21 “(3) facilitate coordination and integration of
22 Federal activities in ocean and coastal waters to in-
23 form ocean policy and identify priority ocean re-
24 search, technology, and data needs; and

1 “(4) prescribe policies and procedures to imple-
2 ment the National Oceanographic Partnership Pro-
3 gram, including developing guidelines for review, se-
4 lection, identification, and approval of partnership
5 projects, in conjunction with Federal agencies par-
6 ticipating in the program, for implementation under
7 the program, based on—

8 “(A) whether the project addresses impor-
9 tant research objectives or operational goals;

10 “(B) whether the project has, or is de-
11 signed to have, appropriate participation or
12 support from public, academic, commercial, and
13 private entities within the oceanographic com-
14 munity;

15 “(C) whether the partners have a long-
16 term commitment to the objectives of the
17 project;

18 “(D) whether the resources supporting the
19 project are shared among the partners;

20 “(E) whether the project has been sub-
21 jected to adequate scientific and technical merit
22 review according to each participating agency;
23 and

24 “(F) the approval of such guidelines by a
25 consensus of the members of the Committee.

1 “(c) DELEGATION OF RESPONSIBILITIES.—In dis-
2 charging its responsibilities in support of agreed-upon sci-
3 entific needs, and to assist in the execution of the respon-
4 sibilities described in subsection (b), the Committee may
5 delegate responsibilities to a subcommittee of the Com-
6 mittee, as the Committee determines appropriate.

7 “(d) ANNUAL REPORT AND BRIEFING.—(1) Not
8 later than March 1 of each year, the Committee shall—

9 “(A) make publicly available on an appropriate
10 website a report on the National Oceanographic
11 Partnership Program; and

12 “(B) provide to the appropriate congressional
13 committees a briefing on the contents of the report.

14 “(2) Not later than 30 days after providing a briefing
15 under paragraph (1)(B), the Committee shall make pub-
16 licly available on an appropriate website the briefing mate-
17 rials covered by the briefing.

18 “(3) Each report and briefing shall include the fol-
19 lowing:

20 “(A) A description of activities of the National
21 Oceanographic Partnership Program carried out
22 during the fiscal year preceding the fiscal year dur-
23 ing which the report is published.

1 “(B) A general outline of the activities planned
2 for the program during the fiscal year during which
3 the report is published.

4 “(C) A summary of projects, partnerships, and
5 collaborations, including the Federal and non-Fed-
6 eral sources of funding, continued from the fiscal
7 year preceding the fiscal year during which the re-
8 port is published and projects expected to begin dur-
9 ing the fiscal year during which the report is pub-
10 lished and any subsequent fiscal year, as required
11 under subsection (e)(4)(C).

12 “(D) The amounts requested in the budget sub-
13 mitted to Congress pursuant to section 1105(a) of
14 title 31 for the fiscal year following the fiscal year
15 during which the report is published, for the pro-
16 grams, projects, activities and the estimated expend-
17 itures under such programs, projects, and activities,
18 to execute the National Oceanographic Partnership
19 Program.

20 “(E) A summary of national ocean research pri-
21 orities informed by the Ocean Research Advisory
22 Panel, as required under section 8933(b)(4) of this
23 title.

24 “(F) A list of the members of the Ocean Re-
25 search Advisory Panel established under section

1 8933(a) of this title and any working groups de-
2 scribed in subsection (e)(4)(A) in existence during
3 the fiscal years covered by the report.

4 “(e) PARTNERSHIP PROGRAM OFFICE.—(1) The Sec-
5 retary of the Navy and Administrator of the National Oce-
6 anic and Atmospheric Administration shall jointly estab-
7 lish a partnership program office for the National Oceano-
8 graphic Partnership Program.

9 “(2) The Secretary of the Navy and Administrator
10 of the National Oceanic and Atmospheric Administration
11 shall use competitive procedures to select a non-Govern-
12 ment entity to manage the partnership program office.

13 “(3) The Committee shall monitor the management
14 of the partnership program office.

15 “(4) The partnership program office shall perform
16 the following duties:

17 “(A) Supporting working groups established by
18 the Committee or subcommittee and reporting to the
19 Committee and to any Federal agency that has con-
20 tributed amounts to the National Oceanographic
21 Partnership Program on the activities of such work-
22 ing groups, including the proposals of such working
23 groups for partnership projects.

24 “(B) Supporting the process for proposing part-
25 nership projects to the Committee and to the agen-

1 cies referred to in subparagraph (A), including,
2 where appropriate, managing review of such
3 projects.

4 “(C) Submitting to the appropriate congress-
5 sional committees, and making publicly available, an
6 annual report on the status of all partnership
7 projects, including the Federal and non-Federal
8 sources of funding for each project, and activities of
9 the office.

10 “(D) Performing such additional duties for the
11 administration of the National Oceanographic Part-
12 nership Program that the Committee and the agen-
13 cies referred to in subparagraph (A) consider appro-
14 priate.”;

15 (C) by redesignating subsections (g) and
16 (h) as subsections (f) and (g), respectively;

17 (D) in subsections (f) and (g), as so redes-
18 ignated, by striking “Council” each place it ap-
19 pears and inserting “Committee”;

20 (E) by inserting after subsection (g), as so
21 redesignated, the following new subsection (h):

22 “(h) APPROPRIATE CONGRESSIONAL COMMITTEES.—
23 In this section, the term ‘appropriate congressional com-
24 mittees’ means—

1 “(1) the Committee on Commerce, Science, and
2 Transportation of the Senate;

3 “(2) the Committee on Armed Services of the
4 Senate;

5 “(3) the Committee on Appropriations of the
6 Senate;

7 “(4) the Committee on Natural Resources of
8 the House of Representatives;

9 “(5) the Committee on Science, Space, and
10 Technology of the House of Representatives;

11 “(6) the Committee on Armed Services of the
12 House of Representatives; and

13 “(7) the Committee on Appropriations of the
14 House of Representatives.”.

15 (2) CLERICAL AMENDMENTS.—

16 (A) SECTION HEADING.—The heading for
17 section 8932 of title 10, United States Code, is
18 amended to read as follows:

19 “§ 8932. Ocean Policy Committee”.

20 (B) TABLE OF SECTIONS.—The table of
21 sections at the beginning of chapter 893 of title
22 10, United States Code, is amended by striking
23 the item relating to section 8932 and inserting
24 the following new item:

“8932. Ocean Policy Committee.”.

1 (c) OCEAN RESEARCH ADVISORY PANEL.—Section
2 8933 of such title is amended to read as follows:

3 **“§ 8933. Ocean Research Advisory Panel**

4 “(a) ESTABLISHMENT.—(1) The Ocean Policy Com-
5 mittee shall establish an Ocean Research Advisory Panel
6 (in this section referred to as the ‘Advisory Panel’). The
7 Advisory Panel shall consist of not fewer than 10 and not
8 more than 18 members appointed by the co-chairs of the
9 Committee, including each of the following:

10 “(A) Three members who represent the Na-
11 tional Academies of Sciences, Engineering, and Med-
12 icine.

13 “(B) Members selected from among individuals
14 who represent the views of ocean industries, State,
15 tribal, territorial or local governments, academia,
16 and such other views as the co-chairs consider ap-
17 propriate.

18 “(C) Members selected from among individuals
19 eminent in the fields of marine science, marine tech-
20 nology, and marine policy, or related fields.

21 “(2) The Committee shall ensure that an appropriate
22 balance of academic, scientific, industry, and geographical
23 interests and gender and racial diversity are represented
24 by the members of the Advisory Panel.

1 “(b) RESPONSIBILITIES.—The Committee shall as-
2 sign the following responsibilities to the Advisory Panel:

3 “(1) To advise the Committee on policies and
4 procedures to implement the National Oceano-
5 graphic Partnership Program.

6 “(2) To advise the Committee on matters relat-
7 ing to national oceanographic science, engineering,
8 facilities, or resource requirements.

9 “(3) To advise the Committee on improving di-
10 versity, equity, and inclusion in the ocean sciences
11 and related fields.

12 “(4) To advise the Committee on national ocean
13 research priorities.

14 “(5) Any additional responsibilities that the
15 Committee considers appropriate.

16 “(c) MEETINGS.—The Committee shall require the
17 Advisory Panel to meet not less frequently than two times
18 each year.

19 “(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—
20 The Administrator of the National Oceanic and Atmos-
21 pheric Administration shall provide to the Advisory Panel
22 such administrative and technical support as the Advisory
23 Panel may require.

1 “(e) TERMINATION.—Notwithstanding section 14 of
2 the Federal Advisory Committee Act (5 U.S.C. App.), the
3 Advisory Panel shall terminate on January 1, 2040.”.

4 **SEC. 1056. MODIFICATION AND TECHNICAL CORRECTION**
5 **TO DEPARTMENT OF DEFENSE AUTHORITY**
6 **TO PROVIDE ASSISTANCE ALONG THE**
7 **SOUTHERN LAND BORDER OF THE UNITED**
8 **STATES.**

9 (a) AUTHORITY.—Subsection (a) of section 1059 of
10 the National Defense Authorization Act for Fiscal Year
11 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271
12 note prec.) is amended to read as follows:

13 “(a) AUTHORITY.—

14 “(1) PROVISION OF ASSISTANCE.—

15 “(A) IN GENERAL.—The Secretary of De-
16 fense may provide assistance to United States
17 Customs and Border Protection for purposes of
18 increasing ongoing efforts to secure the south-
19 ern land border of the United States in accord-
20 ance with the requirements of this section.

21 “(B) REQUIREMENTS.—If the Secretary
22 provides assistance under subparagraph (A),
23 the Secretary shall ensure that the provision of
24 the assistance will not negatively affect military

1 training, operations, readiness, or other military
2 requirements.

3 “(2) NOTIFICATION REQUIREMENT.—Not later
4 than 7 days after the date on which the Secretary
5 approves a request for assistance from the Depart-
6 ment of Homeland Security under paragraph (1),
7 the Secretary shall electronically transmit to the
8 Committee on Armed Services of the Senate and the
9 Committee on Armed Services and the Committee on
10 Homeland Security of the House of Representatives
11 notice of such approval.”.

12 (b) REPORTING REQUIREMENTS.—Subsection (f) of
13 such section is amended to read as follows:

14 “(f) REPORTS.—

15 “(1) REPORT REQUIRED.—At the end of each
16 three-month period during which assistance is pro-
17 vided under subsection (a), the Secretary of Defense,
18 in coordination with the Secretary of Homeland Se-
19 curity, shall submit to the Committee on Armed
20 Services and the Committee on Homeland Security
21 and Governmental Affairs of the Senate and the
22 Committee on Armed Services and the Committee on
23 Homeland Security of the House of Representatives
24 a report that includes, for the period covered by the
25 report, each of the following:

1 “(A) A description of the assistance pro-
2 vided.

3 “(B) A description of the Armed Forces,
4 including the reserve components, deployed as
5 part of such assistance, including an identifica-
6 tion of—

7 “(i) the members of the Armed
8 Forces, including members of the reserve
9 components, deployed, including specific
10 information about unit designation, size of
11 unit, and whether any personnel in the
12 unit deployed under section 12302 of title
13 10, United States Code;

14 “(ii) the projected length of the de-
15 ployment and any special pay and incen-
16 tives for which deployed personnel may
17 qualify during the deployment;

18 “(iii) any specific pre-deployment
19 training provided for such members of the
20 Armed Forces, including members of the
21 reserve components;

22 “(iv) the specific missions and tasks,
23 by location, that are assigned to the mem-
24 bers of the Armed Forces, including mem-

1 bers of the reserve components, who are so
2 deployed; and

3 “(v) the locations where units so de-
4 ployed are conducting their assigned mis-
5 sion, together with a map showing such lo-
6 cations.

7 “(C) A description of any effects of such
8 deployment on military training, operations,
9 readiness, or other military requirements.

10 “(D) The sources and amounts of funds
11 obligated or expended—

12 “(i) during the period covered by the
13 report; and

14 “(ii) during the total period for which
15 such support has been provided.

16 “(2) FORM OF REPORT.—Each report sub-
17 mitted under this subsection shall be submitted in
18 unclassified form, but may include a classified
19 annex.”.

20 (c) CLASSIFICATION.—The Law Revision Counsel is
21 directed to move section 1059 of the National Defense Au-
22 thorization Act for Fiscal Year 2016 (Public Law 114–
23 92; 129 Stat. 986; 10 U.S.C. 271 note prec.), as amended
24 by this section, to a note following section 284 of title 10,
25 United States Code.

1 **SEC. 1057. LIMITATION ON USE OF FUNDS FOR RETIRE-**
2 **MENT OF A-10 AIRCRAFT.**

3 (a) LIMITATION.—Except as provided under sub-
4 section (b), none of the funds authorized to be appro-
5 priated by this Act or otherwise made available for the
6 Department of Defense for any fiscal year may be obli-
7 gated or expended during fiscal year 2021 to divest or re-
8 tire any A-10 aircraft.

9 (b) EXCEPTION.—The limitation under subsection
10 (a) shall not apply to any individual A-10 aircraft that
11 the Secretary of the Air Force determines, on a case-by-
12 case basis, to be no longer mission capable because of a
13 mishap or other damage or because the aircraft is uneco-
14 nomical to repair.

15 (c) REPORT REQUIRED.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 of the Air Force shall submit to the congressional defense
18 committees a report on the progress made toward the A-
19 10 re-wing contracts and the progress made in re-winging
20 some of the 283 A-10 aircraft that have not received new
21 wings.

1 **SEC. 1058. CONSIDERATIONS RELATING TO PERMANENTLY**
2 **BASING UNITED STATES EQUIPMENT OR AD-**
3 **DITIONAL FORCES IN HOST COUNTRIES WITH**
4 **AT-RISK VENDORS IN 5G OR 6G NETWORKS.**

5 (a) IN GENERAL.—Prior to basing a major weapon
6 system or additional permanently assigned forces com-
7 parable to or larger than a battalion, squadron, or naval
8 combatant in a host country with at-risk 5th generation
9 (in this section referred to as “5G”) or sixth generation
10 (in this section referred to as “6G”) wireless network
11 equipment, software, or services, including supply chain
12 vulnerabilities identified by the Federal Acquisition Secu-
13 rity Council, where United States military personnel and
14 their families will be directly connected or subscribers to
15 networks that include such at-risk equipment, software,
16 and services in their official duties or in the conduct of
17 personal affairs, the Secretary of Defense shall take into
18 consideration the risks to personnel, equipment, and oper-
19 ations of the Department of Defense in the host country
20 posed by current or intended use by such country of 5G
21 or 6G telecommunications architecture provided by at-risk
22 vendors, including Huawei and ZTE, and any steps to
23 mitigate those risks, including—

24 (1) any steps being taken by the host country
25 to mitigate any potential risks to the weapon sys-

1 tems, military units, or personnel, and the Depart-
2 ment of Defense's assessment of those efforts;

3 (2) any steps being taken by the United States
4 Government, separately or in collaboration with the
5 host country, to mitigate any potential risks to the
6 weapon systems, permanently deployed forces, or
7 personnel;

8 (3) any defense mutual agreements between the
9 host country and the United States intended to allay
10 the costs of risk mitigation posed by the at-risk in-
11 frastructure; and

12 (4) any other matters the Secretary determines
13 to be relevant.

14 (b) APPLICABILITY.—The requirements under sub-
15 section (a)—

16 (1) apply with respect to the permanent long-
17 term stationing of equipment and permanently as-
18 signed forces; and

19 (2) do not apply with respect to the short-term
20 deployment or rotational presence of equipment or
21 forces to a military installation outside the United
22 States in connection with any exercise, dynamic
23 force employment, contingency operation, or combat
24 operation.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the congressional
4 defense committees a report that contains an assess-
5 ment of—

6 (A) the risk to personnel, equipment, and
7 operations of the Department of Defense in
8 host countries posed by the current or intended
9 use by such countries of 5G or 6G tele-
10 communications architecture provided by at-risk
11 vendors, including Huawei and ZTE; and

12 (B) measures required to mitigate the risk
13 described in paragraph (1).

14 (2) FORM.—The report required by paragraph
15 (1) shall be submitted in a classified form with an
16 unclassified summary.

17 (d) MAJOR WEAPON SYSTEM DEFINED.—In this sec-
18 tion, the term “major weapon system” has the meaning
19 given that term in section 2379(f) of title 10, United
20 States Code.

21 **SEC. 1059. PUBLIC AVAILABILITY OF DEPARTMENT OF DE-**
22 **ENSE LEGISLATIVE PROPOSALS.**

23 Not later than 21 days after the transmission to the
24 Committee on Armed Services of the Senate or the Com-
25 mittee on Armed Services of the House of Representatives

1 of any official Department of Defense legislative proposal,
2 the Secretary of Defense shall make publicly available on
3 a website of the Department such legislative proposal, in-
4 cluding any bill text and section-by-section analysis associ-
5 ated with the proposal.

6 **SEC. 1060. ARCTIC PLANNING, RESEARCH, AND DEVELOP-**
7 **MENT.**

8 (a) ARCTIC PLANNING AND IMPLEMENTATION.—

9 (1) IN GENERAL.—The Secretary of Defense
10 and the Chairman of the Joint Chiefs of Staff shall
11 continue assessing potential multi-domain risks in
12 the Arctic, identifying capability and capacity gaps
13 in the current and projected force, and planning for
14 and implementing the training, equipping, and doc-
15 trine requirements necessary to mitigate such risks
16 and gaps.

17 (2) TRAINING.—In carrying out paragraph (1),
18 the Secretary may direct the Armed Forces to con-
19 duct training in the Arctic or training relevant to
20 military operations in the Arctic.

21 (b) ARCTIC RESEARCH AND DEVELOPMENT PRO-
22 GRAM.—

23 (1) IN GENERAL.—If the Secretary of Defense
24 determines that there are capability or capacity gaps
25 for the Armed Forces in the Arctic, the Secretary

1 may conduct research and development on the cur-
2 rent and future requirements and needs of the
3 Armed Forces for operations in the Arctic.

4 (2) ELEMENTS.—Research and development
5 conducted under paragraph (1) may include the fol-
6 lowing:

7 (A) Development of doctrine to address
8 any identified gaps, including the study of exist-
9 ing doctrine of partners and allies of the United
10 States.

11 (B) Development of materiel solutions for
12 operating in extreme weather environments of
13 the Arctic, including equipment for individual
14 members of the Armed Forces, ground vehicles,
15 and communications systems.

16 (C) Development of a plan for fielding fu-
17 ture weapons platforms able to operate in Arc-
18 tic conditions.

19 (D) Development of capabilities to mon-
20 itor, assess, and predict environmental and
21 weather conditions in the Arctic and the effect
22 of such conditions on military operations.

23 (E) Determining requirements for logistics
24 and sustainment of the Armed Forces operating
25 in the Arctic.

1 **SEC. 1061. AUTHORITY TO ESTABLISH A MOVEMENT CO-**
2 **ORDINATION CENTER PACIFIC IN THE INDO-**
3 **PACIFIC REGION.**

4 (a) AUTHORITY TO ESTABLISH.—

5 (1) IN GENERAL.—The Secretary of Defense,
6 with the concurrence of the Secretary of State, may
7 authorize—

8 (A) the establishment of a Movement Co-
9 ordination Center Pacific (in this section re-
10 ferred to as the “Center”); and

11 (B) the participation of the Department of
12 Defense in an Air Transport and Air-to-Air re-
13 fueling and other Exchanges of Services pro-
14 gram (in this section referred to as the
15 “ATARES program”) of the Center.

16 (2) SCOPE OF PARTICIPATION.—Participation
17 in the ATARES program under paragraph (1)(B)
18 shall be limited to the reciprocal exchange or trans-
19 fer of air transportation and air refueling services on
20 a reimbursable basis or by replacement-in-kind or
21 the exchange of air transportation or air refueling
22 services of an equal value with foreign militaries.

23 (3) LIMITATIONS.—The Department of De-
24 fense’s balance of executed transportation hours,
25 whether as credits or debits, in participation in the
26 ATARES program under paragraph (1)(B) may not

1 exceed 500 hours. The Department of Defense's bal-
2 ance of executed flight hours for air refueling in the
3 ATARES program under paragraph (1)(B) may not
4 exceed 200 hours.

5 (b) WRITTEN ARRANGEMENT OR AGREEMENT.—

6 (1) ARRANGEMENT OR AGREEMENT RE-
7 QUIRED.—The participation of the Department of
8 Defense in the ATARES program under subsection
9 (a) shall be in accordance with a written arrange-
10 ment or agreement entered into by the Secretary of
11 Defense, with the concurrence of the Secretary of
12 State.

13 (2) FUNDING ARRANGEMENTS.—If Department
14 of Defense facilities, equipment, or funds are used to
15 support the ATARES program, the written arrange-
16 ment or agreement under paragraph (1) shall specify
17 the details of any equitable cost-sharing or other
18 funding arrangement.

19 (3) OTHER ELEMENTS.—Any written arrange-
20 ment or agreement entered into under paragraph (1)
21 shall require that any accrued credits and liabilities
22 resulting from an unequal exchange or transfer of
23 air transportation or air refueling services shall be
24 liquidated, not less than once every 5 years, through
25 the ATARES program.

1 (c) IMPLEMENTATION.—In carrying out any written
2 arrangement or agreement entered into under subsection
3 (b), the Secretary of Defense may—

4 (1) pay the Department of Defense's equitable
5 share of the operating expenses of the Center and
6 the ATARES program from funds available to the
7 Department of Defense for operation and maintenance; and

8
9 (2) assign members of the Armed Forces or Department of Defense civilian personnel, within billets
10 authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill
11 the obligations of the Department of Defense under
12 that arrangement or agreement.
13
14

15 **SEC. 1062. LIMITATION ON PROVISION OF FUNDS TO INSTITUTIONS OF HIGHER EDUCATION HOSTING**
16 **CONFUCIUS INSTITUTES.**
17

18 (a) LIMITATION.—Except as provided in subsection
19 (b), none of the funds authorized to be appropriated or
20 otherwise made available for any fiscal year for the Department of Defense may be provided to an institution of
21 higher education that hosts a Confucius Institute, other
22 than amounts provided directly to students as educational
23 assistance.
24

25 (b) WAIVER.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may waive the limitation under subsection (a) with
3 respect to an institution of higher education if the
4 Secretary, after consultation with the National
5 Academies of Sciences, Engineering, and Medicine,
6 determines such a waiver is appropriate.

7 (2) MANAGEMENT PROCESS.—If the Secretary
8 issues a waiver under paragraph (1), the academic
9 liaison designated pursuant to subsection (g) of sec-
10 tion 1286 of the John S. McCain National Defense
11 Authorization Act for Fiscal Year 2019 (10 U.S.C.
12 2358 note), as amended by section 1299C of this
13 Act, shall manage the waiver process on behalf of
14 the Secretary.

15 (c) EFFECTIVE DATE.—The limitation under sub-
16 section (a) shall apply with respect to the first fiscal year
17 that begins after the date that is 24 months after the date
18 of the enactment of this Act and to any subsequent fiscal
19 year.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “Confucius Institute” means a
22 cultural institute directly or indirectly funded by the
23 Government of the People’s Republic of China.

24 (2) The term “institution of higher education”
25 has the meaning given such term in section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1002).

3 **SEC. 1063. SUPPORT FOR NATIONAL MARITIME HERITAGE**
4 **GRANTS PROGRAM.**

5 Of the funds authorized to be appropriated by this
6 Act for fiscal year 2021 for the Department of Defense,
7 the Secretary of Defense may contribute \$5,000,000 to
8 support the National Maritime Heritage Grants Program
9 established under section 308703 of title 54, United
10 States Code.

11 **SEC. 1064. REQUIREMENTS FOR USE OF FEDERAL LAW EN-**
12 **FORCEMENT PERSONNEL, ACTIVE DUTY**
13 **MEMBERS OF THE ARMED FORCES, AND NA-**
14 **TIONAL GUARD PERSONNEL IN SUPPORT OF**
15 **FEDERAL AUTHORITIES TO RESPOND TO**
16 **CIVIL DISTURBANCES.**

17 (a) IN GENERAL.—Chapter 41 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new section:

20 **“§ 723. Support of Federal authorities in response to**
21 **civil disturbances: requirement for use of**
22 **members of the Armed Forces and Fed-**
23 **eral law enforcement personnel**

24 **“(a) REQUIREMENT.—**Whenever a member of the
25 armed forces (including the National Guard) or Federal

1 law enforcement personnel provide support to Federal au-
2 thorities to respond to a civil disturbance, each individual
3 employed in the capacity of providing such support shall
4 visibly display—

5 “(1) the individual’s name or other individual
6 identifier that is unique to that individual; and

7 “(2) the name of the armed force, Federal enti-
8 ty, or other organization by which such individual is
9 employed.

10 “(b) EXCEPTION.—The requirement under sub-
11 section (a) shall not apply to individuals referred to in
12 such subsection who—

13 “(1) do not wear a uniform or other distin-
14 guishing clothing or equipment in the regular per-
15 formance of their official duties; or

16 “(2) are engaged in undercover operations in
17 the regular performance of their official duties.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new item:

“723. Support of Federal authorities in response to civil disturbances: require-
ment for use of members of the Armed Forces and Federal law
enforcement personnel.”.

1 **Subtitle F—Studies and Reports**

2 **SEC. 1071. FFRDC STUDY OF EXPLOSIVE ORDNANCE DIS-**
3 **POSAL AGENCIES.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 enter into an agreement with a federally funded research
6 and development corporation under which such corpora-
7 tion shall conduct a study of the responsibilities, authori-
8 ties, policies, programs, resources, organization, and ac-
9 tivities of the explosive ordnance disposal agencies of the
10 Department of Defense, Defense Agencies, and military
11 departments. In carrying out the study, the federally fund-
12 ed research and development corporation shall solicit input
13 from relevant nonprofit organizations, such as the Na-
14 tional Defense Industrial Association EOD Committee,
15 the United States Army EOD Association, the United
16 States Bomb Technician Association, and the EOD War-
17 rior Foundation.

18 (b) ELEMENTS OF STUDY.—The study conducted
19 under subsection (a) shall include, for the Department of
20 Defense, each Defense Agency, and each of the military
21 departments, each of the following:

22 (1) An identification and evaluation of—

23 (A) technology research, development, and
24 acquisition activities related to explosive ord-

1 nance disposal, including an identification and
2 evaluation of—

3 (i) current and future technology and
4 related industrial base gaps; and

5 (ii) any technical or operational risks
6 associated with such technology or related
7 industrial base gaps;

8 (B) recruiting, training, education, assign-
9 ment, promotion, and retention of military and
10 civilian personnel with responsibilities relating
11 to explosive ordnance disposal;

12 (C) administrative and operational force
13 structure with respect to explosive ordnance dis-
14 posal, including an identification and assess-
15 ment of risk associated with force structure ca-
16 pacity or capability gaps, if any; and

17 (D) the demand for, and activities con-
18 ducted in support of, domestic and international
19 military explosive ordnance disposal operations,
20 including—

21 (i) support provided to Department of
22 Defense agencies and other Federal agen-
23 cies; and

24 (ii) an identification and assessment
25 of risk associated with the prioritization

1 and availability of explosive ordnance dis-
2 posal support among supported agencies
3 and operations.

4 (2) Recommendations, if any, for changes to—

5 (A) the organization and distribution of re-
6 sponsibilities and authorities relating to explo-
7 sive ordnance disposal;

8 (B) the explosive ordnance disposal force
9 structure, management, prioritization, and op-
10 erating concepts in support of the explosive ord-
11 nance disposal requirements of the Armed
12 Forces and other Federal agencies; and

13 (C) resource investment strategies and
14 technology prioritization for explosive ordnance
15 disposal, including science and technology,
16 prototyping, experimentation, test and evalua-
17 tion, and related 5-year funding profiles.

18 (c) REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than December 31,
20 2021, the Secretary of Defense shall submit to the
21 congressional defense committees a report on the
22 study conducted under subsection (a). Such report
23 shall include the comments on the study, if any, of
24 the Secretary of Defense, the directors of each of the

1 Defense Agencies, and the Secretaries of each of the
2 military departments.

3 (2) FORM OF REPORT.—The report submitted
4 under paragraph (1) shall be submitted in unclassi-
5 fied form, but may contain a classified annex.

6 **SEC. 1072. STUDY ON FORCE STRUCTURE FOR MARINE**
7 **CORPS AVIATION.**

8 (a) STUDY REQUIRED.—The Secretary of Defense
9 shall provide for the performance of a study on the force
10 structure for Marine Corps aviation through 2030.

11 (b) RESPONSIBILITY FOR STUDY.—The Secretary
12 shall select one of the following types of entities to perform
13 the study pursuant to subsection (a):

14 (1) An appropriate Federally funded research
15 and development center.

16 (2) An appropriate organization described in
17 section 501(c)(3) of the Internal Revenue Code of
18 1986 which is exempt from taxation under section
19 501(a) of such code.

20 (c) MATTERS TO BE CONSIDERED.—In performing
21 the study pursuant to subsection (a), the entity per-
22 forming the study shall take into account, within the con-
23 text of the current force structure for Marine Corps avia-
24 tion, the following:

1 (1) The 2018 National Defense Strategy and
2 the 2018 National Military Strategy.

3 (2) The Marine Corps Force Design 2030.

4 (3) Potential roles and missions for Marine
5 Corps aviation given new operating concepts for the
6 Marine Corps.

7 (4) The potential for increased requirements for
8 survivable and dispersed strike aircraft.

9 (5) The potential for increased requirements for
10 tactical or intratheater lift, amphibious lift, or sur-
11 face connectors.

12 (d) STUDY RESULTS.—The results of the study per-
13 formed pursuant to subsection (a) shall include the fol-
14 lowing:

15 (1) The various force structures for Marine
16 Corps aviation through 2030 considered under such
17 study, together with the assumptions and possible
18 scenarios identified for each such force structure.

19 (2) A recommendation for the force structure
20 for Marine Corps aviation through 2030, including
21 the following in connection with such force structure:

22 (A) Numbers and type of aviation assets,
23 numbers and types of associated unmanned as-
24 sets, and basic capabilities of each such asset.

1 (B) A description and assessment of the
2 deviation of such force structure from the most
3 recent Marine Corps Aviation Plan.

4 (C) Any other information required for as-
5 sessment of such force structure, including sup-
6 porting analysis.

7 (3) A presentation and discussion of minority
8 views among participants in such study.

9 (e) REPORT.—

10 (1) IN GENERAL.—Not later than September 1,
11 2021, the Secretary of Defense shall submit to the
12 congressional defense committees a report setting
13 forth the results of the study performed pursuant to
14 subsection (a).

15 (2) FORM.—The report under this subsection
16 shall be submitted in unclassified form, but may in-
17 clude a classified annex.

18 **SEC. 1073. REPORT ON JOINT TRAINING RANGE EXERCISES**
19 **FOR THE PACIFIC REGION.**

20 (a) REPORT.—Not later than March 15, 2021, the
21 Secretary of Defense, in coordination with the Chairman
22 of the Joint Chiefs of Staff, the Commander of United
23 States Indo-Pacific Command, and the head of each of
24 the military departments, shall submit to the congres-
25 sional defense committees a report containing a plan to

1 integrate combined, joint, and multi-domain training and
2 experimentation in the Pacific region, including existing
3 and future ranges, training areas, and test facilities, to
4 achieve the following objectives:

5 (1) Support future combined and joint exercises
6 and training to test operational capabilities and
7 weapon systems.

8 (2) Employ multi-domain training to validate
9 joint operational concepts.

10 (3) Integrate allied and partner countries into
11 national-level exercises.

12 (4) Build and sustain United States military
13 readiness.

14 (b) MATTERS.—The report under subsection (a) shall
15 address the following:

16 (1) Integration of cyber, space, and electro-
17 magnetic spectrum domains.

18 (2) Mobile and fixed range instrumentation
19 packages for experimentation and training.

20 (3) Digital, integrated command and control for
21 air defense systems.

22 (4) Command, control, communications, com-
23 puter, and information systems.

24 (5) War gaming, modeling, and simulations
25 packages.

1 (6) Intelligence support systems.

2 (7) Manpower management, execution, collec-
3 tion, and analysis required for the incorporation of
4 space and cyber activities into the training range ex-
5 ercise plan contained in the report.

6 (8) Connectivity requirements to support all do-
7 main integration and training.

8 (9) Any training range upgrades or infrastruc-
9 ture improvements necessary to integrate legacy
10 training and exercise facilities into integrated, oper-
11 ational sites.

12 (10) Exercises led by the United States Indo-
13 Pacific Command, within the area of operations of
14 the Command, that integrate allied and partnered
15 countries and link to the national-level exercises of
16 the United States.

17 (11) Incorporation of any other functional and
18 geographic combatant commands required to sup-
19 port the United States Indo-Pacific Command.

20 (12) Incorporation of concepts related to the
21 Joint Warfighting Concept, as applicable.

22 (13) The plan, resource requirements, and any
23 additional authorities needed through fiscal year
24 2031 to achieve the objectives referred to in sub-
25 section (a).

1 (c) FORM.—The report under subsection (a) may be
2 submitted in classified form, and shall include an unclassi-
3 fied summary.

4 **SEC. 1074. REPORTS ON THREATS TO UNITED STATES**
5 **FORCES FROM SMALL UNMANNED AIRCRAFT**
6 **SYSTEMS WORLDWIDE.**

7 (a) STRATEGY TO COUNTER THREATS FROM SMALL
8 UNMANNED AIRCRAFT SYSTEMS.—Not later than 90 days
9 after the date of enactment of this Act, the Secretary of
10 the Army, as the Department of Defense executive agent
11 for the Department of Defense counter-small unmanned
12 aircraft systems program, shall develop and submit to
13 Congress a strategy to effectively counter threats from
14 small unmanned aircraft systems worldwide. The strategy
15 shall be submitted in classified form.

16 (b) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

17 (1) REPORT REQUIRED.—Not later than one
18 year after the date of the enactment of this Act, the
19 Secretary of the Army shall submit to Congress a
20 report on the counter-small unmanned aircraft sys-
21 tems program.

22 (2) ELEMENTS.—The report required by para-
23 graph (1) shall include each of the following:

24 (A) A description and assessment of the
25 structure and activities of the Secretary of the

1 Army as the executive agent for the counter-
2 small unmanned aircraft systems program, in-
3 cluding the following:

4 (i) Any obstacles hindering the effec-
5 tive discharge of its functions and activi-
6 ties, including limitations in authorities or
7 policy.

8 (ii) The changes, if any, to airspace
9 management, rules of engagement, and
10 training plans that are required in order to
11 optimize the use by the Armed Forces of
12 counter-small unmanned aircraft systems.

13 (B) An assessment of the implementation
14 of the strategy required by subsection (a), and
15 a description of any updates to the strategy
16 that are required in light of evolving threats to
17 the Armed Forces from small unmanned air-
18 craft systems.

19 (c) REPORT ON THREAT FROM SMALL UNMANNED
20 AIRCRAFT SYSTEMS.—

21 (1) REPORT REQUIRED.—Not later than 180
22 days after the submittal of the strategy required by
23 subsection (a), the Secretary of Defense shall submit
24 to the appropriate committees of Congress a report
25 that sets forth a direct comparison between the

1 threats United States forces in combat settings face
2 from small unmanned aircraft systems and the capa-
3 bilities of the United States to counter such threats.
4 The report shall be submitted in classified form.

5 (2) COORDINATION.—The Secretary shall pre-
6 pare the report required by paragraph (1) in coordi-
7 nation with the Director of the Defense Intelligence
8 Agency and with such other appropriate officials of
9 the intelligence community, and such other officials
10 in the United States Government, as the Secretary
11 considers appropriate.

12 (3) ELEMENTS.—The report required by para-
13 graph (1) shall include the following:

14 (A) An evaluation and assessment of the
15 current and evolving threat to United States
16 forces from small unmanned aircraft systems.

17 (B) A description of the counter-small un-
18 manned aircraft systems acquired by the De-
19 partment of Defense as of the date of the en-
20 actment of this Act, and an assessment whether
21 such systems are adequate to meet the current
22 and evolving threat described in subparagraph
23 (A).

1 (4) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” means—

4 (A) the Committee on Armed Services and
5 the Select Committee on Intelligence of the
6 Senate; and

7 (B) the Committee on Armed Services and
8 the Permanent Select Committee on Intelligence
9 of the House of Representatives.

10 (d) INDEPENDENT ASSESSMENT OF COUNTER-
11 SMALL UNMANNED AIRCRAFT SYSTEMS PROGRAM.—

12 (1) ASSESSMENT.—Not later than 60 days
13 after the submittal of the strategy required by sub-
14 section (a), the Secretary of Defense shall seek to
15 enter into a contract with a federally funded re-
16 search and development center to conduct an assess-
17 ment of the efficacy of the counter-small unmanned
18 aircraft systems program.

19 (2) ELEMENTS.—The assessment conducted
20 pursuant to paragraph (1) shall include the fol-
21 lowing:

22 (A) An identification of metrics to assess
23 progress in the implementation of the strategy
24 required by subsection (a), which metrics shall

1 take into account the threat assessment re-
2 quired for purposes of subsection (c).

3 (B) An assessment of progress, and key
4 challenges, in the implementation of the strat-
5 egy using such metrics, and recommendations
6 for improvements in the implementation of the
7 strategy.

8 (C) An assessment of the extent to which
9 the Department of Defense is coordinating ade-
10 quately with other departments and agencies of
11 the United States Government, and other ap-
12 propriate entities, in the development and pro-
13 curement of counter-small unmanned aircraft
14 systems for the Department.

15 (D) An assessment of the extent to which
16 the designation of the Secretary of the Army as
17 the executive agent for the counter-small un-
18 manned aircraft systems program has reduced
19 redundancies and increased efficiencies in pro-
20 curement of counter-small unmanned aircraft
21 systems.

22 (E) An assessment whether United States
23 technological progress on counter-small un-
24 manned aircraft systems is sufficient to main-
25 tain a competitive edge over the small un-

1 manned aircraft systems technology available to
2 United States adversaries.

3 (3) REPORT.—Not later than 180 days after
4 entering into the contract referred to in paragraph
5 (1), the Secretary shall submit to the congressional
6 defense committees a report setting forth the results
7 of the assessment required under the contract.

8 **SEC. 1075. UNDER SECRETARY OF DEFENSE (COMP-**
9 **TROLLER) REPORTS ON IMPROVING THE**
10 **BUDGET JUSTIFICATION AND RELATED MA-**
11 **TERIALS OF THE DEPARTMENT OF DEFENSE.**

12 (a) REPORTS REQUIRED.—Not later than April 1 of
13 each of 2021 through 2025, the Under Secretary of De-
14 fense (Comptroller) shall submit to the congressional de-
15 fense committees a report on the following matters:

16 (1) Modernization of covered materials, includ-
17 ing the following:

18 (A) Updating the format of such materials
19 in order to account for significant improve-
20 ments in document management and data vis-
21 ualization.

22 (B) Expanding the scope and quality of
23 data included in such materials.

24 (2) Streamlining of the production of covered
25 materials within the Department of Defense.

1 (3) Transmission of covered materials to Con-
2 gress.

3 (4) Availability of adequate resources and capa-
4 bilities to permit the Department to integrate
5 changes to covered materials together with its sub-
6 mittal of current covered materials.

7 (5) Promotion of the flow between the Depart-
8 ment and the congressional defense committees of
9 other information required by Congress for its over-
10 sight of budgeting for the Department and the fu-
11 ture-years defense programs.

12 (b) COVERED MATERIALS DEFINED.—In this sec-
13 tion, the term “covered materials” means the following:

14 (1) Materials submitted in support of the budg-
15 et of the President for a fiscal year under section
16 1105(a) of title 31, United States Code.

17 (2) Materials submitted in connection with the
18 future-years defense program for a fiscal year under
19 section 221 of title 10, United States Code.

20 **SEC. 1076. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN**
21 **COMMAND AND CONTROL EFFORT.**

22 (a) IN GENERAL.—During the period beginning on
23 October 1, 2021, and ending on October 1, 2024, the Vice
24 Chairman of the Joint Chiefs of Staff, the Chief Informa-
25 tion Officer of the Department of Defense, and a senior

1 military service representative for each of the Armed
2 Forces shall provide to the Committees on Armed Services
3 of the Senate and House of Representatives quarterly
4 briefings on the progress of the Department's Joint All
5 Domain Command and Control (in this section referred
6 to as "JADC2") effort.

7 (b) ELEMENTS.—Each briefing under subsection (a)
8 shall include, with respect to the JADC2 effort, the fol-
9 lowing elements:

10 (1) The status of the joint concept of command
11 and control.

12 (2) How the JADC2 effort is identifying gaps
13 and addressing validated requirements based on the
14 joint concept of command and control.

15 (3) Progress in developing specific plans to
16 evaluate and implement materiel and non-materiel
17 improvements to command and control capabilities.

18 (4) Clarification on distribution of responsibil-
19 ities and authorities within the Cross Functional
20 Team, the Armed Forces, and the Office of the Sec-
21 retary of Defense with respect to JADC2, and how
22 the Armed Forces, the Cross Functional Team, and
23 the Office of the Secretary of Defense are synchro-
24 nizing and aligning with joint and military concepts,
25 solutions, experimentation, and exercises.

1 (5) The status of and review of any rec-
2 ommendations for resource allocation necessary to
3 achieve operational JADC2.

4 (6) A sufficiency assessment of planned funding
5 across the future years defense program for the de-
6 velopment of JADC2 capabilities.

7 **SEC. 1077. REPORT ON CIVILIAN CASUALTY RESOURCING**
8 **AND AUTHORITIES.**

9 (a) PURPOSE.—The purpose of this section is to fa-
10 cilitate fulfillment of the requirements in section 936 of
11 the John S. McCain National Defense Authorization Act
12 for Fiscal Year 2019 (Public Law 116–92; 10 U.S.C. 134
13 note).

14 (b) REPORT REQUIRED.—Not later than 90 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the congressional defense com-
17 mittees a report on the current resources and authorities
18 applied to civilian casualty mitigation, investigation, and
19 response and an articulation of what, if any, additional
20 resources or authorities will be necessary to fully imple-
21 ment 936 of the John S. McCain National Defense Au-
22 thorization Act for Fiscal Year 2019 (Public Law 116–
23 92; 10 U.S.C. 134 note).

24 (c) ELEMENTS.—The report required under sub-
25 section (b) shall include the following:

1 (1) An accounting of the number of personnel
2 at each combatant command, the Joint Staff, and
3 Office of the Secretary of Defense who, as of the
4 date of the enactment of this Act, are either exclu-
5 sively or partially dedicated to—

6 (A) assessing, investigating, accounting
7 for, and responding to allegations of civilian
8 casualties resulting from United States military
9 operations;

10 (B) incorporating civilian casualty mitiga-
11 tion efforts into operational plans and activities;

12 (C) building partner capacity for miti-
13 gating civilian casualties; or

14 (D) any other relevant matters.

15 (2) An estimate of the number of personnel
16 projected to be required during the three-year period
17 beginning on the date of the enactment of this Act
18 by each combatant command, the Joint Staff, and
19 Office of the Secretary of Defense to—

20 (A) assess, investigate, account for, and re-
21 spond to allegations of civilian casualties result-
22 ing from United States military operations;

23 (B) incorporate civilian casualty mitigation
24 efforts into operational plans and activities;

1 (C) build partner capacity for mitigating
2 civilian casualties; and

3 (D) perform any other relevant functions.

4 (3) A description of any specialized information
5 technology equipment, support and maintenance,
6 and data storage capabilities used by the Depart-
7 ment of Defense as of the date of the enactment of
8 this Act to—

9 (A) receive allegations of, assess, inves-
10 tigate, account for, and respond to allegations
11 of civilian casualties resulting from United
12 States military operations;

13 (B) incorporate civilian casualty mitigation
14 efforts into operational plans and activities; and

15 (C) perform any other relevant functions.

16 (4) An estimate of the projected costs during
17 the three-year period beginning on the date of the
18 enactment of this Act of any specialized information
19 technology equipment, support and maintenance,
20 and data storage capabilities to—

21 (A) receive allegations of, assess, inves-
22 tigate, account for, and respond to allegations
23 of civilian casualties resulting from United
24 States military operations;

1 (B) incorporate civilian casualty mitigation
2 efforts into operational plans and activities; and

3 (C) perform any other relevant functions.

4 (5) An identification of relevant statutory au-
5 thorities used by the Department, as of the date of
6 the enactment of this Act, to investigate, account
7 for, and respond to allegations of civilian casualties
8 resulting from United States military operations.

9 (6) A detailed description of any additional
10 changes to the personnel, resources, and authorities
11 of the Department necessary to fully implement 936
12 of the John S. McCain National Defense Authoriza-
13 tion Act for Fiscal Year 2019 (Public Law 116–92;
14 10 U.S.C. 134 note) in future years.

15 (7) Any other matters determined relevant by
16 the Secretary of Defense.

17 (d) PUBLIC AVAILABILITY OF REPORT.—Not later
18 than 45 days after the report required under subsection
19 (b) is submitted to the congressional defense committees,
20 the Secretary of Defense shall make the report publicly
21 available on an appropriate website of the Department of
22 Defense.

1 **SEC. 1078. COMPTROLLER GENERAL REVIEW OF DEPART-**
2 **MENT OF DEFENSE EFFORTS TO PREVENT**
3 **RESALE OF GOODS MANUFACTURED BY**
4 **FORCED LABOR IN COMMISSARIES AND EX-**
5 **CHANGES.**

6 (a) REVIEW REQUIRED.—The Comptroller General
7 of the United States shall conduct a review of the policies
8 and processes of the Department of Defense governing the
9 purchase of goods for resale in the commissaries and ex-
10 changes of the Department that are produced in, or im-
11 ported from, areas where forced labor may be used, includ-
12 ing the Xinjiang Uyghur Autonomous Region of China.

13 (b) ELEMENTS OF REVIEW.—The review required
14 under subsection (a) shall include the following:

15 (1) The laws, regulations, and departmental
16 policies governing the purchase of imported goods by
17 the Department of Defense as part of the retail sup-
18 ply chains of the Department.

19 (2) The extent to which the Department has
20 processes in place to prevent goods produced or
21 manufactured by forced labor from being resold in
22 commissaries and exchanges of the Department.

23 (3) The kinds of information obtained from
24 suppliers to such commissaries and exchanges re-
25 garding the source of goods or the use of forced
26 labor to produce goods.

1 (4) The extent to which the Department coordi-
2 nates with other Federal agencies on matters per-
3 taining to the importation and resale of goods pro-
4 duced by forced labor.

5 (5) Any other relevant matters as determined
6 by the Comptroller General.

7 (c) BRIEFING AND REPORT.—

8 (1) BRIEFING.—Not later than June 1, 2021,
9 the Comptroller General shall provide to the Com-
10 mittees on Armed Services of the Senate and House
11 of Representatives a briefing on the review required
12 under subsection (a).

13 (2) REPORT.—No later than December 1,
14 2021, the Comptroller General shall submit to such
15 committees a report on such review, which shall con-
16 tain each of the elements under subsection (b).

17 **SEC. 1079. COMPTROLLER GENERAL REPORT ON DEPART-**
18 **MENT OF DEFENSE PROCESSES FOR RE-**
19 **SPONDING TO CONGRESSIONAL REPORTING**
20 **REQUIREMENTS.**

21 (a) COMPTROLLER GENERAL ANALYSIS.—Not later
22 than one year after the date of the enactment of this Act,
23 the Comptroller General of the United States shall submit
24 to the congressional defense committees a report con-
25 taining an analysis of the processes of the Department of

1 Defense for responding to congressional reporting require-
2 ments.

3 (b) CRITERIA FOR EVALUATION.—The analysis re-
4 quired under subsection (a) shall include an evaluation of
5 funding and changes to policies and business practices by
6 the Department for improving the effectiveness, efficiency,
7 and public transparency of the compliance of the Depart-
8 ment with congressional reporting requirements.

9 (c) CONTENTS OF REPORT.—The report required by
10 subsection (a) shall include each of the following:

11 (1) A review of—

12 (A) current laws, guidance, policies for De-
13 partment of Defense compliance with congress-
14 sional reporting requirements;

15 (B) recent direction from the congressional
16 defense committees concerning how the Depart-
17 ment designs, modifies, tracks, delivers, and in-
18 ventories completed reports; and

19 (C) the response of the Department of De-
20 fense to the plan required by section 874 of the
21 John S. McCain National Defense Authoriza-
22 tion Act for Fiscal Year 2019 (Public Law
23 115–232; 132 Stat. 1906).

24 (2) An evaluation of the cost and effectiveness
25 of—

1 (A) the existing processes the Department
2 of Defense uses to track and respond to con-
3 gressional reporting requirements; and

4 (B) the ongoing modernization efforts re-
5 ferred to in subparagraphs (B) and (C) of para-
6 graph (1), including—

7 (i) the design, development, and field-
8 ing of efforts to modernize existing report
9 tracking systems;

10 (ii) the potential for system-level ac-
11 cess solutions; and

12 (iii) the standardization of report-re-
13 lated data, including types of reporting re-
14 quirements.

15 (3) An analysis of further options for modern-
16 izing the preparation and coordination process for
17 required reports and other written correspondence
18 from the Department of Defense to the congres-
19 sional defense committees. Such analysis shall in-
20 clude—

21 (A) the coordination of Department of De-
22 fense business practices and internal policies
23 with legislative processes; and

24 (B) the feasibility of the Department of
25 Defense, the Government Publishing Office, or

1 another Federal Government entity maintaining
2 a consolidated online public database for un-
3 classified reports submitted after the date of
4 the enactment of this Act pursuant to a con-
5 gressional reporting requirement that includes,
6 for each report in the database—

7 (i) a copy of the report;

8 (ii) the deadline on which the report
9 was required to be submitted to Congress;

10 (iii) the date on which the report was
11 transmitted;

12 (iv) the total cost associated with the
13 report; and

14 (v) a brief summary of the report, in-
15 cluding a citation to the legislative text re-
16 quiring the report.

17 (d) CONGRESSIONAL REPORTING REQUIREMENT DE-
18 FINED.—In this section, the term “congressional reporting
19 requirement” means a requirement that the Secretary of
20 Defense, or any element or official of the Department of
21 Defense, submit to Congress, or to a committee of Con-
22 gress, an unclassified report or briefing by reason of—

23 (1) any provision of title 10, United States
24 Code;

1 (2) a provision of any National Defense Author-
2 ization Act;

3 (3) a provision of a statement of managers that
4 accompanied the conference report for any National
5 Defense Authorization Act; or

6 (4) a provision of a committee report that ac-
7 companied a version of any National Defense Au-
8 thorization Act, as reported by the Committee on
9 Armed Services of the Senate or the Committee on
10 Armed Services of the House of Representatives.

11 **Subtitle G—Other Matters**

12 **SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL** 13 **AMENDMENTS.**

14 (a) TITLE 10, UNITED STATES CODE.—Title 10,
15 United States Code, is amended as follows:

16 (1) The table of chapters at the beginning of
17 subtitle A of title 10, United States Code, and at the
18 beginning of part I of such subtitle, are each amend-
19 ed by inserting before the item relating to chapter
20 20 the following new item:

“19. Cyber Matters 391.”.

21 (2) The table of chapters at the beginning of
22 subtitle A of title 10, United States Code, and at the
23 beginning of part IV of such subtitle, are each

1 amended by inserting after the item relating to
2 chapter 112 the following new item:

“113. Defense Civilian Training Corps2200g.”.

3 (3) The table of chapters at the beginning of
4 subtitle A of title 10, United States Code, and at the
5 beginning of part IV of such subtitle, are each
6 amended by striking the item relating to chapter
7 140 and inserting the following new item:

**“140. Procurement of Commercial Products and Com-
mercial Services 2375.”.**

8 (4)(A) The section designation of each section
9 in chapter 113 of title 10, United States Code, is
10 amended by striking “**SEC.**” and inserting “**§**”.

11 (B) Each corresponding item in the table of
12 sections at the beginning of such chapter is amended
13 by striking “Sec.”, other than where it appears pre-
14 ceding the item relating to section 2200g.

15 (5) Section 101(a)(13)(B) is amended by strik-
16 ing “section 712” and inserting “section 3713”.

17 (6) Section 118(3) is amended by inserting
18 “and” after “‘materiel and operational capability’”.

19 (7) Subsection (g) of section 127e, as redesign-
20 nated by section 1051, is amended by striking
21 “Low-Intensity” and inserting “Low Intensity”.

22 (8) Section 130i is amended—

1 (A) in subsection (i)(1), by striking “of
2 subsection” and all that follows through “shall”
3 and insert “of subsection (j)(3)(C) shall”; and

4 (B) in subsection (j)(6), by adding a period
5 at the end.

6 (9) Section 142 is amended—

7 (A) by striking subsection (d); and

8 (B) by redesignating the second subsection
9 (c) as subsection (d).

10 (10) Section 171a(i)(1) is amended by striking
11 “Acquisitions” and inserting “Acquisition”.

12 (11) Section 192(c) is amended by striking the
13 first paragraph (1).

14 (12) Section 222a(d)(1)(C)(i) is amended by in-
15 serting “had” before “been”.

16 (13) Section 231 is amended—

17 (A) by striking “quadrennial defense re-
18 view” each place it appears and inserting “na-
19 tional defense strategy”; and

20 (B) in subsection (f)(3), by striking “sec-
21 tion 118” and inserting “section 113(g)”.

22 (14) Section 240b(b)(1)(B) is amended—

23 (A) in clause (ix), by striking “suhsection”
24 and inserting “subsection”; and

1 (B) in clause (xii), by inserting “of” after
2 “identification”.

3 (15) Section 393(b)(2)(D) is amended by strik-
4 ing “of Defense” and all that follows through the
5 period and inserting “of Defense for Intelligence and
6 Security”.

7 (16) Section 397(b)(5) is amended by striking
8 “Persons” and inserting “persons”.

9 (17) Section 430(b)(1) is amended by inserting
10 “and Security” after “for Intelligence”.

11 (18) Section 617(d) is amended by striking
12 “section 616(g)” and inserting “section 616(h)”.

13 (19) The table of sections at the beginning of
14 chapter 41 is amended—

15 (A) in the item relating to section 715 by
16 inserting a period at the end; and

17 (B) by moving the item relating to section
18 714 so that it appears immediately after the
19 item relating to section 713.

20 (20) The table of sections at the beginning sub-
21 chapter VII of chapter 47 is amended by striking
22 the item relating to section 837 (article 37) and in-
23 serting the following:

“837. 37. Command influence.”.

24 (21) Section 991(a)(4)(A) is amended by strik-
25 ing “The amount.” and inserting “The amount”.

1 (22) Section 1044e is amended by striking
2 “subsection (h)” each place it appears and inserting
3 “subsection (i)”.

4 (23) The table of sections at the beginning of
5 chapter 54 is amended by inserting after the item
6 relating to section 1064 the following:

 “1065. Use of commissary stores and MWR facilities: certain veterans and care-
 givers for veterans.”.

7 (24) Section 1073c(a) is amended—

8 (A) by redesignating the second paragraph
9 (6) as paragraph (4); and

10 (B) by moving paragraph (4) (as redesign-
11 nated by subparagraph (A)) so as to appear be-
12 fore paragraph (5).

13 (25) Section 1079(q) is amended by striking
14 “section 1074g(h)” and inserting “section
15 1074g(i)”.

16 (26) The table of sections at the beginning of
17 chapter 58 is amended by striking the item relating
18 to section 1142 and inserting the following:

 “1142. Preseparation counseling; transmittal of certain records to Department
 of Veterans Affairs.”.

19 (27) Section 1475(a)(4) is amended by striking
20 “or; or” and inserting “or”.

21 (28) Section 1553(d)(1)(B) is amended by
22 striking “in based” and inserting “is based”.

1 (29) Section 1564(c)(2) is amended in the mat-
2 ter preceding subparagraph (A) by striking “in an”
3 and inserting “is an”.

4 (30) The table of sections at the beginning of
5 subchapter I of chapter 87 is amended by striking
6 the item relating to section 1702 and inserting the
7 following new item:

 “1702. Under Secretary of Defense for Acquisition and Sustainment: authorities
 and responsibilities.”.

8 (31) Section 1701(a) is amended—

9 (A) in subsection (b)(6), by striking the
10 period at the end and inserting a semicolon;
11 and

12 (B) in subsection (c), by striking the para-
13 graph headings for paragraphs (1) and (2).

14 (32) Section 1746(b)(3)(A) is amended by
15 striking the second semicolon that appears before
16 “and” at the end.

17 (33) Section 1784(h)(5) is amended by striking
18 “expire” and inserting “expires”.

19 (34) Section 2004 is amended in subsections
20 (d) and (e) by striking “enlistment” both places it
21 appears and inserting “enlisted”.

22 (35) The table of sections at the beginning of
23 chapter 135 is amended by striking the item relating
24 to section 2279c.

1 (36) Section 2339a(b)(1) is amended by insert-
2 ing “and Security” after “for Intelligence”.

3 (37) Section 2358b(a)(2) is amended by strik-
4 ing “to accelerate” and inserting “accelerate”.

5 (38) The table of sections at the beginning of
6 chapter 142 is amended by striking the item relating
7 to section 2417 and inserting the following:

“2417. Administrative and other costs.”.

8 (39) The table of sections at the beginning of
9 chapter 152 is amended by striking the item relating
10 to section 2568a and inserting the following:

“2568a. Damaged personal protective equipment: award to members separating
from the Armed Forces and veterans.”.

11 (40) Section 2409a(c)(3) is amended by strik-
12 ing “Stat. 664,” and inserting “50 Stat. 664;”.

13 (41) Section 2417(2) is amended by striking
14 “entities -” and inserting “entities—”.

15 (42) Section 2583(g)(2)(A) is amended by in-
16 serting “or” after the semicolon.

17 (43) Section 2641b(a)(3)(B) is amended by
18 striking “subsection (c)(5)” and inserting “sub-
19 section (c)(6)”.

20 (44) Section 2804(b) is amended in the third
21 sentence by striking “; and”.

1 (45) Section 8680(a)(2)(C)(ii) is amended, in
2 the matter preceding subclause (I), by striking the
3 period after the dash.

4 (46) Section 8749(a) is amended by striking
5 “alcohol tests” and inserting “alcohol test”.

6 (47) The tables of chapters at the beginning of
7 subtitle D and part I of such subtitle are each
8 amended by striking the period at the end of the
9 item relating to chapter 908.

10 (b) TITLE 38, UNITED STATES CODE.—Section
11 1967(a)(3)(D) of title 38, United States Code, is amended
12 in the matter preceding clause (i) by inserting a comma
13 after “theater of operations”.

14 (c) NDAA FOR FISCAL YEAR 2020.—Effective as of
15 December 20, 2020, and as if included therein as enacted,
16 the National Defense Authorization Act for Fiscal Year
17 2020 (Public Law 116–92) is amended as follows:

18 (1) Section 234(f)(1) (10 U.S.C. 2164 note) is
19 amended by striking “the a” and inserting “a”.

20 (2) Section 540B(b)(4) (10 U.S.C. 1561 note;
21 133 Stat. 1365) is amended by striking “their their”
22 and inserting “their”.

23 (3) Section 821 (133 Stat. 1490) is amended
24 by inserting “Carl Levin and Howard P. ‘Buck’

1 McKeon” before “National Defense Authorization
2 Act for Fiscal Year 2015”.

3 (4) Section 861(i)(2) (10 U.S.C. 1761 prec.;
4 133 Stat. 1519) is amended by striking “subchapter
5 II” and inserting “subchapter V”.

6 (5) Section 1009(c) (133 Stat. 1576; 10 U.S.C.
7 240b note) is amended by striking “a reporting”
8 and inserting “a report”.

9 (6) Section 1631(i)(1) (133 Stat. 1745) is
10 amended by striking “foreign person” and inserting
11 “foreign power”.

12 (7) Section 1647(b)(3)(A) is amended by strik-
13 ing “by used” and inserting “be used”.

14 (8) Section 1731(a)(2) (133 Stat. 1812; 10
15 U.S.C. 101 prec.) is amended by striking “part I”
16 and inserting “part III”.

17 (9) Section 2801(b)(2) (133 Stat. 1881) is
18 amended by inserting “subchapter I of” before
19 “chapter 169”.

20 (d) NDAA FOR FISCAL YEAR 2019.—Effective as of
21 August 13, 2018, and as if included therein as enacted,
22 the John S. McCain National Defense Authorization Act
23 for Fiscal Year 2019 (Public Law 115–232) is amended
24 as follows:

1 (1) Section 154(a)(1) (10 U.S.C. 2302 note) is
2 amended by striking “of an” and inserting “of”.

3 (2) Section 226(b)(3)(C) (132 Stat. 1686) is
4 amended by striking “commercial-off the-shelf” and
5 inserting “commercially available off-the-shelf items
6 (as defined in section 104 of title 41, United States
7 Code) that may serve as”.

8 (3) Section 809(b)(3) (132 Stat. 1840) is
9 amended by striking “Section 598(d)(4) of the Na-
10 tional Defense Authorization Act of for Fiscal Year
11 2010 (Public Law 111–84; 10 U.S.C. 1561 note)”
12 and inserting “Section 563(d)(4) of the Duncan
13 Hunter National Defense Authorization Act for Fis-
14 cal Year 2009 (Public Law 110–417; 10 U.S.C.
15 1561 note)”.

16 (4) Section 836 (132 Stat. 1859) is amended—

17 (A) in subsection (a)(2)(B), by inserting
18 “of such title” after “Section 104(1)(A)”; and

19 (B) in subsection (c)—

20 (i) in paragraph (5)(B), by striking
21 “subsection (d)(2)” and inserting “sub-
22 section (d)(3)”; and

23 (ii) by amending paragraph (8) to
24 read as follows:

1 “(8) Section 2321(f) is amended by striking
2 ‘commercial items’ and inserting ‘commercial prod-
3 ucts’.”.

4 (5) Section 889(f) (132 Stat. 1918; 41 U.S.C.
5 3901 note prec.) is amended by striking “appro-
6 priate congressional committees’” and inserting “ap-
7 propriate congressional committees”.

8 (6) Section 1286(e)(2)(D) (10 U.S.C. 2358
9 note; 132 Stat. 2080) is amended by striking “im-
10 prove” and inserting “improved”.

11 (7) Section 1757(a) (50 U.S.C. 4816; 132 Stat.
12 2218) is amended by inserting “to persons” before
13 “who are potential”.

14 (8) Section 1759(a)(2) (50 U.S.C. 4818; 132
15 Stat. 2223) is amended by striking the semicolon at
16 the end and inserting a period.

17 (9) Section 1763(c) (50 U.S.C. 4822; 132 Stat.
18 2231) is amended by striking “December 5, 1991”
19 and inserting “December 5, 1995”.

20 (10) Section 1773(b)(1) (50 U.S.C. 4842; 132
21 Stat. 2235) is amended by striking “section
22 1752(1)(D)” and inserting “section 1752(2)(D)”.

23 (11) Section 1774(a) (50 U.S.C. 4843; 132
24 Stat. 2237) is amended in the matter preceding

1 paragraph (1) by inserting “under” before “section
2 1773”.

3 (12) Section 2827(b)(1) (132 Stat. 2270) is
4 amended by inserting “in the matter preceding the
5 paragraphs” after “amended”.

6 (e) NDAA FOR FISCAL YEAR 2018.—Effective as of
7 December 12, 2017, and as if included therein as enacted,
8 the National Defense Authorization Act for Fiscal Year
9 2018 (Public Law 115–91) is amended as follows:

10 (1) Section 1701(a)(4)(A) (131 Stat. 1796) is
11 amended by striking “Section 831(n)(2)(g)” and in-
12 serting “Section 831(o)(2)(G)”.

13 (f) NDAA FOR FISCAL YEAR 2016.—Effective as of
14 December 23, 2016, and as if included therein as enacted,
15 the National Defense Authorization Act for Fiscal Year
16 2016 (Public Law 114–92) is amended as follows:

17 (1) In section 541(a) (10 U.S.C. 1561 note), by
18 striking “section 1044e(g)” and inserting “section
19 1044e(h)”.

20 (2) In section 856(a)(1) (10 U.S.C. 2377 note),
21 by inserting “United States Code,” after “title 41,”.

22 (3) In section 1675(a), by striking “Board,”
23 and inserting “Board,”.

24 (g) COORDINATION WITH OTHER AMENDMENTS
25 MADE BY THIS ACT.—For purposes of applying amend-

1 ments made by provisions of this Act other than this sec-
2 tion, the amendments made by this section shall be treated
3 as having been enacted immediately before any such
4 amendments by other provisions of this Act.

5 **SEC. 1082. REPORTING OF ADVERSE EVENTS RELATING TO**
6 **CONSUMER PRODUCTS ON MILITARY INSTAL-**
7 **LATIONS.**

8 (a) IN GENERAL.—The Secretary of Defense shall
9 issue to the military departments guidance to encourage
10 the reporting of any adverse event related to a consumer
11 product that occurs on a military installation on the ap-
12 propriate consumer product safety website.

13 (b) DEFINITIONS.—In this section:

14 (1) The term “adverse event” means—

15 (A) any event that indicates that a con-
16 sumer product—

17 (i) fails to comply with an applicable
18 consumer product safety rule or with a vol-
19 untary consumer product safety standard
20 upon which the Consumer Product Safety
21 Commission has relied under section 9 of
22 the Consumer Product Safety Act (15
23 U.S.C. 2058);

24 (ii) fails to comply with any other
25 rule, regulation, standard, or ban under

1 that Act or any other Act enforced by the
2 Commission;

3 (iii) contains a defect that could cre-
4 ate a substantial product hazard described
5 in section 15(a)(2) of the Consumer Prod-
6 uct Safety Act (15 U.S.C. 2064(a)(2)); or

7 (iv) creates an unreasonable risk of
8 serious injury or death; or

9 (B) any other harm described in subsection
10 (b)(1)(A) of section 6A of the Consumer Prod-
11 uct Safety Act (15 U.S.C. 2055a) and required
12 to be reported in the database established under
13 subsection (a) of that section.

14 (2) The term “consumer product” has the
15 meaning given that term in section 3 of the Con-
16 sumer Product Safety Act (15 U.S.C. 2052).

17 **SEC. 1083. MODIFICATION TO FIRST DIVISION MONUMENT.**

18 (a) AUTHORIZATION.—The Society of the First In-
19 fantry Division may make modifications to the First Divi-
20 sion Monument located on Federal land in President’s
21 Park in the District of Columbia to honor the dead of the
22 First Infantry Division, United States Forces, in—

23 (1) Operation Desert Storm;

24 (2) Operation Iraqi Freedom and New Dawn;

25 and

1 (3) Operation Enduring Freedom.

2 (b) MODIFICATIONS.—Modifications to the First Di-
3 vision Monument may include construction of additional
4 plaques and stone plinths on which to put plaques.

5 (c) APPLICABILITY OF COMMEMORATIVE WORKS
6 ACT.—Chapter 89 of title 40, United States Code (com-
7 monly known as the “Commemorative Works Act”), shall
8 apply to the design and placement of the commemorative
9 elements authorized by this section, except that sub-
10 sections (b) and (c) of section 8903 of such title shall not
11 apply.

12 (d) COLLABORATION.—The First Infantry Division
13 of the Department of the Army shall collaborate with the
14 Secretary of Defense to provide to the Society of the First
15 Infantry Division the list of names to be added to the First
16 Division Monument in accordance with subsection (a).

17 (e) FUNDING.—Federal funds may not be used for
18 modifications of the First Division Monument authorized
19 by this section.

20 **SEC. 1084. SENSE OF CONGRESS REGARDING REPORTING**
21 **OF CIVILIAN CASUALTIES RESULTING FROM**
22 **UNITED STATES MILITARY OPERATIONS.**

23 It is the sense of Congress—

24 (1) to commend the Department of Defense for
25 the measures it has implemented and is currently

1 implementing to prevent, mitigate, track, investigate,
2 learn from, respond to, and report civilian casualties
3 resulting from United States military operations;

4 (2) to agree with the Department that civilian
5 casualties are a tragic and unavoidable part of war,
6 and to recognize that the Department endeavors to
7 conduct all military operations in compliance with
8 the international law of armed conflict and the laws
9 of the United States, including distinction, propor-
10 tionality, and the requirement to take feasible pre-
11 cautions in planning and conducting operations to
12 reduce the risk of harm to civilians and other pro-
13 tected persons and objects;

14 (3) that the protection of civilians and other
15 protected persons and objects, in addition to a legal
16 obligation and a strategic interest, is a moral and
17 ethical imperative;

18 (4) that the Department has been responsive
19 and submitted to Congress three successive annual
20 reports on civilian casualties resulting from United
21 States military operations for calendar years 2017,
22 2018, and 2019, and has proactively updated reports
23 as appropriate;

24 (5) to commend the United States Africa Com-
25 mand for announcing on March 21, 2020, its intent

1 to issue quarterly reports on the status of ongoing
2 civilian casualty allegations and assessments;

3 (6) to recognize the efforts of the Department,
4 both in policy and in practice, to reduce the harm
5 to civilians and other protected persons and objects
6 resulting from United States military operations;
7 and

8 (7) to encourage the Department to make addi-
9 tional progress in—

10 (A) ensuring that the combatant com-
11 mands have the requisite personnel and re-
12 sources to appropriately integrate the observ-
13 ance of human rights and the protection of ci-
14 vilians and civilian objects in the planning and
15 activities of the commands;

16 (B) finalizing and implementing the policy
17 of the Department relating to civilian casualties
18 resulting from United States military oper-
19 ations, as required by section 936 of the John
20 S. McCain National Defense Authorization Act
21 for Fiscal Year 2019 (10 U.S.C. 134 note);

22 (C) finalizing Department-wide regulations
23 to implement section 1213 of the National De-
24 fense Authorization for Fiscal Year 2020 (Pub-
25 lic Law 116–92) for ex gratia payments for

1 damage, personal injury, or death that is inci-
2 dent to the use of force by the United States
3 Armed Forces, a coalition that includes the
4 United States, a military organization sup-
5 porting the United States, or a military organi-
6 zation supporting the United States or such co-
7 alition; and

8 (D) enhancing the ability of foreign part-
9 ner forces to reduce civilian casualties, includ-
10 ing in connection with train and equip pro-
11 grams, advise, assist, accompany, and enable
12 missions, and fully combined and coalition oper-
13 ations.

14 **SEC. 1085. DEPLOYMENT OF REAL-TIME STATUS OF SPE-**
15 **CIAL USE AIRSPACE.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, to the maximum extent practicable, the
18 Administrator of the Federal Aviation Administration, in
19 coordination with the Secretary of Defense, shall enable
20 the automated public dissemination of information on the
21 real-time status of the activation or deactivation of mili-
22 tary operations areas and restricted areas in a manner
23 that is similar to the manner that temporary flight restric-
24 tions are published and disseminated.

1 **SEC. 1086. DUTIES OF SECRETARY UNDER UNIFORMED AND**
2 **OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

3 (a) ENSURING ABILITY OF ABSENT UNIFORMED
4 SERVICES VOTERS SERVING AT DIPLOMATIC AND CON-
5 SULAR POSTS TO RECEIVE AND TRANSMIT BALLOTING
6 MATERIALS.—In carrying out the Secretary's duties as
7 the Presidential designee under the Uniformed and Over-
8 seas Citizens Absentee Voting Act (52 U.S.C. 20301 et
9 seq.), the Secretary shall take such actions as may be nec-
10 essary, feasible, and practical to ensure that a uniformed
11 services voter under such Act who is absent from the
12 United States by reason of active duty or service at a dip-
13 lomatic and consular post of the United States is able to
14 receive and transmit balloting materials in the same man-
15 ner and with the same rights and protections as a uni-
16 formed services voter under such Act who is absent from
17 the United States by reason of active duty or service at
18 a military installation.

19 (b) EFFECTIVE DATE.—This section shall apply with
20 respect to elections held on or after the date of the enact-
21 ment of this Act.

22 **SEC. 1087. MITIGATION OF MILITARY HELICOPTER NOISE.**

23 (a) PROCESS FOR TRACKING COMPLAINTS.—The
24 Secretary of Defense, in coordination with the Metropoli-
25 tan Washington Airports Authority, shall develop a proc-
26 ess to receive, track, and analyze complaints of military

1 rotary wing aircraft noise in the National Capital Region
2 that are registered on the noise inquiry websites of Ronald
3 Reagan Washington National Airport and Dulles Inter-
4 national Airport.

5 (b) NATIONAL CAPITAL REGION.—In this section,
6 the term “National Capital Region” has the meaning
7 given such term in section 2674(f)(2) of title 10, United
8 States Code.

9 **SEC. 1088. CONGRESSIONAL EXPRESSION OF SUPPORT FOR**
10 **DESIGNATION OF NATIONAL**
11 **BORINQUENEERS DAY.**

12 Congress—

13 (1) expresses support for the designation of
14 “National Borinqueneers Day”;

15 (2) recognizes the bravery, service, and sacrifice
16 of the Puerto Rican soldiers of the 65th Infantry
17 Regiment in the armed conflicts of the United
18 States in the 20th and 21st centuries;

19 (3) expresses deep gratitude for the contribu-
20 tions to the Armed Forces that have been made by
21 hundreds of thousands of patriotic United States
22 citizens from Puerto Rico; and

23 (4) urges individuals and communities across
24 the United States to participate in activities that are
25 designed—

1 (A) to celebrate the distinguished service of
2 the veterans who served in the 65th Infantry
3 Regiment, known as the “Borinqueneers”;

4 (B) to pay tribute to the sacrifices made
5 and adversities overcome by Puerto Rican and
6 Hispanic members of the Armed Forces; and

7 (C) to recognize the significant contribu-
8 tions to United States history made by the
9 Borinqueneers.

10 **SEC. 1089. TED STEVENS CENTER FOR ARCTIC SECURITY**
11 **STUDIES.**

12 (a) PLAN REQUIRED.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of Defense, in coordination with the Secretary of
16 State, shall submit to the congressional defense com-
17 mittees a plan to establish a Department of Defense
18 Regional Center for Security Studies for the Arctic.

19 (2) ELEMENTS.—The plan required by para-
20 graph (1) shall include the following:

21 (A) A description of the benefits of estab-
22 lishing such a center, including the manner in
23 which the establishment of such a center would
24 benefit United States and Department of De-
25 fense interests in the Arctic region.

1 (B) A description of the mission and pur-
2 pose of such a center, including—

3 (i) enhancing understanding of the
4 dynamics and national security implica-
5 tions of an emerging Arctic region, includ-
6 ing increased access for transit and ma-
7 neuverability; and

8 (ii) other specific policy guidance from
9 the Office of the Secretary of Defense.

10 (C) An analysis of suitable reporting rela-
11 tionships with the applicable combatant com-
12 mands.

13 (D) An assessment of suitable locations,
14 which shall include an enumeration and valu-
15 ation of criteria, which may include—

16 (i) the proximity of a location to other
17 academic institutions that study security
18 implications with respect to the Arctic re-
19 gion;

20 (ii) the proximity of a location to the
21 designated lead for Arctic affairs of the
22 United States Northern Command; and

23 (iii) the proximity of a location to a
24 central hub of assigned Arctic-focused
25 Armed Forces so as to suitably advance

1 relevant professional development of skills
2 unique to the Arctic region.

3 (E) A description of the establishment and
4 operational costs of such a center, including
5 for—

6 (i) military construction for required
7 facilities;

8 (ii) facility renovation;

9 (iii) personnel costs for faculty and
10 staff; and

11 (iv) other costs the Secretary con-
12 siderers appropriate.

13 (F) An evaluation of the existing infra-
14 structure, resources, and personnel available at
15 military installations and at universities and
16 other academic institutions that could reduce
17 the costs described in accordance with subpara-
18 graph (E).

19 (G) An examination of partnership oppor-
20 tunities with United States allies and partners
21 for potential collaboration and burden sharing.

22 (H) A description of potential courses and
23 programs that such a center could carry out,
24 including—

- 1 (i) core, specialized, and advanced
2 courses;
3 (ii) potential planning workshops;
4 (iii) seminars;
5 (iv) confidence-building initiatives;
6 and
7 (v) academic research.

8 (I) A description of any modification to
9 title 10, United States Code, necessary for the
10 effective operation of such a center.

11 (3) FORM.—The plan required by paragraph
12 (1) shall be submitted in unclassified form, but may
13 include a classified annex.

14 (b) ESTABLISHMENT.—

15 (1) IN GENERAL.—Not earlier than 30 days
16 after the submittal of the plan required by sub-
17 section (a), and subject to the availability of appro-
18 priations, the Secretary of Defense may establish
19 and administer a Department of Defense Regional
20 Center for Security Studies for the Arctic, to be
21 known as the “Ted Stevens Center for Arctic Secu-
22 rity Studies”, for the purpose described in section
23 342(a) of title 10, United States Code.

24 (2) LOCATION.—Subject to a determination by
25 the Secretary to establish the Ted Stevens Center

1 for Arctic Security Studies under this section, the
2 Center shall be established at a location determined
3 suitable pursuant to subsection (a)(2)(D).

4 **SEC. 1090. ESTABLISHMENT OF VETTING PROCEDURES**
5 **AND MONITORING REQUIREMENTS FOR CER-**
6 **TAIN MILITARY TRAINING.**

7 (a) ESTABLISHMENT OF VETTING PROCEDURES.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Secretary
10 of Defense shall establish procedures to vet covered
11 individuals for eligibility for physical access to De-
12 partment of Defense installations and facilities with-
13 in the United States.

14 (2) CRITERIA FOR PROCEDURES.—The proce-
15 dures established under paragraph (1) shall include
16 biographic and biometric screening of covered indi-
17 viduals, continuous review of whether covered indi-
18 viduals should continue to be authorized for physical
19 access, biographic checks of the immediate family
20 members of covered individuals, and any other meas-
21 ures that the Secretary determines appropriate for
22 vetting.

23 (3) INFORMATION REQUIRED.—The Secretary
24 shall identify the information required to conduct
25 the vetting under this section.

1 (4) COLLECTION OF INFORMATION.—The Sec-
2 retary shall—

3 (A) collect the information required to vet
4 individuals under the procedures established
5 under this subsection;

6 (B) as required for the effective implemen-
7 tation of this section, seek to enter into agree-
8 ments with the relevant departments and agen-
9 cies of the United States to facilitate the shar-
10 ing of information in the possession of such de-
11 partments and agencies concerning covered in-
12 dividuals; and

13 (C) ensure that the initial vetting of cov-
14 ered individuals is conducted as early and
15 promptly as practicable, to minimize disruptions
16 to United States programs to train foreign mili-
17 tary students.

18 (b) DETERMINATION AUTHORITY.—

19 (1) REVIEW OF VETTING RESULTS.—The Sec-
20 retary shall assign to an organization within the De-
21 partment with responsibility for security and coun-
22 terintelligence the responsibility of—

23 (A) reviewing the results of the vetting of
24 a covered individual conducted under subsection
25 (a); and

1 (B) making a recommendation regarding
2 whether such individual should be given phys-
3 ical access to a Department of Defense installa-
4 tion or facility.

5 (2) NEGATIVE RECOMMENDATION.—If the rec-
6 ommendation with respect to a covered individual
7 under paragraph (1)(B) is that the individual should
8 not be given physical access to a Department of De-
9 fense installation or facility—

10 (A) such individual may only be given such
11 access if such access is authorized by the Sec-
12 retary of Defense or the Deputy Secretary of
13 Defense; and

14 (B) the Secretary of Defense shall ensure
15 that the Secretary of State is promptly provided
16 with notification of such recommendation.

17 (c) ADDITIONAL SECURITY MEASURES.—

18 (1) SECURITY MEASURES REQUIRED.—The Sec-
19 retary of Defense shall ensure that—

20 (A) all Department of Defense common ac-
21 cess cards issued to foreign nationals in the
22 United States comply with the credentialing
23 standards issued by the Office of Personnel
24 Management;

1 (B) all such common access cards issued to
2 foreign nationals in the United States include a
3 visual indicator as required by the standard de-
4 veloped by the Department of Commerce Na-
5 tional Institute of Standards and Technology;

6 (C) physical access by covered individuals
7 is limited, as appropriate, to those Department
8 of Defense installations or facilities within the
9 United States directly associated with the train-
10 ing or education or necessary for such individ-
11 uals to access authorized benefits;

12 (D) a policy is in place covering possession
13 of firearms on Department of Defense property
14 by covered individuals;

15 (E) covered individuals who have been
16 granted physical access to Department of De-
17 fense installations and facilities are incor-
18 porated into the Insider Threat Program of the
19 Department of Defense; and

20 (F) covered individuals are prohibited from
21 transporting, possessing, storing, or using per-
22 sonally owned firearms on Department of De-
23 fense installations or property consistent with
24 the Secretary of Defense policy memorandum
25 dated January 16, 2020, or any successor pol-

1 icy guidance that restricts transporting, pos-
2 sessing, storing, or using personally owned fire-
3 arms on Department of Defense installations or
4 property.

5 (2) EFFECTIVE DATE.—The security measures
6 required under paragraph (1) shall take effect on
7 the date that is 181 days after the date of the enact-
8 ment of this Act.

9 (3) NOTIFICATION REQUIRED.—Upon the es-
10 tablishment of the security measures required under
11 paragraph (1), the Secretary of Defense shall submit
12 to the Committees on Armed Services of the Senate
13 and House of Representatives notice of the estab-
14 lishment of such security measures.

15 (d) REPORTING REQUIREMENTS.—

16 (1) REPORT.—Not later than two years after
17 the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the appropriate congres-
19 sional committees a report on the implementation
20 and effects of this section. Such report shall include
21 a description of—

22 (A) any positive or negative effects on the
23 training of foreign military students as a result
24 of this section;

1 (B) the effectiveness of the vetting proce-
2 dures implemented pursuant to this section in
3 preventing harm to members of the Armed
4 Forces and United States persons;

5 (C) any mitigation strategies used to ad-
6 dress any negative effects of the implementation
7 of this section; and

8 (D) a proposed plan to mitigate any ongo-
9 ing negative effects to the vetting and training
10 of foreign military students by the Department
11 of Defense.

12 (2) REPORT BY COMPTROLLER GENERAL.—Not
13 later than three years after the date of the enact-
14 ment of this Act, the Comptroller General of the
15 United States shall submit to the appropriate con-
16 gressional committees an unclassified report (which
17 may contain a classified annex) on the safety and se-
18 curity of United States personnel and international
19 students assigned to United States military bases
20 participating in programs authorized under chapter
21 5 of part II of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2347 et seq.) (relating to international
23 military education and training), particularly with
24 respect to whether—

1 (A) relevant United States diplomatic and
2 consular personnel properly vet foreign per-
3 sonnel participating in such programs and en-
4 tering such bases;

5 (B) existing screening protocols with re-
6 spect to such vetting include counter-terrorism
7 screening and are sufficiently effective at ensur-
8 ing the safety and security of United States
9 personnel and international students assigned
10 to such bases; and

11 (C) whether existing screening protocols
12 with respect to such vetting are in compliance
13 with applicable requirements of section 362 of
14 title 10, United States Code, and sections 502B
15 and 620M of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2304 and 2378d).

17 (e) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Armed Services and
21 the Committee on Foreign Relations of the Sen-
22 ate; and

23 (B) the Committee on Armed Services and
24 the Committee on Foreign Affairs of the House
25 of Representatives.

1 (2) The term “covered individual” means any
2 foreign national (except foreign nationals of Aus-
3 tralia, Canada, New Zealand, and the United King-
4 dom who have been granted a security clearance
5 that is reciprocally accepted by the United States for
6 access to classified information) who—

7 (A) is seeking physical access to a Depart-
8 ment of Defense installation or facility within
9 the United States; and

10 (B) is—

11 (i) selected, nominated, or accepted
12 for training or education for a period of
13 more than 14 days occurring on a Depart-
14 ment of Defense installation or facility
15 within the United States; or

16 (ii) an immediate family member ac-
17 companying any foreign national who has
18 been selected, nominated, or accepted for
19 such training or education.

20 (3) The term “United States” means the sev-
21 eral States, the District of Columbia, the Common-
22 wealth of Puerto Rico, and Guam.

23 (4) The term “immediate family member” with
24 respect to any individual means the parent, step-par-

ent, spouse, sibling, step-sibling, half-sibling, child,
or step-child of the individual.

SEC. 1091. PERSONAL PROTECTIVE EQUIPMENT MATTERS.

(a) BRIEFINGS ON FIELDING OF NEWEST GENERATIONS OF PPE TO THE ARMED FORCES.—

(1) BRIEFINGS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment to the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

(A) A description and assessment of the fielding of newest generations of personal protective equipment to members of such Armed Force, including the following:

(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scalable Vest Generation II body armor as of December 31, 2020.

1 (ii) The number (aggregated by total
2 number and by sex) of members of such
3 Armed Force issued Marine Corps Plate
4 Carrier Generation III body armor as of
5 that date.

6 (iii) The number (aggregated by total
7 number and by sex) of members of such
8 Armed Force fitted with legacy personal
9 protective equipment as of that date.

10 (B) A description and assessment of the
11 barriers, if any, to the fielding of such genera-
12 tions of equipment to such members.

13 (C) A description and assessment of chal-
14 lenges in the fielding of such generations of
15 equipment to such members, including cost
16 overruns, contractor delays, and other chal-
17 lenges.

18 (b) SYSTEM FOR TRACKING DATA ON INJURIES
19 AMONG MEMBERS OF THE ARMED FORCES IN USE OF
20 NEWEST GENERATION PPE.—

21 (1) SYSTEM REQUIRED.—

22 (A) IN GENERAL.—The Secretary of De-
23 fense shall develop and maintain a system for
24 tracking data on injuries among members of
25 the Armed Forces in and during the use of

1 newest generation personal protective equip-
2 ment.

3 (B) SCOPE OF SYSTEM.—The system re-
4 quired by this paragraph may, at the election of
5 the Secretary, be new for purposes of this sub-
6 section or within or a modification of an appro-
7 priate existing system.

8 (2) BRIEFING.—Not later than January 31,
9 2025, the Secretary shall submit to Congress a
10 briefing on the prevalence among members of the
11 Armed Forces of preventable injuries attributable to
12 ill-fitting or malfunctioning personal protective
13 equipment.

14 (c) ASSESSMENTS OF MEMBERS OF THE ARMED
15 FORCES OF INJURIES INCURRED IN CONNECTION WITH
16 ILL-FITTING OR MALFUNCTIONING PPE.—

17 (1) IN GENERAL.—Each health assessment
18 specified in paragraph (2) that is undertaken after
19 the date of the enactment of this Act shall include
20 the following:

21 (A) One or more questions on whether
22 members incurred an injury in connection with
23 ill-fitting or malfunctioning personal protective
24 equipment during the period covered by such
25 assessment, including the nature of such injury.

1 (B) In the case of any member who has so
2 incurred such an injury, one or more elements
3 of self-evaluation of such injury by such mem-
4 ber for purposes of facilitating timely docu-
5 mentation and enhanced monitoring of such
6 members and injuries.

7 (2) ASSESSMENTS.—The health assessments
8 specified in this paragraph are the following:

9 (A) The annual Periodic Health Assess-
10 ment of members of the Armed Forces.

11 (B) The post-deployment health assess-
12 ment of members of the Armed Forces.

13 **TITLE XI—CIVILIAN PERSONNEL**
14 **MATTERS**

Subtitle A—General Provisions

- Sec. 1101. Department of Defense policy on unclassified workspaces and job functions of personnel with pending security clearances.
- Sec. 1102. Enhancement of public-private talent exchange programs in the Department of Defense.
- Sec. 1103. Paid parental leave technical corrections.
- Sec. 1104. Authority to provide travel and transportation allowances in connection with transfer ceremonies of certain civilian employees who die overseas.
- Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1106. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1107. Civilian faculty at the Defense Security Cooperation University and Institute of Security Governance.
- Sec. 1108. Temporary authority to appoint retired members of the Armed Forces to positions in the Department of Defense.
- Sec. 1109. Fire fighters alternative work schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services.
- Sec. 1110. Special rules for certain monthly workers' compensation payments and other payments for Federal Government personnel under chief of mission authority.

- Sec. 1111. Temporary increase in limitation on accumulation of annual leave for Executive branch employees.
- Sec. 1112. Telework travel expenses program of the United States Patent and Trademark Office.
- Sec. 1113. Extension of rate of overtime pay authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1114. Enhanced pay authority for certain acquisition and technology positions in the Department of Defense.
- Sec. 1115. Enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
- Sec. 1116. Extension of enhanced appointment and compensation authority for civilian personnel for care and treatment of wounded and injured members of the armed forces.
- Sec. 1117. Expansion of direct hire authority for certain Department of Defense personnel to include installation military housing office positions supervising privatized military housing.
- Sec. 1118. Extension of sunset of inapplicability of certification of executive qualifications by qualification certification review board of office of personnel management for initial appointments to senior executive service positions in department of defense.
- Sec. 1119. Pilot program on enhanced pay authority for certain high-level management positions in the Department of Defense.
- Sec. 1120. Recruitment incentives for placement at remote locations.
- Sec. 1121. Technical amendments regarding reimbursement of Federal, State, and local income taxes incurred during travel, transportation, and relocation.

Subtitle B—Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020

- Sec. 1131. Short title.
- Sec. 1132. Sense of Congress.
- Sec. 1133. Notification of violation.
- Sec. 1134. Reporting requirements.
- Sec. 1135. Data to be posted by employing Federal agencies.
- Sec. 1136. Data to be posted by the Equal Employment Opportunity Commission.
- Sec. 1137. Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 amendments.
- Sec. 1138. Nondisclosure agreement limitation.

1 **Subtitle A—General Provisions**

2 **SEC. 1101. DEPARTMENT OF DEFENSE POLICY ON UNCLAS-**
3 **SIFIED WORKSPACES AND JOB FUNCTIONS**
4 **OF PERSONNEL WITH PENDING SECURITY**
5 **CLEARANCES.**

6 (a) **POLICY REQUIRED.**—The Secretary of Defense
7 shall develop and implement a policy under which a cov-
8 ered individual may occupy a position within the Depart-
9 ment of Defense that requires a security clearance to per-
10 form appropriate unclassified work, or work commensu-
11 rate with a security clearance already held by the indi-
12 vidual (which may include an interim security clearance),
13 while such individual awaits a final determination with re-
14 spect to the security clearance required for such position.

15 (b) **UNCLASSIFIED WORK SPACES.**—As part of the
16 policy under subsection (a), the Secretary of Defense
17 shall—

18 (1) ensure, to the extent practicable, that all fa-
19 cilities of the Department of Defense at which cov-
20 ered individuals perform job functions have unclassi-
21 fied workspaces; and

22 (2) issue guidelines under which appropriately
23 screened individuals, who are not covered individ-
24 uals, may use the unclassified workspaces on a
25 space-available basis.

1 (c) REPORT.—Not later than one year after the date
2 of enactment of this Act, the Secretary of Defense shall
3 submit to the Committees on Armed Services of the Sen-
4 ate and the House of Representatives a report setting
5 forth the policy required by subsection (a). The report
6 shall include the following:

7 (1) Identification of any challenges or impedi-
8 ments to allowing covered individuals fill positions
9 on a probationary basis as described in subsection
10 (a).

11 (2) A plan for implementing the policy.

12 (3) A description of how existing facilities may
13 be modified to accommodate unclassified workspaces.

14 (4) Identification of impediments to making un-
15 classified workspace available.

16 (d) COVERED INDIVIDUAL DEFINED.—In this sec-
17 tion, the term “covered individual” includes a member of
18 the Armed Forces, a civilian employee of the Department
19 of Defense, or an applicant for a civilian position within
20 the Department of Defense, who has applied for, but who
21 has not yet received, a security clearance that is required
22 for the individual to perform one or more job functions.

1 **SEC. 1102. ENHANCEMENT OF PUBLIC-PRIVATE TALENT EX-**
2 **CHANGE PROGRAMS IN THE DEPARTMENT**
3 **OF DEFENSE.**

4 (a) PUBLIC-PRIVATE TALENT EXCHANGE.—Section
5 1599g of title 10, United States Code, is amended—

6 (1) in subsection (b)(1), by amending subpara-
7 graph (C) to read as follows:

8 “(C) shall contain language ensuring that
9 such employee of the Department does not im-
10 properly use information that such employee
11 knows relates to a Department acquisition or
12 procurement for the benefit or advantage of the
13 private-sector organization.”; and

14 (2) by amending paragraph (4) of subsection (f)
15 to read as follows:

16 “(4) may not perform work that is considered
17 inherently governmental in nature; and”.

18 (b) APPLICATION OF EXCHANGE AUTHORITY TO
19 MODERNIZATION PRIORITIES.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall take steps to ensure that the authority
22 of the Secretary to carry out a public-private talent ex-
23 change program under section 1599g of title 10, United
24 States Code (as amended by subsection (a)), is used to—

25 (1) carry out exchanges of personnel with pri-
26 vate sector entities that are working on the mod-

1 ernization priorities of the Department of Defense;
2 and

3 (2) carry out exchanges in—

4 (A) the office of the Under Secretary of
5 Defense for Research and Engineering;

6 (B) the office of the Chief Information Of-
7 ficer of the Department of Defense;

8 (C) each Armed Force under the jurisdic-
9 tion of the Secretary of a military department;
10 and

11 (D) any other organizations or elements of
12 the Department of Defense the Secretary deter-
13 mines appropriate.

14 (c) CONFLICTS OF INTEREST.—The Secretary shall
15 implement a system to identify, mitigate, and manage any
16 conflicts of interests that may arise as a result of an indi-
17 vidual's participation in a public-private talent exchange
18 under section 1599g of title 10, United States Code.

19 (d) TREATMENT OF PROGRAM PARTICIPANTS.—The
20 Secretary of Defense, in consultation with each Secretary
21 of a military department, shall develop practices to ensure
22 that participation by a member of an Armed Force under
23 the jurisdiction of the Secretary of a military department
24 in an public-private talent exchange under section 1599g

1 of title 10, United States Code, is taken into consideration
2 in subsequent assignments.

3 (e) BRIEFING ON USE OF EXISTING EXCHANGE PRO-
4 GRAM AUTHORITY.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, and an-
7 nually thereafter for 5 years, the Secretary of De-
8 fense shall provide to the Committees on Armed
9 Services of the Senate and the House of Representa-
10 tives a briefing on the efforts undertaken—

11 (A) to implement the public-private ex-
12 change programs of the Department of De-
13 fense; and

14 (B) to ensure that such programs seek op-
15 portunities for exchanges with private sector en-
16 tities working on modernization priorities of the
17 Department of Defense, including artificial in-
18 telligence applications, in accordance with the
19 requirements of this section.

20 (2) ELEMENTS.—Each briefing under para-
21 graph (1) shall include an explanation of—

22 (A) what barriers may prevent supervisors
23 from nominating their staff and encouraging
24 participation in public-private exchange pro-
25 grams;

1 (B) how the Department can incentivize
2 senior leaders and supervisors to encourage par-
3 ticipation in such programs;

4 (C) how the Department is implementing
5 the requirement of subsection (c) relating to con-
6 flicts of interest; and

7 (D) what, if any, statutory changes or au-
8 thorities are needed to effectively carry out such
9 programs.

10 **SEC. 1103. PAID PARENTAL LEAVE TECHNICAL CORREC-**
11 **TIONS.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Paid Parental Leave Technical Corrections Act of 2020”.

14 (b) PAID PARENTAL LEAVE FOR EMPLOYEES OF
15 DISTRICT OF COLUMBIA COURTS AND DISTRICT OF CO-
16 LUMBIA PUBLIC DEFENDER SERVICE.—

17 (1) DISTRICT OF COLUMBIA COURTS.—Section
18 11–1726, District of Columbia Official Code, is
19 amended by adding at the end the following new
20 subsection:

21 “(d) In carrying out the Family and Medical Leave
22 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-
23 judicial employees of the District of Columbia courts, the
24 Joint Committee on Judicial Administration shall, not-
25 withstanding any provision of such Act, establish a paid

1 parental leave program for the leave described in subpara-
2 graphs (A) and (B) of section 102(a)(1) of such Act (29
3 U.S.C. 2612(a)(1)) (relating to leave provided in connec-
4 tion with the birth of a child or a placement of a child
5 for adoption or foster care). In developing the terms and
6 conditions for this program, the Joint Committee may be
7 guided by the terms and conditions applicable to the provi-
8 sion of paid parental leave for employees of the Federal
9 Government under chapter 63 of title 5, United States
10 Code, and any corresponding regulations.”.

11 (2) DISTRICT OF COLUMBIA PUBLIC DEFENDER
12 SERVICE.—Section 305 of the District of Columbia
13 Court Reform and Criminal Procedure Act of 1970
14 (section 2–1605, D.C. Official Code) is amended by
15 adding at the end the following new subsection:

16 “(d) In carrying out the Family and Medical Leave
17 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to em-
18 ployees of the Service, the Director shall, notwithstanding
19 any provision of such Act, establish a paid parental leave
20 program for the leave described in subparagraphs (A) and
21 (B) of section 102(a)(1) of such Act (29 U.S.C.
22 2612(a)(1)) (relating to leave provided in connection with
23 the birth of a child or the placement of a child for adoption
24 or foster care). In developing the terms and conditions for
25 this program, the Director may be guided by the terms

1 and conditions applicable to the provision of paid parental
2 leave for employees of the Federal Government under
3 chapter 63 of title 5, United States Code, and any cor-
4 responding regulations.”.

5 (c) FAA AND TSA.—

6 (1) IN GENERAL.—Section 40122(g) of title 49,
7 United States Code, is amended—

8 (A) by redesignating paragraph (5) as
9 paragraph (6); and

10 (B) by inserting after paragraph (4) the
11 following:

12 “(5) PAID PARENTAL LEAVE.—The Adminis-
13 trator shall implement a paid parental leave benefit
14 for employees of the Administration that is, at a
15 minimum, consistent with the paid parental leave
16 benefits provided under section 6382 of title 5.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall apply with respect to any
19 birth or placement occurring on or after October 1,
20 2020.

21 (3) RULE OF CONSTRUCTION.—Nothing in this
22 subsection, or any amendment made by this sub-
23 section, may be construed to affect leave provided to
24 an employee of the Transportation Security Admin-
25 istration before October 1, 2020.

1 (d) TITLE 38 EMPLOYEES.—

2 (1) IN GENERAL.—Section 7425 of title 38,
3 United States Code, is amended—

4 (A) in subsection (b), by striking “Not-
5 withstanding” and inserting “Except as pro-
6 vided in subsection (c), and notwithstanding”;
7 and

8 (B) by adding at the end the following:

9 “(c) Notwithstanding any other provision of this sub-
10 chapter, the Administration shall provide to individuals
11 appointed to any position described in section 7421(b) who
12 are employed for compensation by the Administration,
13 family and medical leave in the same manner and subject
14 to the same limitations to the maximum extent prac-
15 ticable, as family and medical leave is provided under sub-
16 chapter V of chapter 63 of title 5 to employees, as defined
17 in section 6381(1) of such title.”.

18 (2) APPLICABILITY.—The amendments made
19 by paragraph (1) shall apply with respect to any
20 event for which leave may be taken under sub-
21 chapter V of chapter 63 of title 5, United States
22 Code, occurring on or after October 1, 2020.

23 (e) EMPLOYEES OF EXECUTIVE OFFICE OF THE
24 PRESIDENT.—

1 (1) IN GENERAL.—Section 412 of title 3,
2 United States Code, is amended—

3 (A) in subsection (a), by adding at the end
4 the following:

5 “(3) EXCEPTION.—Notwithstanding section
6 401(b)(2), the requirements of paragraph (2)(B)
7 shall not apply with respect to leave under subpara-
8 graph (A) or (B) of section 102(a)(1) of the Family
9 and Medical Leave Act of 1993 (29 U.S.C.
10 2612(a)(1)).”;

11 (B) by redesignating subsections (c) and
12 (d) as subsections (d) and (e), respectively;

13 (C) by inserting after subsection (b) the
14 following:

15 “(c) SPECIAL RULES FOR SUBSTITUTION OF PAID
16 LEAVE.—

17 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
18 ered employee may elect to substitute for any leave
19 without pay under subparagraph (A) or (B) of sec-
20 tion 102(a)(1) of the Family and Medical Leave Act
21 of 1993 (29 U.S.C. 2612(a)(1)) any paid leave
22 which is available to such employee for that purpose.

23 “(2) AVAILABLE LEAVE.—The paid leave that
24 is available to a covered employee for purposes of
25 paragraph (1) is leave of the type and in the amount

1 available to an employee under section
2 6382(d)(2)(B) of title 5, United States Code, for
3 substitution for leave without pay under subpara-
4 graph (A) or (B) of section 6382(a)(1) of such title.

5 “(3) CONSISTENCY WITH TITLE 5.—Paid leave
6 shall be substituted under this subsection in a man-
7 ner that is consistent with the requirements in sec-
8 tion 6382(d)(2) of title 5, United States Code, ex-
9 cept that a reference in that section to an employing
10 agency shall be considered to be a reference to an
11 employing office, and subparagraph (E) of that sec-
12 tion shall not apply.”;

13 (D) in paragraph (2) of subsection (d), as
14 redesignated by subparagraph (B)—

15 (i) in subparagraph (A), by striking
16 “and” at the end of the subparagraph;

17 (ii) in subparagraph (B) by striking
18 the period at the end and inserting “;
19 and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(C) except that the President or designee
23 shall issue regulations to implement subsection
24 (c) in accordance with the requirements of that
25 subsection.”; and

1 (E) in paragraph (1) of subsection (e), as
2 redesignated by subparagraph (B), by inserting
3 after “subsection (c)” the following: “(as in ef-
4 fect on the date of enactment of the Presi-
5 dential and Executive Office Accountability
6 Act)”.

7 (2) APPLICABILITY.—The amendments made
8 by this subsection shall apply with respect to any
9 birth or placement occurring on or after October 1,
10 2020.

11 (f) AMENDMENTS TO TITLE 5 FAMILY AND MEDICAL
12 LEAVE ACT PROVISIONS.—Chapter 63 of title 5, United
13 States Code, is amended—

14 (1) in section 6301(2), by amending clause (v)
15 to read as follows:

16 “(v) an employee of the Veterans
17 Health Administration who is covered by a
18 leave system established under section
19 7421 of title 38;”;

20 (2) in section 6381(1)—

21 (A) in subparagraph (A), by striking “(v)
22 or”; and

23 (B) by amending subparagraph (B) to read
24 as follows:

1 “(B) has completed at least 12 months of
2 service as an employee (as defined in section
3 2105) of the Government of the United States,
4 including service with the United States Postal
5 Service, the Postal Regulatory Commission, and
6 a nonappropriated fund instrumentality as de-
7 scribed in section 2105(c);” and
8 (3) in section 6382(d)—

9 (A) in paragraph (1), by striking “under
10 subchapter I” in each place it appears; and

11 (B) in paragraph (2)(B)(ii), by striking
12 “under subchapter I”.

13 (g) AMENDMENT TO CONGRESSIONAL ACCOUNT-
14 ABILITY ACT OF 1995.—

15 (1) IN GENERAL.—Section 202(d)(2)(B) of the
16 Congressional Accountability Act of 1995 (2 U.S.C.
17 1312(d)(2)(B)), as amended by section 7603 of the
18 National Defense Authorization Act for Fiscal Year
19 2020 (Public Law 116–92), is amended by inserting
20 “accrued” before “sick leave”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by this subsection shall apply with respect to any
23 event for which leave may be taken under subpara-
24 graph (A) or (B) of section 102(a)(1) of the Family
25 and Medical Leave Act of 1993 (29 U.S.C.

1 2612(a)(1)) and occurring on or after October 1,
2 2020.

3 **SEC. 1104. AUTHORITY TO PROVIDE TRAVEL AND TRANS-**
4 **PORTATION ALLOWANCES IN CONNECTION**
5 **WITH TRANSFER CEREMONIES OF CERTAIN**
6 **CIVILIAN EMPLOYEES WHO DIE OVERSEAS.**

7 (a) TRAVEL AND TRANSPORTATION ALLOWANCES.—

8 (1) IN GENERAL.—Subchapter II of chapter 75
9 of title 10, United States Code, is amended by add-
10 ing at the end the following new section:

11 **“§ 1492. Authority to provide travel and transpor-**
12 **tation allowances in connection with**
13 **transfer ceremonies of certain civilian**
14 **employees who die overseas**

15 “(a) AUTHORITY.—A covered official may treat a
16 covered relative of a covered employee under the jurisdic-
17 tion of that covered official in the same manner the Sec-
18 retary of a military department treats, under section
19 481f(d) of title 37, next of kin and family members of
20 a member of the armed forces who dies while located or
21 serving overseas.

22 “(b) DEFINITIONS.—In this section:

23 “(1) The term ‘covered employee’ means a civil-
24 ian employee—

1 “(A) under the jurisdiction of a covered of-
2 ficial; and

3 “(B) who dies while located or serving
4 overseas.

5 “(2) The term ‘covered official’ means—

6 “(A) the Secretary of the military depart-
7 ment concerned; and

8 “(B) the head of a Defense Agency or De-
9 partment of Defense Field Activity.

10 “(3) The term ‘covered relative’ means—

11 “(A) the primary next of kin of the covered
12 employee;

13 “(B) two family members (other than pri-
14 mary next of kin) of the covered employee; and

15 “(C) one or more additional family mem-
16 bers of the covered employee, at the discretion
17 of the Secretary a sibling of the covered em-
18 ployee.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents at the beginning of such subchapter is amend-
21 ed by adding at the end the following new item:

“1492. Authority to provide travel and transportation allowances in connection
with transfer ceremonies of certain civilian employees who die
overseas.”.

22 (b) TECHNICAL AMENDMENTS.—Section 481f(d) of
23 title 37, United States Code, is amended—

1 (1) in the subsection heading, by striking
2 “Transportation To” and inserting “Travel And
3 Transportation Allowances In Connection With”;
4 and

5 (2) in paragraph (1) in the matter preceding
6 subparagraph (A), by striking “transportation to”
7 and inserting “travel and transportation allowances
8 in connection with”.

9 **SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
10 **ANNUAL LIMITATION ON PREMIUM PAY AND**
11 **AGGREGATE LIMITATION ON PAY FOR FED-**
12 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
13 **SEAS.**

14 Subsection (a) of section 1101 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4615), as most recently
17 amended by section 1105 of the National Defense Author-
18 ization Act for Fiscal Year 2020 (Public Law 116–92),
19 is further amended by striking “through 2020” and in-
20 serting “through 2021”.

1 **SEC. 1106. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
2 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
3 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
4 **FICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency
6 Supplemental Appropriations Act for Defense, the Global
7 War on Terror, and Hurricane Recovery, 2006 (Public
8 Law 109–234; 120 Stat. 443), as added by section 1102
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4616) and as most recently amended by section 1104 of
12 the National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92), is further amended by strik-
14 ing “2021” and inserting “2022”.

15 **SEC. 1107. CIVILIAN FACULTY AT THE DEFENSE SECURITY**
16 **COOPERATION UNIVERSITY AND INSTITUTE**
17 **OF SECURITY GOVERNANCE.**

18 Section 1595(c) of title 10, United States Code, is
19 amended by adding at the end the following:

20 “(6) The Defense Security Cooperation Univer-
21 sity.

22 “(7) The Defense Institute for Security Govern-
23 ance.”.

1 **SEC. 1108. TEMPORARY AUTHORITY TO APPOINT RETIRED**
2 **MEMBERS OF THE ARMED FORCES TO POSI-**
3 **TIONS IN THE DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Notwithstanding the require-
5 ments of section 3326 of title 5, United States Code, the
6 Secretary of Defense may appoint retired members of the
7 Armed Forces to positions in the Department of Defense
8 described in subsection (b).

9 (b) POSITIONS.—

10 (1) IN GENERAL.—The positions in the Depart-
11 ment described in this subsection are positions clas-
12 sified at or below GS–13 under the General Sched-
13 ule under subchapter III of chapter 53 of title 5,
14 United States Code, or an equivalent level under an-
15 other wage system, in the competitive service—

16 (A) at any defense industrial base facility
17 (as that term is defined in section 2208(u)(3)
18 of title 10, United States Code) that is part of
19 the core logistics capabilities (as described in
20 section 2464(a) of such title); and

21 (B) that have been certified by the Sec-
22 retary of the military department concerned as
23 lacking sufficient numbers of potential appli-
24 cants.

25 (2) LIMITATION ON DELEGATION OF CERTIFI-
26 CATION.—The Secretary of a military department

1 may not delegate the authority to make a certifi-
2 cation described in paragraph (1)(B) to an indi-
3 vidual in a grade lower than colonel, captain in the
4 Navy, or an equivalent grade in the Space Force, or
5 an individual with an equivalent civilian grade.

6 (c) REPORT.—Not later than two years after the date
7 of enactment of this Act, the Secretary of Defense shall
8 submit to the congressional defense committees a report
9 on this section and the authority provided by this section.
10 The report shall include the following:

11 (1) A description of the use of such authority,
12 including the positions to which appointments are
13 authorized to be made under such authority and the
14 number of retired members appointed to each such
15 position under such authority.

16 (2) Any other matters in connection with such
17 section or such authority that the Secretary con-
18 siders appropriate.

19 (d) SUNSET.—Effective on the date that is 3 years
20 after the date of enactment of this Act, the authority pro-
21 vided under subsection (a) shall expire.

22 (e) DEFINITIONS.—In this section, the terms “mem-
23 ber” and “Secretary concerned” have the meaning given
24 those terms in section 101 of title 37, United States Code.

1 **SEC. 1109. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE**
2 **DEMONSTRATION PROJECT FOR THE NAVY**
3 **REGION MID-ATLANTIC FIRE AND EMER-**
4 **GENCY SERVICES.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Commander, Navy
7 Region Mid-Atlantic, shall establish and carry out, for a
8 period of not less than five years, a Fire Fighters Alter-
9 native Work Schedule demonstration project for the Navy
10 Region Mid-Atlantic Fire and Emergency Services. Such
11 demonstration project shall provide, with respect to each
12 employee of the Navy Region Mid-Atlantic Fire and Emer-
13 gency Services, that—

14 (1) assignments to tours of duty are scheduled
15 in advance over periods of not less than two weeks;

16 (2) tours of duty are scheduled using a regu-
17 larly recurring pattern of 48-hour shifts followed by
18 48 or 72 consecutive non-work hours, as determined
19 by mutual agreement between the Commander, Navy
20 Region Mid-Atlantic, and the exclusive employee rep-
21 resentative at each Navy Region Mid-Atlantic instal-
22 lation, in such a manner that each employee is regu-
23 larly scheduled for 144-hours in any two-week pe-
24 riod;

25 (3) for any such employee that is a fire fighter
26 working an alternative work schedule, such employee

1 shall earn overtime compensation in a manner con-
2 sistent with other applicable law and regulation;

3 (4) no right shall be established to any form of
4 premium pay, including night, Sunday, holiday, or
5 hazard duty pay; and

6 (5) leave accrual and use shall be consistent
7 with other applicable law and regulation.

8 (b) REPORT.—Not later than 180 days after the date
9 on which the demonstration project under this section ter-
10 minates, the Commander, Navy Region Mid-Atlantic, shall
11 submit to the Committees on Armed Services of the Sen-
12 ate and the House of Representatives a report detailing—

13 (1) any financial savings or expenses directly
14 and inseparably linked to the demonstration project;

15 (2) any intangible quality of life and morale im-
16 provements achieved by the demonstration project;
17 and

18 (3) any adverse impact of the demonstration
19 project occurring solely as the result of the transi-
20 tion to the demonstration project.

1 **SEC. 1110. SPECIAL RULES FOR CERTAIN MONTHLY WORK-**
2 **ERS' COMPENSATION PAYMENTS AND OTHER**
3 **PAYMENTS FOR FEDERAL GOVERNMENT**
4 **PERSONNEL UNDER CHIEF OF MISSION AU-**
5 **THORITY.**

6 Section 901 of title IX of division J of the Further
7 Consolidated Appropriations Act, 2020 (Public Law 116–
8 94; 22 U.S.C. 2680b) is amended—

9 (1) in subsection (a), by inserting “or the head
10 of any other Federal agency” after “The Secretary
11 of State”;

12 (2) in subsection (c), by striking “and the Sec-
13 retary of State” and inserting “, the Secretary of
14 State, and, as appropriate, the head of any other
15 Federal agency paying benefits under this section”;

16 (3) in subsection (e)(2)—

17 (A) by striking “the Department of State”
18 and inserting “the Federal Government”; and

19 (B) by inserting after “subsection (f)” the
20 following: “, but does not include an individual
21 receiving compensation under section 19A of
22 the Central Intelligence Agency Act of 1949 (50
23 U.S.C. 3519b)”; and

24 (4) in subsection (h)(2), by striking the first
25 sentence and inserting the following: “Nothing in
26 this section shall limit, modify, or otherwise super-

1 sede chapter 81 of title 5, United States Code, the
2 Defense Base Act (42 U.S.C. 1651 et seq.), or sec-
3 tion 19A of the Central Intelligence Agency Act of
4 1949 (50 U.S.C. 3519b).”.

5 **SEC. 1111. TEMPORARY INCREASE IN LIMITATION ON AC-**
6 **CUMULATION OF ANNUAL LEAVE FOR EXECU-**
7 **TIVE BRANCH EMPLOYEES.**

8 (a) IN GENERAL.—At the discretion of the Director
9 of the Office of Personnel Management, annual leave pro-
10 vided to an Executive branch employee may accumulate
11 for use in leave year 2021 in an amount equal to 125%
12 of the maximum amount of annual leave permitted, but
13 for this subsection, to accumulate for use in that leave
14 year under the leave system covering such employee.

15 (b) EXCLUSION FROM LUMP-SUM PAYMENT.—Any
16 annual leave accumulated pursuant to subsection (a) in
17 excess of the maximum amount of annual leave permitted,
18 but for this section, to accumulate for use in succeeding
19 years shall not be included in any lump-sum payment for
20 leave to an individual, including any lump-sum payment
21 under section 5551 or 5552 of title 5, United States Code.

22 (c) DEFINITIONS.—In this section—

23 (1) the term “agency” means each agency, of-
24 fice, or other establishment in the executive branch
25 of the Federal Government; and

1 (2) the term “Executive branch employee”—

2 (A) means—

3 (i) an employee of an agency;

4 (ii) an employee appointed under
5 chapter 74 of title 38, United States Code,
6 notwithstanding section 7421(a), section
7 7425(b), or any other provision of chapter
8 74 of such title; and

9 (iii) any other individual occupying a
10 position in the civil service (as that term is
11 defined in section 2101(1) of title 5,
12 United States Code) in the executive
13 branch of the Federal Government; and

14 (B) does not include any individual occu-
15 pying a position that is classified at or above
16 the level of a Senior Executive Service position
17 or the equivalent thereof.

18 **SEC. 1112. TELEWORK TRAVEL EXPENSES PROGRAM OF**
19 **THE UNITED STATES PATENT AND TRADE-**
20 **MARK OFFICE.**

21 (a) IN GENERAL.—Section 5711 of title 5, United
22 States Code, is amended—

23 (1) in the section heading, by striking “test”;

24 (2) in subsection (f)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “committee” and in-
3 serting “committees”; and

4 (ii) in subparagraph (B), by striking
5 “Government”;

6 (B) in paragraph (2)—

7 (i) by striking “test”; and

8 (ii) by striking “section, including the
9 provision of reports in accordance with
10 subsection (d)(1)” and inserting “sub-
11 section”;

12 (C) in paragraph (4)(B), in the matter
13 preceding clause (i), by inserting “and main-
14 tain” after “develop”; and

15 (D) in paragraph (5)—

16 (i) in subparagraph (A), by striking
17 “test”; and

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) The Director of the Patent and
21 Trademark Office shall prepare and submit to
22 the appropriate committees of Congress an an-
23 nual report on the operation of the program
24 under this subsection, which shall include—

1 “(i) the costs and benefits of the pro-
2 gram; and

3 “(ii) an analysis of the effectiveness of
4 the program, as determined under criteria
5 developed by the Director.”; and

6 (3) in subsection (g), by striking “this section”
7 and inserting “subsection (b)”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 The table of sections for subchapter I of chapter 57 of
10 title 5, United States Code, is amended by striking the
11 item relating to section 5711 and inserting the following:
“5711. Authority for telework travel expenses programs.”.

12 **SEC. 1113. EXTENSION OF RATE OF OVERTIME PAY AU-**
13 **THORITY FOR DEPARTMENT OF THE NAVY**
14 **EMPLOYEES PERFORMING WORK ABOARD OR**
15 **DOCKSIDE IN SUPPORT OF THE NUCLEAR-**
16 **POWERED AIRCRAFT CARRIER FORWARD DE-**
17 **PLOYED IN JAPAN.**

18 Section 5542(a)(6)(B) of title 5, United States Code,
19 is amended by striking “September 30, 2021” and insert-
20 ing “September 30, 2026”.

1 **SEC. 1114. ENHANCED PAY AUTHORITY FOR CERTAIN AC-**
2 **QUISITION AND TECHNOLOGY POSITIONS IN**
3 **THE DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Subchapter I of chapter 87 of title
5 10, United States Code, is amended by inserting after sec-
6 tion 1701a the following new section:

7 **“§ 1701b. Enhanced pay authority for certain acquisi-**
8 **tion and technology positions**

9 “(a) IN GENERAL.—The Secretary of Defense may
10 carry out a program using the pay authority specified in
11 subsection (d) to fix the rate of basic pay for positions
12 described in subsection (c) in order to assist the Office
13 of the Secretary of Defense and the military departments
14 in attracting and retaining high-quality acquisition and
15 technology experts in positions responsible for managing
16 and developing complex, high-cost, technological acquisi-
17 tion efforts of the Department of Defense.

18 “(b) APPROVAL REQUIRED.—The program may be
19 carried out only with approval as follows:

20 “(1) Approval of the Under Secretary of De-
21 fense for Acquisition and Sustainment, in the case
22 of positions in the Office of the Secretary of De-
23 fense.

24 “(2) Approval of the service acquisition execu-
25 tive of the military department concerned, in the
26 case of positions in a military department.

1 “(c) POSITIONS.—The positions described in this
2 subsection are positions that—

3 “(1) require expertise of an extremely high level
4 in a scientific, technical, professional, or acquisition
5 management field; and

6 “(2) are critical to the successful accomplish-
7 ment of an important acquisition or technology de-
8 velopment mission.

9 “(d) RATE OF BASIC PAY.—The pay authority speci-
10 fied in this subsection is authority as follows:

11 “(1) Authority to fix the rate of basic pay for
12 a position at a rate not to exceed 150 percent of the
13 rate of basic pay payable for level I of the Executive
14 Schedule, upon the approval of the Under Secretary
15 of Defense for Acquisition and Sustainment or the
16 service acquisition executive concerned, as applica-
17 ble.

18 “(2) Authority to fix the rate of basic pay for
19 a position at a rate in excess of 150 percent of the
20 rate of basic pay payable for level I of the Executive
21 Schedule, upon the approval of the Secretary of De-
22 fense.

23 “(e) LIMITATIONS.—

24 “(1) IN GENERAL.—The authority in subsection
25 (a) may be used only to the extent necessary to com-

1 petitively recruit or retain individuals exceptionally
2 well qualified for positions described in subsection
3 (c).

4 “(2) NUMBER OF POSITIONS.—The authority in
5 subsection (a) may not be used with respect to more
6 than five positions in the Office of the Secretary of
7 Defense and more than five positions in each mili-
8 tary department at any one time.

9 “(3) TERM OF POSITIONS.—The authority in
10 subsection (a) may be used only for positions having
11 terms less than five years.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of subchapter I of chapter 87 of such
14 title is amended by inserting after the item relating to sec-
15 tion 1701a the following new item:

 “1701b. Enhanced pay authority for certain acquisition and technology posi-
 tions.”.

16 (c) REPEAL OF PILOT PROGRAM.—

17 (1) IN GENERAL.—Section 1111 of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 2016 (10 U.S.C. 1701 note) is repealed.

20 (2) CONTINUATION OF PAY.—The repeal in
21 paragraph (1) shall not be interpreted to prohibit
22 the payment of basic pay at rates fixed under such
23 section 1111 before the date of the enactment of this

1 Act for positions having terms that continue after
2 that date.

3 **SEC. 1115. ENHANCED PAY AUTHORITY FOR CERTAIN RE-**
4 **SEARCH AND TECHNOLOGY POSITIONS IN**
5 **THE SCIENCE AND TECHNOLOGY REINVEN-**
6 **TION LABORATORIES OF THE DEPARTMENT**
7 **OF DEFENSE.**

8 (a) IN GENERAL.—Chapter 139 of title 10, United
9 States Code, is amended by inserting after section 2358b
10 the following new section:

11 **“§ 2358c. Enhanced pay authority for certain re-**
12 **search and technology positions in**
13 **science and technology reinvention lab-**
14 **oratories**

15 “(a) IN GENERAL.—The Secretary of Defense may
16 carry out a program using the pay authority specified in
17 subsection (d) to fix the rate of basic pay for positions
18 described in subsection (c) in order to assist the military
19 departments in attracting and retaining high quality ac-
20 quisition and technology experts in positions responsible
21 for managing and performing complex, high-cost research
22 and technology development efforts in the science and
23 technology reinvention laboratories of the Department of
24 Defense.

1 “(b) APPROVAL REQUIRED.—The program may be
2 carried out in a military department only with the ap-
3 proval of the service acquisition executive of the military
4 department concerned.

5 “(c) POSITIONS.—The positions described in this
6 subsection are positions in the science and technology re-
7 invention laboratories of the Department of Defense
8 that—

9 “(1) require expertise of an extremely high level
10 in a scientific, technical, professional, or acquisition
11 management field; and

12 “(2) are critical to the successful accomplish-
13 ment of an important research or technology devel-
14 opment mission.

15 “(d) RATE OF BASIC PAY.—The pay authority speci-
16 fied in this subsection is authority as follows:

17 “(1) Authority to fix the rate of basic pay for
18 a position at a rate not to exceed 150 percent of the
19 rate of basic pay payable for level I of the Executive
20 Schedule, upon the approval of the service acquisi-
21 tion executive concerned.

22 “(2) Authority to fix the rate of basic pay for
23 a position at a rate in excess of 150 percent of the
24 rate of basic pay payable for level I of the Executive

1 Schedule, upon the approval of the Secretary of the
2 military department concerned.

3 “(e) LIMITATIONS.—

4 “(1) IN GENERAL.—The authority in subsection
5 (a) may be used only to the extent necessary to com-
6 petitively recruit or retain individuals exceptionally
7 well qualified for positions described in subsection
8 (c).

9 “(2) NUMBER OF POSITIONS.—The authority in
10 subsection (a) may not be used with respect to more
11 than five positions in each military department at
12 any one time.

13 “(3) TERM OF POSITIONS.—The authority in
14 subsection (a) may be used only for positions having
15 a term of less than five years.

16 “(f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
17 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
18 FINED.—In this section, the term ‘science and technology
19 reinvention laboratories of the Department of Defense’
20 means the laboratories designated as science and tech-
21 nology reinvention laboratories by section 1105(a) of the
22 National Defense Authorization Act for Fiscal Year 2010
23 (10 U.S.C. 2358 note).”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 139 of such title is amended

1 by inserting after the item relating to section 2358b the
2 following new item:

“2358c. Enhanced pay authority for certain research and technology positions
in science and technology reinvention laboratories.”.

3 (c) REPEAL OF PILOT PROGRAM.—

4 (1) IN GENERAL.—Section 1124 of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2017 (Public Law 114–328; 130 Stat. 2456; 10
7 U.S.C. 2358 note) is repealed.

8 (2) CONTINUATION OF PAY.—The repeal in
9 paragraph (1) shall not be interpreted to prohibit
10 the payment of basic pay at rates fixed under such
11 section 1124 before the date of the enactment of this
12 Act for positions having terms that continue after
13 that date.

14 **SEC. 1116. EXTENSION OF ENHANCED APPOINTMENT AND**
15 **COMPENSATION AUTHORITY FOR CIVILIAN**
16 **PERSONNEL FOR CARE AND TREATMENT OF**
17 **WOUNDED AND INJURED MEMBERS OF THE**
18 **ARMED FORCES.**

19 Section 1599c(b) of title 10, United States Code, is
20 amended by striking “December 31, 2020” both places it
21 appears and inserting “December 31, 2025”.

1 **SEC. 1117. EXPANSION OF DIRECT HIRE AUTHORITY FOR**
2 **CERTAIN DEPARTMENT OF DEFENSE PER-**
3 **SONNEL TO INCLUDE INSTALLATION MILI-**
4 **TARY HOUSING OFFICE POSITIONS SUPER-**
5 **VISING PRIVATIZED MILITARY HOUSING.**

6 Section 9905(a) of title 5, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(11) Any position in the military housing of-
10 fice of a military installation whose primary function
11 is supervision of military housing covered by sub-
12 chapter IV of chapter 169 of title 10.”.

13 **SEC. 1118. EXTENSION OF SUNSET OF INAPPLICABILITY OF**
14 **CERTIFICATION OF EXECUTIVE QUALIFICA-**
15 **TIONS BY QUALIFICATION CERTIFICATION**
16 **REVIEW BOARD OF OFFICE OF PERSONNEL**
17 **MANAGEMENT FOR INITIAL APPOINTMENTS**
18 **TO SENIOR EXECUTIVE SERVICE POSITIONS**
19 **IN DEPARTMENT OF DEFENSE.**

20 Section 1109(e) of the John S. McCain National De-
21 fense Authorization Act for Fiscal Year 2019 (Public Law
22 115–232; 132 Stat. 2010; 5 U.S.C. 3393 note) is amended
23 by striking “on the date” and all that follows and inserting
24 “on August 13, 2023”.

1 **SEC. 1119. PILOT PROGRAM ON ENHANCED PAY AUTHOR-**
2 **ITY FOR CERTAIN HIGH-LEVEL MANAGEMENT**
3 **POSITIONS IN THE DEPARTMENT OF DE-**
4 **FENSE.**

5 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
6 of Defense may carry out a pilot program to assess the
7 feasibility and advisability of using the pay authority spec-
8 ified in subsection (d) to fix the rate of basic pay for posi-
9 tions described in subsection (c) in order to assist the De-
10 partment of Defense in attracting and retaining personnel
11 with significant experience in high-level management of
12 complex organizations and enterprise functions in order
13 to lead implementation by the Department of the National
14 Defense Strategy.

15 (b) APPROVAL REQUIRED.—The pilot program may
16 be carried out only with approval as follows:

17 (1) Approval of the Deputy Secretary of De-
18 fense, in the case of a position not under the author-
19 ity, direction, and control of an Under Secretary of
20 Defense and not under the authority, direction, and
21 control of the Under Secretary of a military depart-
22 ment.

23 (2) Approval of the applicable Under Secretary
24 of Defense, in the case of a position under the au-
25 thority, direction, and control of an Under Secretary
26 of Defense.

1 (3) Approval of the Under Secretary or an As-
2 sistant Secretary of the military department con-
3 cerned, in the case of a position in a military depart-
4 ment.

5 (c) POSITIONS.—The positions described in this sub-
6 section are positions that require expertise of an extremely
7 high level in innovative leadership and management of en-
8 terprise-wide business operations, including financial man-
9 agement, health care, supply chain and logistics, informa-
10 tion technology, real property stewardship, and human re-
11 sources, across a large and complex organization.

12 (d) RATE OF BASIC PAY.—Without regard to the
13 basic pay authorities in sections 5376, 5382, 5383 and
14 9903 of title 5, United States Code, the pay authority
15 specified in this subsection is authority as follows:

16 (1) Authority to fix the rate of basic pay for a
17 position at a rate not to exceed 150 percent of the
18 rate of basic pay payable for level I of the Executive
19 Schedule, upon the approval of the applicable official
20 under subsection (b).

21 (2) Authority to fix the rate of basic pay for a
22 position at a rate in excess of 150 percent of the
23 rate of basic pay payable for level I of the Executive
24 Schedule, upon the approval of the Secretary of De-
25 fense.

1 (e) LIMITATIONS.—

2 (1) IN GENERAL.—The authority in subsection
3 (a) may be used only to the extent necessary to com-
4 petitively recruit or retain individuals exceptionally
5 well qualified for positions described in subsection
6 (c).

7 (2) NUMBER OF POSITIONS.—The authority in
8 subsection (a) may not be used with respect to—

9 (A) more than 10 positions in the Office of
10 the Secretary of Defense and components of the
11 Department of Defense other than the military
12 departments at any one time; and

13 (B) more than five positions in each mili-
14 tary department at any one time.

15 (3) TERM OF POSITIONS.—The authority in
16 subsection (a) may be used only for positions having
17 terms less than five years.

18 (4) PAST SERVICE.—An individual may not be
19 appointed to a position pursuant to the authority
20 provided by subsection (a) if the individual separated
21 or retired from Federal civil service or service as a
22 commissioned officer of an Armed Force on a date
23 that is less than five years before the date of such
24 appointment of the individual.

25 (f) TERMINATION.—

1 (1) IN GENERAL.—The authority to fix rates of
2 basic pay for a position under this section shall ter-
3minate on October 1, 2025.

4 (2) CONTINUATION OF PAY.—Nothing in para-
5graph (1) shall be construed to prohibit the payment
6after October 1, 2025, of basic pay at rates fixed
7under this section before that date for positions
8whose terms continue after that date.

9 **SEC. 1120. RECRUITMENT INCENTIVES FOR PLACEMENT AT**
10 **REMOTE LOCATIONS.**

11 (a) IN GENERAL.—Chapter 81 of title 10, United
12 States Code, is amended by adding at the end the fol-
13lowing new section:

14 **“§ 1599i. Recruitment incentives for placement at re-**
15 **mote locations**

16 **“(a) RECRUITMENT INCENTIVE.—**

17 **“(1) IN GENERAL.—**An individual appointed to
18 a position in the Department of Defense at a cov-
19 ered location may be paid a recruitment incentive in
20 connection with such appointment.

21 **“(2) AMOUNT.—**The amount of a recruitment
22 incentive payable to an individual under this sub-
23 section may not exceed the amount equal to—

24 **“(A) 25 percent of the annual rate of basic**
25 **pay of the employee for the position concerned**

1 as of the date on which the service period in
2 such position agreed to by the individual under
3 paragraph (3) commences; multiplied by

4 “(B) the number of years (including frac-
5 tions of a year) of such service period (not to
6 exceed four years).

7 “(3) SERVICE AGREEMENT.—To receive a re-
8 cruitment incentive under this subsection, an indi-
9 vidual appointed to a position under paragraph (1)
10 shall enter into an agreement with the Secretary of
11 Defense to complete a period of service at the cov-
12 ered location. The period of obligated service of the
13 individual at such location under the agreement may
14 not exceed four years. The agreement shall include
15 such repayment or alternative employment obliga-
16 tions as the Secretary considers appropriate for fail-
17 ure of the individual to complete the period of obli-
18 gated service specified in the agreement.

19 “(4) COVERED LOCATIONS DEFINED.—In this
20 section, a covered location is a location for which the
21 Secretary of Defense has determined that critical
22 hiring needs are not being met due to the geographic
23 remoteness or isolation or extreme climate conditions
24 of the location.

1 “(b) SUNSET.—Effective on September 30, 2022, the
2 authority provided under subsection (a) shall expire.”.

3 (b) OUTCOME MEASUREMENTS.—The Secretary of
4 Defense shall develop outcome measurements to evaluate
5 the effect of the authority provided under subsection (a)
6 of section 1599i of title 10, United States Code, as added
7 by subsection (a), and any relocation incentives provided
8 under subsection (b) of such section.

9 (c) REPORT REQUIRED.—

10 (1) IN GENERAL.—Not later than March 1,
11 2022, the Secretary of Defense shall submit to the
12 congressional defense committees a report on the ef-
13 fect of the authority provided under section 1599i of
14 title 10, United States Code, as added by subsection
15 (a).

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) A description and assessment of the ef-
19 fectiveness and achievements of the recruitment
20 incentives described in paragraph (1), includ-
21 ing—

22 (i) the number of employees placed at
23 covered locations described in section
24 1599i(a)(2) of title 10, United States
25 Code, as added by subsection (a); and

1 (ii) the cost-per-placement of such em-
2 ployees.

3 (B) A comparison of the effectiveness and
4 use of the recruitment incentives described in
5 paragraph (1) to authorities under title 5,
6 United States Code, used by the Department of
7 Defense before the date of the enactment of
8 this Act to support hiring at remote or rural lo-
9 cations.

10 (C) An assessment of—

11 (i) the minority community outreach
12 efforts made in using the authority and
13 providing relocation incentives described in
14 paragraph (1); and

15 (ii) participation outcomes.

16 (D) Such other matters as the Secretary
17 considers appropriate.

18 (d) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 81 of title 10, United States
20 Code, is amended by adding at the end the following new
21 item:

“1599i. Recruitment incentives for placement at remote locations.”.

1 **SEC. 1121. TECHNICAL AMENDMENTS REGARDING REIM-**
2 **BURSEMENT OF FEDERAL, STATE, AND**
3 **LOCAL INCOME TAXES INCURRED DURING**
4 **TRAVEL, TRANSPORTATION, AND RELOCA-**
5 **TION.**

6 (a) IN GENERAL.—Section 5724b(b) of title 5,
7 United States Code, is amended—

8 (1) by striking “or relocation expenses reim-
9 bursed” and inserting “and relocation expenses re-
10 imbursed”; and

11 (2) by striking “of chapter 41” and inserting
12 “or chapter 41”.

13 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
14 ments made by subsection (a) shall take effect as if in-
15 cluded in the enactment of section 1114 of the National
16 Defense Authorization Act for Fiscal Year 2020 (Public
17 Law 116–92).

18 **Subtitle B—Elijah E. Cummings**
19 **Federal Employee Antidiscrimi-**
20 **nation Act of 2020**

21 **SEC. 1131. SHORT TITLE.**

22 This subtitle may be cited as the “Elijah E. Cum-
23 mings Federal Employee Antidiscrimination Act of 2020”.

1 **SEC. 1132. SENSE OF CONGRESS.**

2 Section 102 of the Notification and Federal Em-
3 ployee Antidiscrimination and Retaliation Act of 2002 (5
4 U.S.C. 2301 note) is amended—

5 (1) by striking paragraph (4) and inserting the
6 following:

7 “(4) accountability in the enforcement of the
8 rights of Federal employees is furthered when Fed-
9 eral agencies agree to take appropriate disciplinary
10 action against Federal employees who are found to
11 have intentionally committed discriminatory (includ-
12 ing retaliatory) acts;” and

13 (2) in paragraph (5)(A)—

14 (A) by striking “nor is accountability” and
15 inserting “accountability is not”; and

16 (B) by inserting “for what, by law, the
17 agency is responsible” after “under this Act”.

18 **SEC. 1133. NOTIFICATION OF VIOLATION.**

19 Section 202 of the Notification and Federal Em-
20 ployee Antidiscrimination and Retaliation Act of 2002 (5
21 U.S.C. 2301 note) is amended by adding at the end the
22 following:

23 “(d) NOTIFICATION OF FINAL AGENCY ACTION.—

24 “(1) IN GENERAL.—Not later than 90 days
25 after the date on which an event described in para-
26 graph (2) occurs with respect to a finding of dis-

1 crimination (including retaliation), the head of the
2 Federal agency subject to the finding shall provide
3 notice—

4 “(A) on the public internet website of the
5 agency, in a clear and prominent location linked
6 directly from the home page of that website;

7 “(B) stating that a finding of discrimina-
8 tion (including retaliation) has been made; and

9 “(C) which shall remain posted for not less
10 than 1 year.

11 “(2) EVENTS DESCRIBED.—An event described
12 in this paragraph is any of the following:

13 “(A) All appeals of a final action by a Fed-
14 eral agency involving a finding of discrimination
15 (including retaliation) prohibited by a provision
16 of law covered by paragraph (1) or (2) of sec-
17 tion 201(a) have been exhausted.

18 “(B) All appeals of a final decision by the
19 Equal Employment Opportunity Commission
20 involving a finding of discrimination (including
21 if the finding included a finding of retaliation)
22 prohibited by a provision of law covered by
23 paragraph (1) or (2) of section 201(a) have
24 been exhausted.

1 “(C) A court of jurisdiction issues a final
2 judgment involving a finding of discrimination
3 (including retaliation) prohibited by a provision
4 of law covered by paragraph (1) or (2) of sec-
5 tion 201(a).

6 “(3) CONTENTS.—A notification provided under
7 paragraph (1) with respect to a finding of discrimi-
8 nation (including retaliation) shall—

9 “(A) identify the date on which the finding
10 was made, the date on which each discrimina-
11 tory act occurred, and the law violated by each
12 such discriminatory act; and

13 “(B) advise Federal employees of the
14 rights and protections available under the provi-
15 sions of law covered by paragraphs (1) and (2)
16 of section 201(a).”.

17 **SEC. 1134. REPORTING REQUIREMENTS.**

18 (a) **ELECTRONIC FORMAT REQUIREMENT.**—

19 (1) **IN GENERAL.**—Section 203(a) of the Notifi-
20 cation and Federal Employee Antidiscrimination and
21 Retaliation Act of 2002 (5 U.S.C. 2301 note) is
22 amended in the matter preceding paragraph (1)—

23 (A) by inserting “Homeland Security and”
24 before “Governmental Affairs”;

1 (B) by striking “on Government Reform”
2 and inserting “on Oversight and Reform”; and
3 (C) by inserting “(in an electronic format
4 prescribed by the Director of the Office of Per-
5 sonnel Management),” after “an annual re-
6 port”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1)(C) shall take effect on the date
9 that is 1 year after the date of enactment of this
10 Act.

11 (3) TRANSITION PERIOD.—Notwithstanding the
12 requirements of section 203(a) of the Notification
13 and Federal Employee Antidiscrimination and Retal-
14 iation Act of 2002 (5 U.S.C. 2301 note), the report
15 required under such section 203(a) may be sub-
16 mitted in an electronic format, as prescribed by the
17 Director of the Office of Personnel Management,
18 during the period beginning on the date of enact-
19 ment of this Act and ending on the effective date in
20 paragraph (2).

21 (b) REPORTING REQUIREMENT FOR DISCIPLINARY
22 ACTION.—Section 203 of the Notification and Federal
23 Employee Antidiscrimination and Retaliation Act of 2002
24 (5 U.S.C. 2301 note) is amended by adding at the end
25 the following:

1 “(c) DISCIPLINARY ACTION REPORT.—Not later
2 than 120 days after the date on which a Federal agency
3 takes final action, or a Federal agency receives a final de-
4 cision issued by the Equal Employment Opportunity Com-
5 mission, involving a finding of discrimination (including
6 retaliation) in violation of a provision of law covered by
7 paragraph (1) or (2) of section 201(a), as applicable, the
8 applicable Federal agency shall submit to the Commission
9 a report stating—

10 “(1) whether disciplinary action has been pro-
11 posed against a Federal employee as a result of the
12 violation; and

13 “(2) the reasons for any disciplinary action pro-
14 posed under paragraph (1).”.

15 **SEC. 1135. DATA TO BE POSTED BY EMPLOYING FEDERAL**
16 **AGENCIES.**

17 Section 301(b) of the Notification and Federal Em-
18 ployee Antidiscrimination and Retaliation Act of 2002 (5
19 U.S.C. 2301 note) is amended—

20 (1) in paragraph (9)—

21 (A) in subparagraph (A), by striking
22 “and” at the end;

23 (B) in subparagraph (B)(ii), by striking
24 the period at the end and inserting “, and”;
25 and

1 (C) by adding at the end the following:

2 “(C) with respect to each finding described
3 in subparagraph (A)—

4 “(i) the date of the finding,

5 “(ii) the affected Federal agency,

6 “(iii) the law violated, and

7 “(iv) whether a decision has been
8 made regarding disciplinary action as a re-
9 sult of the finding.”; and

10 (2) by adding at the end the following:

11 “(11) Data regarding each class action com-
12 plaint filed against the agency alleging discrimina-
13 tion (including retaliation), including—

14 “(A) information regarding the date on
15 which each complaint was filed,

16 “(B) a general summary of the allegations
17 alleged in the complaint,

18 “(C) an estimate of the total number of
19 plaintiffs joined in the complaint, if known,

20 “(D) the current status of the complaint,
21 including whether the class has been certified,
22 and

23 “(E) the case numbers for the civil actions
24 in which discrimination (including retaliation)
25 has been found.”.

1 **SEC. 1136. DATA TO BE POSTED BY THE EQUAL EMPLOY-**
2 **MENT OPPORTUNITY COMMISSION.**

3 Section 302(b) of the Notification and Federal Em-
4 ployee Antidiscrimination and Retaliation Act of 2002 (5
5 U.S.C. 2301 note) is amended by striking “(10)” and in-
6 serting “(11)”.

7 **SEC. 1137. NOTIFICATION AND FEDERAL EMPLOYEE ANTI-**
8 **DISCRIMINATION AND RETALIATION ACT OF**
9 **2002 AMENDMENTS.**

10 (a) NOTIFICATION REQUIREMENTS.—Title II of the
11 Notification and Federal Employee Antidiscrimination
12 and Retaliation Act of 2002 (5 U.S.C. 2301 note) is
13 amended by adding at the end the following:

14 **“SEC. 207. COMPLAINT TRACKING.**

15 “Not later than 1 year after the date of enactment
16 of the Elijah E. Cummings Federal Employee Anti-
17 discrimination Act of 2020, each Federal agency shall es-
18 tablish a system to track each complaint of discrimination
19 arising under section 2302(b)(1) of title 5, United States
20 Code, and adjudicated through the Equal Employment
21 Opportunity process from the filing of a complaint with
22 the Federal agency to resolution of the complaint, includ-
23 ing whether a decision has been made regarding discipli-
24 nary action as the result of a finding of discrimination.

1 **“SEC. 208. NOTATION IN PERSONNEL RECORD.**

2 “If a Federal agency takes an adverse action covered
3 under section 7512 of title 5, United States Code, against
4 a Federal employee for an act of discrimination (including
5 retaliation) prohibited by a provision of law covered by
6 paragraph (1) or (2) of section 201(a), the agency shall,
7 after all appeals relating to that action have been ex-
8 hausted, include a notation of the adverse action and the
9 reason for the action in the personnel record of the em-
10 ployee.”.

11 (b) PROCESSING AND REFERRAL.—The Notification
12 and Federal Employee Antidiscrimination and Retaliation
13 Act of 2002 (5 U.S.C. 2301 note) is amended by adding
14 at the end the following:

15 **“TITLE IV—PROCESSING AND**
16 **REFERRAL**

17 **“SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.**

18 “Each Federal agency shall—

19 “(1) be responsible for the fair and impartial
20 processing and resolution of complaints of employ-
21 ment discrimination (including retaliation) prohib-
22 ited by a provision of law covered by paragraph (1)
23 or (2) of section 201(a); and

24 “(2) establish a model Equal Employment Op-
25 portunity Program that—

1 “(A) is not under the control, either struc-
2 turally or practically, of the agency’s Office of
3 Human Capital or Office of the General Coun-
4 sel (or the equivalent);

5 “(B) is devoid of internal conflicts of inter-
6 est and ensures fairness and inclusiveness with-
7 in the agency; and

8 “(C) ensures the efficient and fair resolu-
9 tion of complaints alleging discrimination (in-
10 cluding retaliation).

11 **“SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.**

12 “Nothing in this title shall prevent a Federal agency
13 or a subcomponent of a Federal agency, or the Depart-
14 ment of Justice, from providing advice or counsel to em-
15 ployees of that agency (or subcomponent, as applicable)
16 in the resolution of a complaint.

17 **“SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF**
18 **AGENCY.**

19 “‘The head of each Federal agency’s Equal Employ-
20 ment Opportunity Program shall report directly to the
21 head of the agency.

22 **“SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.**

23 “(a) EEOC FINDINGS OF DISCRIMINATION.—

24 “(1) IN GENERAL.—Not later than 30 days
25 after the date on which the Equal Employment Op-

1 portunity Commission (referred to in this section as
2 the ‘Commission’) receives, or should have received,
3 a Federal agency report required under section
4 203(c), the Commission may refer the matter to
5 which the report relates to the Office of Special
6 Counsel if the Commission determines that the Fed-
7 eral agency did not take appropriate action with re-
8 spect to the finding that is the subject of the report.

9 “(2) NOTIFICATIONS.—The Commission shall—

10 “(A) notify the applicable Federal agency
11 if the Commission refers a matter to the Office
12 of Special Counsel under paragraph (1); and

13 “(B) with respect to a fiscal year, include
14 in the Annual Report of the Federal Workforce
15 of the Commission covering that fiscal year—

16 “(i) the number of referrals made
17 under paragraph (1) during that fiscal
18 year; and

19 “(ii) a brief summary of each referral
20 described in clause (i).

21 “(b) REFERRALS TO SPECIAL COUNSEL.—The Office
22 of Special Counsel shall accept and review a referral from
23 the Commission under subsection (a)(1) for purposes of
24 pursuing disciplinary action under the authority of the Of-

1 fice against a Federal employee who commits an act of
2 discrimination (including retaliation).

3 “(c) NOTIFICATION.—The Office of Special Counsel
4 shall notify the Commission and the applicable Federal
5 agency in a case in which—

6 “(1) the Office of Special Counsel pursues dis-
7 ciplinary action under subsection (b); and

8 “(2) the Federal agency imposes some form of
9 disciplinary action against a Federal employee who
10 commits an act of discrimination (including retalia-
11 tion).

12 “(d) SPECIAL COUNSEL APPROVAL.—A Federal
13 agency may not take disciplinary action against a Federal
14 employee for an alleged act of discrimination (including
15 retaliation) referred by the Commission under this section,
16 except in accordance with the requirements of section
17 1214(f) of title 5, United States Code.”.

18 (c) CONFORMING AMENDMENTS.—The table of con-
19 tents in section 1(b) of the Notification and Federal Em-
20 ployee Antidiscrimination and Retaliation Act of 2002 (5
21 U.S.C. 2301 note) is amended—

22 (1) by inserting after the item relating to sec-
23 tion 206 the following:

“Sec. 207. Complaint tracking.

“Sec. 208. Notation in personnel record.”; and

24 (2) by adding at the end the following:

“TITLE IV—PROCESSING AND REFERRAL

“Sec. 401. Processing and resolution of complaints.

“Sec. 402. No limitation on advice or counsel.

“Sec. 403. Head of Program supervised by head of agency.

“Sec. 404. Referrals of findings of discrimination.”.

1 **SEC. 1138. NONDISCLOSURE AGREEMENT LIMITATION.**

2 Section 2302(b)(13) of title 5, United States Code,
3 is amended—

4 (1) by striking “agreement does not” and in-
5 serting the following: “agreement—

6 “(A) does not”;

7 (2) in subparagraph (A), as so designated, by
8 inserting “or the Office of Special Counsel” after
9 “Inspector General”; and

10 (3) by adding at the end the following:

11 “(B) prohibits or restricts an employee or
12 applicant for employment from disclosing to
13 Congress, the Special Counsel, the Inspector
14 General of an agency, or any other agency com-
15 ponent responsible for internal investigation or
16 review any information that relates to any viola-
17 tion of any law, rule, or regulation, or mis-
18 management, a gross waste of funds, an abuse
19 of authority, or a substantial and specific dan-
20 ger to public health or safety, or any other
21 whistleblower protection; or”.

1 TITLE XII—MATTERS RELATING

2 TO FOREIGN NATIONS

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Authority to build capacity for additional operations.
- Sec. 1202. Participation in European program on multilateral exchange of surface transportation services.
- Sec. 1203. Participation in programs relating to coordination or exchange of air refueling and air transportation services.
- Sec. 1204. Reciprocal patient movement agreements.
- Sec. 1205. Modification to the Inter-European Air Forces Academy.
- Sec. 1206. Modification of authority for participation in multinational centers of excellence.
- Sec. 1207. Modification and extension of support of special operations for irregular warfare.
- Sec. 1208. Extension of authority to transfer excess high mobility multipurpose wheeled vehicles to foreign countries.
- Sec. 1209. Modification and extension of update of Department of Defense Freedom of Navigation Report.
- Sec. 1210. Extension and modification of authority to support border security operations of certain foreign countries.
- Sec. 1210A. Extension of Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1210B. Extension of report on workforce development.
- Sec. 1210C. Plan to increase participation in international military education and training programs.
- Sec. 1210D. Mitigation and prevention of atrocities in high-risk countries.
- Sec. 1210E. Implementation of the Women, Peace, and Security Act of 2017.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1212. Extension of the Afghan Special Immigrant Visa Program.
- Sec. 1213. Extension and modification of support for reconciliation activities led by the Government of Afghanistan.
- Sec. 1214. Extension and modification of Commanders' Emergency Response Program.
- Sec. 1215. Limitation on use of funds to reduce deployment to Afghanistan.
- Sec. 1216. Modifications to immunity from seizure under judicial process of cultural objects.
- Sec. 1217. Congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process.
- Sec. 1218. Strategy for post-conflict engagement on human rights in Afghanistan.
- Sec. 1219. Modification to report on enhancing security and stability in Afghanistan.
- Sec. 1220. Report on Operation Freedom's Sentinel.

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

- Sec. 1221. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1222. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Prohibition on provision of weapons and other forms of support to certain organizations.
- Sec. 1225. Report and budget details regarding Operation Spartan Shield.

Subtitle D—Matters Relating to Russia

- Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1232. Matters relating to United States participation in the Open Skies Treaty.
- Sec. 1233. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1234. Annual report on military and security developments involving the Russian Federation.
- Sec. 1235. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1236. Report on capability and capacity requirements of military forces of Ukraine and resource plan for security assistance.
- Sec. 1237. Report on Russian Federation support of racially and ethnically motivated violent extremists.
- Sec. 1238. Authorization of rewards for providing information on foreign election interference.

Subtitle E—Matters Relating to Europe and NATO

- Sec. 1241. Determination and imposition of sanctions with respect to Turkey's acquisition of the S-400 air defense system.
- Sec. 1242. Clarification and expansion of sanctions relating to construction of Nord Stream 2 or TurkStream pipeline projects.
- Sec. 1243. Extension of authority for training for Eastern European national security forces in the course of multilateral exercises.
- Sec. 1244. Sense of Congress on support for the North Atlantic Treaty Organization.
- Sec. 1245. Limitation on United States force structure reductions in Germany.
- Sec. 1246. Report on United States military force posture in Southeastern Europe.
- Sec. 1247. Sense of Congress on support for coordinated action to ensure the security of Baltic allies.
- Sec. 1248. Sense of Congress on the role of the Kosovo Force of the North Atlantic Treaty Organization.

Subtitle F—Matters Relating to the Indo-Pacific Region

- Sec. 1251. Pacific Deterrence Initiative.
- Sec. 1252. Extension and modification of prohibition on commercial export of certain covered munitions items to the Hong Kong Police Force.
- Sec. 1253. Authority to transfer funds for Bien Hoa dioxin cleanup.
- Sec. 1254. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.

- Sec. 1255. Sense of Congress on the United States-Vietnam defense relationship.
- Sec. 1256. Pilot program to improve cyber cooperation with Vietnam, Thailand, and Indonesia.
- Sec. 1257. Report on the costs most directly associated with the stationing of the Armed Forces in Japan.
- Sec. 1258. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea.
- Sec. 1259. Implementation of GAO recommendations on preparedness of United States forces to counter North Korean chemical and biological weapons.
- Sec. 1260. Statement of policy and sense of Congress on the Taiwan Relations Act.
- Sec. 1260A. Annual briefing on Taiwan arms sales.
- Sec. 1260B. Report on United States-Taiwan medical security partnership.
- Sec. 1260C. Establishment of capabilities to assess the defense technological and industrial bases of China and other foreign adversaries.
- Sec. 1260D. Extension of annual report on military and security developments involving the People's Republic of China.
- Sec. 1260E. Sense of Congress on the aggression of the Government of China along the border with India and its growing territorial claims.
- Sec. 1260F. Assessment of National Cyber Strategy to deter China from engaging in industrial espionage and cyber theft.
- Sec. 1260G. Report on United Front Work Department.
- Sec. 1260H. Public reporting of Chinese military companies operating in the United States.
- Sec. 1260I. Report on directed use of fishing fleets.

Subtitle G—Sudan Democratic Transition, Accountability, and Fiscal
Transparency Act of 2020

- Sec. 1261. Short title.
- Sec. 1262. Definitions.
- Sec. 1263. Statement of policy.
- Sec. 1264. Support for democratic governance, rule of law, human rights, and fundamental freedoms.
- Sec. 1265. Support for development programs.
- Sec. 1266. Support for conflict mitigation.
- Sec. 1267. Support for accountability for war crimes, crimes against humanity, and genocide in Sudan.
- Sec. 1268. Suspension of assistance.
- Sec. 1269. Multilateral assistance.
- Sec. 1270. Coordinated support to recover assets stolen from the Sudanese people.
- Sec. 1270A. Limitation on assistance to the Sudanese security and intelligence services.
- Sec. 1270B. Reports.
- Sec. 1270C. United States strategy for support to a civilian-led government in Sudan.
- Sec. 1270D. Amendments to the Darfur Peace and Accountability Act of 2006.
- Sec. 1270E. Repeal of Sudan Peace Act and the Comprehensive Peace in Sudan Act.

Subtitle H—United States Israel Security Assistance Authorization Act of
2020

- Sec. 1271. Short title.
- Sec. 1272. Sense of Congress on United States-Israel relationship.
- Sec. 1273. Security assistance for Israel.
- Sec. 1274. Extension of war reserves stockpile authority.
- Sec. 1275. Rules governing the transfer of precision-guided munitions to Israel above the annual restriction.
- Sec. 1276. Eligibility of Israel for the strategic trade authorization exception to certain export control licensing requirements.
- Sec. 1277. United States Agency for International Development memoranda of understanding to enhance cooperation with Israel.
- Sec. 1278. Cooperative projects among the United States, Israel, and developing countries.
- Sec. 1279. Joint cooperative program related to innovation and high-tech for the Middle East region.
- Sec. 1280. Cooperation on directed energy capabilities.
- Sec. 1280A. Other matters of cooperation.
- Sec. 1280B. Appropriate congressional committees defined.

Subtitle I—Global Child Thrive Act of 2020

- Sec. 1281. Short title.
- Sec. 1282. Sense of Congress.
- Sec. 1283. Assistance to improve early childhood outcomes globally.
- Sec. 1284. Special advisor for assistance to orphans and vulnerable children.
- Sec. 1285. Rule of construction.

Subtitle J—Matters Relating to Africa and the Middle East

- Sec. 1291. Briefing and report relating to reduction in the total number of United States Armed Forces deployed to United States Africa Command area of responsibility.
- Sec. 1292. Notification with respect to withdrawal of members of the Armed Forces participating in the Multinational Force and Observers in Egypt.
- Sec. 1293. Report on enhancing security partnerships between the United States and African countries.
- Sec. 1294. Plan to address gross violations of human rights and civilian harm in Burkina Faso, Chad, Mali, and Niger.
- Sec. 1295. Statement of policy and report relating to the conflict in Yemen.
- Sec. 1296. Report on United States military support of the Saudi-led coalition in Yemen.
- Sec. 1297. Sense of Congress on payment of amounts owed by Kuwait to United States medical institutions.

Subtitle K—Other Matters

- Sec. 1299A. Provision of goods and services at Kwajalein Atoll, Republic of the Marshall Islands.
- Sec. 1299B. Report on contributions received from designated countries.
- Sec. 1299C. Modification to initiative to support protection of national security academic researchers from undue influence and other security threats.
- Sec. 1299D. Extension of authorization of non-conventional assisted recovery capabilities.
- Sec. 1299E. Annual briefings on certain foreign military bases of adversaries.
- Sec. 1299F. Countering white identity terrorism globally.

- Sec. 1299G. Report on progress of the Department of Defense with respect to denying the strategic goals of a competitor against a covered defense partner.
- Sec. 1299H. Comparative studies on defense budget transparency of the People's Republic of China, the Russian Federation, and the United States.
- Sec. 1299I. Assessment of weapons of mass destruction terrorism.
- Sec. 1299J. Review of Department of Defense compliance with "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts".
- Sec. 1299K. Certification relating to assistance for Guatemala.
- Sec. 1299L. Functional Center for Security Studies in Irregular Warfare.
- Sec. 1299M. United States-Israel operations-technology cooperation within the United States-Israel Defense Acquisition Advisory Group.
- Sec. 1299N. Payment of passport fees for certain individuals.
- Sec. 1299O. Resumption of Peace Corps operations.
- Sec. 1299P. Establishment of the Open Technology Fund.
- Sec. 1299Q. United States Agency for Global Media.
- Sec. 1299R. Leveraging information on foreign traffickers.
- Sec. 1299S. Rule of construction relating to use of military force.

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDI- TIONAL OPERATIONS.

Section 333(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) Air domain awareness operations.”; and

(3) by adding at the end the following new paragraph:

“(9) Cyberspace security and defensive cyberspace operations.”.

1 **SEC. 1202. PARTICIPATION IN EUROPEAN PROGRAM ON**
2 **MULTILATERAL EXCHANGE OF SURFACE**
3 **TRANSPORTATION SERVICES.**

4 (a) IN GENERAL.—Subchapter II of chapter 138 of
5 title 10, United States Code, is amended by inserting after
6 section 2350l the following new section 2350m:

7 **“§ 2350m. Participation in European program on mul-**
8 **tilateral exchange of surface transpor-**
9 **tation services**

10 “(a) PARTICIPATION AUTHORIZED.—

11 “(1) IN GENERAL.—The Secretary of Defense,
12 with the concurrence of the Secretary of State, may
13 authorize the participation of the Department of De-
14 fense in the Surface Exchange of Services program
15 (in this section referred to as the ‘SEOS program’)
16 of the Movement Coordination Centre Europe.

17 “(2) SCOPE OF PARTICIPATION.—Participation
18 of the Department of Defense in the SEOS program
19 under paragraph (1) may include—

20 “(A) the reciprocal exchange or transfer of
21 surface transportation on a reimbursable basis
22 or by replacement-in-kind; and

23 “(B) the exchange of surface transpor-
24 tation services of an equal value.

25 “(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

1 “(1) IN GENERAL.—Participation of the De-
2 partment of Defense in the SEOS program shall be
3 in accordance with a written arrangement or agree-
4 ment entered into by the Secretary of Defense, with
5 the concurrence of the Secretary of State, and the
6 Movement Coordination Centre Europe.

7 “(2) NOTIFICATION.—The Secretary of Defense
8 shall provide to the congressional defense commit-
9 tees notification of any arrangement or agreement
10 entered into under paragraph (1).

11 “(3) FUNDING ARRANGEMENTS.—If Depart-
12 ment of Defense facilities, equipment, or funds are
13 used to support the SEOS program, the written ar-
14 rangement or agreement under paragraph (1) shall
15 specify the details of any equitable cost-sharing or
16 other funding arrangement.

17 “(4) OTHER ELEMENTS.—Any written arrange-
18 ment or agreement entered into under paragraph (1)
19 shall require that any accrued credits or liability re-
20 sulting from an unequal exchange or transfer of sur-
21 face transportation services shall be liquidated
22 through the SEOS program not less than once every
23 five years.

1 “(c) IMPLEMENTATION.—In carrying out any ar-
2 rangement or agreement entered into under subsection
3 (b), the Secretary of Defense may—

4 “(1) pay the equitable share of the Department
5 of Defense for the operating expenses of the Move-
6 ment Coordination Centre Europe and the SEOS
7 program from funds available to the Department of
8 Defense for operation and maintenance; and

9 “(2) assign members of the armed forces or De-
10 partment of Defense civilian personnel, within billets
11 authorized for the United States European Com-
12 mand, to duty at the Movement Coordination Centre
13 Europe as necessary to fulfill Department of De-
14 fense obligations under that arrangement or agree-
15 ment.

16 “(d) CREDITING OF RECEIPTS.—Any amount re-
17 ceived by the Department of Defense as part of the SEOS
18 program shall be credited, at the option of the Secretary
19 of Defense, to—

20 “(1) the appropriation, fund, or account used in
21 incurring the obligation for which such amount is re-
22 ceived; or

23 “(2) an appropriate appropriation, fund, or ac-
24 count currently available for the purposes for which
25 the expenditures were made.

1 “(e) ANNUAL REPORT.—

2 “(1) IN GENERAL.—Not later than 30 days
3 after the end of each fiscal year in which the author-
4 ity under this section is in effect, the Secretary of
5 Defense shall submit to the congressional defense
6 committees a report on Department of Defense par-
7 ticipation in the SEOS program during such fiscal
8 year.

9 “(2) ELEMENTS.—Each report required by
10 paragraph (1) shall include the following:

11 “(A) A description of the equitable share
12 of the costs and activities of the SEOS program
13 paid by the Department of Defense.

14 “(B) A description of any amount received
15 by the Department of Defense as part of such
16 program, including the country from which the
17 amount was received.

18 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
19 Nothing in this section may be construed to authorize the
20 use of foreign sealift in violation of section 2631.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such subchapter is amended by insert-
23 ing after the item relating to section 2350l the following
24 new item:

“2350m. Participation in European program on multilateral exchange of surface
transportation services.”.

1 **SEC. 1203. PARTICIPATION IN PROGRAMS RELATING TO CO-**
2 **ORDINATION OR EXCHANGE OF AIR REFUEL-**
3 **ING AND AIR TRANSPORTATION SERVICES.**

4 (a) IN GENERAL.—Subchapter II of chapter 138 of
5 title 10, United States Code, as amended by section 1202,
6 is further amended by adding at the end the following new
7 section:

8 **“§ 2350o. Participation in programs relating to co-**
9 **ordination or exchange of air refueling**
10 **and air transportation services**

11 “(a) PARTICIPATION AUTHORIZED.—

12 “(1) IN GENERAL.—The Secretary of Defense,
13 with the concurrence of the Secretary of State, may
14 authorize the participation of the Department of De-
15 fense in programs relating to the coordination or ex-
16 change of air refueling and air transportation serv-
17 ices, including in the arrangement known as the Air
18 Transport and Air-to-Air Refueling and other Ex-
19 changes of Services program (in this section referred
20 to as the ‘ATARES program’).

21 “(2) SCOPE OF PARTICIPATION.—Participation
22 of the Department of Defense in programs referred
23 to in paragraph (1) may include—

24 “(A) the reciprocal exchange or transfer of
25 air refueling and air transportation services on

1 a reimbursable basis or by replacement-in-kind;
2 and

3 “(B) the exchange of air refueling and air
4 transportation services of an equal value.

5 “(3) LIMITATIONS WITH RESPECT TO PARTICI-
6 PATION IN ATARES PROGRAM.—

7 “(A) IN GENERAL.—The Department of
8 Defense balance of executed flight hours in par-
9 ticipation in the ATARES program under para-
10 graph (1), whether as credits or debits, may not
11 exceed a total of 500 hours.

12 “(B) AIR REFUELING.—The Department
13 of Defense balance of executed flight hours for
14 air refueling in participation in the ATARES
15 program under paragraph (1) may not exceed
16 200 hours.

17 “(b) WRITTEN ARRANGEMENT OR AGREEMENT.—
18 Participation of the Department of Defense in a program
19 referred to in subsection (a)(1) shall be in accordance with
20 a written arrangement or agreement entered into by the
21 Secretary of Defense, with the concurrence of the Sec-
22 retary of State.

23 “(c) IMPLEMENTATION.—In carrying out any ar-
24 rangement or agreement entered into under subsection
25 (b), the Secretary of Defense may—

“(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

6 “(2) assign members of the armed forces or De-
7 partment of Defense civilian personnel to fulfill De-
8 partment obligations under that arrangement or
9 agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1202, is further amended by adding at the end the following new item:

“2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.”.

(c) REPEAL.—Section 1276 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c note) is repealed.

17 SEC. 1204. RECIPROCAL PATIENT MOVEMENT AGREE-
18 MENTS.

19 (a) IN GENERAL.—Subchapter II of chapter 138 of
20 title 10, United States Code, as amended by section 1203,
21 is further amended by adding at the end the following new
22 section:

1 **“§ 2350p. Reciprocal patient movement agreements**

2 “(a) AUTHORITY.—Subject to the availability of ap-
3 propriations, the Secretary of Defense, with the concur-
4 rence of the Secretary of State, may enter into a bilateral
5 or multilateral memorandum of understanding or other
6 formal agreement with one or more governments of part-
7 ner countries that provides for—

8 “(1) the interchangeable, nonreimbursable use
9 of patient movement personnel, either individually or
10 as members of a patient movement crew or team,
11 and equipment, belonging to one partner country to
12 perform patient movement services aboard the air-
13 craft, vessels, or vehicles of another partner country;

14 “(2) the reciprocal recognition and acceptance
15 of —

16 “(A) national professional credentials, cer-
17 tifications, and licenses of patient movement
18 personnel; and

19 “(B) national certifications, approvals, and
20 licenses of equipment used in the provision of
21 patient movement services; and

22 “(3) the acceptance of agreed-upon standards
23 for the provision of patient movement services by
24 aircraft, vessel, or vehicle, including, as determined
25 to be beneficial and otherwise permitted by law, the

1 harmonization of patient treatment standards and
2 procedures.

3 “(b) CERTIFICATION.—(1) Before entering into a
4 memorandum of understanding or other formal agreement
5 with the government of a partner country under this sec-
6 tion, the Secretary of Defense shall certify in writing that
7 the professional credentials, certifications, licenses, and
8 approvals for patient movement personnel and patient
9 movement equipment of the partner country—

10 “(A) meet or exceed the equivalent standards of
11 the United States for similar personnel and equip-
12 ment; and

13 “(B) will provide for a level of care comparable
14 to, or better than, the level of care provided by the
15 Department of Defense.

16 “(2) A certification under paragraph (1) shall be—

17 “(A) submitted to the appropriate committees
18 of Congress not later than 15 days after the date on
19 which the Secretary of Defense makes the certifi-
20 cation; and

21 “(B) reviewed and recertified by the Secretary
22 of Defense not less frequently than annually.

23 “(c) SUSPENSION.—If the Secretary of Defense is
24 unable to recertify a partner country as required by sub-
25 section (b)(2)(B), use of the personnel or equipment of

1 the partner country by the Department of Defense under
2 a memorandum of understanding or other formal agree-
3 ment concluded pursuant to subsection (a) shall be sus-
4 pended until the date on which the Secretary of Defense
5 is able to recertify the partner country.

6 “(d) DEFINITIONS.—In this section:

7 “(1) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term ‘appropriate committees of Con-
9 gress’ means—

10 “(A) the congressional defense committees;

11 and

12 “(B) the Committee on Foreign Relations
13 of the Senate and the Committee on Foreign
14 Affairs of the House of Representatives.

15 “(2) PARTNER COUNTRY.—The term ‘partner
16 country’ means any of the following:

17 “(A) A member country of the North At-
18 lantic Treaty Organization.

19 “(B) Australia.

20 “(C) Japan.

21 “(D) New Zealand.

22 “(E) The Republic of Korea.

23 “(F) Any other country designated as a
24 partner country by the Secretary of Defense,

1 with the concurrence of the Secretary of State,
2 for purposes of this section.

3 “(3) PATIENT MOVEMENT.—The term ‘patient
4 movement’ means the act or process of moving
5 wounded, ill, injured, or other persons (including
6 contaminated, contagious, and potentially exposed
7 patients) to obtain medical, surgical, mental health,
8 or dental care or treatment.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such subchapter, as amended by sec-
11 tion 1203, is further amended by adding at the end the
12 following new item:

“2350p. Reciprocal patient movement agreements.”.

13 **SEC. 1205. MODIFICATION TO THE INTER-EUROPEAN AIR**
14 **FORCES ACADEMY.**

15 Section 350(b) of title 10, United States Code, is
16 amended by striking “that are” and all that follows
17 through the period at the end and inserting “that are—

18 “(1) members of the North Atlantic Treaty Or-
19 ganization;

20 “(2) signatories to the Partnership for Peace
21 Framework Documents; or

22 “(3)(A) within the United States Africa Com-
23 mand area of responsibility; and

1 “(B) eligible for assistance under chapter 5 of
2 part II of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2347 et seq.).”.

4 **SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPA-**
5 **TION IN MULTINATIONAL CENTERS OF EX-**
6 **CELLENCE.**

7 (a) IN GENERAL.—Section 344 of title 10, United
8 States Code, is amended—

9 (1) in the section heading, by striking “MULTI-
10 NATIONAL MILITARY CENTERS OF EXCELLENCE”
11 and inserting “MULTINATIONAL CENTERS OF EXCEL-
12 LENCE”;

13 (2) by striking “multinational military center of
14 excellence” each place it appears and inserting “mul-
15 tinational center of excellence”;

16 (3) by striking “multinational military centers
17 of excellence” each place it appears and inserting
18 “multinational centers of excellence”;

19 (4) in subsection (b)(1), by inserting “or en-
20 tered into by the Secretary of State,” after “Sec-
21 retary of State,”;

22 (5) in subsection (e)—

23 (A) in the subsection heading, by striking
24 “MULTINATIONAL MILITARY CENTER OF EX-

1 CELLENCE” and inserting “MULTINATIONAL
2 CENTER OF EXCELLENCE”;

3 (B) by redesignating paragraphs (1)
4 through (4) as subparagraphs (A) through (D),
5 respectively, and moving such subparagraphs
6 two ems to the right;

7 (C) in the matter preceding subparagraph
8 (A), as so redesignated, by striking “means an
9 entity” and inserting “means—
10 “(1) an entity”;

11 (D) in subparagraph (C), as so redesign-
12 ated, by striking “; and” and inserting a semi-
13 colon;

14 (E) in subparagraph (D), as so redesign-
15 ated, by striking the period at the end and in-
16 serting “; and”; and

17 (F) by adding at the end the following new
18 paragraph:

19 “(2) the European Centre of Excellence for
20 Countering Hybrid Threats, established in 2017 and
21 located in Helsinki, Finland.”;

22 (6) by redesignating subsection (e) as sub-
23 section (f); and

24 (7) by inserting after subsection (d) the fol-
25 lowing new subsection:

1 “(e) NOTIFICATION.—Not later than 30 days before
2 the date on which the Secretary of Defense authorizes par-
3 ticipation under subsection (a) in a new multinational cen-
4 ter of excellence, the Secretary shall notify the congres-
5 sional defense committees of such participation.”.

6 (b) CONFORMING AMENDMENT.—Title 10, United
7 States Code, is amended, in the table of sections at the
8 beginning of subchapter V of chapter 16, by striking the
9 item relating to section 344 and inserting the following:

“344. Participation in multinational centers of excellence.”.

10 **SEC. 1207. MODIFICATION AND EXTENSION OF SUPPORT OF**
11 **SPECIAL OPERATIONS FOR IRREGULAR WAR-**
12 **FARE.**

13 (a) AUTHORITY.—Subsection (a) of section 1202 of
14 the National Defense Authorization Act for Fiscal Year
15 2018 (Public Law 115–91; 131 Stat. 1639) is amended
16 by striking “\$10,000,000” and inserting “\$15,000,000”.

17 (b) NOTIFICATION.—Subsection (d)(2) of such sec-
18 tion is amended—

19 (1) by redesignating subparagraph (E) as sub-
20 paragraph (G);

21 (2) by inserting after subparagraph (D) the fol-
22 lowing:

23 “(E) A description of steps taken to ensure
24 the support is consistent with other United

1 States national security interests, including
2 issues related to human rights.

3 “(F) A description of steps taken to ensure
4 that the recipients of the support have not en-
5 gaged in human rights violations, to include the
6 conduct of periodic reviews as a means to inves-
7 tigate allegations of violations and processes
8 and procedures to modify support in case of
9 credible reports of violations.”; and
10 (3) in clause (i) of subparagraph (G), as redes-
11 ignated, to read as follows:

12 “(i) An introduction of United States
13 Armed Forces (including as such term is
14 defined in section 8(c) of the War Powers
15 Resolution (50 U.S.C. 1547(c))) into hos-
16 tilities, or into situations where hostilities
17 are clearly indicated by the circumstances,
18 without specific statutory authorization
19 within the meaning of section 5(b) of such
20 Resolution (50 U.S.C. 1544(b)).”.

21 (c) CONSTRUCTION OF AUTHORITY.—Subsection
22 (f)(2) of such section is amended by striking “of section
23 5(b)”.

1 **SEC. 1208. EXTENSION OF AUTHORITY TO TRANSFER EX-**
2 **CESS HIGH MOBILITY MULTIPURPOSE**
3 **WHEELED VEHICLES TO FOREIGN COUN-**
4 **TRIES.**

5 Section 1276 of the National Defense Authorization
6 Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat.
7 1699) is amended—

8 (1) in subsection (b)(2)—

9 (A) in subparagraph (A), by adding at the
10 end the following new sentence: “Such descrip-
11 tion may include, if applicable, a description of
12 the priority United States security or defense
13 cooperation interest with the recipient country
14 that is fulfilled by the waiver.”; and

15 (B) by striking subparagraph (B) and in-
16 serting the following:

17 “(B) An explanation of the reasons for
18 which it is in the national interest of the United
19 States to make the transfer notwithstanding the
20 requirements of subsection (a)(1).”;

21 (2) by inserting after subsection (b)(2) the fol-
22 lowing new paragraph:

23 “(3) DELEGATION OF AUTHORITY.—The Presi-
24 dent may delegate the waiver authority provided by
25 this subsection to the Secretary of Defense.”; and

1 (3) in subsection (c)(2), by striking “three” and
2 inserting “four”.

3 **SEC. 1209. MODIFICATION AND EXTENSION OF UPDATE OF**
4 **DEPARTMENT OF DEFENSE FREEDOM OF**
5 **NAVIGATION REPORT.**

6 (a) ELEMENTS.—Subsection (b) of section 1275 of
7 the National Defense Authorization Act for Fiscal Year
8 2017 (Public Law 114–328; 130 Stat. 2540) is amend-
9 ed—

10 (1) in paragraph (1), by inserting “the number
11 of maritime and overflight challenges to each such
12 claim and” before “the country”;

13 (2) in paragraph (5), by inserting “have been
14 protested by the United States but” before “have
15 not been challenged”; and

16 (3) by adding at the end the following:

17 “(6) A summary of each excessive maritime
18 claim challenged jointly with international partners
19 and allies.”.

20 (b) FORM.—Subsection (c) of such section is amend-
21 ed by adding at the end before the period the following:
22 “and made publicly available”.

23 (c) SUNSET.—Subsection (d) of such section is
24 amended by striking “December 31, 2021” and inserting
25 “December 31, 2025”.

1 **SEC. 1210. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **TO SUPPORT BORDER SECURITY OPER-**
3 **ATIONS OF CERTAIN FOREIGN COUNTRIES.**

4 (a) FUNDS AVAILABLE FOR SUPPORT.—Subsection
5 (b) of section 1226 of the National Defense Authorization
6 Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amend-
7 ed to read as follows:

8 “(b) FUNDS AVAILABLE FOR SUPPORT.—Amounts to
9 provide support under the authority of subsection (a) may
10 be derived only from amounts authorized to be appro-
11 priated and available for operation and maintenance, De-
12 fense-wide.”.

13 (b) EXTENSION.—Subsection (h) of such section is
14 amended by striking “December 31, 2021” and inserting
15 “December 31, 2023”.

16 **SEC. 1210A. EXTENSION OF DEPARTMENT OF DEFENSE**
17 **SUPPORT FOR STABILIZATION ACTIVITIES IN**
18 **NATIONAL SECURITY INTEREST OF THE**
19 **UNITED STATES.**

20 Subsection (h) of section 1210A of the National De-
21 fense Authorization Act for Fiscal Year 2020 (Public Law
22 116–92; 133 Stat. 1628) is amended by striking “Decem-
23 ber 31, 2020” and inserting “December 31, 2021”.

1 **SEC. 1210B. EXTENSION OF REPORT ON WORKFORCE DE-**
2 **VELOPMENT.**

3 Section 1250(b)(1) of the National Defense Author-
4 ization Act for Fiscal Year 2017 (Public Law 114–328;
5 130 Stat. 2529) is amended by striking “through 2021”
6 and inserting “through 2026”.

7 **SEC. 1210C. PLAN TO INCREASE PARTICIPATION IN INTER-**
8 **NATIONAL MILITARY EDUCATION AND TRAIN-**
9 **ING PROGRAMS.**

10 (a) IN GENERAL.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of State,
12 in coordination with the Secretary of Defense, shall submit
13 to the appropriate congressional committees a plan to in-
14 crease the number of foreign female participants receiving
15 training under the International Military Education and
16 Training program authorized under chapter 5 of part II
17 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347
18 et seq.) and any other military exchange program offered
19 to foreign participants, with the goal of doubling such par-
20 ticipation over the 10-year period beginning on the date
21 of the enactment of this Act.

22 (b) INTERIM PROGRESS REPORTS.—Not later than
23 2 years after the date of the submission of the plan re-
24 quired by subsection (a), and every 2 years thereafter until
25 the end of the 10-year period beginning on the date of
26 the enactment of this Act, the Secretary of State, in co-

1 ordination with the Secretary of Defense, shall submit to
2 the appropriate congressional committees a report that in-
3 cludes the most recently available data on foreign female
4 participation in activities conducted under the Inter-
5 national Military Education and Training program and
6 any other military exchange programs and describes the
7 manner and extent to which the goal described in sub-
8 section (a) has been achieved as of the date of the submis-
9 sion of the report.

10 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the Committee on Armed Services and the
14 Committee on Foreign Affairs of the House of Rep-
15 resentatives; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Relations of the Senate.

18 **SEC. 1210D. MITIGATION AND PREVENTION OF ATROCITIES**
19 **IN HIGH-RISK COUNTRIES.**

20 (a) STATEMENT OF POLICY.—It is the policy of the
21 United States that the Department of State, in coordina-
22 tion with the Department of Defense and the United
23 States Agency for International Development, should ad-
24 dress global fragility, as required by the Global Fragility
25 Act of 2019 and, to the extent practicable, incorporate ef-

1 forts to identify, prevent, and respond to the causes of
2 atrocities, as required by section 3 of the Elie Wiesel
3 Genocide and Atrocities Prevention Act of 2018 (22
4 U.S.C. 2656 note), into security assistance and coopera-
5 tion planning and implementation for covered foreign
6 countries.

7 (b) IN GENERAL.—The Secretary of State, in con-
8 sultation with chiefs of mission and the Administrator of
9 the United States Agency for International Development,
10 shall ensure that the Department of State’s Atrocity As-
11 sessment Framework is factored into the Integrated Coun-
12 try Strategy and the Country Development Cooperation
13 Strategy where appropriate for covered foreign countries.

14 (c) REPORT.—

15 (1) IN GENERAL.—Section 5 of the Elie Wiesel
16 Genocide and Atrocities Prevention Act of 2018 is
17 amended—

18 (A) by amending subparagraph (E) of sub-
19 section (a)(1) to read as follows:

20 “(E) countries and regions at risk of atroc-
21 ities, including covered foreign countries, and a
22 description of specific risk factors, at risk
23 groups, likely scenarios in which atrocities
24 would occur, and efforts taken by the Board or

1 relevant Federal agencies to prevent such atroc-
2 ities; and”; and

3 (B) by adding at the end the following new
4 subsection:

5 “(d) COVERED FOREIGN COUNTRY DEFINED.—The
6 term ‘covered foreign country’ means a foreign country
7 that is not listed as a priority country under section 505
8 of the Global Fragility Act of 2019 (22 U.S.C. 9804) but
9 remains among the top 30 most at risk countries for new
10 onset of mass killing, according to the Department of
11 State’s internal assessments, and in consultation with the
12 Committee on Foreign Affairs and the Committee on
13 Armed Services of the House of Representatives and the
14 Committee on Foreign Relations and the Committee on
15 Armed Services of the Senate.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall take effect and apply begin-
18 ning with the first report required under section 5
19 of the Elie Wiesel Genocide and Atrocities Preven-
20 tion Act of 2018 that is required after the date of
21 the enactment of this Act.

22 (d) STAKEHOLDER CONSULTATION.—Consistent
23 with section 504(b) of the Global Fragility Act of 2019
24 (22 U.S.C. 9803(b)), the Secretary of State and other rel-
25 evant agencies should consult with credible representatives

1 of civil society with experience in atrocities prevention and
2 national and local governance entities, as well as relevant
3 international development organizations with experience
4 implementing programs in fragile and violence-affected
5 communities, multilateral organizations and donors, and
6 relevant private, academic, and philanthropic entities, as
7 appropriate, in identifying covered foreign countries as de-
8 fined in this section.

9 (e) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Armed Services of the House
15 of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Armed Services of the
18 Senate.

19 (2) COVERED FOREIGN COUNTRY.—The term
20 “covered foreign country” means a foreign country
21 that is not listed as a priority country under section
22 505 of the Global Fragility Act of 2019 (22 U.S.C.
23 9804) but remains among the top 30 most at risk
24 countries for new onset of mass killing, according to
25 the Department of State’s internal assessments, and

1 in consultation with the appropriate congressional
2 committees.

3 **SEC. 1210E. IMPLEMENTATION OF THE WOMEN, PEACE,**
4 **AND SECURITY ACT OF 2017.**

5 (a) IN GENERAL.—During the period beginning on
6 the date of the enactment of this Act and ending on Sep-
7 tember 30, 2025, the Secretary of Defense shall undertake
8 activities consistent with the Women, Peace, and Security
9 Act of 2017 (Public Law 115–68; 131 Stat. 1202) and
10 with the guidance specified in this section, including—

11 (1) implementation of the Department of De-
12 fense plan entitled “Women, Peace, and Security
13 Strategic Framework and Implementation Plan”
14 published in June 2020, or any successor plan;

15 (2) establishing Department of Defense-wide
16 policies and programs that advance the implementa-
17 tion of the Act, including military doctrine and De-
18 partment-specific and combatant command-specific
19 programs;

20 (3) ensuring the Department has sufficient
21 qualified personnel to advance implementation of
22 that Act, including by hiring and training full-time
23 equivalent personnel, as necessary, and establishing
24 roles, responsibilities, and requirements for such per-
25 sonnel;

1 (4) as appropriate, the deliberate integration of
2 relevant training curriculum for members of the
3 Armed Forces across all ranks; and

4 (5) security cooperation activities that further
5 the implementation of that Act.

6 (b) BUILDING PARTNER DEFENSE INSTITUTION AND
7 SECURITY FORCE CAPACITY.—

8 (1) INCORPORATION OF GENDER ANALYSIS AND
9 PARTICIPATION OF WOMEN INTO SECURITY CO-
10 OPERATION ACTIVITIES.—Consistent with the
11 Women, Peace, and Security Act of 2017 (Public
12 Law 115–68; 131 Stat. 1202), the Secretary of De-
13 fense, in coordination with the Secretary of State,
14 shall incorporate participation by women and the
15 analysis described in the Women’s Entrepreneurship
16 and Economic Empowerment Act of 2018 (Public
17 Law 115–428; 132 Stat. 5509) into the institutional
18 and national security force capacity-building activi-
19 ties of security cooperation programs carried out
20 under title 10, United States Code, including, as ap-
21 propriate, by—

22 (A) incorporating gender analysis and
23 women, peace, and security priorities into edu-
24 cational and training materials and programs

1 authorized by section 333 of title 10, United
2 States Code;

3 (B) advising on the recruitment, employ-
4 ment, development, retention, and promotion of
5 women in such national security forces, includ-
6 ing by—

7 (i) identifying existing military career
8 opportunities for women;

9 (ii) exposing women and girls to ca-
10 reers available in such national security
11 forces and the skills necessary for such ca-
12 reers; and

13 (iii) encouraging women's and girls'
14 interest in such careers by highlighting as
15 role models women of the United States
16 and applicable foreign countries in uni-
17 form;

18 (C) addressing sexual harassment and
19 abuse against women within such national secu-
20 rity forces;

21 (D) integrating gender analysis into secu-
22 rity sector policy, planning, and training for
23 such national security forces; and

24 (E) improving infrastructure to address
25 the requirements of women serving in such na-

1 tional security forces, including appropriate
2 equipment for female security and police forces.

3 (2) BARRIERS AND OPPORTUNITIES.—Partner
4 country assessments conducted in the course of De-
5 partment security cooperation activities to build the
6 capacity of the national security forces of foreign
7 countries shall include attention to the barriers and
8 opportunities with respect to strengthening recruit-
9 ment, employment, development, retention, and pro-
10 motion of women in the military forces of such part-
11 ner countries.

12 (c) DEPARTMENT-WIDE POLICIES ON WOMEN,
13 PEACE, AND SECURITY.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall initiate a process to establish standardized policies
16 described in subsection (a)(2).

17 (d) FUNDING.—The Secretary of Defense may use
18 funds authorized to be appropriated in each fiscal year to
19 the Department of Defense for operation and maintenance
20 as specified in the table in section 4301 for carrying out
21 the full implementation of the Women, Peace, and Secu-
22 rity Act of 2017 (Public Law 115–68; 131 Stat. 1202)
23 and the guidance on the matters described in paragraphs
24 (1) through (5) of subsection (a) and subparagraphs (A)
25 through (E) of subsection (b)(1).

1 (e) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act, and annually there-
3 after through 2025, the Secretary of Defense shall submit
4 to the appropriate committees of Congress a report on the
5 steps the Department has taken to implement the Women,
6 Peace, and Security Act of 2017, including—

7 (1) implementation of defense lines of effort
8 outlined in the June 2020 Department of Defense
9 “Women, Peace, and Security Strategic Framework
10 and Implementation Plan” and described in para-
11 graphs (1) through (5) of subsection (a) and sub-
12 paragraphs (A) through (E) of subsection (b)(1), as
13 appropriate; and

14 (2) an enumeration of the funds used in such
15 implementation and an identification of funding
16 shortfalls, if any, that may inhibit implementation.

17 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
18 FINED.—In this section, the term “appropriate commit-
19 tees of Congress” means—

20 (1) the Committee on Armed Services and the
21 Committee on Foreign Relations of the Senate; and

22 (2) the Committee on Armed Services and the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives.

1 **Subtitle B—Matters Relating to**
2 **Afghanistan and Pakistan**

3 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **FOR REIMBURSEMENT OF CERTAIN COALI-**
5 **TION NATIONS FOR SUPPORT PROVIDED TO**
6 **UNITED STATES MILITARY OPERATIONS.**

7 (a) EXTENSION.—Subsection (a) of section 1233 of
8 the National Defense Authorization Act for Fiscal Year
9 2008 (Public Law 110–181; 122 Stat. 393) is amended
10 by striking “beginning on October 1, 2019, and ending
11 on December 31, 2020” and inserting “beginning on Octo-
12 ber 1, 2020, and ending on December 31, 2021”.

13 (b) MODIFICATION TO LIMITATION.—Subsection
14 (d)(1) of such section is amended—

15 (1) by striking “beginning on October 1, 2019,
16 and ending on December 31, 2020” and inserting
17 “beginning on October 1, 2020, and ending on De-
18 cember 31, 2021”; and

19 (2) by striking “\$450,000,000” and inserting
20 “\$180,000,000”.

21 **SEC. 1212. EXTENSION OF THE AFGHAN SPECIAL IMMI-**
22 **GRANT VISA PROGRAM.**

23 (a) IN GENERAL.—Section 602(b)(3)(F) of the Af-
24 ghan Allies Protection Act of 2009 (8 U.S.C. 1101 note)
25 is amended—

1 (1) in the heading, by striking “2020” and in-
2 serting “2021”;

3 (2) in the matter preceding clause (i), by strik-
4 ing “22,500” and inserting “22,620”;

5 (3) in clause (i), by striking “December 31,
6 2021” and inserting “December 31, 2022”; and

7 (4) in clause (ii), the striking “December 31,
8 2021” inserting “December 31, 2022”.

9 (b) REPORT EXTENSION.—Section 602(b)(13) of
10 such Act (8 U.S.C. 1101 note) is amended by striking
11 “January 31, 2021” and inserting “January 31, 2023”.

12 **SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT**
13 **FOR RECONCILIATION ACTIVITIES LED BY**
14 **THE GOVERNMENT OF AFGHANISTAN.**

15 (a) MODIFICATION OF AUTHORITY TO PROVIDE COV-
16 ERED SUPPORT.—Subsection (a) of section 1218 of the
17 National Defense Authorization Act for Fiscal Year 2020
18 (Public Law 116–92; 132 Stat. 1633) is amended—

19 (1) by striking the subsection designation and
20 heading and all that follows through “The Secretary
21 of Defense” and inserting the following:

22 “(a) AUTHORITY TO PROVIDE COVERED SUPPORT.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Secretary of Defense”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) LIMITATION ON USE OF FUNDS.—Amounts
4 authorized to be appropriated or otherwise made
5 available for the Department of Defense by this Act
6 may not be obligated or expended to provide covered
7 support until the date on which the Secretary of De-
8 fense submits to the appropriate committees of Con-
9 gress the report required by subsection (b).”.

10 (b) PARTICIPATION IN RECONCILIATION ACTIVI-
11 TIES.—Such section is further amended—

12 (1) by redesignating subsections (i) through (k)
13 as subsections (j) through (l), respectively;

14 (2) by inserting after subsection (h) the fol-
15 lowing new subsection (i):

16 “(i) PARTICIPATION IN RECONCILIATION ACTIVI-
17 TIES.—Covered support may only be used to support a
18 reconciliation activity that—

19 “(1) includes the participation of members of
20 the Government of Afghanistan; and

21 “(2) does not restrict the participation of
22 women.”.

23 (c) EXTENSION.—Subsection (k) of such section, as
24 so redesignated, is amended by striking “December 31,
25 2020” and inserting “December 31, 2021”.

1 (d) EXCLUSIONS FROM COVERED SUPPORT.—Such
2 section is further amended in paragraph (2)(B) of sub-
3 section (l), as so redesignated—

4 (1) in clause (ii), by inserting “, reimbursement
5 for travel or lodging, and stipends or per diem pay-
6 ments” before the period at the end; and

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

9 “(iii) Any activity involving one or
10 more members of an organization des-
11 ignated as a foreign terrorist organization
12 pursuant to section 219 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1189)
14 or an individual designated as a specially
15 designated global terrorist pursuant to Ex-
16 ecutive Order 13224 (50 U.S.C. 1701
17 note; relating to blocking property and pro-
18 hibiting transactions with persons who
19 commit, threaten to commit, or support
20 terrorism).”.

1 **SEC. 1214. EXTENSION AND MODIFICATION OF COM-**
2 **MANDERS' EMERGENCY RESPONSE PRO-**
3 **GRAM.**

4 Section 1201 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
6 1619) is amended—

7 (1) in subsection (a)—

8 (A) by striking “December 31, 2020” and
9 inserting “December 31, 2021”; and

10 (B) by striking “\$2,500,000” and insert-
11 ing “\$2,000,000”;

12 (2) in subsection (b), by striking the subsection
13 designation and heading and all that follows through
14 the period at the end of paragraph (1) and inserting
15 the following:

16 “(b) QUARTERLY REPORTS.—

17 “(1) IN GENERAL.—Beginning in fiscal year
18 2021, not later than 45 days after the end of each
19 quarter fiscal year, the Secretary of Defense shall
20 submit to the congressional defense committees a re-
21 port regarding the source of funds and the allocation
22 and use of funds during that quarter fiscal year that
23 were made available pursuant to the authority pro-
24 vided in this section or under any other provision of
25 law for the purposes of the program under sub-
26 section (a).”; and

1 (3) in subsection (f), by striking “December 31,
2 2020” and inserting “December 31, 2021”.

3 **SEC. 1215. LIMITATION ON USE OF FUNDS TO REDUCE DE-**
4 **PLOYMENT TO AFGHANISTAN.**

5 (a) LIMITATION.—Until the date on which the Sec-
6 retary of Defense, in consultation with the Secretary of
7 State and the Director of National Intelligence, submits
8 to the appropriate congressional committees the report de-
9 scribed in subsection (b), none of the amounts authorized
10 to be appropriated for fiscal year 2020 or 2021 for the
11 Department of Defense may be obligated or expended for
12 any activity having either of the following effects:

13 (1) Reducing the total number of Armed Forces
14 deployed to Afghanistan below the lesser of—

15 (A) 4,000; or

16 (B) the total number of the Armed Forces
17 deployed as of the date of the enactment of this
18 Act.

19 (2) Reducing the total number of Armed Forces
20 deployed to Afghanistan below 2,000.

21 (b) REPORT.—The report described in this subsection
22 shall include each of the following:

23 (1) An assessment of the effect that such a re-
24 duction would have on—

1 (A) the ongoing United States counterter-
2 rorism mission against the Islamic State, al-
3 Qaeda, and associated forces;

4 (B) the risk to United States personnel in
5 Afghanistan;

6 (C) the risk for the expansion of existing
7 or formation of new international terrorist safe
8 havens inside Afghanistan;

9 (D) the role of United States allies and
10 partners supporting the United States- and
11 North Atlantic Treaty Organization-led mis-
12 sions, including international financial support
13 the Afghan National Defense and Security
14 Forces require in order to maintain operational
15 capabilities and combat effectiveness;

16 (E) United States national security and
17 United States policy toward achieving an endur-
18 ing diplomatic solution in Afghanistan;

19 (F) the threat posed by the Taliban and
20 other terrorist organizations in Afghanistan to
21 United States national security interests and to
22 those of United States allies and partners;

23 (G) the capacity of the Afghan National
24 Defense and Security Forces to effectively—

1 (i) prevent or defend against attacks
2 by the Taliban or other terrorist organiza-
3 tions on civilian populations;

4 (ii) conduct counterterrorism oper-
5 ations necessary to deny safe harbor to ter-
6 rorist organizations that the intelligence
7 community assesses pose a threat to the
8 United States and United States interests;

9 (iii) sustain equipment, personnel, and
10 capabilities; and

11 (iv) protect the sovereignty of Afghan-
12 istan;

13 (H) the influence of Afghanistan's neigh-
14 bors and near neighbors on the sovereignty of
15 Afghanistan and the strategic national security
16 interests of the United States in the region.

17 (2) A plan for the orderly transition of all secu-
18 rity-related tasks currently undertaken by the
19 Armed Forces of the United States and nations con-
20 tributing troops to the Resolute Support Mission in
21 support of the Afghan National Defense and Secu-
22 rity Forces to the Government of Afghanistan.

23 (3) An update on the status of any United
24 States citizens detained in Afghanistan and an over-

1 view of Administration efforts to secure their re-
2 lease.

3 (4) An assessment by the intelligence commu-
4 nity of the manner and extent to which state actors
5 have provided any incentives to the Taliban, their af-
6 filiates, or other foreign terrorist organizations for
7 attacks against United States, coalition, or Afghan
8 security forces or civilians in Afghanistan in the last
9 2 years, including the details of any attacks believed
10 to have been connected with such incentives.

11 (5) Any other matter the Secretary of Defense
12 determines appropriate.

13 (c) FORM.—The report described in subsection (b)
14 shall be submitted in unclassified form without any des-
15 ignation relating to dissemination control, but may contain
16 a classified annex.

17 (d) WAIVER.—The President may waive the limita-
18 tion under subsection (a) if the President submits to the
19 appropriate congressional committees—

20 (1) a written determination that the waiver is
21 important to the national security interests of the
22 United States; and

23 (2) a detailed explanation of how the waiver
24 furthers those interests.

1 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—The term “appropriate congressional commit-
3 tees” means—

4 (1) the Committee on Armed Services of the
5 House of Representatives and the Committee on
6 Armed Services of the Senate;

7 (2) the Committee on Foreign Affairs of the
8 House of Representatives and the Committee on
9 Foreign Relations of the Senate; and

10 (3) the Permanent Select Committee on Intel-
11 ligence of the House of Representatives and the Se-
12 lect Committee on Intelligence of the Senate.

13 **SEC. 1216. MODIFICATIONS TO IMMUNITY FROM SEIZURE**
14 **UNDER JUDICIAL PROCESS OF CULTURAL**
15 **OBJECTS.**

16 (a) IN GENERAL.—The Act of October 19, 1965, en-
17 titled “An Act to render immune from seizure under judi-
18 cial process certain objects of cultural significance im-
19 ported into the United States for temporary display or ex-
20 hibition, and for other purposes” (22 U.S.C. 2459; 79
21 Stat. 985) is amended—

22 (1) in subsection (a)—

23 (A) by striking “the temporary exhibition
24 or display thereof” each place it appears and

1 inserting “temporary storage, conservation, sci-
2 entific research, exhibition, or display”;

3 (B) by striking “cultural or educational in-
4 stitutions” and inserting “cultural, educational,
5 or religious institutions with the capacity to ap-
6 propriately curate such object”; and

7 (C) by striking “any such cultural or edu-
8 cational institution” and inserting “any such
9 cultural, educational, or religious institution
10 with the capacity to appropriately curate such
11 object”; and

12 (2) by adding at the end the following:

13 “(d) For purposes of this section, the terms ‘im-
14 ported’ and ‘importation’ include a transfer from a mis-
15 sion of a foreign country located within the United States
16 to a cultural, educational, or religious institution located
17 within the United States.”.

18 (b) AFGHANISTAN.—

19 (1) IN GENERAL.—A work of art or other ob-
20 ject of cultural significance that is imported into the
21 United States for temporary storage, conservation,
22 scientific research, exhibition, or display shall be
23 deemed to be immune from seizure under such Act
24 of October 19, 1965 (22 U.S.C. 2459) (as amended
25 by subsection (a)), and the provisions of such Act

1 shall apply in the same manner and to the same ex-
2 tent to such work or object, if—

3 (A) the work or object is exported from Af-
4 ghanistan with an export permit or license duly
5 issued by the Government of Afghanistan; and

6 (B)(i) an agreement is entered into be-
7 tween the Government of Afghanistan and the
8 cultural, educational, or religious institution
9 with the capacity to appropriately curate such
10 object within the United States that specifies
11 the conditions for such material to be returned
12 to Afghanistan; or

13 (ii) the work or object is transferred to a
14 cultural, educational, or religious institution
15 with the capacity to appropriately curate such
16 object in the United States in accordance with
17 an agreement described in clause (i) that also
18 includes an authorization to transfer such work
19 or object to other such institutions in the
20 United States.

21 **SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED**
22 **STATES TALKS WITH TALIBAN OFFICIALS**
23 **AND AFGHANISTAN'S COMPREHENSIVE**
24 **PEACE PROCESS.**

25 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations,
5 the Committee on Armed Services, and the Se-
6 lect Committee on Intelligence of the Senate;
7 and

8 (B) the Committee on Foreign Affairs, the
9 Committee on Armed Services, and the Perma-
10 nent Select Committee on Intelligence of the
11 House of Representatives.

12 (2) GOVERNMENT OF AFGHANISTAN.—The
13 term “Government of Afghanistan” means the Gov-
14 ernment of the Islamic Republic of Afghanistan and
15 its agencies, instrumentalities, and controlled enti-
16 ties.

17 (3) THE TALIBAN.—The term “the Taliban”—

18 (A) refers to the organization that refers
19 to itself as the “Islamic Emirate of Afghani-
20 stan”, that was founded by Mohammed Omar,
21 and that is currently led by Mawlawi Hibatullah
22 Akhundzada; and

23 (B) includes subordinate organizations,
24 such as the Haqqani Network, and any suc-
25 cessor organization.

1 (4) FEBRUARY 29 AGREEMENT.—The term
2 “February 29 Agreement” refers to the political ar-
3 rangement between the United States and the
4 Taliban titled “Agreement for Bringing Peace to Af-
5 ghanistan Between the Islamic Emirate of Afghani-
6 stan which is not recognized by the United States as
7 a state and is known as the Taliban and the United
8 States of America” signed at Doha, Qatar on Feb-
9 ruary 29, 2020.

10 (b) OVERSIGHT OF PEACE PROCESS AND OTHER
11 AGREEMENTS.—

12 (1) TRANSMISSION TO CONGRESS OF MATE-
13 RIALS RELEVANT TO THE FEBRUARY 29 AGREE-
14 MENT.—Not later than January 10, 2021, the Sec-
15 retary of State, in consultation with the Secretary of
16 Defense, shall certify to the appropriate congres-
17 sional committees that all materials relevant to the
18 February 29 Agreement have been submitted to
19 such committees. If the Secretary of State cannot so
20 certify because materials relevant to the February
21 29 Agreement have not been submitted, the Sec-
22 retary of State, in consultation with the Secretary of
23 Defense, shall submit such materials not later than
24 January 15, 2021.

1 (2) SUBMISSION TO CONGRESS OF ANY SUBSE-
2 QUENT AGREEMENTS INVOLVING THE TALIBAN.—

3 The Secretary of State shall submit to the appro-
4 priate congressional committees, within 5 days of
5 conclusion and on an ongoing basis thereafter, any
6 agreement or arrangement subsequent to the Feb-
7 ruary 29 Agreement involving the Taliban, as well as
8 materials relevant to any subsequent agreement or
9 arrangement involving the Taliban.

10 (3) DEFINITIONS.—In this subsection, the
11 terms “materials relevant to the February 29 Agree-
12 ment” and “materials relevant to any subsequent
13 agreement or arrangement” include all annexes, ap-
14 pendices, and instruments for implementation of the
15 February 29 Agreement or a subsequent agreement
16 or arrangement, as well as any understandings or
17 expectations related to the February 29 Agreement
18 or a subsequent agreement or arrangement.

19 (c) REPORT ON VERIFICATION AND COMPLIANCE.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, and not less
22 frequently than once every 120 days thereafter, the
23 President shall submit to the appropriate congres-
24 sional committees a report verifying whether the key
25 tenets of the February 29 Agreement, or subsequent

1 agreements or arrangements, and accompanying in-
2 struments for implementation are being upheld.

3 (2) ELEMENTS.—Each report required by para-
4 graph (1) shall include the following:

5 (A) An assessment of each of the following:

6 (i) The Taliban's compliance with the
7 February 29 Agreement, including
8 counterterrorism guarantees and guaran-
9 tees to deny safe haven and freedom of
10 movement to al-Qaeda and other terrorist
11 threats from operating on territory under
12 its influence.

13 (ii) Whether the United States intel-
14 ligence community has collected intel-
15 ligence indicating the Taliban does not in-
16 tend to uphold its commitments.

17 (iii) The current relationship between
18 the Taliban and al-Qaeda, including an as-
19 sessment of the relationship between the
20 Haqqani Network and al-Qaeda.

21 (iv) The relationship between the
22 Taliban and any other terrorist group that
23 is assessed to threaten the security of the
24 United States or its allies, including any

1 change in conduct since February 29,
2 2020.

3 (v) The status of intra-Afghan discus-
4 sions, including, in the event an intra-Af-
5 ghan governing agreement is achieved, an
6 assessment of the sustainability of such
7 agreement.

8 (vi) The status of human rights, in-
9 cluding the rights of women, minorities,
10 and youth.

11 (vii) The access of women, minorities,
12 and youth to education, justice, and eco-
13 nomic opportunities in Afghanistan.

14 (viii) The status of the rule of law and
15 governance structures at the central, pro-
16 vincial, and district levels of government.

17 (ix) The media and the press and civil
18 society's operating space in Afghanistan.

19 (x) Illicit narcotics production in Af-
20 ghanistan, its linkages to terrorism, cor-
21 ruption, and instability, and policies to
22 counter illicit narcotics flows.

23 (xi) Any efforts by Iran, China, Rus-
24 sia, or any other external actor to affect
25 the February 29 Agreement.

1 (xii) The efforts of the Government of
2 Afghanistan to fulfill the commitments
3 under the Joint Declaration between the
4 Islamic Republic of Afghanistan and the
5 United States of America for Bringing
6 Peace to Afghanistan, issued on February
7 29, 2020.

8 (xiii) The progress made by the Af-
9 ghanistan Ministry of Interior and the Of-
10 fice of the Attorney General to address
11 gross violations of human rights by civilian
12 security forces, the Taliban, and non-
13 government armed groups, including—

14 (I) an analysis of resources pro-
15 vided by the Government of Afghani-
16 stan for such efforts; and

17 (II) a summary of assistance pro-
18 vided by the United States Govern-
19 ment to support such efforts.

20 (B) The number of Taliban and Afghan
21 prisoners and any plans for the release of such
22 prisoners from either side.

23 (C) A detailed overview of Afghan na-
24 tional-level efforts to promote transitional jus-
25 tice, including forensic efforts and documenta-

1 tion of war crimes, mass killings, or crimes
2 against humanity, redress to victims, and rec-
3 onciliation activities.

4 (D) A detailed overview of United States
5 support for Government of Afghanistan and
6 civil society efforts to promote peace and justice
7 at the local level and the manner in which such
8 efforts inform government-level policies and ne-
9 gotiations.

10 (3) FORM.—Each report required by paragraph
11 (1) shall be submitted in unclassified form, but may
12 include a classified annex.

13 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall prejudice whether a subsequent agreement or
15 arrangement involving the Taliban constitutes a treaty for
16 purposes of Article II of the Constitution of the United
17 States.

18 (e) SUNSET.—Except for subsections (b) and (d), the
19 provisions of this section shall cease to be effective on the
20 date that is 5 years after the date of the enactment of
21 this Act.

22 **SEC. 1218. STRATEGY FOR POST-CONFLICT ENGAGEMENT**
23 **ON HUMAN RIGHTS IN AFGHANISTAN.**

24 (a) IN GENERAL.—The Secretary of State, in con-
25 sultation with the Administrator of the United States

1 Agency for International Development and other relevant
2 Federal departments and agencies, shall submit to the
3 Committee on Foreign Affairs of the House of Representa-
4 tives and the Committee on Foreign Relations of the Sen-
5 ate not later than 120 days after a final Afghan Reconcili-
6 ation Agreement is reached between the Government of
7 Afghanistan and the Taliban, a strategy to support the
8 protection and promotion of basic human rights in Af-
9 ghanistan, especially the human rights of women and girls.

10 (b) REQUIRED ELEMENTS.—The Secretary of State
11 shall seek to ensure that activities carried out under the
12 strategy—

13 (1) employ rigorous monitoring and evaluation
14 methodologies, including ex-post evaluation, and gen-
15 der analysis as defined by the Women’s Entrepre-
16 neurship and Economic Empowerment Act of 2018
17 (Public Law 115–428) and required by the U.S.
18 Strategy on Women, Peace, and Security;

19 (2) disaggregate all data collected and reported
20 by age, gender, marital and motherhood status, dis-
21 ability, and urbanity, to the extent practicable and
22 appropriate; and

23 (3) advance the principles and objectives speci-
24 fied in the Policy Guidance on Promoting Gender
25 Equality of the Department of State and the Gender

1 Equality and Female Empowerment Policy of the
2 United States Agency for International Develop-
3 ment.

4 **SEC. 1219. MODIFICATION TO REPORT ON ENHANCING SE-**
5 **CURITY AND STABILITY IN AFGHANISTAN.**

6 Section 1225(b) of the Carl Levin and Howard P.
7 “Buck” McKeon National Defense Authorization Act for
8 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)
9 is amended by adding at the end the following:

10 “(10) CIVILIAN CASUALTIES.—

11 “(A) An analysis of civilian casualties
12 caused by—

13 “(i) the Afghan National Defense and
14 Security Forces; and

15 “(ii) the Taliban and other terrorist
16 organizations in Afghanistan.

17 “(B) A description of current training and
18 advisory efforts to improve the Government of
19 Afghanistan’s capability to minimize civilian
20 casualties and other harm to civilians and civil-
21 ian infrastructure in compliance with the laws
22 of armed conflict, to include its principles of
23 military necessity, proportionality, and distinc-
24 tion, and any gaps or weaknesses in Afghani-

1 stan's capability to minimize civilian casualties
2 and other such harm.

3 “(C) An assessment of the progress of im-
4 plementation of the Government of Afghani-
5 stan's National Civilian Casualty and Mitiga-
6 tion and Prevention Policy.

7 “(D) An assessment of the Government of
8 Afghanistan's capacity and mechanisms to as-
9 sess and investigate reports of civilian casual-
10 ties.

11 “(11) DISTRICT-LEVEL STABILITY ASSESS-
12 MENT.—

13 “(A) IN GENERAL.—The production of a
14 district-level stability assessment that displays
15 the level of Government of Afghanistan versus
16 insurgent control and influence of districts that
17 the Department of Defense discontinued in
18 2018, to include district, population, and terri-
19 torial control data.

20 “(B) PUBLIC AVAILABILITY.—The Sec-
21 retary of Defense shall make publicly available
22 the assessments and data relating to the assess-
23 ments described in subparagraph (A).

24 “(12) OTHER MATTERS.—Any other matters
25 the Secretary of Defense determines to be relevant.”.

1 **SEC. 1220. REPORT ON OPERATION FREEDOM'S SENTINEL.**

2 (a) FISCAL YEAR 2021.—Not later than 90 days
3 after the date of the enactment of this Act, the Secretary
4 of Defense shall submit to the Committee on Armed Serv-
5 ices of the House of Representatives and the Committee
6 on Armed Services of the Senate a report on Operation
7 Freedom's Sentinel for fiscal year 2021.

8 (b) FISCAL YEARS 2022 AND 2023.—To accompany
9 the materials relating to Operation Freedom's Sentinel
10 submitted to Congress by the Secretary of Defense in sup-
11 port of the budget of the President (as submitted to Con-
12 gress pursuant to section 1105 of title 31, United States
13 Code) for fiscal year 2022 and fiscal year 2023, the Sec-
14 retary shall submit to the Committee on Armed Services
15 of the House of Representatives and the Committee on
16 Armed Services of the Senate a report on Operation Free-
17 dom's Sentinel.

18 (c) MATTERS TO BE INCLUDED.—The report re-
19 quired by subsection (a) and each report required by sub-
20 section (b) shall include a list and description of activities,
21 exercises, and funding amounts carried out under the op-
22 eration, including—

- 23 (1) specific direct war costs;
24 (2) activities that occur in Afghanistan;
25 (3) activities that occur outside of Afghanistan,
26 including training and costs relating to personnel;

1 (4) activities that are funded by any of the
2 services that are part of the operation’s budget re-
3 quest;

4 (5) activities related to transportation, logistics,
5 and other support; and

6 (6) any other matters the Secretary determines
7 to be relevant.

8 **Subtitle C—Matters Relating to**
9 **Syria, Iraq, and Iran**

10 **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY**
11 **TO PROVIDE ASSISTANCE TO COUNTER THE**
12 **ISLAMIC STATE OF IRAQ AND SYRIA.**

13 (a) IN GENERAL.—Subsection (a) of section 1236 of
14 the Carl Levin and Howard P. “Buck” McKeon National
15 Defense Authorization Act for Fiscal Year 2015 (Public
16 Law 113–291; 128 Stat. 3558) is amended by striking
17 “December 31, 2020” and inserting “December 31,
18 2021”.

19 (b) FUNDING.—Subsection (g) of such section is
20 amended—

21 (1) by striking “fiscal year 2020” and inserting
22 “fiscal year 2021”; and

23 (2) by striking “\$645,000,000” and inserting
24 “\$322,500,000”.

1 (c) WAIVER AUTHORITY; SCOPE.—Subsection (j)(3)
2 of such section is amended—

3 (1) by striking “congressional defense commit-
4 tees” each place it appears and inserting “appro-
5 priate congressional committees”; and

6 (2) by adding at the end the following:

7 “(C) APPROPRIATE CONGRESSIONAL COM-
8 MITTEES DEFINED.—In this paragraph, the
9 term ‘appropriate congressional committees’
10 means—

11 “(i) the Committee on Armed Serv-
12 ices, the Committee on Foreign Affairs,
13 and the Committee on Appropriations of
14 the House of Representatives; and

15 “(ii) the Committee on Armed Serv-
16 ices, the Committee on Foreign Relations,
17 and the Committee on Appropriations of
18 the Senate.”.

19 (d) REPORT AND BUDGET DETAILS REGARDING OP-
20 ERATION INHERENT RESOLVE.—

21 (1) REPORT REQUIRED.—At the same time as
22 the submission of the budget of the President (as
23 submitted to Congress pursuant to section 1105 of
24 title 31, United States Code) for fiscal year 2022
25 and each fiscal year thereafter, the Secretary of De-

1 fense shall submit a report with accompanying budg-
2 etary details regarding Operation Inherent Resolve.

3 (2) ELEMENTS OF REPORT.—At a minimum,
4 the report required by paragraph (1) shall include—

5 (A)(i) for the first report, a history of the
6 operation and its objectives; and

7 (ii) for each subsequent report, a descrip-
8 tion of the operation and its objectives during
9 the prior fiscal year;

10 (B) a detailed description of the weapons
11 and equipment purchased using the Counter-
12 ISIS Train and Equip Fund in the prior fiscal
13 year;

14 (C) a list and description of activities and
15 exercises carried out under the operation during
16 the prior fiscal year;

17 (D) a description of the purpose and goals
18 of such activities and exercises and an assess-
19 ment of the degree to which stated goals were
20 achieved during the prior fiscal year;

21 (E) a description of criteria used to judge
22 the effectiveness of joint exercises and other ef-
23 forts to build partner capacity under the oper-
24 ation during the prior fiscal year;

1 (F) a description of the forces deployed
2 under the operation, their deployment locations,
3 and activities undertaken;

4 (G) the information required under para-
5 graph (3); and

6 (H) any other matters the Secretary deter-
7 mines appropriate.

8 (3) ELEMENTS OF BUDGETARY DETAILS.—At a
9 minimum, the budgetary details accompanying the
10 report required by paragraph (1)—

11 (A) shall include—

12 (i) a description of expenditures re-
13 lated to the operation for the fiscal year
14 preceding the fiscal year of the budget cov-
15 ered by the report;

16 (ii) with respect to the amount re-
17 quested for the operation in the budget
18 covered by the report—

19 (I) any significant change in
20 methodology used to determine the
21 budgetary details included in the re-
22 port and the categories used to orga-
23 nize such details; and

24 (II) a narrative justification for
25 any significant changes in the amount

1 requested as compared to the amount
2 requested and the amount expended
3 for the fiscal year preceding the fiscal
4 year of the budget covered by the re-
5 port; and

6 (iii) with respect to the estimated di-
7 rect and indirect expenditures for the oper-
8 ation in the budget covered by the report—

9 (I) detailed information on the
10 estimated direct expenditures and in-
11 direct expenditures broken down by
12 category (including with respect to op-
13 erations, force protection, in-theater
14 support, equipment reset and readi-
15 ness, military construction, mobiliza-
16 tion, incremental and total deploy-
17 ment costs, and exercises) and any
18 additional accounts and categories the
19 Secretary determines to be relevant;
20 and

21 (II) a description of the method-
22 ology and metrics used by the Sec-
23 retary to define the contribution of in-
24 direct costs to the operation or an ex-
25 planation of pro-rated amounts based

1 on the level of support provided to the
2 operation; and

3 (B) may include a breakdown of expendi-
4 tures and the amount requested for the oper-
5 ation in the budget covered by the report by
6 line item, including with respect to procurement
7 accounts, military personnel accounts, operation
8 and maintenance accounts, research, develop-
9 ment, test, and evaluation accounts, and mili-
10 tary construction accounts.

11 (4) FORM.—The report and accompanying
12 budget details required by paragraph (1) shall be
13 submitted in unclassified form, but may include a
14 classified annex.

15 (5) SUNSET.—The requirements of this sub-
16 section shall terminate on the date on which Oper-
17 ation Inherent Resolve (or a successor operation)
18 concludes.

19 (6) DEFINITIONS.—In this subsection:

20 (A) The term “direct expenditures” means,
21 with respect to amounts expended or estimated
22 to be expended for Operation Inherent Resolve,
23 amounts used directly for supporting counter-
24 ISIS activities and missions.

1 (B) The term “indirect expenditures”
2 means, with respect to amounts expended or es-
3 timated to be expended for Operation Inherent
4 Resolve, amounts used for programs or activi-
5 ties that the Secretary of Defense determines
6 enable the Armed Forces to carry out the oper-
7 ation.

8 **SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**
9 **TO PROVIDE ASSISTANCE TO VETTED SYRIAN**
10 **GROUPS AND INDIVIDUALS.**

11 (a) IN GENERAL.—Section 1209 of the Carl Levin
12 and Howard P. “Buck” McKeon National Defense Au-
13 thorization Act for Fiscal Year 2015 (Public Law 113–
14 291; 128 Stat. 3451) is amended—

15 (1) in the section heading, by striking “**THE**
16 **VETTED SYRIAN OPPOSITION**” and inserting
17 “**VETTED SYRIAN GROUPS AND INDIVIDUALS**”;
18 and

19 (2) in subsection (a), by striking “December
20 31, 2020” and inserting “December 31, 2021”.

21 (b) NOTICE BEFORE PROVISION OF ASSISTANCE.—
22 Subsection (b)(2)(A) of such section is amended—

23 (1) by striking “10-percent” and inserting “25-
24 percent”; and

1 (2) by striking “fiscal year 2019 or fiscal year
2 2020” and inserting “fiscal year 2019, fiscal year
3 2020, or fiscal year 2021”.

4 (c) CERTIFICATION.—Not later than 30 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense shall certify to the congressional defense commit-
7 tees, the Committee on Foreign Relations of the Senate,
8 and the Committee on Foreign Affairs of the House of
9 Representatives that no United States military forces are
10 being used or have been used for the extraction, transport,
11 transfer, or sale of oil from Syria.

12 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
13 **TO SUPPORT OPERATIONS AND ACTIVITIES**
14 **OF THE OFFICE OF SECURITY COOPERATION**
15 **IN IRAQ.**

16 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-
17 tion 1215 of the National Defense Authorization Act for
18 Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

19 (1) by striking “fiscal year 2020” and inserting
20 “fiscal year 2021”; and

21 (2) by striking “\$30,000,000” and inserting
22 “\$25,000,000”.

23 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
24 tion is amended by striking “fiscal year 2020” and insert-
25 ing “fiscal year 2021”.

1 (c) LIMITATION ON AVAILABILITY OF FUNDS.—Sub-
2 section (h) of such section is amended to read as follows:

3 “(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of
4 the amount made available for fiscal year 2021 to carry
5 out this section, not more than \$15,000,000 may be obli-
6 gated or expended for the Office of Security Cooperation
7 in Iraq until the date on which the Secretary of Defense
8 provides to the congressional defense committees, the
9 Committee on Foreign Affairs of the House of Representa-
10 tives, and the Committee on Foreign Relations of the Sen-
11 ate the following:

12 “(1) A staffing plan to reorganize the Office in
13 a manner similar to that of other security coopera-
14 tion offices in the region that—

15 “(A) emphasizes the placement of per-
16 sonnel with regional or security cooperation ex-
17 pertise in key leadership positions;

18 “(B) closes duplicative or extraneous sec-
19 tions;

20 “(C) includes the number and type of vali-
21 dated billets funded by the Department of De-
22 fense necessary to support the Office; and

23 “(D) outlines the process and provides a
24 timeline for validating billets funded by the De-

1 partment of State necessary to support the Of-
2 fice.

3 “(2) A progress report with respect to the initi-
4 ation of bilateral engagement with the Government
5 of Iraq with the objective of establishing a joint
6 mechanism for security assistance planning, includ-
7 ing a five-year security assistance roadmap for devel-
8 oping sustainable military capacity and capabilities
9 and enabling defense institution building and re-
10 form.

11 “(3) A plan to transition the preponderance of
12 funding for the activities of the Office from current
13 sources to the Foreign Military Financing Adminis-
14 trative Fund and the Foreign Military Sales Trust
15 Fund Administrative Surcharge Account in future
16 years.”.

17 **SEC. 1224. PROHIBITION ON PROVISION OF WEAPONS AND**
18 **OTHER FORMS OF SUPPORT TO CERTAIN OR-**
19 **GANIZATIONS.**

20 None of the funds authorized to be appropriated by
21 this Act or otherwise made available for the Department
22 of Defense for fiscal year 2021 may be used to knowingly
23 provide weapons or any other form of support to Al Qaeda,
24 the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh
25 al Sham, Hamas, Hizballah, Palestine Islamic Jihad, al-

1 Shabaab, Islamic Revolutionary Guard Corps, or any indi-
2 vidual or group affiliated with any such organization.

3 **SEC. 1225. REPORT AND BUDGET DETAILS REGARDING OP-**
4 **ERATION SPARTAN SHIELD.**

5 (a) REPORT REQUIRED.—At the same time as the
6 submission of the budget of the President (as submitted
7 to Congress pursuant to section 1105 of title 31, United
8 States Code) for fiscal year 2022 and each fiscal year
9 thereafter, the Secretary of Defense shall submit a report
10 with accompanying budgetary details regarding Operation
11 Spartan Shield.

12 (b) ELEMENTS OF REPORT.—At a minimum, the re-
13 port required by subsection (a) shall include—

14 (1)(A) for the first report, a history of the oper-
15 ation and its objectives; and

16 (B) for each subsequent report, a description of
17 the operation and its objectives during the prior fis-
18 cal year;

19 (2) a list and description of activities and exer-
20 cises carried out under the operation during the
21 prior fiscal year;

22 (3) a description of the purpose and goals of
23 such activities and exercises and an assessment of
24 the degree to which stated goals were achieved dur-
25 ing the prior fiscal year;

1 (4) a description of criteria used to judge the
2 effectiveness of joint exercises and other efforts to
3 build partner capacity under the operation during
4 the prior fiscal year;

5 (5) a description of the forces deployed under
6 the operation, their deployment locations, and activi-
7 ties undertaken;

8 (6) the information required under subsection
9 (c); and

10 (7) any other matters the Secretary determines
11 appropriate.

12 (c) ELEMENTS OF BUDGETARY DETAILS.—At a min-
13 imum, the budgetary details accompanying the report re-
14 quired by subsection (a)—

15 (1) shall include—

16 (A) a description of expenditures related to
17 the operation for the fiscal year preceding the
18 fiscal year of the budget covered by the report;

19 (B) with respect to the amount requested
20 for the operation in the budget covered by the
21 report—

22 (i) any significant change in method-
23 ology used to determine the budgetary de-
24 tails included in the report and the cat-
25 egories used to organize such details; and

1 (ii) a narrative justification for any
2 significant changes in the amount re-
3 quested as compared to the amount re-
4 quested and the amount expended for the
5 fiscal year preceding the fiscal year of the
6 budget covered by the report; and

7 (C) with respect to the estimated direct
8 and indirect expenditures for the operation in
9 the budget covered by the report—

10 (i) detailed information on the esti-
11 mated direct expenditures and indirect ex-
12 penditures broken down by category (in-
13 cluding with respect to operations, force
14 protection, in-theater support, equipment
15 reset and readiness, military construction,
16 mobilization, incremental and total deploy-
17 ment costs, and exercises) and any addi-
18 tional accounts and categories the Sec-
19 retary determines to be relevant; and

20 (ii) a description of the methodology
21 and metrics used by the Secretary to de-
22 fine the contribution of indirect costs to
23 the operation or an explanation of pro-
24 rated amounts based on the level of sup-
25 port provided to the operation; and

1 (2) may include a breakdown of expenditures
2 and the amount requested for the operation in the
3 budget covered by the report by line item, including
4 with respect to procurement accounts, military per-
5 sonnel accounts, operation and maintenance ac-
6 counts, research, development, test, and evaluation
7 accounts, and military construction accounts.

8 (d) FORM.—The report and accompanying budget de-
9 tails required by subsection (a) shall be submitted in un-
10 classified form, but may include a classified annex.

11 (e) SUNSET.—The requirements of this section shall
12 terminate on the date on which Operation Spartan Shield
13 (or a successor operation) concludes.

14 (f) DEFINITIONS.—In this section:

15 (1) The term “direct expenditures” means, with
16 respect to amounts expended or estimated to be ex-
17 pended for Operation Spartan Shield, amounts used
18 directly for supporting deterrence activities and mis-
19 sions.

20 (2) The term “indirect expenditures” means,
21 with respect to amounts expended or estimated to be
22 expended for Operation Spartan Shield, amounts
23 used for programs or activities that the Secretary of
24 Defense determines enable the Armed Forces to
25 carry out the operation.

1 **Subtitle D—Matters Relating to**
2 **Russia**

3 **SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-**
4 **OPERATION BETWEEN THE UNITED STATES**
5 **AND THE RUSSIAN FEDERATION.**

6 Section 1232(a) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
8 Stat. 2488) is amended by striking “, 2019, or 2020” and
9 inserting “2019, 2020, or 2021”.

10 **SEC. 1232. MATTERS RELATING TO UNITED STATES PAR-**
11 **TICIPATION IN THE OPEN SKIES TREATY.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the decision of the United States to with-
15 draw from the Open Skies Treaty, while taken in ac-
16 cordance with paragraph 2 of Article XV of the
17 Treaty, did not comply with the requirement in sec-
18 tion 1234(a) of the National Defense Authorization
19 Act for Fiscal Year 2020 (133 Stat. 1648; 22
20 U.S.C. 2593a note) to notify Congress not fewer
21 than 120 days prior to any such announcement; and

22 (2) in the future, confidence and security build-
23 ing measures that are designed to reduce the risk of
24 conflict, increase trust among participating states,
25 and contribute to military transparency should con-

1 tinue to play a central role in United States' engage-
2 ment with Europe and its efforts to promote trans-
3 atlantic security.

4 (b) NOTIFICATION REQUIRED.—

5 (1) IN GENERAL.—Not later than 90 days after
6 withdrawal of the United States from the Open
7 Skies Treaty pursuant to Article XV of the Treaty,
8 the Secretary of Defense and the Secretary of State
9 shall jointly submit to the appropriate congressional
10 committees—

11 (A) a notification and description of any
12 agreements that the United States has con-
13 cluded with other state parties to the Treaty
14 that host United States military forces and as-
15 sets to ensure that after such withdrawal the
16 United States will be provided sufficient notice
17 by such state parties of requests for observation
18 flights over the territories of such state parties
19 under the Treaty; or

20 (B) if the United States has not concluded
21 any such agreements described in subparagraph
22 (A), a description of how the United States will
23 consistently and reliably be provided with suffi-
24 cient warning of observation flights described in
25 subparagraph (A) by other means, including a

1 description of assets and personnel and policy
2 implications of using such other means.

3 (2) SUBMISSION OF AGREEMENTS.—Not later
4 than 90 days after withdrawal of the United States
5 from the Open Skies Treaty pursuant to Article XV
6 of the Treaty, the Secretary of Defense and the Sec-
7 retary of State shall jointly submit to the appro-
8 priate congressional committees copies of the agree-
9 ments described in paragraph (1)(A).

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than March 1,
12 2021, the Secretary of Defense and the Secretary of
13 State, in coordination with the Director of National
14 Intelligence and the Under Secretary of Defense for
15 Intelligence and Security, shall jointly submit to the
16 appropriate congressional committees a report on
17 the effects of a withdrawal of the United States
18 from the Open Skies Treaty.

19 (2) MATTERS TO BE INCLUDED.—The report
20 required by paragraph (1) shall include the fol-
21 lowing:

22 (A) A description of how the United States
23 will replace the military-to-military contacts and
24 diplomatic engagement opportunities with
25 United States allies provided by the Treaty.

1 (B) A description of—

2 (i) the options available to the United
3 States for obtaining unclassified, publicly-
4 releasable imagery similar to that which it
5 currently receives under the Treaty, and if
6 any of those options are planned to be
7 used;

8 (ii) if national technical means are
9 used as a replacement to obtain such im-
10 agery—

11 (I) how the requirements pre-
12 viously satisfied by collection under
13 the Treaty will be prioritized within
14 the National Intelligence Priorities
15 Framework;

16 (II) options for mitigating any
17 gaps in collection should such mitiga-
18 tion be necessary, and if any of those
19 options are planned to be used, and if
20 none are necessary, an explanation of
21 the rationale for not mitigating any
22 such gaps; and

23 (III) requirements and timelines
24 for declassification of imagery for
25 public release; and

1 (iii) if commercial imagery is used as
2 a replacement to obtain such imagery—

3 (I) contractual actions and asso-
4 ciated timelines needed to purchase
5 such imagery;

6 (II) estimated costs to purchase
7 commercial imagery equivalent to that
8 which is obtained under the Treaty;
9 and

10 (III) estimates of costs to share
11 such imagery with other state parties
12 to the Treaty.

13 (C) A description of options available to
14 the United States for replacing intelligence in-
15 formation, other than imagery, obtained pursu-
16 ant to the implementation of the Treaty, and if
17 any of those options are planned to be used.

18 (D) A description of the options available
19 to the United States for continuing dialogue
20 with Russia in a manner similar to the formal
21 communications mechanisms provided for under
22 the Treaty or that were used as confidence-
23 building measures, and if any of those options
24 are planned to be used.

1 (E) All unedited responses to the question-
2 naire provided to United States allies by the
3 United States in 2019 and all official state-
4 ments provided to the United States by United
5 States allies in 2019 or 2020 relating to United
6 States withdrawal from the Treaty.

7 (F) An assessment of the impact of such
8 withdrawal on—

9 (i) United States leadership in the
10 North Atlantic Treaty Organization
11 (NATO); and

12 (ii) cohesion and cooperation among
13 NATO member states.

14 (G) A description of options to continue
15 confidence-building measures similar to those
16 provided for under the Treaty with other state
17 parties to the Treaty that are United States al-
18 lies and which, if any, the United States may
19 consider pursuing.

20 (H) An assessment by the Defense Intel-
21 ligence Agency of the impact of such with-
22 drawal on—

23 (i) its ability to assess Russian mili-
24 tary capabilities and the balance of forces
25 in Europe; and

1 (ii) the ability of Russia to assess
2 United States military capabilities in the
3 United States and in Europe.

4 (I) A description of the means the United
5 States will use to influence future decisions re-
6 garding certifications of new sensors, such as
7 synthetic aperture radar sensors, under the
8 Treaty that could pose additional risk to de-
9 ployed United States military forces and assets,
10 and an assessment of their potential effective-
11 ness.

12 (3) FORM.—The report required by paragraph
13 (1) shall be submitted in unclassified form but may
14 contain a classified annex.

15 (d) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the congressional defense committees;

20 (B) the Committee on Foreign Affairs and
21 the Permanent Select Committee on Intelligence
22 of the House of Representatives; and

23 (C) the Committee on Foreign Relations
24 and the Select Committee on Intelligence of the
25 Senate.

1 (2) OBSERVATION FLIGHT.—The term “obser-
2 vation flight” has the meaning given such term in
3 Article II of the Open Skies Treaty.

4 (3) OPEN SKIES TREATY; TREATY.—The term
5 “Open Skies Treaty” or “Treaty” means the Treaty
6 on Open Skies, done at Helsinki March 24, 1992,
7 and entered into force January 1, 2002.

8 **SEC. 1233. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
9 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
10 **FEDERATION OVER CRIMEA.**

11 (a) PROHIBITION.—None of the funds authorized to
12 be appropriated by this Act or otherwise made available
13 for fiscal year 2021 for the Department of Defense may
14 be obligated or expended to implement any activity that
15 recognizes the sovereignty of the Russian Federation over
16 Crimea.

17 (b) WAIVER.—The Secretary of Defense, with the
18 concurrence of the Secretary of State, may waive the pro-
19 hibition under subsection (a) if the Secretary of Defense—

20 (1) determines that a waiver is in the national
21 security interest of the United States; and

22 (2) on the date on which the waiver is invoked,
23 submits a notification of the waiver and a justifica-
24 tion of the reason for seeking the waiver to—

1 (A) the Committee on Armed Services and
2 the Committee on Foreign Relations of the Sen-
3 ate; and

4 (B) the Committee on Armed Services and
5 the Committee on Foreign Affairs of the House
6 of Representatives.

7 **SEC. 1234. ANNUAL REPORT ON MILITARY AND SECURITY**
8 **DEVELOPMENTS INVOLVING THE RUSSIAN**
9 **FEDERATION.**

10 (a) REPORT REQUIRED.—Not later than June 1 of
11 each year, the Secretary of Defense, in consultation with
12 the heads of other relevant Federal agencies, shall submit
13 to the appropriate congressional committees a report, in
14 both classified and unclassified form, on the security and
15 military strategies and capabilities of the Russian Federa-
16 tion (in this section referred to as “Russia”).

17 (b) MATTERS TO BE INCLUDED.—The report re-
18 quired under subsection (a) shall include the following:

19 (1) An assessment of the security priorities and
20 objectives of Russia, including those priorities and
21 objectives that would affect the North Atlantic Trea-
22 ty Organization (NATO), the Middle East, and the
23 People’s Republic of China.

24 (2) A description of the goals and factors shap-
25 ing Russian security strategy and military strategy,

1 including military spending and investment priorities
2 and their alignment with the security priorities and
3 objectives described in paragraph (1).

4 (3) A description of developments in Russian
5 military doctrine and training.

6 (4) An assessment of the force structure of the
7 Russian military.

8 (5) An assessment of the force structure and
9 capabilities of Russian military forces stationed in
10 each of the Arctic, Kaliningrad, and Crimea, includ-
11 ing a description of any changes to such force struc-
12 ture or capabilities during the one-year period end-
13 ing on the date of such report and with a particular
14 emphasis on the anti-access and area denial capabili-
15 ties of such forces.

16 (6) An assessment of Russian military strategy
17 and objectives for the Arctic region.

18 (7) A description of the status of testing, pro-
19 duction, deployment, and sale or transfer to other
20 states or non-state actors of cruise missile systems
21 by the Russian Federation.

22 (8) A description of Russia's current missile de-
23 fense strategy and capabilities, including efforts to
24 develop missile defense capabilities.

1 (9) An assessment of the tactics, techniques,
2 and procedures used by Russia in operations in
3 Ukraine.

4 (10) An assessment of Russia's diplomatic, eco-
5 nomic, and intelligence operations in Ukraine.

6 (11) A summary of all significant Russian mili-
7 tary-to-military cooperation with foreign militaries,
8 major training and exercises, and foreign military
9 deployments, including listing for each deployment
10 the estimated number of forces deployed, the types
11 of capabilities deployed (including any advanced
12 weapons), the length of deployment as of such date,
13 and, if known, any military-to-military agreement
14 such as a basing agreement with the host nation.

15 (12) An assessment of the proliferation activi-
16 ties of Russia and Russian entities, as a supplier of
17 materials, technologies, or expertise relating to nu-
18 clear weapons or other weapons of mass destruction
19 or missile systems.

20 (13) Developments in Russia's nuclear pro-
21 gram, including the size and state of Russia's stock-
22 pile, an analysis of the nuclear strategy and associ-
23 ated doctrine of Russia and of the capabilities,
24 range, and readiness of all Russian nuclear systems
25 and delivery methods.

1 (14) A description of Russia's anti-access and
2 area denial capabilities.

3 (15) A description of Russia's modernization
4 program for its command, control, communications,
5 computers, intelligence, surveillance, and reconnais-
6 sance program and its applications for Russia's pre-
7 cision guided weapons.

8 (16) In consultation with the Secretary of En-
9 ergy and the Secretary of State, developments re-
10 garding United States-Russian engagement and co-
11 operation on security matters.

12 (17) A description of Russia's asymmetric capa-
13 bilities, including its strategy and efforts to develop
14 and deploy electronic warfare, space and
15 counterspace, and cyber warfare capabilities, includ-
16 ing details on the number of malicious cyber inci-
17 dents and associated activities against Department
18 of Defense networks that are known or suspected to
19 have been conducted or directed by the Government
20 of the Russian Federation.

21 (18) An assessment of Russia's hybrid warfare
22 strategy and capabilities, including—

23 (A) Russia's information warfare strategy
24 and capabilities, including the use of misin-

1 formation, disinformation, and propaganda in
2 social and traditional media;

3 (B) Russia's financing of political parties,
4 think tanks, media organizations, and academic
5 institutions;

6 (C) Russia's malicious cyber activities;

7 (D) Russia's use of coercive economic
8 tools, including sanctions, market access, and
9 differential pricing, especially in energy exports;
10 and

11 (E) Russia's use of criminal networks and
12 corruption to achieve political objectives.

13 (19) An assessment of attempts by Russia, or
14 any foreign person acting as an agent of or on be-
15 half of Russia, during the preceding year to know-
16 ingly disseminate Russian-supported disinformation
17 or propaganda, through social media applications or
18 related Internet-based means, to members of the
19 Armed Forces with probable intent to cause injury
20 to the United States or advantage the Government
21 of the Russian Federation.

22 (20) The current state and summary of United
23 States military-to-military cooperation with Russia's
24 armed forces during the one-year period ending on
25 the date that is one month before the date of sub-

1 mission of the report, including a summary of topics
2 discussed.

3 (21) A description of any military-to-military
4 cooperation planned for the 12-month period begin-
5 ning on the date of submission of the report and an
6 assessment by the Secretary of Defense of the bene-
7 fits the Department of Defense expects to gain from
8 such military-to-military cooperation as well as any
9 concerns regarding such cooperation.

10 (22) A description of changes to United States
11 policy on military-to-military contacts with Russia
12 resulting from Russia's annexation of Crimea.

13 (23) A description and assessment of efforts by
14 the Russian Federation and associated agents, enti-
15 ties, and proxies to support or encourage attacks
16 against Armed Forces and personnel of the United
17 States engaged in named contingency operations or
18 combat.

19 (24) Other military and security developments
20 involving Russia that the Secretary of Defense con-
21 sider relevant to United States national security.

22 (c) NONDUPLICATION.—If any information required
23 under subsection (b) has been included in another report
24 or notification previously submitted to Congress as re-
25 quired by law, the Secretary of Defense may provide a list

1 of such reports and notifications at the time of submitting
2 the report required by subsection (a) in lieu of including
3 such information in the report required by subsection (a).

4 (d) PUBLISHING REQUIREMENT.—Upon submission
5 of the report required under subsection (a) in both classi-
6 fied and unclassified form, the Secretary of Defense shall
7 publish the unclassified form on the website of the Depart-
8 ment of Defense.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the Committee on Armed Services and the
13 Committee on Foreign Relations of the Senate; and

14 (2) the Committee on Armed Services and the
15 Committee on Foreign Affairs of the House of Rep-
16 resentatives.

17 (f) REPEAL.—Section 1245 of the Carl Levin and
18 Howard P. “Buck” McKeon National Defense Authoriza-
19 tion Act for Fiscal Year 2015 (Public Law 113–291; 128
20 Stat. 3566) is hereby repealed.

21 (g) SUNSET.—This section shall terminate on Janu-
22 ary 31, 2026.

1 **SEC. 1235. MODIFICATION AND EXTENSION OF UKRAINE SE-**
2 **CURITY ASSISTANCE INITIATIVE.**

3 Section 1250 of the National Defense Authorization
4 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
5 1068) is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (1), by striking “50 per-
8 cent of the funds available for fiscal year 2020
9 pursuant to subsection (f)(5)” and inserting
10 “50 percent of the funds available for fiscal
11 year 2021 pursuant to subsection (f)(6)”;

12 (B) in paragraph (2)(B)—

13 (i) in clause (iv), by striking “; and”
14 at the end and inserting a semicolon;

15 (ii) in clause (v), by striking the pe-
16 riod at the end and inserting a semicolon;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(vi) transformation of command and
21 control structures and roles in line with
22 North Atlantic Treaty Organization prin-
23 ciples; and

24 “(vii) improvement of human re-
25 sources management, including to support
26 career management reforms, enhanced so-

1 cial support to military personnel and their
2 families, and professional military edu-
3 cation systems.”;

4 (C) in paragraph (3), by striking “fiscal
5 year 2020” and inserting “fiscal year 2021”;
6 and

7 (D) in paragraph (5) to read as follows:

8 “(5) LETHAL ASSISTANCE.—Of the funds avail-
9 able for fiscal year 2021 pursuant to subsection
10 (f)(6), \$75,000,000 shall be available only for lethal
11 assistance described in paragraphs (2), (3), (11),
12 (12), (13), and (14) of subsection (b).”;

13 (2) in subsection (f), by adding at the end the
14 following:

15 “(6) For fiscal year 2021, \$250,000,000.”; and

16 (3) in subsection (h), by striking “December
17 31, 2022” and inserting “December 31, 2023”.

18 **SEC. 1236. REPORT ON CAPABILITY AND CAPACITY RE-**
19 **QUIREMENTS OF MILITARY FORCES OF**
20 **UKRAINE AND RESOURCE PLAN FOR SECU-**
21 **RITY ASSISTANCE.**

22 (a) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense and
24 the Secretary of State shall jointly submit to the appro-
25 priate committees of Congress a report on the capability

1 and capacity requirements of the military forces of the
2 Government of Ukraine, which shall include the following:

3 (1) An identification of the capability gaps and
4 capacity shortfalls of the military of Ukraine, includ-
5 ing—

6 (A) an assessment of the requirements of
7 the Ukrainian navy to accomplish its assigned
8 missions; and

9 (B) an assessment of the requirements of
10 the Ukrainian air force to accomplish its as-
11 signed missions.

12 (2) An assessment of the relative priority as-
13 signed by the Government of Ukraine to addressing
14 such capability gaps and capacity shortfalls.

15 (3) An assessment of the capability gaps and
16 capacity shortfalls that—

17 (A) could be addressed in a sufficient and
18 timely manner by unilateral efforts of the Gov-
19 ernment of Ukraine; or

20 (B) are unlikely to be addressed in a suffi-
21 cient and timely manner solely through unilat-
22 eral efforts.

23 (4) An assessment of the capability gaps and
24 capacity shortfalls described in paragraph (3)(B)

1 that could be addressed in a sufficient and timely
2 manner by—

3 (A) the Ukraine Security Assistance Initia-
4 tive of the Department of Defense;

5 (B) Department of Defense security assist-
6 ance authorized by section 333 of title 10,
7 United States Code;

8 (C) the Foreign Military Financing and
9 Foreign Military Sales programs of the Depart-
10 ment of State; or

11 (D) the provision of excess defense articles
12 pursuant to the requirements of the Arms Ex-
13 port Control Act (22 U.S.C. 2751 et seq.).

14 (5) An assessment of the human resource re-
15 quirements of the Office of Defense Cooperation at
16 the United States Embassy in Kyiv and any gaps in
17 its capacity to transfer and facilitate security assist-
18 ance to Ukraine.

19 (6) Any recommendations the Secretaries deem
20 appropriate concerning coordination of security as-
21 sistance efforts of the Department of Defense and
22 Department of State with respect to Ukraine.

23 (b) RESOURCE PLAN.—Not later than February 15,
24 2022, the Secretary of State and Secretary of Defense
25 shall jointly submit to the appropriate committees of Con-

1 gress a report on resourcing United States security assist-
2 ance with respect to Ukraine, which shall include the fol-
3 lowing:

4 (1) A plan to resource the following initiatives
5 and programs with respect to Ukraine in fiscal year
6 2023 and the four succeeding fiscal years to assist
7 Ukraine in meeting the most critical capability gaps
8 and capacity shortfalls of the military forces of
9 Ukraine:

10 (A) The Ukraine Security Assistance Ini-
11 tiative of the Department of Defense.

12 (B) Department of Defense security assist-
13 ance authorized by section 333 of title 10,
14 United States Code.

15 (C) The Foreign Military Financing and
16 Foreign Military Sales programs of the Depart-
17 ment of State.

18 (D) The provision of excess defense articles
19 pursuant to the requirements of the Arms Ex-
20 port Control Act (22 U.S.C. 2751 et seq.).

21 (2) With respect to the Ukrainian navy:

22 (A) A capability development plan, with
23 milestones, describing the manner in which the
24 United States will assist the Government of

1 Ukraine in meeting the requirements described
2 in subsection (a)(1)(A).

3 (B) A plan for United States cooperation
4 with third countries and international organiza-
5 tions that have the resources and ability to pro-
6 vide immediate assistance to the Ukrainian
7 navy, while maintaining interoperability with
8 United States platforms to the extent feasible.

9 (C) A plan to prioritize Excess Defense Ar-
10 ticles for the Ukrainian navy to the maximum
11 extent practicable during the time period de-
12 scribed in paragraph (1).

13 (D) An assessment of the extent to which
14 United States security assistance to the Ukrain-
15 ian navy is in the national security interests of
16 the United States.

17 (3) With respect to the Ukrainian air force—

18 (A) a capability development plan, with
19 milestones, detailing how the United States will
20 assist the Government of Ukraine in meeting
21 the requirements described in subsection
22 (a)(1)(B);

23 (B) a plan for United States cooperation
24 with third countries and international organiza-
25 tions that have the resources and ability to pro-

1 vide immediate assistance to the Ukrainian air
2 force, while maintaining interoperability with
3 United States platforms to the extent feasible;

4 (C) a plan to prioritize excess defense arti-
5 cles for the Ukraine air force to the maximum
6 extent practicable during the time period de-
7 scribed in paragraph (1);

8 (D) an assessment of the extent to which
9 United States security assistance to the Ukrain-
10 ian air force is in the national security interests
11 of the United States.

12 (4) An assessment of the progress on defense
13 institutional reforms in Ukraine, including in the
14 Ukrainian navy and air force, in the time period de-
15 scribed in paragraph (1) that will be essential for—

16 (A) enabling effective use and sustainment
17 of capabilities developed under security assist-
18 ance authorities described in this section;

19 (B) enhancing the defense of Ukraine's
20 sovereignty and territorial integrity;

21 (C) achieving the Government of Ukraine's
22 stated goal of meeting NATO standards; and

23 (D) allowing Ukraine to achieve its full po-
24 tential as a strategic partner of the United
25 States.

1 (c) FORM.—The report required under subsection (a)
2 and the resource plan required under subsection (b) shall
3 each be submitted in a classified form with an unclassified
4 summary.

5 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate commit-
7 tees of Congress” means—

8 (1) the Committee on Armed Services, the
9 Committee on Foreign Relations, and the Committee
10 on Appropriations of the Senate; and

11 (2) the Committee on Armed Services, the
12 Committee on Foreign Affairs, and the Committee
13 on Appropriations of the House of Representatives.

14 **SEC. 1237. REPORT ON RUSSIAN FEDERATION SUPPORT OF**
15 **RACIALLY AND ETHNICALLY MOTIVATED VIO-**
16 **LENT EXTREMISTS.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Director of National
19 Intelligence and the Secretary of Defense, with the concur-
20 rence of the Secretary of State and in consultation with
21 the head of any other relevant Federal department or
22 agency, shall jointly submit to the appropriate committees
23 of Congress a report on Russian Federation support of
24 foreign racially and ethnically motivated violent extremist
25 groups and networks, including such support—

1 (1) provided by agents and entities of the Rus-
2 sian Federation acting at the direction or for the
3 benefit of the Government of the Russian Federa-
4 tion; and

5 (2) as it relates to undermining stability and se-
6 curity and fomenting or sustaining conflict.

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

9 (1) A list of each foreign racially or ethnically
10 motivated violent extremist group or network known
11 to meet, or suspected of meeting, any of the fol-
12 lowing criteria:

13 (A) The group or network has been tar-
14 geted or recruited by the security services of the
15 Russian Federation.

16 (B) The group or network has received
17 support (including training, disinformation or
18 amplification on social media platforms, finan-
19 cial support, and any other support) from the
20 Russian Federation or an agent or entity of the
21 Russian Federation acting at the direction or
22 for the benefit of the Government of the Rus-
23 sian Federation.

24 (C) The group has leadership or a base of
25 operations located within the Russian Federa-

1 tion and operates or maintains a chapter or
2 network of the group outside the Russian Fed-
3 eration.

4 (2) For each such group or network—

5 (A) an overview of the membership, ide-
6 ology, and activities;

7 (B) a description of the leadership, plans,
8 intentions, and capabilities;

9 (C) a description of the composition and
10 characteristics, including an assessment wheth-
11 er and to what extent the members of the group
12 or network are also part of a military, security
13 service, or police force;

14 (D) a description of financing and other
15 forms of material support received from the
16 Russian Federation;

17 (E) an assessment whether and to what
18 extent the group or network is engaged in or fa-
19 cilitating military or paramilitary training;

20 (F) an assessment of trends and patterns
21 relating to communications, travel, and training
22 carried out between such group or network and
23 the Russian Federation; and

24 (G) an opportunity analysis with respect to
25 mitigating and disrupting the transnational

1 nexus between such group or network and the
2 Russian Federation.

3 (3) An assessment of the manner in which Rus-
4 sian Federation support of such groups or networks
5 aligns with the strategic interests of the Russian
6 Federation with respect to geopolitical competition.

7 (4) An assessment of the impact and role of
8 such groups or networks in destabilizing or influ-
9 encing conflict zones or regional tensions, including
10 by—

11 (A) assisting Russian Federation-backed
12 separatist forces in the Donbas region of
13 Ukraine;

14 (B) destabilizing security on the Crimean
15 peninsula of Ukraine;

16 (C) undermining stability and security in
17 the Balkans; or

18 (D) threatening the support for the North
19 Atlantic Treaty Organization in Southeastern
20 Europe.

21 (5) A description of any relationship or affili-
22 ation between such groups or networks and
23 ultranationalist or extremist political parties within
24 or outside the Russian Federation, and an assess-
25 ment of the manner in which the Russian Federa-

1 tion may use such a relationship or affiliation to ad-
2 vance the strategic interests of the Russian Federa-
3 tion.

4 (6) A description of the use by the Russian
5 Federation of social media platforms to support or
6 amplify the presence or messaging of such groups or
7 networks outside of the Russian Federation, and an
8 assessment of efforts by the United States, partners,
9 and allies to counter such support or amplification.

10 (7) An assessment of the nature and extent of
11 the threat that Russian Federation support of such
12 groups or networks poses to United States counter-
13 terrorism efforts and other national security inter-
14 ests.

15 (8) Recommendations, consistent with a whole-
16 of-government approach to countering Russian Fed-
17 eration information warfare and malign influence
18 operations—

19 (A) to mitigate the security threat posed
20 by such groups or networks; or

21 (B) to reduce or counter Russian Federa-
22 tion support for such groups or networks.

23 (c) FORM.—The report required by subsection (a)
24 shall be submitted in unclassified form but may include
25 a classified annex.

1 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Armed Services, the
5 Committee on Foreign Relations, and the Select
6 Committee on Intelligence of the Senate; and

7 (2) the Committee on Armed Services, the
8 Committee on Foreign Affairs, and the Permanent
9 Select Committee on Intelligence of the House of
10 Representatives.

11 **SEC. 1238. AUTHORIZATION OF REWARDS FOR PROVIDING**
12 **INFORMATION ON FOREIGN ELECTION IN-**
13 **TERFERENCE.**

14 Section 36 of the State Department Basic Authorities
15 Act of 1956 (22 U.S.C. 2708) is amended—

16 (1) in subsection (a)(2), by inserting “foreign
17 election interference,” before “transnational orga-
18 nized crime”;

19 (2) in subsection (b)—

20 (A) in paragraph (5), by striking “or (10)”
21 and inserting “(10), or (13)”;

22 (B) in paragraph (11), by striking “or”
23 after the semicolon at the end;

24 (C) in paragraph (12)—

1 (i) by striking “sections” and insert-
2 ing “section”;

3 (ii) by striking “or (b)(1)” and insert-
4 ing “or 2914(b)(1)”; and

5 (iii) by striking the period at the end
6 and inserting “; or”; and

7 (D) by adding at the end the following new
8 paragraph:

9 “(13) the identification or location of a foreign
10 person that knowingly engaged or is engaging in for-
11 eign election interference.”; and

12 (3) in subsection (k)—

13 (A) by redesignating paragraphs (3)
14 through (8) as paragraphs (5) through (10), re-
15 spectively;

16 (B) by inserting after paragraph (2) the
17 following new paragraphs:

18 “(3) FOREIGN PERSON.—The term ‘foreign per-
19 son’ means—

20 “(A) an individual who is not a United
21 States person; or

22 “(B) a foreign entity.

23 “(4) FOREIGN ELECTION INTERFERENCE.—The
24 term ‘foreign election interference’ means conduct by
25 a foreign person that—

1 “(A)(i) violates Federal criminal, voting
2 rights, or campaign finance law; or

3 “(ii) is performed by any person act-
4 ing as an agent of or on behalf of, or in
5 coordination with, a foreign government or
6 criminal enterprise; and

7 “(B) includes any covert, fraudulent, de-
8 ceptive, or unlawful act or attempted act, or
9 knowing use of information acquired by theft,
10 undertaken with the specific intent to signifi-
11 cantly influence voters, undermine public con-
12 fidence in election processes or institutions, or
13 influence, undermine confidence in, or alter the
14 result or reported result of, a general or pri-
15 mary Federal, State, or local election or caucus,
16 including—

17 “(i) the campaign of a candidate; or

18 “(ii) a ballot measure, including an
19 amendment, a bond issue, an initiative, a
20 recall, a referral, or a referendum.”; and

21 (C) in paragraph (10), as so redesignated,
22 in subparagraph (A), by striking “and” after
23 the semicolon and inserting “or”.

1 **Subtitle E—Matters Relating to**
2 **Europe and NATO**

3 **SEC. 1241. DETERMINATION AND IMPOSITION OF SANC-**
4 **TIONS WITH RESPECT TO TURKEY'S ACQUISI-**
5 **TION OF THE S-400 AIR DEFENSE SYSTEM.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that it is in the national security interest of the
8 United States—

9 (1) to deter aggression against North Atlantic
10 Treaty Organization (NATO) allies by the Russian
11 Federation or any other adversary;

12 (2) to continue to work with NATO allies to en-
13 sure they meet their alliance defense commitments,
14 including through adequate and efficient investments
15 in national defense;

16 (3) to work to maintain and strengthen the
17 democratic institutions and practices of all NATO
18 allies, in accordance with the goals of Article 2 of
19 the North Atlantic Treaty;

20 (4) to ensure that Turkey remains a critical
21 NATO ally and important military partner for the
22 United States, contributing to key NATO and
23 United States missions and providing support for
24 United States military operations and logistics
25 needs;

1 (5) to assist NATO allies in acquiring and de-
2 ploying modern, NATO-interoperable military equip-
3 ment and reducing their dependence on Russian or
4 former Soviet-era defense articles;

5 (6) to promote opportunities to strengthen the
6 capacity of NATO member states to counter Russian
7 malign influence; and

8 (7) to enforce fully the Countering America's
9 Adversaries Through Sanctions Act (22 U.S.C. 9401
10 et seq.), including by imposing sanctions with re-
11 spect to any person that the President determines
12 knowingly engages in a significant transaction with
13 a person that is part of, or operates for or on behalf
14 of, the defense or intelligence sectors of the Govern-
15 ment of the Russian Federation, as described in sec-
16 tion 231 of that Act (22 U.S.C. 9525).

17 (b) DETERMINATION.—The acquisition by the Gov-
18 ernment of Turkey of the S-400 air defense system from
19 the Russian Federation beginning on July 12, 2019, con-
20 stitutes a significant transaction as described in section
21 231 of the Countering America's Adversaries Through
22 Sanctions Act (22 U.S.C. 9525).

23 (c) IMPOSITION OF SANCTIONS.—Not later than 30
24 days after the date of the enactment of this Act, the Presi-
25 dent shall impose five or more of the sanctions described

1 in section 235 of the Countering America's Adversaries
2 Through Sanctions Act (22 U.S.C. 9529) with respect to
3 each person that knowingly engaged in the acquisition of
4 the S-400 air defense system referred to in subsection (b).

5 (d) EXCEPTION RELATING TO IMPORTATION OF
6 GOODS.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of this section, the authorities and require-
9 ments to impose sanctions under this section shall
10 not include the authority or a requirement to impose
11 sanctions on the importation of goods.

12 (2) GOOD DEFINED.—In this subsection, the
13 term “good” means any article, natural or man-
14 made substance, material, supply or manufactured
15 product, including inspection and test equipment,
16 and excluding technical data.

17 (e) TERMINATION.—On and after the date that is one
18 year after the date on which the President imposes sanc-
19 tions under subsection (c) with respect to a person, the
20 President may terminate the application of such sanctions
21 with respect to that person if the President submits to
22 the appropriate congressional committees a certification
23 that—

1 (1) the Government of Turkey and any person
2 acting on its behalf no longer possesses the S-400
3 air defense system or a successor system;

4 (2) no S-400 air defense system or successor
5 system is operated or maintained inside Turkey by
6 nationals of the Russian Federation or persons act-
7 ing on behalf of the Government of the Russian Fed-
8 eration or the defense sector of the Russian Federa-
9 tion; and

10 (3) the President has received reliable assur-
11 ances from the Government of Turkey that the Gov-
12 ernment of Turkey will not knowingly engage, or
13 allow any foreign person to engage on its behalf, in
14 pursuing any activity subject to sanctions under sec-
15 tion 231 of the Countering America's Adversaries
16 Through Sanctions Act (22 U.S.C. 9525) to reac-
17 quire the S-400 air defense system or a successor
18 system.

19 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Foreign Relations and
23 the Committee on Armed Services of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Armed Services of the House of Rep-
3 resentatives.

4 **SEC. 1242. CLARIFICATION AND EXPANSION OF SANCTIONS**
5 **RELATING TO CONSTRUCTION OF NORD**
6 **STREAM 2 OR TURKSTREAM PIPELINE**
7 **PROJECTS.**

8 (a) IN GENERAL.—Subsection (a)(1) of section 7503
9 of the Protecting Europe’s Energy Security Act of 2019
10 (title LXXV of Public Law 116–92; 133 Stat. 2300; 22
11 U.S.C. 9526 note) is amended—

12 (1) in subparagraph (A)—

13 (A) by inserting “or pipe-laying activities”
14 after “pipe-laying”; and

15 (B) by striking “; and” and inserting a
16 semicolon;

17 (2) in subparagraph (B)—

18 (A) in clause (i)—

19 (i) by inserting “, or facilitated sell-
20 ing, leasing, or providing,” after “pro-
21 vided”; and

22 (ii) by striking “; or” and inserting a
23 semicolon;

24 (B) in clause (ii), by striking the period at
25 the end and inserting a semicolon; and

1 (C) by adding at the end the following:

2 “(iii) provided for those vessels under-
3 writing services or insurance or reinsur-
4 ance necessary or essential for the comple-
5 tion of such a project;

6 “(iv) provided services or facilities for
7 technology upgrades or installation of
8 welding equipment for, or retrofitting or
9 tethering of, those vessels if the services or
10 facilities are necessary or essential for the
11 completion of such a project; or

12 “(v) provided services for the testing,
13 inspection, or certification necessary or es-
14 sential for the completion or operation of
15 the Nord Stream 2 pipeline; and”;

16 (3) by adding at the end the following:

17 “(C) the consultations carried out pursu-
18 ant to subsection (i) and describes the nature of
19 the consultations and any concerns raised by
20 the government of Norway, Switzerland, the
21 United Kingdom, or any member country of the
22 European Union.”.

23 (b) EXCEPTION.—Subsection (e) of such section is
24 amended by adding at the end the following:

1 “(6) EXCEPTION FOR CERTAIN GOVERNMENTS
2 AND GOVERNMENTAL ENTITIES.—Sanctions under
3 this section shall not apply with respect to—

4 “(A) the European Union;

5 “(B) the government of Norway, Switzer-
6 land, the United Kingdom, or any member
7 country of the European Union; or

8 “(C) any entity of the European Union or
9 a government described in subparagraph (B)
10 that is not operating as a business enterprise.”.

11 (c) WAIVER.—Subsection (f) of such section is
12 amended to read as follows:

13 “(f) NATIONAL INTEREST WAIVER.—The President
14 may waive the application of sanctions under this section
15 with respect to a person if the President—

16 “(1) determines that the waiver is in the na-
17 tional interests of the United States; and

18 “(2) submits to the appropriate congressional
19 committees a report on the waiver and the reasons
20 for the waiver.”.

21 (d) CONSULTATIONS; REPORT.—Such section is fur-
22 ther amended—

23 (1) by redesignating subsection (i) as subsection
24 (k); and

1 (2) by inserting after subsection (h) the fol-
2 lowing:

3 “(i) CONSULTATIONS.—Before imposing sanctions
4 under this section, the Secretary of State shall consult
5 with the relevant governments of Norway, Switzerland, the
6 United Kingdom, and member countries of the European
7 Union with respect to the imposition of such sanctions.

8 “(j) REPORT ON IMPACT OF SANCTIONS.—Not later
9 than one year after the date of the enactment of the Wil-
10 liam M. (Mac) Thornberry National Defense Authoriza-
11 tion Act for Fiscal Year 2021, and annually thereafter
12 until all sanctions imposed under this section have termi-
13 nated under subsection (h), the Secretary of State, in con-
14 sultation with the Secretary of the Treasury, shall submit
15 to the appropriate congressional committees a report de-
16 tailing the impact of the imposition of sanctions under this
17 section that includes information on—

18 “(1) whether the goals of the sanctions have
19 been met;

20 “(2) the diplomatic impact of the sanctions, in-
21 cluding on relationships with the governments of
22 Norway, Switzerland, the United Kingdom, and
23 member countries of the European Union; and

24 “(3) the economic impact of the sanctions, in-
25 cluding the impact on United States persons.”.

1 (e) DEFINITIONS.—Subsection (k) of such section, as
2 redesignated by subsection (b), is further amended—

3 (1) by redesignating paragraph (5) as para-
4 graph (6); and

5 (2) by inserting after paragraph (4) the fol-
6 lowing:

7 “(5) PIPE-LAYING ACTIVITIES.—The term
8 ‘pipe-laying activities’ means activities that facilitate
9 pipe-laying, including site preparation, trenching,
10 surveying, placing rocks, backfilling, stringing, bend-
11 ing, welding, coating, and lowering of pipe.”.

12 (f) WIND-DOWN PERIOD.—The President may not
13 impose sanctions with respect to a person identified in the
14 first report submitted under section 7503(a) of the Pro-
15 tecting Europe’s Energy Security Act of 2019, as amend-
16 ed by this section, after the date of the enactment of this
17 Act for operations subject to sanctions by reason of the
18 amendments made by this section if the President certifies
19 in that report that the person has, not later than 30 days
20 after such date of enactment, engaged in good faith efforts
21 to wind down such operations.

1 **SEC. 1243. EXTENSION OF AUTHORITY FOR TRAINING FOR**
2 **EASTERN EUROPEAN NATIONAL SECURITY**
3 **FORCES IN THE COURSE OF MULTILATERAL**
4 **EXERCISES.**

5 Subsection (h) of section 1251 of the National De-
6 fense Authorization Act for Fiscal Year 2016 (10 U.S.C.
7 333 note) is amended—

8 (1) in the first sentence, by striking “December
9 31, 2021” and inserting “December 31, 2023”; and

10 (2) in the second sentence, by striking “the pe-
11 riod beginning on October 1, 2015, and ending on
12 December 31, 2021” and inserting “the period be-
13 ginning on October 1, 2015, and ending on Decem-
14 ber 31, 2023”.

15 **SEC. 1244. SENSE OF CONGRESS ON SUPPORT FOR THE**
16 **NORTH ATLANTIC TREATY ORGANIZATION.**

17 It is the sense of Congress that—

18 (1) the success of the North Atlantic Treaty
19 Organization (NATO) is critical to achieving United
20 States national security objectives in Europe and
21 around the world;

22 (2) NATO remains the strongest and most suc-
23 cessful military alliance in the world, founded on a
24 commitment by its members to uphold the principles
25 of democracy, individual liberty, and the rule of law,
26 and its contributions to the collective defense are in-

1 dispensable to the security, prosperity, and freedom
2 of its members;

3 (3) the United States reaffirms its ironclad
4 commitment to NATO as the foundation of trans-
5 atlantic security and to uphold its obligations under
6 the North Atlantic Treaty, including Article 5 of the
7 Treaty;

8 (4) the 2018 National Defense Strategy identi-
9 fies long-term strategic competition with Russia as
10 a principal priority and highlights the essential role
11 that a strong NATO alliance must play in imple-
12 menting that strategy and addressing shared secu-
13 rity concerns;

14 (5) the United States should deepen defense co-
15 operation with non-NATO European partners, reaf-
16 firm the open-door policy of NATO, and encourage
17 security sector cooperation between NATO and non-
18 NATO defense partners that complements and
19 strengthens collective defense, interoperability, and
20 allies' commitment to Article 3 of the North Atlantic
21 Treaty;

22 (6) bolstering NATO cohesion and enhancing
23 security relationships with non-NATO European
24 partners to counter Russian aggression, including
25 Russia's use of hybrid warfare tactics and its will-

1 ingness to use military power to alter the status quo,
2 strengthens the United States security interests for
3 the long-term strategic competition;

4 (7) the continued prioritization of funding for
5 the European Deterrence Initiative, including for
6 purposes of strengthening allied and partner capa-
7 bility and power projection along the eastern flank
8 of NATO, remains critically important;

9 (8) the United States and NATO should con-
10 tinue to cooperate on other major shared challenges,
11 such as the COVID-19 pandemic; and

12 (9) the policy of the United States should be to
13 work with its NATO and other allies and partners
14 to build permanent mechanisms to strengthen supply
15 chains, enhance supply chain security, fill supply
16 chain gaps, and maintain commitments made at the
17 June 2020 NATO Defense Ministerial, particularly
18 regarding pandemic response preparations.

19 **SEC. 1245. LIMITATION ON UNITED STATES FORCE STRUC-**
20 **TURE REDUCTIONS IN GERMANY.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the Federal Republic of Germany continues
24 to be a strong ally within the North Atlantic Treaty

1 Organization (NATO) and a critical ally of the
2 United States;

3 (2) the presence of the United States Armed
4 Forces in Germany serves as a strong deterrent to
5 Russian Federation military aggression and expansion in Europe and as an essential support platform
6 for carrying out vital national security engagements
7 in the Middle East, Africa, and Afghanistan;

8 (3) the presence of approximately 34,500 mem-
9 bers of the United States Armed Forces deployed to
10 Germany, and the ability to increase that level as
11 necessary in response to global security challenges,
12 is essential to supporting NATO's operations and its
13 collective deterrence against threats;

14 (4) reducing the number of members of the
15 United States Armed Forces in Germany during a
16 time of growing threats in Europe would constitute
17 a grave strategic mistake that would undermine
18 United States national security interests and weaken
19 NATO; and

20 (5) the United States should continue—

21 (A) to maintain and strengthen its bilat-
22 eral relationship with Germany; and
23

1 (B) to maintain a robust military presence
2 in Germany so as to deter aggression against
3 the United States and its allies and partners.

4 (b) LIMITATION.—The Secretary of Defense may not
5 reduce the total number of members of the Armed Forces
6 serving on active duty who are stationed in the Federal
7 Republic of Germany below 34,500 until 120 days after
8 the date on which the Secretary, in consultation with the
9 heads of other relevant Federal departments and agencies,
10 submits to the appropriate congressional committees a
11 written assessment that contains the following:

12 (1) An analysis of whether the reduction in the
13 total number of Armed Forces serving on active duty
14 who are stationed in Germany would be in the na-
15 tional security interest of the United States and
16 would not detract from United States military pos-
17 ture and alignment in the European theater.

18 (2) An analysis of the impact of such a reduc-
19 tion on the security of the United States as well as
20 the security of allies and partners of the United
21 States in Europe.

22 (3) An analysis of the impact of such a reduc-
23 tion on the deterrence and defense posture of the
24 North Atlantic Treaty Organization (NATO).

1 (4) An analysis of the impact of such a reduc-
2 tion on the ability of the Armed Forces to execute
3 contingency plans of the Department of Defense, in-
4 cluding ongoing operations executed by United
5 States Central Command and United States Africa
6 Command.

7 (5) An analysis of the impact of such a reduc-
8 tion on military families or additional costs for relo-
9 cation of associated infrastructure.

10 (6) An analysis of the impact of such a reduc-
11 tion on military training and major military exer-
12 cises, including on interoperability and joint activi-
13 ties with allies and partners.

14 (7) A description of the consultations made
15 with United States allies and partners in Europe, in-
16 cluding a description of the consultations with each
17 member of NATO, regarding such a reduction.

18 (8) A description of the capabilities that would
19 be impacted in Germany and any actions designed to
20 mitigate such a reduction.

21 (9) A detailed description of the requirements
22 for the Department of Defense to effectuate any re-
23 location and redeployment of members of the Armed
24 Forces from Germany and associated relocation of
25 military families.

1 (10) A detailed analysis of the impact of the re-
2 duction and redeployment of military capabilities on
3 the ability of the United States to meet commit-
4 ments under the North Atlantic Treaty as well as
5 the ability to support operations in the Middle East
6 and Africa.

7 (11) A detailed analysis of the impact of such
8 reduction and redeployment on the implementation
9 of the National Defense Strategy and on Joint
10 Force Planning.

11 (12) A detailed analysis of the cost implications
12 of such a reduction and redeployment, to include the
13 cost of any associated new facilities to be con-
14 structed or existing facilities to be renovated at the
15 location to which the members of the Armed Forces
16 are to be moved and stationed and the costs associ-
17 ated with rotational deployments.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

- 21 (1) the Committee on Armed Services and the
22 Committee on Foreign Relations of the Senate; and
23 (2) the Committee on Armed Services and the
24 Committee on Foreign Affairs of the House of Rep-
25 resentatives.

1 (d) SUNSET.—The limitation in subsection (b) shall
2 terminate on September 30, 2021.

3 **SEC. 1246. REPORT ON UNITED STATES MILITARY FORCE**
4 **POSTURE IN SOUTHEASTERN EUROPE.**

5 (a) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the Secretary of Defense,
7 in consultation with the Commander of United States Eu-
8 ropean Command, shall submit to the congressional de-
9 fense committees and the Committee on Foreign Affairs
10 of the House of Representatives and the Committee on
11 Foreign Relations of the Senate a report on United States
12 military force posture in the Southeastern Europe region,
13 including the Eastern Mediterranean and Black Sea.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired by subsection (a) shall include the following:

16 (1) A description and assessment of the stra-
17 tegic significance of Russia's and China's military
18 posture and activities in the region.

19 (2) A description of the current presence, in-
20 cluding the permanently stationed, rotational, and
21 continuous rotational presence, and any agreements
22 in place governing United States Armed Forces in
23 the region.

24 (3) An assessment of the strategic and oper-
25 ational significance of the Eastern Mediterranean

1 and Black Sea for contingency plans of the Depart-
2 ment of Defense.

3 (4) An assessment of United States military
4 force posture needs in the region to implement the
5 Department of Defense Black Sea strategy in ac-
6 cordance with the provisions of the Report of the
7 Committee on Armed Services of the House of Rep-
8 resentatives to Accompany H.R. 2500 (116th Con-
9 gress; House Report 116-120).

10 (5) An assessment of the value, cost, and feasi-
11 bility of increasing permanently stationed or rota-
12 tional deployments of the United States Armed
13 Forces in the region, to include assessments of pos-
14 ture in Greece, Romania, Bulgaria, and other rel-
15 evant locations, and an assessment of available in-
16 frastructure and any infrastructure improvements
17 that would be necessary to support such an increase.

18 (c) FORM.—The report required by subsection (a)
19 shall be submitted in a classified form and include an un-
20 classified summary.

21 **SEC. 1247. SENSE OF CONGRESS ON SUPPORT FOR COORDI-**
22 **NATED ACTION TO ENSURE THE SECURITY**
23 **OF BALTIC ALLIES.**

24 It is the sense of Congress that—

1 (1) maintaining the security of the Baltic states
2 of Estonia, Latvia, and Lithuania is critical to
3 achieving United States national security objectives;

4 (2) the Baltic states play a crucial role in stra-
5 tegic efforts to deter Russia, maintain the collective
6 security of the North Atlantic Treaty Organization
7 (NATO) alliance, and strengthen bilateral and mul-
8 tilateral defense; and

9 (3) the United States should continue to pursue
10 efforts consistent with a comprehensive, multilateral
11 assessment of the military requirements of the Bal-
12 tic states focused on security sector assistance, co-
13 ordination, and planning designed to ensure the se-
14 curity of the Baltic states and address current and
15 future security challenges.

16 **SEC. 1248. SENSE OF CONGRESS ON THE ROLE OF THE**
17 **KOSOVO FORCE OF THE NORTH ATLANTIC**
18 **TREATY ORGANIZATION.**

19 It is the sense of Congress that—

20 (1) the Kosovo Force of the North Atlantic
21 Treaty Organization continues to play an indispen-
22 sable role in maintaining security and stability in the
23 Western Balkans, which are the essential predicates
24 for the success of diplomatic efforts between Kosovo
25 and Serbia;

1 (2) the participation of the United States
2 Armed Forces in the Kosovo Force is foundational
3 to the credibility and success of mission of the
4 Kosovo Force;

5 (3) with the North Atlantic Treaty Organiza-
6 tion allies and other European partners contributing
7 over 80 percent of the troops for the mission, the
8 Kosovo Force is a primary example of the long-term
9 benefits of burden sharing to United States national
10 security interests; and

11 (4) together with the allies and partners of the
12 United States, the United States should—

13 (A) maintain its commitment to the
14 Kosovo Force;

15 (B) take all appropriate steps to ensure
16 that the Kosovo Force has the necessary per-
17 sonnel, capabilities, and resources to perform
18 its critical mission; and

19 (C) continue to support the gradual transi-
20 tion of the Kosovo Security Force to a multi-
21 ethnic army for the Republic of Kosovo that is
22 interoperable with North Atlantic Treaty Orga-
23 nization members through an inclusive and
24 transparent process that—

- 1 (i) respects the rights and concerns of
2 all citizens of Kosovo;
3 (ii) promotes regional security and
4 stability; and
5 (iii) supports the aspirations of
6 Kosovo for full Euro-Atlantic integration.

7 **Subtitle F—Matters Relating to the**
8 **Indo-Pacific Region**

9 **SEC. 1251. PACIFIC DETERRENCE INITIATIVE.**

10 (a) IN GENERAL.—The Secretary of Defense shall es-
11 tablish an initiative, to be known as the “Pacific Deter-
12 rence Initiative” (in this section referred to as the “Initia-
13 tive”), to carry out prioritized activities to enhance the
14 United States deterrence and defense posture in the Indo-
15 Pacific region, assure allies and partners, and increase ca-
16 pability and readiness in the Indo-Pacific region.

17 (b) PURPOSE.—The Initiative required under sub-
18 section (a) shall carry out the following prioritized activi-
19 ties to improve the design and posture of the joint force
20 in the Indo-Pacific region, primarily west of the Inter-
21 national Date Line:

- 22 (1) Modernize and strengthen the presence of
23 the United States Armed Forces, including those
24 with advanced capabilities.

1 (2) Improve logistics and maintenance capabili-
2 ties and the pre-positioning of equipment, munitions,
3 fuel, and materiel.

4 (3) Carry out a program of exercises, training,
5 experimentation, and innovation for the joint force.

6 (4) Improve infrastructure to enhance the re-
7 sponsiveness and resiliency of the United States
8 Armed Forces.

9 (5) Build the defense and security capabilities,
10 capacity, and cooperation of allies and partners.

11 (c) FUNDING.—Of the amounts authorized to be ap-
12 propriated by this Act for the Department of Defense for
13 fiscal year 2021, \$2,234,958,000 is authorized to be made
14 available to carry out the Initiative required under sub-
15 section (a), as specified in the funding tables in division
16 D of this Act.

17 (d) PLAN REQUIRED.—Not later than February 15,
18 2021, and annually thereafter, the Secretary, in consulta-
19 tion with the Commander of the United States Indo-Pa-
20 cific Command, shall submit to the congressional defense
21 committees a report on future year activities and resources
22 for the Initiative that includes the following:

23 (1) A description of the activities and resources
24 for the first fiscal year beginning after the date of
25 submission of the report and the plan for not fewer

1 than the four following fiscal years, organized by the
2 activities described in paragraphs (1) through (5) of
3 subsection (b).

4 (2) A summary of progress made towards
5 achieving the purposes of the Initiative.

6 (3) A summary of the activity, resource, capa-
7 bility, infrastructure, and logistics requirements nec-
8 essary to achieve measurable progress in reducing
9 risk to the joint force's ability to achieve objectives
10 in the region, including through investments in—

11 (A) active and passive defenses against un-
12 manned aerial systems and theater cruise, bal-
13 listic, and hypersonic missiles;

14 (B) advanced long-range precision strike
15 systems;

16 (C) command, control, communications,
17 computers, intelligence, surveillance, and recon-
18 naissance systems;

19 (D) test range capacity, capability, and co-
20 ordination;

21 (E) dispersed, resilient, and adaptive bas-
22 ing to support distributed operations, including
23 expeditionary airfields and ports;

24 (F) advanced critical munitions;

1 (G) pre-positioned forward stocks of fuel,
2 munitions, equipment, and materiel;

3 (H) distributed logistics and maintenance
4 capabilities;

5 (I) strategic mobility assets;

6 (J) improved interoperability and informa-
7 tion sharing with allies and partners;

8 (K) information operations capabilities;

9 (L) bilateral and multilateral military exer-
10 cises and training with allies and partners; and

11 (M) use of security cooperation authorities
12 to further build partner capacity.

13 (4) A detailed timeline to achieve the require-
14 ments identified under paragraph (3).

15 (5) A detailed explanation of any significant
16 modifications to such requirements, as compared to
17 plans previously submitted under this subsection.

18 (6) Any other matter, as determined by the
19 Secretary.

20 (e) BUDGET DISPLAY INFORMATION.—The Secretary
21 shall include a detailed budget display for the Initiative
22 in the materials of the Department of Defense in support
23 of the budget of the President (submitted to Congress pur-
24 suant to section 1105 of title 31, United States Code) for

1 fiscal year 2022 and each fiscal year thereafter that in-
2 cludes the following information:

3 (1) The resources necessary for the Initiative to
4 carry out the activities required under subsection (b)
5 for the applicable fiscal year and not fewer than the
6 four following fiscal years, organized by the activities
7 described in paragraphs (1) through (5) of that sub-
8 section.

9 (2) With respect to procurement accounts—

10 (A) amounts displayed by account, budget
11 activity, line number, line item, and line item
12 title; and

13 (B) a description of the requirements for
14 such amounts specific to the Initiative.

15 (3) With respect to research, development, test,
16 and evaluation accounts—

17 (A) amounts displayed by account, budget
18 activity, line number, program element, and
19 program element title; and

20 (B) a description of the requirements for
21 such amounts specific to the Initiative.

22 (4) With respect to operation and maintenance
23 accounts—

1 (A) amounts displayed by account title,
2 budget activity title, line number, and sub-
3 activity group title; and

4 (B) a description of the specific manner in
5 which such amounts will be used.

6 (5) With respect to military personnel ac-
7 counts—

8 (A) amounts displayed by account, budget
9 activity, budget subactivity, and budget sub-
10 activity title; and

11 (B) a description of the requirements for
12 such amounts specific to the Initiative.

13 (6) With respect to each project under military
14 construction accounts (including with respect to un-
15 specified minor military construction and amounts
16 for planning and design), the country, location,
17 project title, and project amount by fiscal year.

18 (7) With respect to the activities described in
19 subsection (b)—

20 (A) amounts displayed by account title,
21 budget activity title, line number, and sub-
22 activity group title; and

23 (B) a description of the specific manner in
24 which such amounts will be used.

25 (8) With respect to each military service—

1 (A) amounts displayed by account title,
2 budget activity title, line number, and sub-
3 activity group title; and

4 (B) a description of the specific manner in
5 which such amounts will be used.

6 (9) With respect to the amounts described in
7 each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A),
8 (6), (7)(A), and (8)(A), a comparison between—

9 (A) the amount in the budget of the Presi-
10 dent for the following fiscal year;

11 (B) the amount projected in the previous
12 budget of the President for the following fiscal
13 year;

14 (C) a detailed summary of funds obligated
15 for the Initiative during the preceding fiscal
16 year; and

17 (D) a detailed comparison of funds obli-
18 gated for the Initiative during the previous fis-
19 cal year to the amount of funds requested for
20 such fiscal year.

21 (f) BRIEFINGS REQUIRED.—Not later than March 1,
22 2021, and annually thereafter, the Secretary shall provide
23 to the congressional defense committees a briefing on the
24 budget proposal and programs, including the budget dis-

1 play information for the applicable fiscal year required by
2 subsection (e).

3 (g) REPEAL.—Section 1251 of the National Defense
4 Authorization Act for Fiscal Year 2018 (Public Law 115–
5 91; 131 Stat. 1676), as most recently amended by section
6 1253 of the John S. McCain National Defense Authoriza-
7 tion Act for fiscal year 2019 (Public Law 115–232; 132
8 Stat. 2054), is repealed.

9 **SEC. 1252. EXTENSION AND MODIFICATION OF PROHIBI-**
10 **TION ON COMMERCIAL EXPORT OF CERTAIN**
11 **COVERED MUNITIONS ITEMS TO THE HONG**
12 **KONG POLICE FORCE.**

13 (a) IN GENERAL.—The Act entitled “An Act to pro-
14 hibit the commercial export of covered munitions items to
15 the Hong Kong Police Force”, approved November 27,
16 2019 (Public Law 116–77; 133 Stat. 1173), is amended—

17 (1) by amending the title to read as follows:
18 “An Act to prohibit the commercial export of cov-
19 ered munitions and crime control items to the Hong
20 Kong Police Force.”;

21 (2) in section 1(2)—

22 (A) by amending the paragraph heading to
23 read as follows: “COVERED MUNITIONS AND
24 CRIME CONTROL ITEMS ”; and

1 (B) by striking “covered munitions items”
2 and inserting “covered munitions and crime
3 control items”;

4 (3) in section 2—

5 (A) in the section heading, by striking
6 “**COVERED MUNITIONS ITEMS**” and inserting
7 “**COVERED MUNITIONS AND CRIME CON-**
8 **TROL ITEMS**”; and

9 (B) in subsection (a), by striking “covered
10 munitions items” and inserting “covered muni-
11 tions and crime control items”; and

12 (4) in section 3, by striking “one year after the
13 date of the enactment of this Act” and inserting “on
14 December 31, 2021”.

15 (b) TECHNICAL CORRECTIONS TO THE HONG KONG
16 AUTONOMY ACT.—The Hong Kong Autonomy Act of
17 2020 (Public Law 116–149; 134 Stat. 663) is amended—

18 (1) in section 2(10), by striking “The” and in-
19 serting “Except as otherwise specifically provided,
20 the”; and

21 (2) in section 7(b)(7), by inserting “by any per-
22 son (as defined in section 4801(8) of title 50, United
23 States Code)” after “(in country)”.

1 **SEC. 1253. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA**
2 **DIOXIN CLEANUP.**

3 (a) TRANSFER AUTHORITY.—Notwithstanding sec-
4 tion 2215 of title 10, United States Code, the Secretary
5 of Defense may transfer to the Secretary of State, for use
6 by the United States Agency for International Develop-
7 ment, amounts to be used for the Bien Hoa dioxin cleanup
8 in Vietnam.

9 (b) LIMITATION ON AMOUNT.—Not more than
10 \$15,000,000 may be transferred in fiscal year 2021 under
11 the transfer authority in subsection (a).

12 (c) ADDITIONAL TRANSFER AUTHORITY.—The
13 transfer authority in subsection (a) is in addition to any
14 other transfer authority available to the Department of
15 Defense.

16 (d) NOTICE ON EXERCISE OF AUTHORITY.—If the
17 Secretary of Defense determines to use the transfer au-
18 thority in subsection (a), the Secretary shall notify the
19 congressional defense committee of that determination not
20 later than 30 days before the Secretary uses the transfer
21 authority.

22 **SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO AC-**
23 **COUNT FOR VIETNAMESE PERSONNEL MISS-**
24 **ING IN ACTION.**

25 (a) IN GENERAL.—The Secretary of Defense, in co-
26 ordination with the Secretary of State, is authorized to

1 carry out a cooperative program with the Ministry of De-
2 fense of Vietnam to assist in accounting for Vietnamese
3 personnel missing in action.

4 (b) PURPOSE.—The purpose of the cooperative pro-
5 gram under subsection (a) is to carry out the following
6 activities:

7 (1) Collection, digitization, and sharing of ar-
8 chival information.

9 (2) Building the capacity of Vietnam to conduct
10 archival research, investigations, and excavations.

11 (3) Improving DNA analysis capacity.

12 (4) Increasing veteran-to-veteran exchanges.

13 (5) Other support activities the Secretary of
14 Defense considers necessary and appropriate.

15 **SEC. 1255. SENSE OF CONGRESS ON THE UNITED STATES-**
16 **VIETNAM DEFENSE RELATIONSHIP.**

17 In commemoration of the 25th anniversary of the
18 normalization of diplomatic relations between the United
19 States and Vietnam, Congress—

20 (1) welcomes the historic progress and achieve-
21 ments in United States-Vietnam relations over the
22 last 25 years;

23 (2) commends the commitment of Vietnam to
24 resolve international disputes through peaceful
25 means on the basis of international law;

1 (3) congratulates Vietnam on its chairmanship
2 of the Association of Southeast Asian Nations and
3 its election as a nonpermanent member of the
4 United Nations Security Council, both of which sym-
5 bolize the positive leadership role of Vietnam in re-
6 gional and global affairs;

7 (4) affirms the commitment of the United
8 States—

9 (A) to respect the independence and sov-
10 ereignty of Vietnam; and

11 (B) to establish and promote friendly rela-
12 tions and to work together on an equal footing
13 for mutual benefit with Vietnam;

14 (5) encourages the United States and Vietnam
15 to elevate their comprehensive partnership to a stra-
16 tegic partnership based on mutual understanding,
17 shared interests, and a common desire to promote
18 peace, cooperation, prosperity, and security in the
19 Indo-Pacific region;

20 (6) affirms the commitment of the United
21 States to continue to address war legacy issues, in-
22 cluding through dioxin remediation, unexploded ord-
23 nance removal, accounting for prisoners of war and
24 soldiers missing in action, and other activities; and

1 (7) supports deepening defense cooperation be-
2 tween the United States and Vietnam, in support of
3 United States interests and international law, in-
4 cluding with respect to maritime security, cybersecu-
5 rity, counterterrorism, information sharing, human
6 rights, humanitarian assistance and disaster relief,
7 military medicine, peacekeeping operations, defense
8 trade, and other areas.

9 **SEC. 1256. PILOT PROGRAM TO IMPROVE CYBER COOPERA-**
10 **TION WITH VIETNAM, THAILAND, AND INDO-**
11 **NESIA.**

12 (a) IN GENERAL.—The Secretary of Defense, with
13 the concurrence of the Secretary of State, may establish,
14 using existing authorities of the Department of Defense,
15 a pilot program in Vietnam, Thailand, and Indonesia—

16 (1) to enhance the cyber security, resilience,
17 and readiness of the military forces of Vietnam,
18 Thailand, and Indonesia; and

19 (2) to increase regional cooperation between the
20 United States and Vietnam, Thailand, and Indonesia
21 on cyber issues.

22 (b) ELEMENTS.—The activities of the pilot program
23 under subsection (a) shall include the following:

1 (1) Provision of training to military officers and
2 civilian officials in the ministries of defense of Viet-
3 nam, Thailand, and Indonesia.

4 (2) The facilitation of regular dialogues and
5 trainings among the Department of Defense and the
6 ministries of defense of Vietnam, Thailand, and In-
7 donesia with respect to the development of infra-
8 structure to protect against foreign cyber attacks.

9 (3) To undertake, as part of cyber cooperation,
10 training that includes curricula expressly relating to
11 human rights, the rule of law, and internet freedom.

12 (c) REPORTS.—

13 (1) DESIGN OF PILOT PROGRAM.—Not later
14 than June 1, 2021, the Secretary of Defense, with
15 the concurrence of the Secretary of State, shall sub-
16 mit to the appropriate committees of Congress a re-
17 port on the design of the pilot program under sub-
18 section (a).

19 (2) PROGRESS REPORT.—Not later than De-
20 cember 31, 2021, and annually thereafter until the
21 date on which the pilot program terminates under
22 subsection (e), the Secretary of Defense, with the
23 concurrence of the Secretary of State, shall submit
24 to the appropriate committees of Congress a report
25 on the pilot program that includes—

1 (A) a description of the activities con-
2 ducted and the results of such activities;

3 (B) an assessment of reforms relevant to
4 cybersecurity and technology in enhancing the
5 cyber security, resilience, and readiness of the
6 military forces of Vietnam, Thailand, and Indo-
7 nesia;

8 (C) an assessment of the effectiveness of
9 curricula relating to human rights, the rule of
10 law, and internet freedom; and

11 (D) the content and curriculum of any pro-
12 gram made available to participants of such
13 program.

14 (d) CERTIFICATION.—Not later than 30 days before
15 the date on which the pilot program under subsection (a)
16 is scheduled to commence, the Secretary of Defense, with
17 the concurrence of the Secretary of State, shall submit to
18 the appropriate committees of Congress a certification in-
19 dicating whether such program would credibly enable, en-
20 hance, or facilitate violations of internet freedom or other
21 human rights abuses in Vietnam, Indonesia, or Thailand.

22 (e) TERMINATION.—The pilot program under sub-
23 section (a) shall terminate on December 31, 2024.

1 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate; and

6 (2) the Committee on Armed Services and the
7 Committee on Foreign Affairs of the House of Rep-
8 resentatives.

9 **SEC. 1257. REPORT ON THE COSTS MOST DIRECTLY ASSOCI-**
10 **ATED WITH THE STATIONING OF THE ARMED**
11 **FORCES IN JAPAN.**

12 (a) IN GENERAL.—Not later than February 1, 2021,
13 the Secretary of State, in consultation with the Secretary
14 of Defense, shall submit to the appropriate congressional
15 committees a report on the costs most directly associated
16 with the stationing of United States forces in Japan that
17 are the subject of the current Special Measures Agreement
18 negotiations between the United States Government and
19 the Government of Japan. The report shall include—

20 (1) a description of each category of costs, in-
21 cluding labor, utilities, training relocation, and any
22 other categories the Secretary determines appro-
23 priate, that are most directly associated with the
24 stationing of the Armed Forces in Japan;

1 (2) a detailed description of which of the costs
2 most directly associated with the stationing of the
3 Armed Forces in Japan are incurred in Japan and
4 which such costs are incurred outside of Japan;

5 (3) a description of each category of contribu-
6 tions made by the Government of Japan that allay
7 the costs to United States of stationing the Armed
8 Forces in Japan, as well as the corresponding de-
9 scription of each category of costs incurred by the
10 United States Government;

11 (4) the benefits to United States national secu-
12 rity and regional security derived from the forward
13 presence of the Armed Forces in Japan;

14 (5) the impacts to the national security of the
15 United States, the security of Japan, and peace and
16 stability in the Indo-Pacific region, if a new Special
17 Measures Agreement is not reached before March
18 31, 2021; and

19 (6) any other matters the Secretary determines
20 appropriate.

21 (b) FORM.—The report required by subsection (a)
22 shall be submitted in unclassified form, but may include
23 a classified annex.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committee” means—

- 4 (1) the congressional defense committees; and
5 (2) the Committee on Foreign Relations of the
6 Senate and the Committee on Foreign Affairs of the
7 House of Representatives.

8 **SEC. 1258. LIMITATION ON USE OF FUNDS TO REDUCE THE**
9 **TOTAL NUMBER OF MEMBERS OF THE**
10 **ARMED FORCES SERVING ON ACTIVE DUTY**
11 **WHO ARE DEPLOYED TO SOUTH KOREA.**

12 None of the funds authorized to be appropriated by
13 this Act may be used to reduce the total number of mem-
14 bers of the Armed Forces serving on active duty who are
15 deployed to South Korea below 28,500 until 90 days after
16 the date on which the Secretary of Defense certifies to
17 the congressional defense committees the following:

18 (1) Such a reduction is in the national security
19 interest of the United States and will not signifi-
20 cantly undermine the security of United States allies
21 in the region.

22 (2) The Secretary has appropriately consulted
23 with allies of the United States, including South
24 Korea and Japan, regarding such a reduction.

1 **SEC. 1259. IMPLEMENTATION OF GAO RECOMMENDATIONS**
2 **ON PREPAREDNESS OF UNITED STATES**
3 **FORCES TO COUNTER NORTH KOREAN CHEM-**
4 **ICAL AND BIOLOGICAL WEAPONS.**

5 (a) PLAN REQUIRED.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall develop a plan to address the recommendations
8 in the U.S. Government Accountability Office’s re-
9 port entitled “Preparedness of U.S. Forces to
10 Counter North Korean Chemical and Biological
11 Weapons” (GAO–21–104C).

12 (2) ELEMENTS.—The plan required under
13 paragraph (1) shall, with respect to each rec-
14 ommendation in the report described in paragraph
15 (1) that the Secretary of Defense has implemented
16 or intends to implement, include—

17 (A) a summary of actions that have been
18 or will be taken to implement the recommenda-
19 tion; and

20 (B) a schedule, with specific milestones,
21 for completing implementation of the rec-
22 ommendation.

23 (b) SUBMISSION TO CONGRESS.—Not later than 1
24 year after the date of the enactment of this Act, the Sec-
25 retary of Defense shall submit to the congressional defense
26 committees the plan required under subsection (a).

1 (c) DEADLINE FOR IMPLEMENTATION.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), not later than 18 months after the date
4 of the enactment of this Act, the Secretary of De-
5 fense shall carry out activities to implement the plan
6 developed under subsection (a).

7 (2) EXCEPTION FOR IMPLEMENTATION OF CER-
8 TAIN RECOMMENDATIONS.—

9 (A) DELAYED IMPLEMENTATION.—The
10 Secretary of Defense may initiate implementa-
11 tion of a recommendation in the report de-
12 scribed in subsection (a)(1) after the date speci-
13 fied in paragraph (1) if the Secretary provides
14 the congressional defense committees with a
15 specific justification for the delay in implemen-
16 tation of such recommendation on or before
17 such date.

18 (B) NONIMPLEMENTATION.—The Sec-
19 retary of Defense may decide not to implement
20 a recommendation in the report described in
21 subsection (a)(1) if the Secretary provides to
22 the congressional defense committees, on or be-
23 fore the date specified in paragraph (1)—

1 (i) a specific justification for the deci-
2 sion not to implement the recommendation;
3 and

4 (ii) a summary of alternative actions
5 the Secretary plans to take to address the
6 conditions underlying the recommendation.

7 **SEC. 1260. STATEMENT OF POLICY AND SENSE OF CON-**
8 **GRESS ON THE TAIWAN RELATIONS ACT.**

9 (a) STATEMENT OF POLICY.—It is the policy of the
10 United States—

11 (1) that the Taiwan Relations Act (Public Law
12 96–8; 22 U.S.C. 3301 et seq.) and the Six Assur-
13 ances provided by the United States to Taiwan in
14 July 1982 are the foundation for United States-Tai-
15 wan relations;

16 (2) to fully pursue the deepening of the exten-
17 sive, close, and friendly relations of the United
18 States and Taiwan pursuant to the Taiwan Rela-
19 tions Act (Public Law 96–8; 22 U.S.C. 3301 et
20 seq.), the intent of which is to facilitate greater co-
21 operation and the broadening and deepening of
22 United States-Taiwan relations;

23 (3) that the Taiwan Relations Act (Public Law
24 96–8; 22 U.S.C. 3301 et seq.) shall be implemented
25 and executed, consistent with the Six Assurances, to

1 address evolving political, security, and economic dy-
2 namics and circumstances;

3 (4) that, as set forth in the Taiwan Relations
4 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the
5 United States decision to establish diplomatic rela-
6 tions with the People’s Republic of China rests upon
7 the expectation that the future of Taiwan will be de-
8 termined by peaceful means, and that any effort to
9 determine the future of Taiwan by other than peace-
10 ful means, including boycotts and embargoes, is a
11 threat to the peace and security of the Western Pa-
12 cific area and of grave concern to the United States;

13 (5) that the increasingly coercive and aggressive
14 behavior of the People’s Republic of China towards
15 Taiwan is contrary to the expectation of the peaceful
16 resolution of the future of Taiwan; and

17 (6) as set forth in the Taiwan Relations Act
18 (Public Law 96–8; 22 U.S.C. 3301 et seq.), to main-
19 tain the capacity to resist any resort to force or
20 other forms of coercion that would jeopardize the se-
21 curity, or the social or economic system, of the peo-
22 ple on Taiwan.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the United States should continue to sup-
2 port the development of capable, ready, and modern
3 defense forces necessary for Taiwan to maintain a
4 sufficient self-defense capability, including by—

5 (A) supporting acquisition by Taiwan of
6 defense articles and services through foreign
7 military sales, direct commercial sales, and in-
8 dustrial cooperation, with an emphasis on capa-
9 bilities that support the asymmetric defense
10 strategy of Taiwan, including anti-ship, coastal
11 defense, anti-armor, air defense, undersea war-
12 fare, advanced command, control, communica-
13 tions, computers, intelligence, surveillance, and
14 reconnaissance, and resilient command and con-
15 trol capabilities;

16 (B) ensuring timely review of and response
17 to requests of Taiwan for defense articles and
18 services;

19 (C) conducting practical training and mili-
20 tary exercises with Taiwan that enable Taiwan
21 to maintain a sufficient self-defense capability;

22 (D) examining the potential for expanding
23 professional military education and technical
24 training opportunities in the United States for
25 military personnel of Taiwan;

1 (E) increasing exchanges between senior
2 defense officials and general officers of the
3 United States and Taiwan at the strategic, pol-
4 icy, and functional levels, consistent with the
5 Taiwan Travel Act (Public Law 115–135; 132
6 Stat. 341), especially for the purposes of—

7 (i) enhancing cooperation on defense
8 planning;

9 (ii) improving the interoperability of
10 the military forces of the United States
11 and Taiwan; and

12 (iii) improving the reserve force of
13 Taiwan; and

14 (F) expanding cooperation in humanitarian
15 assistance and disaster relief;

16 (2) the Secretary of State should ensure that
17 any policy guidance related to United States-Taiwan
18 relations is fully consistent with the statement of
19 policy set forth in subsection (a);

20 (3) the Secretary of Defense should ensure that
21 policy guidance related to United States-Taiwan de-
22 fense relations is fully consistent with the statement
23 of policy set forth in subsection (a); and

24 (4) the Secretary of State, the Secretary of De-
25 fense, and the heads of other Federal agencies and

1 departments, as appropriate, should issue new guid-
2 ance as required to carry out such policy.

3 **SEC. 1260A. ANNUAL BRIEFING ON TAIWAN ARMS SALES.**

4 (a) IN GENERAL.—Not later than 45 days after the
5 date of the enactment of this Act, and annually thereafter,
6 the Secretary of State, or his or her designee, shall brief
7 the Committee on Foreign Relations of the Senate and
8 the Committee on Foreign Affairs of the House of Rep-
9 resentatives on the United States commitment to sup-
10 porting Taiwan in maintaining a sufficient self-defense ca-
11 pability, as required by the Taiwan Relations Act (22
12 U.S.C. 3301 et seq.) and affirmed in the Asia Reassurance
13 Initiative Act of 2018 (22 U.S.C. 3301 note).

14 (b) ELEMENTS.—Each briefing required by sub-
15 section (a) shall include the following:

16 (1) A description of United States efforts to im-
17 plement section 209(b) of the Asia Reassurance Ini-
18 tiative Act of 2018 (22 U.S.C. 3301 note) by con-
19 ducting regular transfers to Taiwan of defense arti-
20 cles tailored to meet the existing and likely future
21 threats from the People’s Republic of China, includ-
22 ing any effort to support Taiwan in the development
23 and integration into its military forces of asym-
24 metric capabilities, as appropriate, including mobile,
25 survivable, and cost-effective capabilities.

1 (2) A description of the role of such transfers
2 of defense articles and services in supporting Taiwan
3 in maintaining the capabilities, readiness levels, and
4 resourcing necessary to fulfill and implement Tai-
5 wan's Overall Defense Concept.

6 (3) A description of—

7 (A) United States efforts to conduct a reg-
8 ularized process for consideration of transfers
9 of defense articles and services to Taiwan; and
10 (B) any barriers to conducting such a
11 process.

12 (c) SUNSET.—This section shall cease to have effect
13 on December 31, 2026.

14 **SEC. 1260B. REPORT ON UNITED STATES-TAIWAN MEDICAL**
15 **SECURITY PARTNERSHIP.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of Defense, in consultation
18 with the Secretary of Health and Human Services, shall
19 submit to the Committees on Armed Services of the Sen-
20 ate and the House of Representatives a report on the fea-
21 sibility of establishing a medical security partnership with
22 the Ministry of Defense of Taiwan that shall include the
23 following:

1 (1) The goals and objectives of developing a
2 medical security partnership on issues related to
3 pandemic preparedness and control.

4 (2) A discussion of current and future plans to
5 cooperate on medical security activities.

6 (3) An evaluation of the feasibility of cooper-
7 ating on a range of activities under the partnership,
8 including—

9 (A) research and production of vaccines
10 and medicines;

11 (B) joint conferences with scientists and
12 experts;

13 (C) collaboration relating to and exchanges
14 of medical supplies and equipment; and

15 (D) the use of hospital ships such as the
16 United States Naval Ship Comfort and United
17 States Naval Ship Mercy.

18 (4) Any other matters the Secretary of Defense
19 determines appropriate.

20 **SEC. 1260C. ESTABLISHMENT OF CAPABILITIES TO ASSESS**
21 **THE DEFENSE TECHNOLOGICAL AND INDUS-**
22 **TRIAL BASES OF CHINA AND OTHER FOREIGN**
23 **ADVERSARIES.**

24 (a) **ASSESSMENTS.**—The Secretary of Defense, in co-
25 ordination with the heads of other Federal departments

1 and agencies as appropriate, shall define intelligence and
2 other information requirements, sources, and organiza-
3 tional responsibilities for assessing the defense techno-
4 logical and industrial bases of foreign adversaries and con-
5 ducting comparative analyses of such technological and in-
6 dustrial bases with respect to their resilience and capacity
7 to support their strategic objectives. The requirements,
8 sources, and responsibilities shall include—

9 (1) examining the competitive military advan-
10 tages of foreign adversaries, including with respect
11 to regulation, raw materials, use of energy and other
12 natural resources, education, labor, and capital ac-
13 cessibility;

14 (2) assessing relative cost, speed of product de-
15 velopment, age and value of the installed capital
16 base, leadership's technical competence and agility,
17 nationally-imposed inhibiting conditions by foreign
18 adversaries, the availability of human and material
19 resources, and reliance on the industrial base of the
20 United States or United States allies and partners;

21 (3) a temporal evaluation of the competitive
22 strengths and weaknesses of United States industry,
23 including manufacturing surge capacity, versus the
24 directed priorities and capabilities of foreign adver-
25 sary governments; and

1 (4) assessing any other issues that the Sec-
2 retary determines appropriate.

3 (b) **METHODOLOGY.**—The Secretary of Defense shall
4 incorporate inputs pursuant to subsection (a) as part of
5 a methodology to continuously assess domestic and foreign
6 defense industries, markets, and companies of significance
7 to military and industrial advantage to identify supply
8 chain vulnerabilities.

9 (c) **CONDUCT OF ASSESSMENT WORK BY INDE-**
10 **PENDENT ORGANIZATION.**—

11 (1) **AGREEMENT AUTHORIZED.**—The Secretary
12 of Defense is authorized to enter into an agreement
13 with an independent organization to carry out some
14 of the assessment work required under subsections
15 (a) and (b).

16 (2) **NOTIFICATION.**—If the Secretary enters
17 such an agreement, the Secretary shall, not later
18 than March 15, 2021, provide to the congressional
19 defense committees a report identifying the organi-
20 zation and describing the scope of work under the
21 agreement.

22 (d) **REPORTS.**—

23 (1) **INITIAL REPORT.**—Not later than March
24 15, 2021, the Secretary of Defense shall submit to
25 the congressional defense committees a report on ef-

1 forts to establish the continuous assessment activity
2 required under subsections (a) and (b), including a
3 notification if the Secretary engages an independent
4 organization, pursuant to subsection (c), to prepare
5 the report described in paragraph (2).

6 (2) SUBSEQUENT REPORT.—

7 (A) IN GENERAL.—Not later than August
8 1, 2021, the Secretary shall submit to the con-
9 gressional defense committees a report on the
10 first assessment required under subsections (a)
11 and (b) with respect to the People’s Republic of
12 China.

13 (B) ELEMENTS.—The report required by
14 subparagraph (A) shall include—

15 (i) the information described in sub-
16 section (a);

17 (ii) any exclusive or dominant supply
18 of military and civilian material, raw mate-
19 rials, or other goods (or components there-
20 of) essential to China’s national security by
21 the United States or United States allies
22 and partners; and

23 (iii) the availability of substitutes or
24 alternative sources for goods identified
25 under clause (ii).

1 (3) INCLUSION OF INDEPENDENT ORGANIZA-
2 TION’S ASSESSMENT WORK.—If the Secretary enters
3 into an agreement with an independent organization
4 under subsection (c), the Secretary shall include the
5 assessment work carried out by the organization
6 under the agreement without change, but may in-
7 clude comments with respect to such assessment
8 work.

9 **SEC. 1260D. EXTENSION OF ANNUAL REPORT ON MILITARY**
10 **AND SECURITY DEVELOPMENTS INVOLVING**
11 **THE PEOPLE’S REPUBLIC OF CHINA.**

12 Section 1202(a) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2000 (10 U.S.C. 113 note) is
14 amended in the first sentence by striking “January 31,
15 2021” and inserting “January 31, 2022”.

16 **SEC. 1260E. SENSE OF CONGRESS ON THE AGGRESSION OF**
17 **THE GOVERNMENT OF CHINA ALONG THE**
18 **BORDER WITH INDIA AND ITS GROWING TER-**
19 **RITORIAL CLAIMS.**

20 It is the sense of Congress that—

21 (1) continued military aggression by the Gov-
22 ernment of China along the border with India is a
23 significant concern;

24 (2) the Government of China should work with
25 the Government of India toward de-escalating the

1 situation along the Line of Actual Control through
2 existing diplomatic mechanisms and refrain from at-
3 tempting to settle disputes through coercion or force;
4 and

5 (3) attempts by the Government of China to ad-
6 vance baseless territorial claims, including those in
7 the South China Sea, the East China Sea, and with
8 respect to Bhutan, are destabilizing and inconsistent
9 with international law.

10 **SEC. 1260F. ASSESSMENT OF NATIONAL CYBER STRATEGY**
11 **TO DETER CHINA FROM ENGAGING IN INDUS-**
12 **TRIAL ESPIONAGE AND CYBER THEFT.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the President shall sub-
15 mit to the appropriate congressional committees an assess-
16 ment of the effectiveness of the National Cyber Strategy
17 to deter industrial espionage and large-scale cyber theft
18 of intellectual property and personal information con-
19 ducted by the People’s Republic of China, People’s Repub-
20 lic of China persons or entities, or persons or entities act-
21 ing on behalf of the People’s Republic of China against
22 the United States or United States persons.

23 (b) MATTERS TO BE INCLUDED.—The assessment
24 required by subsection (a) shall include the following:

1 (1) A discussion of United States interests in
2 preventing such industrial espionage and cyber theft
3 and the impact on the United States and its econ-
4 omy from such activities.

5 (2) A general discussion of—

6 (A) the criteria used to determine when
7 the United States Government will seek to deter
8 such industrial espionage and cyber theft; and

9 (B) the means by which the United States
10 will seek to deter such industrial espionage and
11 cyber theft, and demonstrate the credibility of
12 United States resolve to defend its interests in
13 cyberspace.

14 (3) An assessment of China's adherence to pre-
15 vious agreements related to such industrial espio-
16 nage and cyber theft with the United States and ap-
17 plicability of international laws, including known vio-
18 lations.

19 (4) An assessment of China's actions to direct
20 proxies, surrogates, or state-sponsored nongovern-
21 mental entities to engage in such industrial espio-
22 nage or cyber theft.

23 (5) Recommendations consistent with a whole-
24 of-government approach to countering such indus-
25 trial espionage and cyber theft.

1 (c) UPDATE.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of the submission of the assessment re-
4 quired by subsection (a), and biennially thereafter,
5 the President shall submit to the appropriate con-
6 gressional committees an update of the assessment,
7 including—

8 (A) an update on the effectiveness of the
9 National Cyber Strategy;

10 (B) a summary of the lessons learned; and

11 (C) a summary of any planned changes or
12 recommendations to the effectiveness or imple-
13 mentation of the strategy.

14 (2) SUNSET.—The requirement to submit the
15 update under paragraph (1) shall terminate on De-
16 cember 31, 2025.

17 (d) FORM.—The assessment required by subsection
18 (a) and the update required by subsection (c) shall be sub-
19 mitted in unclassified form.

20 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Foreign Affairs, the
24 Committee on Armed Services, the Permanent Select
25 Committee on Intelligence, the Committee on the

1 Judiciary, the Committee on Energy and Commerce,
2 the Committee on Homeland Security, the Com-
3 mittee on Oversight and Reform, and the Committee
4 on Financial Services of the House of Representa-
5 tives; and

6 (2) the Committee on Foreign Relations, the
7 Committee on Armed Services, the Select Committee
8 on Intelligence, the Committee on Banking, Hous-
9 ing, and Urban Affairs, the Committee on Com-
10 merce, Science, and Transportation, the Committee
11 on Homeland Security and Government Affairs, and
12 the Committee on the Judiciary of the Senate.

13 **SEC. 1260G. REPORT ON UNITED FRONT WORK DEPART-**
14 **MENT.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with the head of each relevant Federal de-
18 partment and agency, shall submit to the appropriate con-
19 gressional committees, an unclassified report, which may
20 include a classified annex, on the national security risks
21 posed by the United Front Work Department of the Chi-
22 nese Communist Party and affiliated organizations in the
23 United States and abroad that includes each of the fol-
24 lowing:

1 (1) A description of the extent to which the ac-
2 tivities of the United Front Work Department poses
3 a threat to the national defense and national secu-
4 rity of the United States.

5 (2) An evaluation of how the United Front
6 Work Department’s overseas activities support the
7 Chinese Communist Party’s strategy and goals
8 abroad.

9 (3) A description of known United Front Work
10 Department political influence operations.

11 (4) The strategy and capabilities of the United
12 States Government to detect, deter, counter, and
13 disrupt United Front Work Department influence
14 operations and activities in the United States and
15 other countries, consistent with the protection of the
16 civil rights, civil liberties, and privacy of all Ameri-
17 cans; and

18 (5) An evaluation of the actions the United
19 States Government should consider in response to
20 the activities of the United Front Work Department
21 in the United States and other countries.

22 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term “appropriate con-
24 gressional committees” means—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, the Committee on
3 Appropriations, and the Select Committee on Intel-
4 ligence of the Senate; and

5 (2) the Committee on Foreign Affairs, the
6 Committee on Armed Services, the Committee on
7 Appropriations, and the Permanent Select Com-
8 mittee on Intelligence of the House of Representa-
9 tives.

10 **SEC. 1260H. PUBLIC REPORTING OF CHINESE MILITARY**
11 **COMPANIES OPERATING IN THE UNITED**
12 **STATES.**

13 (a) DETERMINATION.—The Secretary of Defense
14 shall identify each entity the Secretary determines, based
15 on the most recent information available, is operating di-
16 rectly or indirectly in the United States or any of its terri-
17 tories and possessions, that is a Chinese military company.

18 (b) REPORTING AND PUBLICATION.—

19 (1) ANNUAL REPORT.—Not later than April 15,
20 2021, and annually thereafter until December 31,
21 2030, the Secretary shall submit to the Committees
22 on Armed Services of the Senate and the House of
23 Representatives a list of each entity identified pursu-
24 ant to subsection (a) to be a Chinese military com-
25 pany, in classified and unclassified forms, and shall

1 include in such submission, as applicable, an expla-
2 nation of any entities deleted from such list with re-
3 spect to a prior list.

4 (2) CONCURRENT PUBLICATION.—Concurrent
5 with the submission of each list described in para-
6 graph (1), the Secretary shall publish the unclassi-
7 fied portion of such list in the Federal Register.

8 (3) ONGOING REVISIONS.—The Secretary shall
9 make additions or deletions to the most recent list
10 submitted under paragraph (1) on an ongoing basis
11 based on the latest information available.

12 (c) CONSULTATION.—The Secretary may consult
13 with the head of any appropriate Federal department or
14 agency in making the determinations described in sub-
15 section (a) and shall transmit a copy of each list submitted
16 under subsection (b)(1) to the heads of each appropriate
17 Federal department and agency.

18 (d) DEFINITIONS.—In this section:

19 (1) CHINESE MILITARY COMPANY.—The term
20 “Chinese military company”—

21 (A) does not include natural persons; and

22 (B) means an entity that is—

23 (i)(I) directly or indirectly owned, con-
24 trolled, or beneficially owned by, or in an
25 official or unofficial capacity acting as an

1 agent of or on behalf of, the People's Lib-
2 eration Army or any other organization
3 subordinate to the Central Military Com-
4 mission of the Chinese Communist Party;
5 or

6 (II) identified as a military-civil
7 fusion contributor to the Chinese de-
8 fense industrial base; and

9 (ii) engaged in providing commercial
10 services, manufacturing, producing, or ex-
11 porting.

12 (2) MILITARY-CIVIL FUSION CONTRIBUTOR.—

13 The term “military-civil fusion contributor” includes
14 any of the following:

15 (A) Entities knowingly receiving assistance
16 from the Government of China or the Chinese
17 Communist Party through science and tech-
18 nology efforts initiated under the Chinese mili-
19 tary industrial planning apparatus.

20 (B) Entities affiliated with the Chinese
21 Ministry of Industry and Information Tech-
22 nology, including research partnerships and
23 projects.

24 (C) Entities receiving assistance, oper-
25 ational direction or policy guidance from the

1 State Administration for Science, Technology
2 and Industry for National Defense.

3 (D) Any entities or subsidiaries defined as
4 a “defense enterprise” by the State Council of
5 the People’s Republic of China.

6 (E) Entities residing in or affiliated with a
7 military-civil fusion enterprise zone or receiving
8 assistance from the Government of China
9 through such enterprise zone.

10 (F) Entities awarded with receipt of mili-
11 tary production licenses by the Government of
12 China, such as a Weapons and Equipment Re-
13 search and Production Unit Classified Quali-
14 fication Permit, Weapons and Equipment Re-
15 search and Production Certificate, Weapons
16 and Equipment Quality Management System
17 Certificate, or Equipment Manufacturing Unit
18 Qualification.

19 (G) Entities that advertise on national,
20 provincial, and non-governmental military
21 equipment procurement platforms in the Peo-
22 ple’s Republic of China.

23 (H) Any other entities the Secretary deter-
24 mines is appropriate.

1 (3) PEOPLE’S LIBERATION ARMY.—The term
2 “People’s Liberation Army” means the land, naval,
3 and air military services, the People’s Armed Police,
4 the Strategic Support Force, the Rocket Force, and
5 any other related security element within the Gov-
6 ernment of China or the Chinese Communist Party
7 that the Secretary determines is appropriate.

8 **SEC. 1260I. REPORT ON DIRECTED USE OF FISHING**
9 **FLEETS.**

10 (a) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Com-
12 mander of the Office of Naval Intelligence shall submit
13 to the appropriate congressional committees an unclassi-
14 fied report on the use of distant-water fishing fleets by
15 foreign governments as extensions of such countries’ offi-
16 cial maritime security forces, including the manner and
17 extent to which such fishing fleets are leveraged in support
18 of naval operations and foreign policy more generally. The
19 report shall also consider the threats, on a country-by-
20 country basis, posed by such use of distant-water fishing
21 fleets to—

22 (1) fishing or other vessels of the United States
23 and partner countries;

24 (2) United States and partner naval and coast
25 guard operations; and

1 (3) other interests of the United States and
2 partner countries.

3 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—For purposes of this section, the term “appro-
5 priate congressional committees” means—

6 (1) the congressional defense committees;

7 (2) the Committee on Foreign Relations and
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate; and

10 (3) the Committee on Foreign Affairs and the
11 Committee on Energy and Commerce of the House
12 of Representatives.

13 **Subtitle G—Sudan Democratic**
14 **Transition, Accountability, and**
15 **Fiscal Transparency Act of 2020**

16 **SEC. 1261. SHORT TITLE.**

17 This subtitle may be cited as the “Sudan Democratic
18 Transition, Accountability, and Fiscal Transparency Act
19 of 2020”.

20 **SEC. 1262. DEFINITIONS.**

21 Except as otherwise provided, in this subtitle:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Relations of
2 the Senate;

3 (B) the Committee on Appropriations of
4 the Senate;

5 (C) the Committee on Foreign Affairs of
6 the House of Representatives; and

7 (D) the Committee on Appropriations of
8 the House of Representatives.

9 (2) INTERNATIONAL FINANCIAL INSTITU-
10 TIONS.—The term “international financial institu-
11 tions” means—

12 (A) the International Monetary Fund;

13 (B) the International Bank for Recon-
14 struction and Development;

15 (C) the International Development Asso-
16 ciation;

17 (D) the International Finance Corporation;

18 (E) the Inter-American Development
19 Bank;

20 (F) the Asian Development Bank;

21 (G) the Inter-American Investment Cor-
22 poration;

23 (H) the African Development Bank;

24 (I) the European Bank for Reconstruction
25 and Development;

1 (J) the Multilateral Investment Guaranty
2 Agency; and

3 (K) any multilateral financial institution,
4 established after the date of the enactment of
5 this Act, that could provide financial assistance
6 to the Government of Sudan.

7 (3) SOVEREIGNTY COUNCIL.—The term “Sov-
8 ereignty Council” means the governing body of
9 Sudan during the transitional period that consists
10 of—

11 (A) 5 civilians selected by the Forces of
12 Freedom and Change;

13 (B) 5 members selected by the Transi-
14 tional Military Council; and

15 (C) 1 member selected by agreement be-
16 tween the Forces of Freedom and Change and
17 the Transitional Military Council.

18 (4) SUDANESE SECURITY AND INTELLIGENCE
19 SERVICES.—The term “Sudanese security and intel-
20 ligence services” means—

21 (A) the Sudan Armed Forces;

22 (B) the Rapid Support Forces,

23 (C) Sudan’s Popular Defense Forces and
24 other paramilitary units;

25 (D) Sudan’s police forces;

1 (E) the General Intelligence Service, pre-
2 viously known as the National Intelligence and
3 Security Services; and

4 (F) related entities, such as Sudan's Mili-
5 tary Industry Corporation.

6 (5) TRANSITIONAL PERIOD.—The term “transi-
7 tional period” means the 39-month period beginning
8 on August 17, 2019 (the date of the signing of Su-
9 dan's constitutional charter), during which—

10 (A) the members of the Sovereignty Coun-
11 cil described in paragraph (3)(B) select a chair
12 of the Council for the first 21 months of the pe-
13 riod; and

14 (B) the members of the Sovereignty Coun-
15 cil described in paragraph (3)(A) select a chair
16 of the Council for the remaining 18 months of
17 the period.

18 **SEC. 1263. STATEMENT OF POLICY.**

19 It is the policy of the United States—

20 (1) to support a civilian-led political transition
21 in Sudan that results in a democratic government,
22 which is accountable to its people, respects and pro-
23 motes human rights, is at peace internally and with
24 its neighbors, and can be a partner for regional sta-
25 bility;

1 (2) to support the implementation of Sudan's
2 constitutional charter for the transitional period; and

3 (3) to pursue a strategy of calibrated engage-
4 ment with Sudan that includes—

5 (A) facilitating an environment for free,
6 fair, and credible democratic elections and a
7 pluralistic and representative political system;

8 (B) supporting reforms that improve trans-
9 parency and accountability, remove restrictions
10 on civil and political liberties, and strengthen
11 the protection of human rights, including reli-
12 gious freedom;

13 (C) strengthening civilian institutions, ju-
14 dicial independence, and the rule of law;

15 (D) empowering civil society and inde-
16 pendent media;

17 (E) promoting national reconciliation and
18 enabling a just, comprehensive, and sustainable
19 peace;

20 (F) promoting the role of women in gov-
21 ernment, the economy, and society, in recogni-
22 tion of the seminal role that women played in
23 the social movement that ousted former presi-
24 dent Omar al-Bashir;

1 (G) promoting accountability for genocide,
2 war crimes, crimes against humanity, and sex-
3 ual and gender-based violence;

4 (H) encouraging the development of civil-
5 ian oversight over and professionalization of the
6 Sudanese security and intelligence services and
7 strengthening accountability for human rights
8 violations and abuses, corruption, or other
9 abuses of power;

10 (I) promoting economic reform, private
11 sector engagement, and inclusive economic de-
12 velopment while combating corruption and illicit
13 economic activity, including that which involves
14 the Sudanese security and intelligence services;

15 (J) securing unfettered humanitarian ac-
16 cess across all regions of Sudan;

17 (K) supporting improved development out-
18 comes, domestic resource mobilization, and
19 catalyzing market-based solutions to improve
20 access to health, education, water and sanita-
21 tion, and livelihoods; and

22 (L) promoting responsible international
23 and regional engagement.

1 **SEC. 1264. SUPPORT FOR DEMOCRATIC GOVERNANCE,**
2 **RULE OF LAW, HUMAN RIGHTS, AND FUNDA-**
3 **MENTAL FREEDOMS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the political transition in Sudan, following sev-
6 eral months of popular protests against the regime of
7 Omar al-Bashir, represents an opportunity for the United
8 States to support democracy, good governance, rule of law,
9 human rights, and fundamental freedoms in Sudan.

10 (b) IN GENERAL.—Notwithstanding any other provi-
11 sion of law (other than the Trafficking Victims Protection
12 Act of 2000 and the Child Soldiers Prevention Act of
13 2008), the President is authorized to provide assistance
14 under part I and chapter 4 of part II of the Foreign As-
15 sistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346
16 et seq.)—

17 (1) to provide for democracy and governance
18 programs that strengthen and build the capacity of
19 representative civilian government institutions, polit-
20 ical parties, and civil society in Sudan;

21 (2) to support the organization of free, fair, and
22 credible elections in Sudan;

23 (3) to provide technical support for legal and
24 policy reforms that improve transparency and ac-
25 countability and protect human rights, including re-
26 ligious freedom, and civil liberties in Sudan;

1 (4) to support human rights and fundamental
2 freedoms in Sudan, including the freedoms of—

3 (A) religion or belief;

4 (B) expression, including for members of
5 the press;

6 (C) assembly; and

7 (D) association;

8 (5) to support measures to improve and in-
9 crease women's participation in the political, eco-
10 nomic, and social sectors of Sudan; and

11 (6) to support other related democracy, good
12 governance, rule of law, and fundamental freedom
13 programs and activities.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
15 amounts authorized to be appropriated to carry out part
16 I and chapter 4 of part II of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
18 fiscal years 2021 and 2022, \$20,000,000 is authorized to
19 be appropriated for each such fiscal year to carry out this
20 section.

21 **SEC. 1265. SUPPORT FOR DEVELOPMENT PROGRAMS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law (other than the Trafficking Victims Protection
24 Act of 2000 and the Child Soldiers Prevention Act of
25 2008), the President is authorized to provide assistance

1 under part I and chapter 4 of part II of the Foreign As-
2 sistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346
3 et seq.) and under the Better Utilization of Investments
4 Leading to Development Act of 2018 (22 U.S.C. 9601 et
5 seq.) for programs in Sudan—

6 (1) to increase agricultural and livestock pro-
7 ductivity;

8 (2) to promote economic growth, increase pri-
9 vate sector productivity and advance market-based
10 solutions to address development challenges;

11 (3) to support women’s economic empowerment
12 and economic opportunities for youth and previously
13 marginalized populations;

14 (4) to improve equal access to quality basic
15 education;

16 (5) to support the capacity of universities to
17 equip students to participate in a pluralistic and
18 global society through virtual exchange and other
19 programs;

20 (6) to improve access to water, sanitation, and
21 hygiene projects;

22 (7) to build the capacity of national and sub-
23 national government officials to support the trans-
24 parent management of public resources, promote
25 good governance through combating corruption and

1 improving accountability, increase economic produc-
2 tivity, and increase domestic resource mobilization;
3 and

4 (8) to support other related economic assistance
5 programs and activities.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
7 amounts authorized to be appropriated to carry out part
8 I and chapter 4 of part II of the Foreign Assistance Act
9 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
10 fiscal years 2021 and 2022, \$80,000,000 is authorized to
11 be appropriated for each such fiscal year to carry out this
12 section.

13 **SEC. 1266. SUPPORT FOR CONFLICT MITIGATION.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law (other than the Trafficking Victims Protection
16 Act of 2000 and the Child Soldiers Prevention Act of
17 2008), the President is authorized to provide assistance
18 under part I and chapters 4, 5, and 6 of part II of the
19 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.,
20 2346 et seq., and 2348 et seq.)—

21 (1) to support long-term peace and stability in
22 Sudan by promoting national reconciliation and ena-
23 bling a just, comprehensive, and sustainable peace,
24 especially in regions that have been underdeveloped

1 or affected by war, such as the states of Darfur,
2 South Kordofan, Blue Nile, Red Sea, and Kassala;

3 (2) to support civil society and other organiza-
4 tions working to address conflict prevention, mitiga-
5 tion, and resolution mechanisms and people-to-peo-
6 ple reconciliation in Sudan, especially those address-
7 ing issues of marginalization and vulnerable groups,
8 equal protection under the law, natural resource
9 management, compensation and restoration of prop-
10 erty, voluntary return, and sustainable solutions for
11 displaced persons and refugees;

12 (3) to strengthen civilian oversight of the Suda-
13 nese security and intelligence services and ensure
14 that such services are not contributing to the perpet-
15 uation of conflict in Sudan and to the limitation of
16 the civil liberties of all people in Sudan;

17 (4) to assist in the human rights vetting and
18 professional training of security force personnel due
19 to be employed or deployed by the Sudanese security
20 and intelligence services in regions that have been
21 underdeveloped or affected by war, such as the
22 states of Darfur, South Kordofan, Blue Nile, Red
23 Sea, and Kassala, including members of any security
24 forces being established pursuant to a peace agree-
25 ment relating to such regions;

1 (5) to support provisions of the Comprehensive
2 Peace Agreement of 2005 and Abyei protocol, as ap-
3 propriate, unless otherwise superseded by a new
4 agreement signed in good faith—

5 (A) between stakeholders in this region
6 and the Governments of Sudan and South
7 Sudan to hold a free, fair, and credible ref-
8 erendum on the status of Abyei; and

9 (B) between stakeholders in this region
10 and the Government of Sudan to support pop-
11 ular consultations on the status of the states of
12 South Kordofan and Blue Nile; and

13 (6) to support other related conflict mitigation
14 programs and activities.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
16 amounts authorized to be appropriated to carry out part
17 I and chapters 4 and 6 of part II of the Foreign Assist-
18 ance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq.,
19 and 2348 et seq.) for fiscal years 2021 and 2022,
20 \$20,000,000 is authorized to be appropriated for each
21 such fiscal year to carry out this section.

1 **SEC. 1267. SUPPORT FOR ACCOUNTABILITY FOR WAR**
2 **CRIMES, CRIMES AGAINST HUMANITY, AND**
3 **GENOCIDE IN SUDAN.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the Secretary of State should conduct robust
6 diplomatic engagement to promote accountability and pro-
7 vide technical support to ensure that credible, transparent,
8 and independent investigations of gross violations of
9 human rights perpetrated by the Government of Sudan
10 under former President Omar al-Bashir and the Transi-
11 tional Military Council since June 30, 1989.

12 (b) IN GENERAL.—Notwithstanding any other provi-
13 sion of law (other than the Trafficking Victims Protection
14 Act of 2000 and the Child Soldiers Prevention Act of
15 2008), the President is authorized to provide assistance
16 under part I and chapter 4 of part II of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346
18 et seq.)—

19 (1) to build the capacity of civilian investigators
20 within and outside of Sudan on how to document,
21 investigate, develop findings of, identify, and locate
22 those responsible for war crimes, crimes against hu-
23 manity, or genocide in Sudan;

24 (2) to collect, document, and protect evidence of
25 war crimes, crimes against humanity, and genocide
26 in Sudan and preserve the chain of custody for such

1 evidence, including by providing support for Suda-
2 nese, foreign, and international nongovernmental or-
3 ganizations, and other entities engaged in such in-
4 vestigative activities;

5 (3) to build Sudan's judicial capacity to support
6 prosecutions in domestic courts and support inves-
7 tigations by hybrid or international courts as appro-
8 priate;

9 (4) to protect witnesses who participate in court
10 proceedings or other transitional justice mechanisms;
11 and

12 (5) to support other related conflict mitigation
13 programs and activities.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
15 amounts authorized to be appropriated to carry out part
16 I and chapter 4 of part II of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
18 fiscal years 2021 and 2022, \$10,000,000 is authorized to
19 be appropriated for each such fiscal year to carry out this
20 section.

21 **SEC. 1268. SUSPENSION OF ASSISTANCE.**

22 (a) IN GENERAL.—The President is authorized to
23 suspend the provision of assistance authorized under sec-
24 tion 1264, 1265, 1266, or 1267 to the Government of
25 Sudan if the President determines that conditions in

1 Sudan or the composition of the Government of Sudan
2 changes such that it is no longer in the United States na-
3 tional interest to continue to provide such assistance.

4 (b) REPORT.—Not later than 30 days after making
5 a determination under subsection (a), the President shall
6 submit to the appropriate congressional committees a re-
7 port that describes—

8 (1) the political and security conditions in
9 Sudan that led to such determination; and

10 (2) any planned diplomatic engagement to re-
11 start the provision of such assistance.

12 **SEC. 1269. MULTILATERAL ASSISTANCE.**

13 (a) SENSE OF THE CONGRESS.—It is the sense of the
14 Congress that—

15 (1) Sudan’s economic challenges are a legacy of
16 decades of kleptocracy, economic mismanagement,
17 and war;

18 (2) Sudan’s economic recovery will depend on—

19 (A) combating corruption and illicit eco-
20 nomic activity;

21 (B) ending internal conflicts in the states
22 of Darfur, South Kordofan, and Blue Nile; and

23 (C) promoting inclusive economic growth
24 and development; and

1 (3) the COVID–19 outbreak constitutes a grave
2 danger to Sudan’s economic stability, public health,
3 and food security and jeopardizes the transition to
4 a civilian-led government that promotes the demo-
5 cratic aspirations of the Sudanese people.

6 (b) RESPONDING TO THE COVID–19 OUTBREAK.—
7 During the transitional period, and notwithstanding any
8 other provision of law, the Secretary of the Treasury may
9 instruct the United States Executive Director at each
10 international financial institution to use the voice and vote
11 of the United States to support loans or other utilization
12 of the funds of the respective institution for Sudan for
13 the purpose of addressing basic human needs, responding
14 to the COVID–19 outbreak and its impact on the coun-
15 try’s economic stability, or promoting democracy, govern-
16 ance, or public financial management in Sudan.

17 (c) DEBT RELIEF.—Upon the removal of Sudan from
18 the State Sponsors of Terrorism List, and once the Sov-
19 ereignty Council is chaired by a civilian leader, the Sec-
20 retary of the Treasury and the Secretary of State should
21 engage with international financial institutions and other
22 bilateral official creditors to advance agreement through
23 the Heavily Indebted Poor Countries (HIPC) Initiative to
24 restructure, reschedule, or cancel the sovereign debt of
25 Sudan.

1 (d) REPORTING REQUIREMENT.—Not later than 3
2 months after the date of the enactment of this Act, and
3 not less frequently than once every 6 months thereafter
4 during the transitional period, the Secretary of the Treas-
5 ury, in consultation with the Secretary of State, shall re-
6 port to the appropriate congressional committees regard-
7 ing the extent to which the transitional government of
8 Sudan has taken demonstrable steps to strengthen govern-
9 ance and improve fiscal transparency, including—

10 (1) establishing civilian control over the fi-
11 nances and assets of the Sudanese security and in-
12 telligence services;

13 (2) developing a transparent budget that ac-
14 counts for all expenditures related to the security
15 and intelligence services;

16 (3) identifying the shareholdings in all public
17 and private companies not exclusively dedicated to
18 the national defense held or managed by the security
19 and intelligence services, and publicly disclosing,
20 evaluating, and transferring all such shareholdings
21 to the Ministry of Finance of the Government of
22 Sudan or to any specialized entity of the Govern-
23 ment of Sudan established under law for this pur-
24 pose, which is ultimately accountable to a civilian
25 authority;

1 (4) ceasing the involvement of the security and
2 intelligence services officials, and their immediate
3 family members, in the illicit trade in mineral re-
4 sources, including petroleum and gold;

5 (5) implementing a publicly transparent meth-
6 odology for the Government of Sudan to recover,
7 evaluate, hold, manage, or divest any state assets
8 and the profits derived from the assets that may
9 have been transferred to the National Congress
10 Party, an affiliate of the National Congress Party,
11 or an official of the National Congress Party in the
12 individual capacity of such an official;

13 (6) identifying and monitoring the nature and
14 purpose of offshore financial resources controlled by
15 the security and intelligence services; and

16 (7) strengthening banking regulation and su-
17 pervision and addressing anti-money laundering and
18 counter-terrorism financing deficiencies.

19 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—Notwithstanding section 1262, in this section,
21 the term “appropriate congressional committees”
22 means—

23 (1) the Committee on Foreign Relations of the
24 Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

3 (3) Committee on Foreign Affairs of the House
4 of Representatives;

5 (4) the Committee on Appropriations of the
6 House of Representatives; and

7 (5) the Committee on Financial Services of the
8 House of Representatives.

9 **SEC. 1270. COORDINATED SUPPORT TO RECOVER ASSETS**

10 **STOLEN FROM THE SUDANESE PEOPLE.**

11 The Secretary of State, in coordination with the Sec-
12 retary of the Treasury and the Attorney General, shall
13 seek to advance the efforts of the Government of Sudan
14 to recover assets stolen from the Sudanese people, includ-
15 ing with regard to international efforts—

16 (1) to identify and track assets taken from the
17 people and institutions of Sudan through theft, cor-
18 ruption, money laundering, or other illicit means;
19 and

20 (2) with respect to assets identified pursuant to
21 paragraph (1), to work with foreign governments
22 and international organizations—

23 (A) to share financial investigations intel-
24 ligence, as appropriate;

1 (B) to oversee and manage the assets iden-
2 tified pursuant to paragraph (1);

3 (C) to advance civil forfeiture litigation, as
4 appropriate, including providing technical as-
5 sistance to help governments establish the nec-
6 essary legal framework to carry out asset for-
7 feitures; and

8 (D) to work with the Government of Sudan
9 to ensure that a credible mechanism is estab-
10 lished to ensure that any recovered assets are
11 managed in a transparent and accountable
12 fashion and ultimately used for the benefit of
13 the Sudanese people, provided that—

14 (i) returned assets are not used for
15 partisan political purposes; and

16 (ii) there are robust financial manage-
17 ment and oversight measures to safeguard
18 repatriated assets.

19 **SEC. 1270A. LIMITATION ON ASSISTANCE TO THE SUDA-**
20 **NESE SECURITY AND INTELLIGENCE SERV-**
21 **ICES.**

22 (a) IN GENERAL.—The President may not provide
23 assistance (other than assistance authorized under section
24 1266) to the Sudanese security and intelligence services
25 until the President submits to Congress a certification

1 that the Government of Sudan has met the conditions de-
2 scribed in subsection (c).

3 (b) EXCEPTION; WAIVER.—

4 (1) EXCEPTION.—The Secretary of State may,
5 as appropriate and notwithstanding any other provi-
6 sion of law, provide assistance for the purpose of
7 professionalizing the Sudanese security and intel-
8 ligence services, through institutions such as the Af-
9 rica Center for Strategic Studies and the United
10 States Institute of Peace.

11 (2) WAIVER.—The President may waive the
12 limitation on the provision of assistance under sub-
13 section (a) if, not later than 30 days before the as-
14 sistance is to be provided, the President submits to
15 the appropriate congressional committees—

16 (A) a list of the activities and participants
17 to which such waiver would apply;

18 (B) a justification that the waiver is in the
19 national security interest of the United States;
20 and

21 (C) a certification that the participants
22 have met the requirements of either section
23 620M of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2378d) for programs funded
25 through Department of State appropriations or

1 section 362 of title 10, United States Code, for
2 programs funded through Department of De-
3 fense appropriations.

4 (c) CONDITIONS.—

5 (1) IN GENERAL.—The conditions described in
6 this subsection are that the Sudanese security and
7 intelligence services—

8 (A) have demonstrated progress in under-
9 taking security sector reform, including reforms
10 that professionalize such security and intel-
11 ligence services, improve transparency, and re-
12 forms to the laws governing the Sudanese secu-
13 rity forces, such as of the National Security
14 Act, 2010 and the Armed Forces Act, 2007;

15 (B) support efforts to respect human
16 rights, including religious freedom, and hold ac-
17 countable any members of such security and in-
18 telligence services responsible for human rights
19 violations and abuses, including by taking de-
20 monstrable steps to cooperate with local or
21 international mechanisms of accountability, to
22 ensure that those responsible for war crimes,
23 crimes against humanity, and genocide com-
24 mitted in Sudan are brought to justice;

1 (C) are under civilian oversight, subject to
2 the rule of law, and are not undertaking actions
3 to undermine a civilian-led transitional govern-
4 ment or an elected civilian government;

5 (D) have refrained from targeted attacks
6 against religious or ethnic minority groups,
7 have negotiated in good faith during the peace
8 process and constructively participated in the
9 implementation of any resulting peace agree-
10 ments, and do not impede inclusive political
11 participation;

12 (E) allow unfettered humanitarian access
13 by United Nations organizations and specialized
14 agencies and domestic and international hu-
15 manitarian organizations to civilian populations
16 in conflict-affected areas;

17 (F) cooperate with the United Nations
18 High Commissioner for Refugees and organiza-
19 tions affiliated with the United Nations to allow
20 for the protection of displaced persons and the
21 safe, voluntary, sustainable, and dignified re-
22 turn of refugees and internally displaced per-
23 sons; and

24 (G) take constructive steps to investigate
25 all reports of unlawful recruitment of children

1 by Sudanese security forces and prosecute those
2 found to be responsible.

3 (2) FORM.—The certification described in sub-
4 section (a) containing the conditions described in
5 paragraph (1) shall be submitted in unclassified
6 form, but may include a classified annex.

7 (d) SUNSET.—This section shall terminate on the
8 date that is the earlier of—

9 (1) the date that is 2 years after the date of the
10 enactment of this Act; or

11 (2) the date on which the President determines
12 that a successful rotation of military to civilian lead-
13 ership in the Sovereignty Council has occurred.

14 **SEC. 1270B. REPORTS.**

15 (a) REPORT ON ACCOUNTABILITY FOR HUMAN
16 RIGHTS ABUSES.—Not later than 180 days after the date
17 of the enactment of this Act, and annually thereafter for
18 2 years, the President shall submit a report to the appro-
19 priate congressional committees that—

20 (1) summarizes reports of gross violations of
21 human rights, including sexual and gender-based vi-
22 olence, committed against civilians in Sudan, includ-
23 ing members of the Sudanese security and intel-
24 ligence services or any associated militias, between

1 December 2018 and the date of the submission of
2 the report;

3 (2) provides an update on any potential transi-
4 tional justice mechanisms in Sudan to investigate,
5 charge, and prosecute alleged perpetrators of gross
6 violations of human rights in Sudan since June 30,
7 1989, including with respect to the June 3, 2019
8 massacre in Khartoum;

9 (3) provides an analysis of whether the gross
10 violations of human rights summarized pursuant to
11 paragraph (1) amount to war crimes, crimes against
12 humanity, or genocide; and

13 (4) identifies specific cases since the beginning
14 of the transitional period in which members of the
15 Sudanese security and intelligence services have been
16 charged and prosecuted for actions that constitute
17 gross violations of human rights perpetrated since
18 June 30, 1989.

19 (b) REPORT ON CERTAIN ACTIVITIES AND FINANCES
20 OF SENIOR OFFICIALS OF THE GOVERNMENT OF
21 SUDAN.—Not later than 180 days after the date of the
22 enactment of this Act, and 1 year thereafter, the President
23 shall submit a report to the appropriate congressional
24 committees that—

1 (1) describes the actions and involvement of any
2 previous or current senior officials of the Govern-
3 ment of Sudan since the establishment of the transi-
4 tional government in August 2019 in—

5 (A) directing, carrying out, or overseeing
6 gross violations of human rights;

7 (B) directing, carrying out, or overseeing
8 the unlawful use or recruitment of children by
9 armed groups or armed forces in the context of
10 conflicts in Sudan, Libya, Yemen, or other
11 countries;

12 (C) directing, carrying out, or colluding in
13 significant acts of corruption;

14 (D) directing, carrying out, or overseeing
15 any efforts to circumvent the establishment of
16 civilian control over the finances and assets of
17 the Sudanese security and intelligence services;
18 or

19 (E) facilitating, supporting, or financing
20 terrorist activity in Sudan or other countries;

21 (2) identifies Sudanese and foreign financial in-
22 stitutions, including offshore financial institutions,
23 in which senior officials of the Government of Sudan
24 whose actions are described in paragraph (1) hold

1 significant assets, and provides an estimate of the
2 value of such assets;

3 (3) identifies any information United States
4 Government agencies have obtained since August
5 2019 regarding persons, foreign governments, and
6 Sudanese or foreign financial institutions that know-
7 ingly facilitate, finance, or otherwise benefit from
8 corruption or illicit economic activity in Sudan, in-
9 cluding the export of mineral resources, and, in par-
10 ticular, if that trade is violating any United States
11 restrictions that remain in place by legislation or
12 Executive order;

13 (4) identifies any information United States
14 Government agencies have obtained since August
15 2019 regarding senior officials of the Government of
16 Sudan who are personally involved in the illicit trade
17 in mineral resources, including petroleum and gold;
18 and

19 (5) identifies any information United States
20 Government agencies have obtained since August
21 2019 regarding individuals or foreign governments
22 that have provided funds to individual members of
23 the Sovereignty Council or the Cabinet outside of
24 the Central Bank of Sudan or the Ministry of Fi-
25 nance.

1 (c) REPORT ON SANCTIONS PURSUANT TO EXECU-
2 TIVE ORDER NO. 13400.—Not later than 180 days after
3 the date of the enactment of this Act, the President shall
4 submit a report to the appropriate congressional commit-
5 tees that identifies the senior Sudanese government offi-
6 cials that President determines meet the criteria to be
7 sanctionable pursuant to Executive Order No. 13400 (71
8 Fed. Reg. 25483; relating to blocking property of persons
9 in connection with the conflict in Sudan’s Darfur region).

10 (d) FORM.—The reports required under subsections
11 (b) and (c) shall be submitted in unclassified form, but
12 may include a classified annex.

13 **SEC. 1270C. UNITED STATES STRATEGY FOR SUPPORT TO A**
14 **CIVILIAN-LED GOVERNMENT IN SUDAN.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of State,
17 in coordination with the Administrator of the United
18 States Agency for International Development and the Sec-
19 retary of the Treasury, shall submit a strategy to the ap-
20 propriate congressional committees that includes—

21 (1) a clear articulation of specific United States
22 goals and objectives with respect to a successful
23 completion of the transitional period and a plan to
24 achieve such goals and objectives;

1 (2) a description of assistance and diplomatic
2 engagement to support a civilian-led government in
3 Sudan for the remainder of the transitional period,
4 including any possible support for the organization
5 of free, fair, and credible elections;

6 (3) an assessment of the legal and policy re-
7 forms that have been and need to be taken by the
8 government in Sudan during the transitional period
9 in order to promote—

10 (A) human rights;

11 (B) freedom of religion, speech, press, as-
12 sembly, and association; and

13 (C) accountability for human rights
14 abuses, including for sexual and gender-based
15 violence perpetrated by members of the Suda-
16 nese security and intelligence services;

17 (4) a description of efforts to address the legal
18 and policy reforms mentioned in paragraph (3);

19 (5) a description of humanitarian and develop-
20 ment assistance to Sudan and a plan for coordi-
21 nating such assistance with international donors, re-
22 gional partners, and local partners;

23 (6) a description of monitoring and evaluation
24 plans for all forms of assistance to be provided
25 under the strategy in accordance with the moni-

1 toring and evaluation requirements of section 4 of
2 the Foreign Aid Transparency and Accountability
3 Act of 2016 (Public Law 114–191), including a de-
4 tailed description of all associated goals and bench-
5 marks for measuring impact; and

6 (7) an assessment of security sector reforms
7 undertaken by the Government of Sudan, including
8 efforts to demobilize or integrate militias and to fos-
9 ter civilian control of the armed services.

10 (b) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, the Secretary of State, in
12 coordination with the Administrator of the United States
13 Agency for International Development and the Secretary
14 of the Treasury, shall submit a report to the appropriate
15 congressional committees that includes—

16 (1) a detailed description of the efforts taken to
17 implement this subtitle; and

18 (2) recommendations for legislative or adminis-
19 trative measures to facilitate the implementation of
20 this subtitle.

21 **SEC. 1270D. AMENDMENTS TO THE DARFUR PEACE AND AC-**
22 **COUNTABILITY ACT OF 2006.**

23 Section 8(c)(1) of the Darfur Peace and Account-
24 ability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701
25 note) is amended by striking “Southern Sudan,” and all

1 that following through “Khartoum,” and inserting
2 “Sudan”.

3 **SEC. 1270E. REPEAL OF SUDAN PEACE ACT AND THE COM-**
4 **PREHENSIVE PEACE IN SUDAN ACT.**

5 (a) SUDAN PEACE ACT.—Effective January 1, 2020,
6 the Sudan Peace Act (Public Law 107–245; 50 U.S.C.
7 1701 note) is repealed.

8 (b) COMPREHENSIVE PEACE IN SUDAN ACT.—Effec-
9 tive January 1, 2020, the Comprehensive Peace in Sudan
10 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)
11 is repealed.

12 **Subtitle H—United States Israel**
13 **Security Assistance Authoriza-**
14 **tion Act of 2020**

15 **SEC. 1271. SHORT TITLE.**

16 This subtitle may be cited as the “United States-
17 Israel Security Assistance Authorization Act of 2020”.

18 **SEC. 1272. SENSE OF CONGRESS ON UNITED STATES-**
19 **ISRAEL RELATIONSHIP.**

20 It is the sense of Congress that—

21 (1) the strong and enduring relationship be-
22 tween the United States and Israel is in the national
23 security interests of both countries;

24 (2) the United States should continue to pro-
25 vide assistance to the Government of Israel for the

1 development and acquisition of the advanced capa-
2 bilities that Israel requires to meet its security needs
3 and to enhance United States capabilities;

4 (3) such assistance is critical as Israel con-
5 fronts a number of security challenges, including
6 continuing threats from Iran;

7 (4) the memorandum of understanding signed
8 by the United States and Israel on September 14,
9 2016, including the provisions of the memorandum
10 relating to missile and rocket defense cooperation,
11 continues to be a critical component of the bilateral
12 relationship; and

13 (5) science and technology innovations present
14 promising new opportunities for future United
15 States-Israel economic and security cooperation.

16 **SEC. 1273. SECURITY ASSISTANCE FOR ISRAEL.**

17 Section 513(c) of the Security Assistance Act of 2000
18 (Public Law 106–280; 114 Stat. 856) is amended—

19 (1) in paragraph (1), by striking “2002 and
20 2003” and inserting “2021, 2022, 2023, 2024,
21 2025, 2026, 2027, and 2028”; and

22 (2) in paragraph (2), by striking “equal to—”
23 and all that follows and inserting “not less than
24 \$3,300,000,000.”.

1 **SEC. 1274. EXTENSION OF WAR RESERVES STOCKPILE AU-**
2 **THORITY.**

3 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS
4 ACT, 2005.—Section 12001(d) of the Department of De-
5 fense Appropriations Act, 2005 (Public Law 108–287;
6 118 Stat. 1011) is amended by striking “September 30,
7 2020” and inserting “after September 30, 2025”.

8 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
9 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
10 U.S.C. 2321h(b)(2)(A)) is amended by striking “2013,
11 2014, 2015, 2016, 2017, 2018, 2019, and 2020” and in-
12 serting “2021, 2022, 2023, 2024, and 2025”.

13 **SEC. 1275. RULES GOVERNING THE TRANSFER OF PRECI-**
14 **SION-GUIDED MUNITIONS TO ISRAEL ABOVE**
15 **THE ANNUAL RESTRICTION.**

16 (a) IN GENERAL.—Notwithstanding section 514(b)
17 of the Foreign Assistance Act of 1961 (22 U.S.C.
18 2321h(b)), and subject to subsections (b) and (c) of this
19 section, the President, acting through the Secretary of De-
20 fense and with the concurrence of the Secretary of State,
21 is authorized to transfer to Israel precision-guided muni-
22 tions from reserve stocks, including the War Reserve
23 Stockpile for Allies-Israel, consistent with—

24 (1) all other requirements set forth in the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2151 et
26 seq.); and

1 (2) the requirements set forth in the Arms Ex-
2 port Control Act (22 U.S.C. 2751 et seq.).

3 (b) CONDITIONS.—Except in the case of an emer-
4 gency, as determined by the President, a transfer under
5 subsection (a) of this section may only occur if the trans-
6 fer—

7 (1) does not affect the ability of the United
8 States to maintain a sufficient supply of precision-
9 guided munitions to satisfy United States
10 warfighting requirements;

11 (2) does not harm the combat readiness of the
12 United States;

13 (3) does not affect the ability of the United
14 States to meet its commitments to allies with respect
15 to the transfer of precision-guided munitions; and

16 (4) is in the national security interest of the
17 United States.

18 (c) CERTIFICATION.—

19 (1) IN GENERAL.—Except in the case of an
20 emergency, as determined by the President, not later
21 than 15 days before making a transfer under sub-
22 section (a) of this section, the Secretary of Defense,
23 with the concurrence of the Secretary of State, shall
24 certify to the appropriate congressional committees

1 that the transfer meets the conditions specified in
2 subsection (b) of this section.

3 (2) EMERGENCIES.—In the case of an emer-
4 gency, as determined by the President, not later
5 than 5 days after making a transfer under sub-
6 section (a) of this section, the President shall—

7 (A) certify to the appropriate congressional
8 committees that the transfer supports the na-
9 tional security interests of the United States;
10 and

11 (B) provide to the appropriate committees
12 of Congress an assessment of the impacts,
13 risks, and mitigation measures with respect to
14 the matters referred to in paragraphs (1)
15 through (4) of subsection (b) of this section.

16 (d) ASSESSMENT.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall conduct an assessment with respect to the fol-
19 lowing matters:

20 (A) The current quantity and type of pre-
21 cision-guided munitions in the stockpile pursu-
22 ant to section 12001(d) of the Department of
23 Defense Appropriations Act, 2005 (Public Law
24 108–287; 118 Stat. 1011), as amended.

1 (B) The quantity and type of precision-
2 guided munitions necessary for Israel to combat
3 Hezbollah and hostile forces that threaten
4 Israel.

5 (C) The quantity and type of precision-
6 guided munitions necessary for Israel in the
7 event of a sustained armed confrontation with
8 other armed groups and terrorist organizations.

9 (D) The current United States inventory
10 of precision-guided munitions of the type speci-
11 fied in subparagraphs (A), (B), and (C) and
12 ability of that inventory to meet requirements
13 of current Operation Plans.

14 (E) Department of Defense efforts to ex-
15 pand precision-guided munitions production and
16 stockpiles to meet operational requirements.

17 (F) Israel's efforts to expand precision-
18 guided munitions production and stockpiles to
19 meet operational requirements.

20 (2) REPORT.—

21 (A) IN GENERAL.—Not later than 180
22 days after the date of the enactment of this
23 Act, the Secretary of Defense shall submit to
24 the appropriate congressional committees a re-
25 port on the results of the assessment required

1 by paragraph (1), including a description of
2 such results with respect to each matter de-
3 scribed in that paragraph.

4 (B) FORM.—The report required by sub-
5 paragraph (A) shall be submitted in classified
6 form.

7 (e) TERMINATION.—The authority of the President
8 to transfer precision-guided munitions under this section
9 shall terminate on the date that is three years after the
10 date of the enactment of this Act.

11 **SEC. 1276. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
12 **TRADE AUTHORIZATION EXCEPTION TO CER-**
13 **TAIN EXPORT CONTROL LICENSING RE-**
14 **QUIREMENTS.**

15 Not later than 120 days after the date of the enact-
16 ment of this Act, the Secretary of State shall brief the
17 appropriate congressional committees by describing the
18 steps taken to include Israel in the list of countries eligible
19 for the strategic trade authorization exception under sec-
20 tion 740.20(c)(1) of title 15, Code of Federal Regulations,
21 as required under section 6(b) of the United States-Israel
22 Strategic Partnership Act of 2014 (Public Law 113–296;
23 128 Stat. 4076; 22 U.S.C. 8603 note).

1 **SEC. 1277. UNITED STATES AGENCY FOR INTERNATIONAL**
2 **DEVELOPMENT MEMORANDA OF UNDER-**
3 **STANDING TO ENHANCE COOPERATION WITH**
4 **ISRAEL.**

5 The Secretary of State, acting through the Adminis-
6 trator of the United States Agency for International De-
7 velopment, may enter into memoranda of understanding
8 with Israel to advance common goals on energy, agri-
9 culture, food security, democracy, human rights, govern-
10 ance, economic growth, trade, education, environment,
11 global health, water, and sanitation, with a focus on
12 strengthening mutual ties and cooperation with nations
13 throughout the world.

14 **SEC. 1278. COOPERATIVE PROJECTS AMONG THE UNITED**
15 **STATES, ISRAEL, AND DEVELOPING COUN-**
16 **TRIES.**

17 Section 106 of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2151d) is amended by striking subsections (e)
19 and (f) and inserting the following:

20 “(e) There is authorized to be appropriated
21 \$2,000,000 for fiscal years 2021 through 2023 to finance
22 cooperative projects among the United States, Israel, and
23 developing countries that identify and support local solu-
24 tions to address sustainability challenges relating to water
25 resources, agriculture, and energy storage, including—

26 “(1) establishing public-private partnerships;

1 “(2) supporting the identification, research, de-
2 velopment testing, and scaling of innovations that
3 focus on populations that are vulnerable to environ-
4 mental and resource-scarcity crises, such as subsist-
5 ence farming communities;

6 “(3) seed or transition-to-scale funding;

7 “(4) clear and appropriate branding and mark-
8 ing of United States funded assistance, in accord-
9 ance with section 641; and

10 “(5) accelerating demonstrations or applications
11 of local solutions to sustainability challenges, or the
12 further refinement, testing, or implementation of in-
13 novations that have previously effectively addressed
14 sustainability challenges.”.

15 **SEC. 1279. JOINT COOPERATIVE PROGRAM RELATED TO IN-**
16 **NOVATION AND HIGH-TECH FOR THE MIDDLE**
17 **EAST REGION.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the United States should help foster co-
21 operation in the Middle East region by financing
22 and, as appropriate, cooperating in projects related
23 to innovation and advanced technologies; and

24 (2) projects referred to in paragraph (1)
25 should—

1 (A) contribute to development and the
2 quality of life in the Middle East region
3 through the application of research and ad-
4 vanced technology; and

5 (B) contribute to Arab-Israeli cooperation
6 by establishing strong working relationships
7 that last beyond the life of such projects.

8 (b) ESTABLISHMENT.—The Secretary of State, act-
9 ing through the Administrator of the United States Agen-
10 cy for International Development, is authorized to seek to
11 establish a program between the United States and appro-
12 priate regional partners to provide for cooperation in the
13 Middle East region by supporting projects related to inno-
14 vation and advanced technologies.

15 (c) PROJECT REQUIREMENTS.—Each project carried
16 out under the program established pursuant to subsection
17 (b)—

18 (1) shall include the participation of at least
19 one entity from Israel and one entity from another
20 regional partner; and

21 (2) shall be conducted in a manner that appro-
22 priately protects sensitive information, intellectual
23 property, the national security interests of the
24 United States, and the national security interests of
25 Israel.

1 **SEC. 1280. COOPERATION ON DIRECTED ENERGY CAPABILI-**
2 **TIES.**

3 (a) REPORT.—Not later than March 15, 2021, the
4 Secretary of Defense, with the concurrence of the Sec-
5 retary of State, shall submit to the appropriate congres-
6 sional committees a report on potential areas for directed
7 energy cooperation.

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

10 (1) A description of any science and technology
11 effort or research, development, test, and evaluation
12 effort associated with directed energy.

13 (2) A description of activities or efforts rec-
14 ommended for potential defense cooperation activi-
15 ties associated with directed energy between the
16 United States and Israel in support of development
17 of military capabilities of mutual benefit.

18 (3) A description of any obstacle or challenge
19 associated with an effort described under paragraph
20 (2) and recommendations to address such obstacle
21 or challenge.

22 (4) A description of any authority or authoriza-
23 tion of appropriations required for the execution of
24 efforts described under paragraph (2).

25 (c) FORM.—The report required by subsection (a)
26 shall be submitted in unclassified form but may contain

1 a classified annex, as determined necessary by the Sec-
2 retary of Defense.

3 (d) PROGRAM AUTHORITY.—If recommended as a re-
4 sult of the report required by subsection (a), the Secretary
5 of Defense, with the concurrence of the Secretary of State,
6 may establish a program to carry out research, develop-
7 ment, test, and evaluation activities, on a joint basis with
8 Israel, to promote directed energy capabilities of mutual
9 benefit to both the United States and Israel that address
10 threats to the United States, deployed forces of the United
11 States, and Israel. Any activities carried out under this
12 subsection shall be conducted in a manner that appro-
13 priately protects sensitive information, intellectual prop-
14 erty, the national security interests of the United States,
15 and the national security interests of Israel. Any such pro-
16 gram shall take into consideration the recommendations
17 of the United States-Israel Defense Acquisition Advisory
18 Group.

19 **SEC. 1280A. OTHER MATTERS OF COOPERATION.**

20 (a) IN GENERAL.—Activities authorized under this
21 section shall be carried out with the concurrence of the
22 Secretary of State and aligned with the National Security
23 Strategy of the United States, the United States Govern-
24 ment Global Health Security Strategy, the Department of
25 State Integrated Country Strategies, the USAID Country

1 Development Cooperation Strategies, and any equivalent
2 or successor plans or strategies, as necessary and appro-
3 priate.

4 (b) DEVELOPMENT OF HEALTH TECHNOLOGIES.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated to the Secretary of Health and Human
7 Services \$4,000,000 for fiscal years 2021 through
8 2023 for a bilateral cooperative program with the
9 Government of Israel that awards grants for the de-
10 velopment of health technologies, which may include
11 health technologies listed in paragraph (2), subject
12 to paragraph (3), with an emphasis on collabo-
13 ratively advancing the use of technology and person-
14 alized medicine in relation to COVID–19.

15 (2) TYPES OF HEALTH TECHNOLOGIES.—The
16 health technologies described in this paragraph are
17 technologies such as, drugs and vaccines, ventilators,
18 diagnostic tests, and technologies to facilitate tele-
19 medicine.

20 (3) RESTRICTIONS ON FUNDING.—Amounts ap-
21 propriated pursuant to paragraph (1) are subject to
22 a matching contribution from the Government of
23 Israel.

24 (4) OPTION FOR ESTABLISHING NEW PRO-
25 GRAM.—Amounts appropriated pursuant to para-

1 graph (1) may be expended for a bilateral program
2 with the Government of Israel that—

3 (A) is in existence on the day before the
4 date of the enactment of this Act for the pur-
5 poses described in paragraph (1); or

6 (B) is established after the date of the en-
7 actment of this Act by the Secretary of Health
8 and Human Services, in consultation with the
9 Secretary of State, in accordance with the
10 Agreement between the Government of the
11 United States of America and the Government
12 of the State of Israel on Cooperation in Science
13 and Technology for Homeland Security Mat-
14 ters, done at Jerusalem May 29, 2008 (or a
15 successor agreement), for the purposes de-
16 scribed in paragraph (1).

17 (5) PUBLIC AVAILABILITY.—The Secretary
18 shall require, as a condition of any grant awarded
19 under this subsection, that all research publications
20 and results of such research, including basic and ap-
21 plied research, shall be made publicly available on
22 the website of the Department of Health and
23 Human Services.

24 (c) COORDINATOR OF UNITED STATES–ISRAEL RE-
25 SEARCH AND DEVELOPMENT.—

1 (1) IN GENERAL.—The President may des-
2 ignate the Assistant Secretary of State for the Bu-
3 reau of Oceans and International Environmental and
4 Scientific Affairs, or another appropriate Depart-
5 ment of State official, to act as Coordinator of
6 United States-Israel Research and Development (re-
7 ferred to in this subsection as the “Coordinator”).

8 (2) AUTHORITIES AND DUTIES.—The Coordi-
9 nator, in conjunction with the heads of relevant Fed-
10 eral Government departments and agencies and in
11 coordination with the Israel Innovation Authority,
12 may oversee civilian science and technology pro-
13 grams on a joint basis with Israel.

14 (d) OFFICE OF GLOBAL POLICY AND STRATEGY OF
15 THE FOOD AND DRUG ADMINISTRATION.—

16 (1) IN GENERAL.—It is the sense of Congress
17 that the Commissioner of the Food and Drug Ad-
18 ministration should seek to explore collaboration
19 with Israel through the Office of Global Policy and
20 Strategy.

21 (2) REPORT.—Not later than one year after the
22 date of the enactment of this Act, the Commissioner,
23 acting through the head of the Office of Global Pol-
24 icy and Strategy, shall submit a report describing
25 the benefits to the United States and to Israel of

1 opening an office in Israel for the Office of Global
2 Policy and Strategy to—

3 (A) the Committee on Foreign Relations of
4 the Senate;

5 (B) the Committee on Health, Education,
6 Labor, and Pensions of the Senate;

7 (C) the Committee on Foreign Affairs of
8 the House of Representatives; and

9 (D) the Committee on Energy and Com-
10 merce of the House of Representatives.

11 (e) UNITED STATES–ISRAEL ENERGY CENTER.—

12 There is authorized to be appropriated to the Secretary
13 of Energy \$4,000,000 for fiscal year 2021 to carry out
14 the activities of the United States-Israel Energy Center
15 established pursuant to section 917(d) of the Energy Inde-
16 pendence and Security Act of 2007 (42 U.S.C. 17337(d)).

17 (f) UNITED STATES–ISRAEL BINATIONAL INDUS-
18 TRIAL RESEARCH AND DEVELOPMENT FOUNDATION.—It

19 is the sense of Congress that grants to promote covered
20 energy projects conducted by, or in conjunction with, the
21 United States-Israel Binational Industrial Research and
22 Development Foundation should be funded at not less
23 than \$2,000,000 annually under section 917(b) of the En-
24 ergy Independence and Security Act of 2007 (42 U.S.C.
25 17337(b)).

1 (g) UNITED STATES–ISRAEL COOPERATION ON EN-
2 ERGY, WATER, HOMELAND SECURITY, AGRICULTURE,
3 AND ALTERNATIVE FUEL TECHNOLOGIES.—Section 7 of
4 the United States-Israel Strategic Partnership Act of
5 2014 (22 U.S.C. 8606) is amended by adding at the end
6 the following:

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$2,000,000 for fiscal year 2021.”.

10 (h) ANNUAL POLICY DIALOGUE.—It is the sense of
11 Congress that the Department of Transportation and
12 Israel’s Ministry of Transportation should engage in an
13 annual policy dialogue to implement the 2016 Memo-
14 randum of Cooperation signed by the Secretary of Trans-
15 portation and the Israeli Minister of Transportation.

16 (i) COOPERATION ON SPACE EXPLORATION AND
17 SCIENCE INITIATIVES.—The Administrator of the Na-
18 tional Aeronautics and Space Administration shall con-
19 tinue to work with the Israel Space Agency to identify and
20 cooperatively pursue peaceful space exploration and
21 science initiatives in areas of mutual interest, taking all
22 appropriate measures to protect sensitive information, in-
23 tellectual property, trade secrets, and economic interests
24 of the United States.

1 (j) RESEARCH AND DEVELOPMENT COOPERATION
2 RELATING TO DESALINATION TECHNOLOGY.—Not later
3 than one year after the date of the enactment of this Act,
4 the Director of the Office of Science and Technology Pol-
5 icy shall submit a report that describes research and devel-
6 opment cooperation with international partners, such as
7 the State of Israel, in the area of desalination technology
8 in accordance with section 9(b)(3) of the Water Desalina-
9 tion Act of 1996 (42 U.S.C. 10301 note) to—

10 (1) the Committee on Foreign Relations of the
11 Senate;

12 (2) the Committee on Energy and Natural Re-
13 sources of the Senate;

14 (3) the Committee on Foreign Affairs of the
15 House of Representatives; and

16 (4) the Committee on Natural Resources of the
17 House of Representatives.

18 (k) RESEARCH AND TREATMENT OF
19 POSTTRAUMATIC STRESS DISORDER.—It is the sense of
20 Congress that the Secretary of Veterans Affairs should
21 seek to explore collaboration between the Mental Illness
22 Research, Education and Clinical Centers of Excellence
23 and Israeli institutions with expertise in researching and
24 treating posttraumatic stress disorder.

1 **SEC. 1280B. APPROPRIATE CONGRESSIONAL COMMITTEES**

2 **DEFINED.**

3 In this subtitle, the term “appropriate congressional
4 committees” means—

5 (1) the Committee on Foreign Relations and
6 the Committee on Armed Services of the Senate; and

7 (2) the Committee on Foreign Affairs and the
8 Committee on Armed Services of the House of Rep-
9 resentatives.

10 **Subtitle I—Global Child Thrive Act**
11 **of 2020**

12 **SEC. 1281. SHORT TITLE.**

13 This subtitle may be cited as the “Global Child
14 Thrive Act of 2020”.

15 **SEC. 1282. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the United States Government should con-
18 tinue efforts to reduce child mortality rates and in-
19 crease attention on prevention efforts and early
20 childhood development outcomes;

21 (2) investments in early childhood development
22 ensure healthy and well-developed future generations
23 that contribute to a country’s stability, security and
24 economic prosperity;

25 (3) efforts to provide training and education on
26 nurturing care could result in improved early child-

1 hood development outcomes and support healthy
2 brain development; and

3 (4) integration and cross-sector coordination of
4 early childhood development programs is critical to
5 ensure the efficiency, effectiveness, and continued
6 implementation of such programs.

7 **SEC. 1283. ASSISTANCE TO IMPROVE EARLY CHILDHOOD**
8 **OUTCOMES GLOBALLY.**

9 (a) AUTHORIZATION OF ASSISTANCE.—Amounts au-
10 thorized to be appropriated or otherwise made available
11 to carry out section 135 in chapter 1 of part 1 of the
12 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
13 for each of the fiscal years 2021 through 2025 are author-
14 ized to be made available to support early childhood devel-
15 opment activities in conjunction with relevant, existing
16 programming, such as water, sanitation and hygiene, ma-
17 ternal and child health, basic education, nutrition and
18 child protection.

19 (b) ASSISTANCE TO IMPROVE EARLY CHILDHOOD
20 OUTCOMES GLOBALLY.—Chapter 1 of part I of the For-
21 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
22 amended by adding at the end the following:

23 **“SEC. 137. ASSISTANCE TO IMPROVE EARLY CHILDHOOD**
24 **OUTCOMES GLOBALLY.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means—

4 “(A) the Committee on Appropriations of
5 the Senate;

6 “(B) the Committee on Foreign Relations
7 of the Senate;

8 “(C) the Committee on Appropriations of
9 the House of Representatives; and

10 “(D) the Committee on Foreign Affairs of
11 the House of Representatives.

12 “(2) EARLY CHILDHOOD DEVELOPMENT.—The
13 term ‘early childhood development’ means the devel-
14 opment and learning of a child younger than 8 years
15 of age, including physical, cognitive, social, and emo-
16 tional development and approaches to learning that
17 allow a child to reach his or her full developmental
18 potential.

19 “(3) EARLY CHILDHOOD DEVELOPMENT PRO-
20 GRAM.—The term ‘early childhood development pro-
21 gram’ means a program that seeks to ensure that
22 every child has the conditions for healthy growth,
23 nurturing family-based care, development and learn-
24 ing, and protection from violence, exploitation,
25 abuse, and neglect, which may include—

1 “(A) a health, safe water, sanitation, and
2 hygiene program that serves pregnant women,
3 children younger than 5 years of age, and the
4 parents of such children;

5 “(B) a nutrition program, combined with
6 stimulating child development activity;

7 “(C) age appropriate cognitive stimulation,
8 especially for newborns, infants, and toddlers,
9 including an early childhood intervention pro-
10 gram for children experiencing at-risk situa-
11 tions, developmental delays, disabilities, and be-
12 havioral and mental health conditions;

13 “(D) an early learning (36 months and
14 younger), preschool, and basic education pro-
15 gram for children until they reach 8 years of
16 age or complete primary school; or

17 “(E) a child protection program, with an
18 emphasis on the promotion of permanent, safe,
19 and nurturing families, rather than placement
20 in residential care or institutions, including for
21 children with disabilities.

22 “(4) RELEVANT FEDERAL DEPARTMENTS AND
23 AGENCIES.—The term ‘relevant Federal departments
24 and agencies’ means—

25 “(A) the Department of State;

1 “(B) the United States Agency for Inter-
2 national Development;

3 “(C) the Department of the Treasury;

4 “(D) the Department of Labor;

5 “(E) the Department of Education;

6 “(F) the Department of Agriculture;

7 “(G) the Department of Defense;

8 “(H) the Department of Health and
9 Human Services, including—

10 “(i) the Centers for Disease Control
11 and Prevention; and

12 “(ii) the National Institutes of
13 Health;

14 “(I) the Millennium Challenge Corpora-
15 tion;

16 “(J) the Peace Corps; and

17 “(K) any other department or agency spec-
18 ified by the President for the purposes of this
19 section.

20 “(5) RESIDENTIAL CARE.—The term ‘residen-
21 tial care’ means care provided in any non-family-
22 based group setting, including orphanages, transit or
23 interim care centers, children’s homes, children’s vil-
24 lages or cottage complexes, group homes, and board-

1 ing schools used primarily for care purposes as an
2 alternative to a children’s home.

3 “(b) STATEMENT OF POLICY.—It is the policy of the
4 United States—

5 “(1) to support early childhood development in
6 relevant foreign assistance programs, including by
7 integrating evidence-based, efficient, and effective
8 interventions into relevant strategies and programs,
9 in coordination with partner countries, other donors,
10 international organizations, international financial
11 institutions, local and international nongovernmental
12 organizations, private sector partners, and civil soci-
13 ety, including faith-based and community-based or-
14 ganizations; and

15 “(2) to encourage partner countries to lead
16 early childhood development initiatives that include
17 incentives for building local capacity for continued
18 implementation and measurable results, by—

19 “(A) scaling up the most effective, evi-
20 dence-based, national interventions, including
21 for the most vulnerable populations and chil-
22 dren with disabilities and developmental delays,
23 with a focus on adaptation to country re-
24 sources, cultures, and languages;

1 “(B) designing, implementing, monitoring,
2 and evaluating programs in a manner that en-
3 hances their quality, transparency, equity, ac-
4 countability, efficiency and effectiveness in im-
5 proving child and family outcomes in partner
6 countries; and

7 “(C) utilizing and expanding innovative
8 public-private financing mechanisms.

9 “(c) IMPLEMENTATION.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this section, the Admin-
12 istrator of the United States Agency for Inter-
13 national Development on behalf of the President and
14 in coordination with the Secretary of State, shall di-
15 rect relevant Federal departments and agencies—

16 “(A) to incorporate, to the extent practical
17 and relevant, early childhood development into
18 foreign assistance programs to be carried out
19 during the following 5 fiscal years; and

20 “(B) to promote inclusive early childhood
21 development in partner countries.

22 “(2) ELEMENTS.—In carrying out paragraph
23 (1), the Administrator, the Secretary, and the heads
24 of other relevant Federal departments and agencies
25 as appropriate shall—

1 “(A) build on the evidence and priorities
2 outlined in ‘Advancing Protection and Care for
3 Children in Adversity: A U.S. Government
4 Strategy for International Assistance 2019–
5 2023’, published in June 2019 (referred to in
6 this section as ‘APCCA’);

7 “(B) to the extent practicable, identify evi-
8 dence-based strategic priorities, indicators, out-
9 comes, and targets, particularly emphasizing
10 the most vulnerable populations and children
11 with disabilities and developmental delays, to
12 support inclusive early childhood development;

13 “(C) support the design, implementation,
14 and evaluation of pilot projects in partner coun-
15 tries, with the goal of taking such projects to
16 scale;

17 “(D) support inclusive early childhood de-
18 velopment within all relevant sector strategies
19 and public laws, including—

20 “(i) the Global Water Strategy re-
21 quired under section 136(j);

22 “(ii) the whole-of-government strategy
23 required under section 5 of the Global
24 Food Security Act of 2016 (22 U.S.C.
25 9304 note);

1 “(iii) the Basic Education Strategy
2 set forth in section 105(c);

3 “(iv) the U.S. Government Global Nu-
4 trition Coordination Plan, 2016–2021; and

5 “(v) APCCA; and others as appro-
6 priate;

7 “(E) improve coordination with foreign
8 governments and international and regional or-
9 ganizations with respect to official country poli-
10 cies and plans to improve early childhood devel-
11 opment, maternal, newborn, and child health
12 and nutrition care, basic education, water, sani-
13 tation and hygiene, and child protection plans
14 which promote nurturing, appropriate, protec-
15 tive, and permanent family care, while reducing
16 the percentage of children living outside of fam-
17 ily care, including in residential care or on the
18 street; and

19 “(F) consult with partner countries, other
20 donors, international organizations, inter-
21 national financial institutions, local and inter-
22 national nongovernmental organizations, private
23 sector partners and faith-based and community-
24 based organizations, as appropriate.

1 “(d) ANNUAL REPORT ON THE IMPLEMENTATION OF
2 THE STRATEGY.—The Special Advisor for Children in Ad-
3 versity shall include, in the annual report required under
4 section 5 of the Assistance for Orphans and Other Vulner-
5 able Children in Developing Countries Act of 2005 (22
6 U.S.C. 2152g), which shall be submitted to the appro-
7 priate congressional committees and made publicly avail-
8 able, a description of—

9 “(1) the progress made toward integrating early
10 childhood development interventions into relevant
11 strategies and programs;

12 “(2) the efforts made by relevant Federal de-
13 partments and agencies to implement subsection (c),
14 with a particular focus on the activities described in
15 such subsection; and

16 “(3) the progress achieved during the reporting
17 period toward meeting the goals, objectives, bench-
18 marks, and timeframes described in subsection (c) at
19 the program level, along with specific challenges or
20 gaps that may require shifts in targeting or financ-
21 ing in the following fiscal year.

22 “(e) INTERAGENCY TASK FORCE.—The Special Advi-
23 sor for Assistance to Orphans and Vulnerable Children
24 should establish and regularly convene an Interagency

1 Working Group on Children in Adversity which, among
2 other things, will coordinate—

3 “(1) intergovernmental and interagency moni-
4 toring, evaluation, and reporting of the activities
5 carried out pursuant to this section;

6 “(2) early childhood development initiatives
7 that include children with a variety of needs and cir-
8 cumstances; and

9 “(3) United States Government early childhood
10 development programs, strategies, and partnerships
11 across relevant Federal departments and agencies.”.

12 **SEC. 1284. SPECIAL ADVISOR FOR ASSISTANCE TO OR-**
13 **PHANS AND VULNERABLE CHILDREN.**

14 Section 135(e)(2) of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2152f(e)(2)) is amended—

16 (1) by amending subparagraph (A) to read as
17 follows:

18 “(A) Coordinate assistance to orphans and
19 other vulnerable children among the relevant
20 Federal agencies and officials.”; and

21 (2) in subparagraph (B), by striking “the var-
22 ious offices, bureaus, and field missions within the
23 United States Agency for International Develop-
24 ment” and inserting “the relevant Federal branch
25 agencies and officials”.

1 **SEC. 1285. RULE OF CONSTRUCTION.**

2 Nothing in the amendments made by this subtitle
3 may be construed to restrict or abrogate any other author-
4 ization for United States Agency for International Devel-
5 opment activities or programs.

6 **Subtitle J—Matters Relating to**
7 **Africa and the Middle East**

8 **SEC. 1291. BRIEFING AND REPORT RELATING TO REDUC-**
9 **TION IN THE TOTAL NUMBER OF UNITED**
10 **STATES ARMED FORCES DEPLOYED TO**
11 **UNITED STATES AFRICA COMMAND AREA OF**
12 **RESPONSIBILITY.**

13 (a) BRIEFING REQUIRED.—

14 (1) IN GENERAL.—If the Department of De-
15 fense reduces the number of covered United States
16 Armed Forces in fiscal year 2021 to a number that
17 is below 80 percent of the number deployed as of the
18 date of the enactment of this Act, the Secretary of
19 Defense shall, not later than 30 days after the date
20 of such a reduction, provide a briefing to the Com-
21 mittee on Armed Services of the Senate and the
22 Committee on Armed Services of the House of Rep-
23 resentatives.

24 (2) ELEMENTS.—The briefing required under
25 paragraph (1) shall include, at a minimum, the fol-
26 lowing:

1 (A) A description of the process and asso-
2 ciated analysis that led to the decision to reduce
3 the number of covered United States Armed
4 Forces.

5 (B) A description of the anticipated impact
6 of such a reduction on the ability of the Depart-
7 ment of Defense to achieve its strategic objec-
8 tives in the AFRICOM AOR, including—

9 (i) degrading violent extremist organi-
10 zations;

11 (ii) countering the military influence
12 of China and Russia;

13 (iii) countering transnational threats;

14 (iv) maintaining strategic access;

15 (v) preparing for and responding to
16 crises; and

17 (vi) strengthening security relation-
18 ships with United States allies and part-
19 ners.

20 (C) An assessment of the impact of such
21 a reduction on the ability of the Department of
22 Defense to execute the National Defense Strat-
23 egy.

24 (D) A description of any consultation with
25 the Department of State or the United States

1 Agency for International Development with re-
2 spect to such a reduction and the potential im-
3 pact that such a reduction would have on diplo-
4 matic, developmental, or humanitarian efforts
5 in Africa.

6 (E) A description of any consultation with
7 United States allies and partners with respect
8 to such a reduction.

9 (F) Any other matters determined to be
10 relevant by the Secretary of Defense.

11 (b) REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of a reduction in the number of cov-
14 ered United States Armed Forces described in sub-
15 section (a)(1), the Secretary of Defense shall submit
16 to the Committee on Armed Services of the Senate
17 and the Committee on Armed Services of the House
18 of Representatives a report that includes the fol-
19 lowing:

20 (A) The average number of covered United
21 States Armed Forces by month for each of the
22 fiscal years 2019 and 2020.

23 (B) The anticipated number of covered
24 United States Armed Forces in 2021.

1 (C) An assessment of the threat posed by
2 violent extremist organizations in the
3 AFRICOM AOR and a detailed description of
4 the Department of Defense's plan to degrade
5 such organizations.

6 (D) A detailed description of the Depart-
7 ment of Defense's plan to counter the military
8 influence of China and Russia in the
9 AFRICOM AOR.

10 (E) A detailed assessment of the antici-
11 pated effect that such a reduction would have
12 on military and intelligence efforts in the
13 AFRICOM AOR.

14 (2) FORM.—The report required by paragraph
15 (1) shall be submitted in unclassified form, but may
16 contain a classified annex.

17 (c) DEFINITIONS.—In this section:

18 (1) AFRICOM AOR.—The term “AFRICOM
19 AOR” means the United States Africa Command
20 area of responsibility.

21 (2) COVERED UNITED STATES ARMED
22 FORCES.—The term “covered United States Armed
23 Forces”—

24 (A) means United States Armed Forces
25 that are deployed to the AFRICOM AOR and

1 under the command authority and operational
2 control of the Commander of United States Af-
3 rica Command; but

4 (B) does not include—

5 (i) forces deployed in conjunction with
6 other Commands;

7 (ii) forces participating in joint exer-
8 cises;

9 (iii) forces used to assist in emergency
10 situations; and

11 (iv) forces designated or assigned for
12 diplomatic or embassy security.

13 **SEC. 1292. NOTIFICATION WITH RESPECT TO WITHDRAWAL**
14 **OF MEMBERS OF THE ARMED FORCES PAR-**
15 **TICIPATING IN THE MULTINATIONAL FORCE**
16 **AND OBSERVERS IN EGYPT.**

17 (a) IN GENERAL.—Not later than 30 days before a
18 reduction in the total number of members of the Armed
19 Forces assigned to participate in the Multinational Force
20 and Observers in Egypt to fewer than 430 such members
21 of the Armed Forces, the Secretary of Defense shall sub-
22 mit to the appropriate committees of Congress a notifica-
23 tion that includes the following:

24 (1) A detailed accounting of the number of
25 members of the Armed Forces to be withdrawn from

1 the Multinational Force and Observers in Egypt and
2 the capabilities that such members of the Armed
3 Forces provide in support of the mission.

4 (2) An explanation of national security interests
5 of the United States served by such a reduction and
6 an assessment of the effect, if any, such a reduction
7 is expected to have on the security of United States
8 partners in the region.

9 (3) A description of consultations by the Sec-
10 retary with the other countries that contribute mili-
11 tary forces to the Multinational Force and Observ-
12 ers, including Australia, Canada, Colombia, the
13 Czech Republic, Fiji, France, Italy, Japan, New
14 Zealand, Norway, the United Kingdom, and Uru-
15 guay, with respect to the planned force reduction
16 and the results of such consultations.

17 (4) An assessment of whether other countries,
18 including the countries that contribute military
19 forces to the Multinational Force and Observers, will
20 increase their contributions of military forces to
21 compensate for the capabilities withdrawn by the
22 United States.

23 (5) An explanation of—

24 (A) any anticipated negative impact of
25 such a reduction on the ability of the Multi-

1 national Force and Observers in Egypt to fulfill
2 its mission of supervising the implementation of
3 the security provisions of the 1979 Treaty of
4 Peace between Egypt and Israel and employing
5 best efforts to prevent any violation of the
6 terms of such treaty; and

7 (B) the manner in which any such negative
8 impact will be mitigated.

9 (6) Any other matter the Secretary considers
10 appropriate.

11 (b) FORM.—The notification required by subsection
12 (a) shall be submitted in unclassified form, but may in-
13 clude a classified annex.

14 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
15 FINED.—In this section, the term “appropriate commit-
16 tees of Congress” means—

17 (1) the congressional defense committees; and

18 (2) the Committee on Foreign Relations of the
19 Senate and the Committee on Foreign Affairs of the
20 House of Representatives.

21 **SEC. 1293. REPORT ON ENHANCING SECURITY PARTNER-**
22 **SHIPS BETWEEN THE UNITED STATES AND**
23 **AFRICAN COUNTRIES.**

24 (a) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense, in coordination with the Secretary
4 of State, shall submit to the appropriate congres-
5 sional committees a report on the activities and re-
6 sources required to enhance security partnerships
7 between the United States and African countries.

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

10 (A) A description of the Department of
11 Defense’s approach to conducting security co-
12 operation activities in Africa, including how it
13 identifies and prioritizes its security partner-
14 ships in Africa.

15 (B) A description of how the Department’s
16 security cooperation activities benefit other
17 Federal departments and agencies that are op-
18 erating in Africa.

19 (C) Recommendations to improve the abil-
20 ity of the Department to achieve sustainable se-
21 curity benefits from its security cooperation ac-
22 tivities in Africa, which may include—

23 (i) the establishment of contingency
24 locations;

1 (ii) small-scale construction conducted
2 in accordance with existing law; and

3 (iii) the acquisition of additional
4 training and equipment by African part-
5 ners to improve their organizational, oper-
6 ational, mobility, and sustainment capabili-
7 ties.

8 (D) Recommendations to expand and
9 strengthen partner capability to conduct secu-
10 rity activities, including traditional activities of
11 the combatant commands, train and equip op-
12 portunities, State partnerships with the Na-
13 tional Guard, and through multilateral activi-
14 ties.

15 (E) A description of how the following fac-
16 tors may impact the ability of the Department
17 to strengthen security partnerships in Africa:

18 (i) The economic development and
19 stability of African countries.

20 (ii) The military, intelligence, diplo-
21 matic, developmental, and humanitarian
22 efforts of China and Russia on the African
23 continent.

1 (iii) The ability of the United States,
2 allies, and partners to combat violent ex-
3 tremist organizations operating in Africa.

4 (F) Any other matters the Secretary deter-
5 mines to be relevant.

6 (3) FORM.—The report required under para-
7 graph (1) may be submitted in classified form, but
8 shall include an unclassified summary.

9 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
10 DEFINED.—In this section, the term “appropriate con-
11 gressional committees” means—

12 (1) the congressional defense committees; and

13 (2) the Committee on Foreign Relations of the
14 Senate and the Committee on Foreign Affairs of the
15 House of Representatives.

16 **SEC. 1294. PLAN TO ADDRESS GROSS VIOLATIONS OF**
17 **HUMAN RIGHTS AND CIVILIAN HARM IN**
18 **BURKINA FASO, CHAD, MALI, AND NIGER.**

19 (a) PLAN REQUIRED.—Not later than 180 days after
20 the date of the enactment of this Act, the Secretary of
21 State, in consultation with the Secretary of Defense, shall
22 submit to the appropriate congressional committees a plan
23 to engage with the Governments of Burkina Faso, Chad,
24 Mali, and Niger to prevent civilian harm and address alle-
25 gations of gross violations of human rights by the security

1 forces of these countries and non-state armed groups, and
2 ensure accountability for such violations.

3 (b) MATTERS TO BE INCLUDED.—The plan required
4 by subsection (a) shall include the following:

5 (1) A description of planned public and private
6 diplomatic engagement to support efforts by the
7 Governments of Burkina Faso, Chad, Mali, and
8 Niger to investigate, prosecute, and sentence any in-
9 dividual or group against which there are credible al-
10 legations of gross violations of human rights, includ-
11 ing by state security forces and non-state armed
12 groups, and an assessment of the effectiveness of
13 such engagement.

14 (2) An identification of United States assist-
15 ance and programs to address gross violations of
16 human rights and civilian harm, improve civil-mili-
17 tary relations, and strengthen accountability of
18 Burkina Faso, Chad, Mali, and Niger through their
19 military justice systems, including support for build-
20 ing the capacity of provost marshals.

21 (3) A description of how such United States as-
22 sistance and programs have been used to address
23 gross violations of human rights, civilian harm, and
24 civil-military relations, and an assessment of how

1 they can be strengthened to prevent and mitigate ci-
2 vilian harm.

3 (4) A description of plans to coordinate United
4 States efforts with France, the European Union, the
5 United Nations Stabilization Mission in Mali
6 (MINUSMA), the African Union, and the G5 Sahel
7 Joint Force to decrease gross violations of human
8 rights and minimize civilian harm during military
9 operations in the Sahel.

10 (5) A description of efforts undertaken by the
11 Governments of Burkina Faso, Chad, Mali, and
12 Niger to prevent and decrease instances of gross vio-
13 lations of human rights or civilian harm perpetrated
14 by state security forces or non-state armed groups
15 that have received material support from or con-
16 ducted joint counterterrorism operations with these
17 security forces, and an assessment of the effective-
18 ness of these efforts.

19 (6) A description of any confirmed incidents or
20 reports of civilian harm that may have occurred dur-
21 ing United States military advise, assist, or accom-
22 pany operations during the preceding calendar year.

23 (7) Any other matters that the Secretary con-
24 siders to be relevant.

1 (c) FORM.—The plan required by subsection (a) shall
2 be submitted in unclassified form, but may include a clas-
3 sified annex.

4 (d) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Armed Services of the House
10 of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Armed Services of the
13 Senate.

14 (2) CIVILIAN HARM.—The term “civilian harm”
15 means conflict-related death, physical injury, loss of
16 property or livelihood, or interruption of access to
17 essential services.

18 **SEC. 1295. STATEMENT OF POLICY AND REPORT RELATING**
19 **TO THE CONFLICT IN YEMEN.**

20 (a) STATEMENT OF POLICY.—It is the policy of the
21 United States—

22 (1) to protect United States citizens and stra-
23 tegic interests in the Middle East region;

24 (2) to support United Nations-led efforts to end
25 violence in Yemen and secure a comprehensive polit-

1 ical settlement to the conflict in Yemen that results
2 in protection of civilians and civilian infrastructure
3 and alleviates the humanitarian crisis including by
4 facilitating unfettered access for all Yemenis to food,
5 fuel, and medicine;

6 (3) to encourage all parties to the conflict in
7 Yemen to participate in good faith in the United Na-
8 tions-led process and to uphold interim agreements
9 as part of that process to end the conflict, leading
10 to reconstruction in Yemen;

11 (4) to support United States allies and partners
12 in defending their borders and territories in order to
13 maintain stability and security in the Middle East
14 region and encourage burden sharing among such
15 allies and partners;

16 (5) to assist United States allies and partners
17 in countering destabilization of the Middle East re-
18 gion;

19 (6) to oppose Iranian arms transfers in viola-
20 tion of United Nations Security Council resolutions,
21 including transfers to the Houthis;

22 (7) to encourage the Government of Saudi Ara-
23 bia and the Government of the United Arab Emir-
24 ates to assist significantly in the economic stabiliza-
25 tion and eventual reconstruction of Yemen; and

1 (8) to encourage all parties to the conflict to
2 comply with the law of armed conflict, including to
3 investigate credible allegations of war crimes and
4 provide redress to civilian victims.

5 (b) REPORT ON CONFLICT IN YEMEN.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary of State, in consultation with the Secretary of
9 Defense and the Director of National Intelligence,
10 shall submit to the appropriate congressional com-
11 mittees a report on United States policy in Yemen.

12 (2) MATTERS TO BE INCLUDED.—The report
13 required under paragraph (1) shall include the fol-
14 lowing:

15 (A) A detailed description of diplomatic ac-
16 tions taken by the United States Government to
17 help ease human suffering in Yemen, includ-
18 ing—

19 (i) United States direct humanitarian
20 assistance and United States donations to
21 multilateral humanitarian assistance ef-
22 forts, including to address the COVID-19
23 pandemic;

24 (ii) efforts to ensure that humani-
25 tarian assistance is delivered in line with

1 internationally recognized humanitarian
2 principles, and the results of such efforts;

3 (iii) efforts to facilitate humanitarian
4 and commercial cargo shipments into
5 Yemen and minimize delays associated
6 with such shipments, including access to
7 ports for humanitarian and commercial
8 cargo, and the results of such efforts;

9 (iv) efforts to work with parties to the
10 conflict in Yemen to ensure protection of
11 civilians and civilian infrastructure, and
12 the results of such efforts;

13 (v) efforts to help the Government of
14 Yemen to create a mechanism to ensure
15 that salaries and pensions are paid to civil
16 servants as appropriate, and the results of
17 such efforts; and

18 (vi) efforts to work with the Govern-
19 ment of Yemen and countries that are
20 members of the Saudi-led coalition in
21 Yemen to address the currency crisis in
22 Yemen and the solvency of the Central
23 Bank of Yemen, and the results of such ef-
24 forts.

1 (B) An assessment of plans, commitments,
2 and pledges for reconstruction of Yemen made
3 by countries that are members of the Saudi-led
4 coalition in Yemen, including an assessment of
5 proposed coordination with the Government of
6 Yemen and international organizations.

7 (C) A description of civilian harm occur-
8 ring in the context of the conflict in Yemen
9 since November 2017, including mass casualty
10 incidents and damage to, or destruction of, ci-
11 vilian infrastructure and services.

12 (D) An estimated total number of civilian
13 casualties in the context of the conflict in
14 Yemen since September 2014, disaggregated by
15 year.

16 (E) A detailed description of actions taken
17 by the United States Government to support
18 the efforts of the United Nations Special Envoy
19 for Yemen to reach a lasting political solution
20 in Yemen.

21 (F) A detailed assessment of whether and
22 to what extent members of the Saudi-led coali-
23 tion in Yemen have used United States-origin
24 defense articles and defense services in Yemen
25 in contravention of the laws of armed conflict

1 when engaging in any military operations
2 against the Houthis in Yemen.

3 (G) A description of external and cross
4 border attacks perpetrated by the Houthis.

5 (H) A detailed assessment of the Govern-
6 ment of Yemen's willingness and capacity to ef-
7 fectively—

8 (i) provide public services to the peo-
9 ple of Yemen;

10 (ii) service the external debts of
11 Yemen; and

12 (iii) facilitate or ensure access to hu-
13 manitarian assistance and key commodities
14 in Yemen.

15 (I) A description of support for the
16 Houthis by Iran and Iran-backed groups, in-
17 cluding the provision of weapons and training.

18 (J) A description of recruitment and use of
19 child soldiers by parties to the conflict in
20 Yemen.

21 (3) FORM.—The report required by paragraph
22 (1) shall be submitted in unclassified form without
23 any designation relating to dissemination control,
24 but may contain a classified annex.

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the congressional defense committees;

5 (B) the Committee on Foreign Relations
6 and the Select Committee on Intelligence of the
7 Senate; and

8 (C) the Committee on Foreign Affairs and
9 the Permanent Select Committee on Intelligence
10 of the House of Representatives.

11 **SEC. 1296. REPORT ON UNITED STATES MILITARY SUPPORT**
12 **OF THE SAUDI-LED COALITION IN YEMEN.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this Act, the Comptroller General
15 of the United States shall submit to the appropriate com-
16 mittees of Congress a report that includes the following:

17 (1) A description of all military support, train-
18 ing, and defense articles and services provided by
19 the Department of Defense to Saudi Arabia, the
20 Government of the United Arab Emirates, and other
21 countries participating in the Saudi-led coalition
22 since March 2015, including—

23 (A) an annual description, by fiscal year or
24 calendar year, of all transfers of logistics sup-
25 port, supplies, defense articles, and services

1 under sections 2341 and 2342 of title 10,
2 United States Code, or any other applicable
3 law;

4 (B) a description of the total financial
5 value of such transfers and which countries
6 bore the cost described in subparagraph (A) of
7 these transfers, including the status of any re-
8 quired reimbursement of costs from Saudi Ara-
9 bia, the Government of the United Arab Emir-
10 ates and the Saudi-led coalition to the Depart-
11 ment of Defense; and

12 (C) a description of the types of training,
13 advice, and assistance provided by the Depart-
14 ment of Defense, including the authorities
15 under which this training was provided, and an
16 assessment of the extent to which such training
17 has included—

18 (i) tactics, techniques, or procedures
19 that could be used to restrict the move-
20 ment of commercial and humanitarian
21 shipments or the movement of persons into
22 or out of Yemen;

23 (ii) tactics, techniques, and procedures
24 to reduce civilian casualties and damage to
25 civilian infrastructure; and

1 (iii) an emphasis on human rights and
2 the laws of armed conflict.

3 (2) A description and evaluation of processes
4 used by the Department of Defense to determine
5 whether the types of military support described in
6 paragraph (1) have—

7 (A) affected the movement of persons into
8 or out of Yemen, the restriction of the move-
9 ment of commercial and humanitarian ship-
10 ments into and out of Yemen, or the illicit prof-
11 it from such importation by any of the warring
12 parties in the conflict in Yemen;

13 (B) contributed to or reduced civilian cas-
14 ualties and damage to civilian infrastructure in
15 Yemen; and

16 (C) contributed to or reduced violations of
17 the laws of armed conflict in Yemen, including
18 any credibly alleged violations of torture, arbi-
19 trary detention, and other gross violations of
20 internationally recognized human rights by
21 countries that are members of the Saudi-led co-
22 alition in Yemen and the Republic of Yemen
23 Government.

24 (3) The responsiveness and completeness of any
25 certifications submitted pursuant to section 1290 of

1 the John S. McCain National Defense Authorization
2 Act for Fiscal Year 2019 (Public Law 115–232; 132
3 Stat. 2081), as of the date of the submission of the
4 report required by this section.

5 (4) The responsiveness and completeness of any
6 reports submitted pursuant to section 1274 of the
7 John S. McCain National Defense Authorization Act
8 for Fiscal Year 2019 (Public Law 115–232; 132
9 Stat. 2067), as of such date of submission.

10 (b) FORM.—The report required by subsection (a)
11 shall be submitted in unclassified form, but may include
12 a classified annex.

13 (c) APPROPRIATE COMMITTEES OF CONGRESS.—In
14 this section, the term “appropriate committees of Con-
15 gress” means—

16 (1) the congressional defense committees;

17 (2) the Committee on Foreign Relations, the
18 Select Committee on Intelligence, and the Com-
19 mittee on Banking, Housing, and Urban Affairs of
20 the Senate; and

21 (3) the Committee on Foreign Affairs, the Per-
22 manent Select Committee on Intelligence, and the
23 Committee on Financial Services of the House of
24 Representatives.

1 **SEC. 1297. SENSE OF CONGRESS ON PAYMENT OF AMOUNTS**
2 **OWED BY KUWAIT TO UNITED STATES MED-**
3 **ICAL INSTITUTIONS.**

4 (a) FINDINGS.—Congress finds that—

5 (1) at least 45 medical institutions in the
6 United States have provided medical services to citi-
7 zens of Kuwait; and

8 (2) despite providing care for their citizens, Ku-
9 wait has not paid amounts owed to such United
10 States medical institutions for such services in over
11 2 years.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) Kuwait is an important partner of the
15 United States in the Middle East and both countries
16 should find ways to address irritants in the bilateral
17 relationship;

18 (2) the United States should seek a resolution
19 with Kuwait regarding the outstanding amounts Ku-
20 wait owes to United States medical institutions for
21 medical services provided to citizens of Kuwait, espe-
22 cially during the COVID–19 pandemic; and

23 (3) Kuwait should immediately pay such out-
24 standing amounts owed to such United States med-
25 ical institutions.

1 **Subtitle K—Other Matters**

2 **SEC. 1299A. PROVISION OF GOODS AND SERVICES AT KWAJ-**
3 **ALEIN ATOLL, REPUBLIC OF THE MARSHALL**
4 **ISLANDS.**

5 (a) IN GENERAL.—Chapter 767 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 7596. Provision of goods and services at Kwajalein**
9 **Atoll**

10 “(a) AUTHORITY.—(1) Except as provided in para-
11 graph (2), the Secretary of the Army, with the concur-
12 rence of the Secretary of State, may provide goods and
13 services, including interatoll transportation, to the Govern-
14 ment of the Republic of the Marshall Islands and other
15 eligible patrons, as determined by the Secretary of the
16 Army, at Kwajalein Atoll.

17 “(2) The Secretary of the Army may not provide
18 goods or services under this section if doing so would be
19 inconsistent, as determined by the Secretary of State, with
20 the Compact of Free Association between the Government
21 of the United States and the Government of the Republic
22 of the Marshall Islands or any subsidiary agreement or
23 implementing arrangement.

24 “(b) REIMBURSEMENT.—(1) The Secretary of the
25 Army may collect reimbursement from the Government of

1 the Republic of the Marshall Islands and eligible patrons
2 for the provision of goods or services under subsection (a).

3 “(2) The amount collected for goods or services under
4 this subsection may not be greater than the total amount
5 of actual costs to the United States for providing the
6 goods or services.

7 “(c) NECESSARY EXPENSES.—Amounts appropriated
8 to the Department of the Army may be used for necessary
9 expenses associated with providing goods and services
10 under this section.

11 “(d) REGULATIONS.—The Secretary of the Army
12 shall issue regulations to carry out this section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by adding
15 at the end the following new item:

“7596. Provision of goods and services at Kwajalein Atoll.”.

16 (c) BRIEFING.—Not later than December 31, 2021,
17 the Secretary of the Army shall provide to the congres-
18 sional defense committees a briefing on the use of the au-
19 thority under section 7596(a) of title 10, United States
20 Code, as added by subsection (a), in fiscal year 2021, in-
21 cluding a written summary describing the goods and serv-
22 ices provided on a reimbursable basis and the goods and
23 services provided on a nonreimbursable basis.

1 **SEC. 1299B. REPORT ON CONTRIBUTIONS RECEIVED FROM**
2 **DESIGNATED COUNTRIES.**

3 Section 2350j of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(f) REPORT ON CONTRIBUTIONS RECEIVED FROM
7 DESIGNATED COUNTRIES.—

8 “(1) IN GENERAL.—Not later than January 15
9 each year, the Secretary of Defense shall submit to
10 the appropriate committees of Congress a report on
11 the burden sharing contributions received under this
12 section from designated countries.

13 “(2) ELEMENTS.—Each report required by
14 paragraph (1) shall include the following for the pre-
15 ceding fiscal year:

16 “(A) A list of all designated countries from
17 which burden sharing contributions were re-
18 ceived.

19 “(B) An explanation of the purpose for
20 which each such burden sharing contribution
21 was provided.

22 “(C) A description of any written agree-
23 ment entered into with a designated country
24 under this section, including the date on which
25 the agreement was signed.

26 “(D) For each designated country—

1 “(i) the amount provided by the des-
2 ignated country; and

3 “(ii) the amount of any remaining un-
4 obligated balance.

5 “(E) The amount of such burden sharing
6 contributions expended, by eligible category, in-
7 cluding compensation for local national employ-
8 ees, military construction projects, and supplies
9 and services of the Department of Defense.

10 “(F) Any other matter the Secretary of
11 Defense considers relevant.

12 “(3) APPROPRIATE COMMITTEES OF CONGRESS
13 DEFINED.—In this subsection, the term ‘appropriate
14 committees of Congress’ means—

15 “(A) the Committee on Armed Services,
16 the Committee on Foreign Relations, and the
17 Committee on Appropriations of the Senate;
18 and

19 “(B) the Committee on Armed Services,
20 the Committee on Foreign Affairs, and the
21 Committee on Appropriations of the House of
22 Representatives.”.

1 **SEC. 1299C. MODIFICATION TO INITIATIVE TO SUPPORT**
2 **PROTECTION OF NATIONAL SECURITY AKA-**
3 **DEMIC RESEARCHERS FROM UNDUE INFLU-**
4 **ENCE AND OTHER SECURITY THREATS.**

5 Section 1286 of the John S. McCain National De-
6 fense Authorization Act for Fiscal Year 2019 (10 U.S.C.
7 2358 note; Public Law 115–232) is amended to read as
8 follows:

9 **“SEC. 1286. INITIATIVE TO SUPPORT PROTECTION OF NA-**
10 **TIONAL SECURITY ACADEMIC RESEARCHERS**
11 **FROM UNDUE INFLUENCE AND OTHER SECU-**
12 **RITY THREATS.**

13 “(a) INITIATIVE REQUIRED.—The Secretary of De-
14 fense shall, in consultation with other appropriate govern-
15 ment organizations, establish an initiative to work with in-
16 stitutions of higher education who perform defense re-
17 search and engineering activities—

18 “(1) to support protection of intellectual prop-
19 erty, controlled information, key personnel, and in-
20 formation about critical technologies relevant to na-
21 tional security;

22 “(2) to limit undue influence, including through
23 foreign talent programs, by countries to exploit
24 United States technology within the Department of
25 Defense research, science and technology, and inno-
26 vation enterprise; and

1 “(3) to support efforts toward development of
2 domestic talent in relevant scientific and engineering
3 fields.

4 “(b) INSTITUTIONS AND ORGANIZATIONS.—The ini-
5 tiative required by subsection (a) shall be developed and
6 executed to the maximum extent practicable with academic
7 research institutions and other educational and research
8 organizations.

9 “(c) REQUIREMENTS.—The initiative required by
10 subsection (a) shall include development of the following:

11 “(1) Information exchange forum and informa-
12 tion repositories to enable awareness of security
13 threats and influence operations being executed
14 against the United States research, technology, and
15 innovation enterprise.

16 “(2) Training developed and delivered in con-
17 sultation with institutions of higher education and
18 appropriate Government agencies, and other support
19 to institutions of higher education, to promote secu-
20 rity and limit undue influence on institutions of
21 higher education and personnel, including Depart-
22 ment of Defense financial support to carry out such
23 activities, that—

24 “(A) emphasizes best practices for protec-
25 tion of sensitive national security information;

1 “(B) includes the dissemination of unclas-
2 sified materials and resources for identifying
3 and protecting against emerging threats to in-
4 stitutions of higher education, including specific
5 counterintelligence information and advice de-
6 veloped specifically for faculty and academic re-
7 searchers based on actual identified threats;
8 and

9 “(C) includes requirements for appropriate
10 senior officials of institutions of higher edu-
11 cation to receive from appropriate Government
12 agencies updated and periodic briefings that de-
13 scribe the espionage risks to academic institu-
14 tions and associated personnel posed by tech-
15 nical intelligence gathering activities of near-
16 peer strategic competitors.

17 “(3) The capacity of Government agencies and
18 institutions of higher education to assess whether in-
19 dividuals affiliated with Department of Defense pro-
20 grams have participated in or are currently partici-
21 pating in foreign talent programs or expert recruit-
22 ment programs.

23 “(4) Opportunities to collaborate with defense
24 researchers and research organizations in secure fa-
25 cilities to promote protection of critical information

1 and strengthen defense against foreign intelligence
2 services.

3 “(5) Regulations and procedures—

4 “(A) for Government agencies and aca-
5 demic organizations and personnel to support
6 the goals of the initiative; and

7 “(B) that are consistent with policies that
8 protect open and scientific exchange in funda-
9 mental research.

10 “(6) Policies to limit or prohibit funding pro-
11 vided by the Department of Defense for institutions
12 or individual researchers who knowingly violate regu-
13 lations developed under the initiative, including reg-
14 ulations relating to foreign talent programs.

15 “(7) Initiatives to support the transition of the
16 results of institution of higher education research
17 programs into defense capabilities.

18 “(8)(A) A list of academic institutions of the
19 People’s Republic of China, the Russian Federation,
20 and other countries that—

21 “(i) have a history of improper technology
22 transfer, intellectual property theft, or cyber or
23 human espionage;

1 “(ii) operate under the direction of the
2 military forces or intelligence agency of the ap-
3 plicable country;

4 “(iii) are known—

5 “(I) to recruit foreign individuals for
6 the purpose of transferring knowledge to
7 advance military or intelligence efforts; or

8 “(II) to provide misleading informa-
9 tion or otherwise attempt to conceal the
10 connections of an individual or institution
11 to a defense or an intelligence agency of
12 the applicable country; or

13 “(iv) pose a serious risk of improper tech-
14 nology transfer of data, technology, or research
15 that is not published or publicly available.

16 “(B) The list described in subparagraph (A)
17 shall be developed and continuously updated in con-
18 sultation with the Bureau of Industry and Security
19 of the Department of Commerce, the Director of Na-
20 tional Intelligence, United States institutions of
21 higher education that conduct significant Depart-
22 ment of Defense research or engineering activities,
23 and other appropriate individuals and organizations.

24 “(9)(A) A list, developed and continuously up-
25 dated in consultation with the National Academies

1 of Science, Engineering, and Medicine and the ap-
2 propriate Government agencies, of foreign talent
3 programs that pose a threat to the national security
4 interests of the United States, as determined by the
5 Secretary.

6 “(B) In developing and updating such list, the
7 Secretary shall consider—

8 “(i) the extent to which a foreign talent
9 program—

10 “(I) poses a threat to research funded
11 by the Department of Defense; and

12 “(II) engages in, or facilitates, cyber
13 attacks, theft, espionage, attempts to gain
14 ownership of or influence over companies,
15 or otherwise interferes in the affairs of the
16 United States; and

17 “(ii) any other factor the Secretary con-
18 sider appropriate.

19 “(d) PROCEDURES FOR ENHANCED INFORMATION
20 SHARING.—

21 “(1) COLLECTION OF INFORMATION.—

22 “(A) DEFENSE RESEARCH AND DEVELOP-
23 MENT ACTIVITIES.—Not later than October 1,
24 2020, for the purpose of maintaining appro-
25 priate security controls over research activities,

1 technical information, and intellectual property,
2 the Secretary, in conjunction with appropriate
3 public and private entities, shall establish
4 streamlined procedures to collect appropriate
5 information relating to individuals, including
6 United States citizens and foreign nationals,
7 who participate in defense research and devel-
8 opment activities.

9 “(B) FUNDAMENTAL RESEARCH PRO-
10 GRAMS.—With respect to fundamental research
11 programs, the academic liaison designated
12 under subsection (g) shall establish policies and
13 procedures to collect, consistent with the best
14 practices of Government agencies that fund
15 academic research, appropriate information re-
16 lating to individuals who participate in funda-
17 mental research programs.

18 “(2) PROTECTION FROM RELEASE.—The proce-
19 dures required by paragraph (1) shall include proce-
20 dures to protect such information from release, con-
21 sistent with applicable regulations.

22 “(3) REPORTING TO GOVERNMENT INFORMA-
23 TION SYSTEMS AND REPOSITORIES.—The procedures
24 required by paragraph (1) may include procedures
25 developed, in coordination with appropriate public

1 and private entities, to report such information to
2 existing Government information systems and re-
3 positories.

4 “(e) ANNUAL REPORT.—

5 “(1) IN GENERAL.—Not later than April 30,
6 2020, and annually thereafter, the Secretary, acting
7 through appropriate Government officials (including
8 the Under Secretary for Research and Engineering),
9 shall submit to the congressional defense committees
10 a report on the activities carried out under the ini-
11 tiative required by subsection (a).

12 “(2) CONTENTS.—The report required by para-
13 graph (1) shall include the following:

14 “(A) A description of the activities con-
15 ducted and the progress made under the initia-
16 tive.

17 “(B) The findings of the Secretary with re-
18 spect to the initiative.

19 “(C) Such recommendations as the Sec-
20 retary may have for legislative or administrative
21 action relating to the matters described in sub-
22 section (a), including actions related to foreign
23 talent programs.

24 “(D) Identification and discussion of the
25 gaps in legal authorities that need to be im-

1 proved to enhance the security of research insti-
2 tutions of higher education performing defense
3 research.

4 “(E) A description of the actions taken by
5 such institutions to comply with such best prac-
6 tices and guidelines as may be established by
7 under the initiative.

8 “(F) Identification of any incident relating
9 to undue influence to security threats to aca-
10 demic research activities funded by the Depart-
11 ment of Defense, including theft of property or
12 intellectual property relating to a project fund-
13 ed by the Department at an institution of high-
14 er education.

15 “(3) FORM.—The report submitted under para-
16 graph (1) shall be submitted in both unclassified and
17 classified formats, as appropriate.

18 “(f) PUBLICATION OF UPDATED LISTS.—

19 “(1) SUBMITTAL TO CONGRESS.—Not later
20 than January 1, 2021, and annually thereafter, the
21 Secretary shall submit to the congressional defense
22 committees the most recently updated lists described
23 in paragraphs (8) and (9) of subsection (c).

1 “(2) FORM.—Each list submitted under para-
2 graph (1) shall be submitted in unclassified form but
3 may include a classified annex.

4 “(3) PUBLIC AVAILABILITY.—Each list sub-
5 mitted under paragraph (1) shall be published on a
6 publicly accessible internet website of the Depart-
7 ment of Defense in a searchable format.

8 “(4) INTERVENING SUBMITTAL AND PUBLICA-
9 TION.—The Secretary may submit and publish an
10 updated list described in paragraph (1) more fre-
11 quently than required by that paragraph, as the Sec-
12 retary considers necessary.

13 “(g) DESIGNATION OF ACADEMIC LIAISON.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of the William M.
16 (Mac) Thornberry National Defense Authorization
17 Act for Fiscal Year 2021, the Secretary, acting
18 through the Under Secretary of Defense for Re-
19 search and Engineering, shall designate an academic
20 liaison with principal responsibility for working with
21 the academic and research communities to protect
22 Department-sponsored academic research of concern
23 from undue foreign influence and threats.

24 “(2) QUALIFICATION.—The Secretary shall des-
25 ignate an individual under paragraph (1) who is an

1 official of the Office of the Under Secretary of De-
2 fense for Research and Engineering.

3 “(3) DUTIES.—The duties of the academic liai-
4 son designated under paragraph (1) shall be as fol-
5 lows:

6 “(A) To serve as the liaison of the Depart-
7 ment with the academic and research commu-
8 nities.

9 “(B) To execute initiatives of the Depart-
10 ment related to the protection of Department-
11 sponsored academic research of concern from
12 undue foreign influence and threats, including
13 the initiative required by subsection (a).

14 “(C) To conduct outreach and education
15 activities for the academic and research commu-
16 nities on undue foreign influence and threats to
17 Department-sponsored academic research of
18 concern.

19 “(D) To coordinate and align academic se-
20 curity policies with Department component
21 agencies, the Office of Science and Technology
22 Policy, the intelligence community, and appro-
23 priate Federal agencies.

24 “(E) To the extent practicable, to coordi-
25 nate with the intelligence community to share,

1 not less frequently than annually, with the aca-
2 demic and research communities unclassified in-
3 formation, including counterintelligence infor-
4 mation, on threats from undue foreign influ-
5 ence.

6 “(F) Any other related responsibility, as
7 determined by the Secretary in consultation
8 with the Under Secretary of Defense for Re-
9 search and Engineering.

10 “(h) INSTITUTION OF HIGHER EDUCATION DE-
11 FINED.—The term ‘institution of higher education’ has
12 the meaning given such term in section 101 of the Higher
13 Education Act of 1965 (20 U.S.C. 1001).”.

14 **SEC. 1299D. EXTENSION OF AUTHORIZATION OF NON-CON-**
15 **VENTIONAL ASSISTED RECOVERY CAPABILI-**
16 **TIES.**

17 Subsection (g) of section 943 of the Duncan Hunter
18 National Defense Authorization Act for Fiscal Year 2009
19 (Public Law 110–417; 122 Stat. 4578) is amended by
20 striking “2021” and inserting “2023”.

21 **SEC. 1299E. ANNUAL BRIEFINGS ON CERTAIN FOREIGN**
22 **MILITARY BASES OF ADVERSARIES.**

23 (a) REQUIREMENT.—Not later than February 15 of
24 each year, the Chairman of the Joint Chiefs of Staff and
25 the Secretary of Defense, acting through the Under Sec-

1 retary of Defense for Intelligence and Security, shall pro-
2 vide to the congressional defense committees, the Com-
3 mittee on Foreign Affairs of the House of Representatives,
4 and the Committee on Foreign Relations of the Senate
5 a briefing on—

6 (1) covered foreign military bases and the re-
7 lated capabilities of that foreign military; and

8 (2) the effects of such bases and capabilities
9 on—

10 (A) the military installations of the United
11 States located outside the United States; and

12 (B) current and future deployments and
13 operations of the armed forces of the United
14 States.

15 (b) ELEMENTS.—Each briefing under subsection (a)
16 shall include the following:

17 (1) An assessment of covered foreign military
18 bases, including such bases established by China,
19 Russia, and Iran, and any updates to such assess-
20 ment provided in a previous briefing under such sub-
21 section.

22 (2) Information regarding known plans for any
23 future covered foreign military base.

24 (3) An assessment of the capabilities, including
25 those pertaining to anti-access and area denial, pro-

1 vided by covered foreign military bases to that for-
2 eign military, including an assessment of how such
3 capabilities could be used against the armed forces
4 of the United States in the country and the geo-
5 graphic combatant command in which such base is
6 located.

7 (4) A description of known ongoing activities
8 and capabilities at covered foreign military bases,
9 and how such activities and capabilities advance the
10 foreign policy and national security priorities of the
11 relevant foreign countries.

12 (5) The extent to which covered foreign military
13 bases could be used to counter the defense priorities
14 of the United States.

15 (c) FORM.—Each briefing under subsection (a) shall
16 be provided in classified form.

17 (d) COVERED FOREIGN MILITARY BASE DEFINED.—
18 In this section, the term “covered foreign military base”
19 means, with respect to a foreign country that is an adver-
20 sary of the United States, a military base of that country
21 located in a different country.

22 (e) SUNSET.—The requirement to provide briefings
23 under subsection (a) shall terminate after the briefing re-
24 quired to be provided by not later than February 15,
25 2025.

1 **SEC. 1299F. COUNTERING WHITE IDENTITY TERRORISM**
2 **GLOBALLY.**

3 (a) STRATEGY AND COORDINATION.—Not later than
4 six months after the date of the enactment of this Act,
5 the Secretary of State shall—

6 (1) develop and submit to the Committee on
7 Foreign Affairs of the House of Representatives and
8 the Committee on Foreign Relations of the Senate
9 a Department of State-wide strategy entitled the
10 “Department of State Strategy for Countering
11 White Identity Terrorism Globally” (in this section
12 referred to as the “strategy”); and

13 (2) designate the Coordinator for Counterter-
14 rorism of the Department to coordinate Department
15 efforts to counter white identity terrorism globally,
16 including with United States diplomatic and con-
17 sular posts, the Director of the National Counterter-
18 rorism Center, the Director of the Central Intel-
19 ligence Agency, the Attorney General, the Director
20 of National Intelligence, the Secretary of Homeland
21 Security, the Director of the Federal Bureau of In-
22 vestigation, the Secretary of the Treasury, and the
23 heads of any other relevant Federal departments or
24 agencies.

25 (b) ELEMENTS.—The strategy shall at a minimum
26 contain the following:

1 (1) An assessment of the global threat from
2 white identity terrorism abroad, including geo-
3 graphic or country prioritization based on the as-
4 sessed threat to the United States.

5 (2) A description of the coordination mecha-
6 nisms between relevant bureaus and offices within
7 the Department of State, as well as with United
8 States diplomatic and consular posts, for developing
9 and implementing efforts to counter white identity
10 terrorism.

11 (3) A description of how the Department plans
12 to build on any existing strategy developed by the
13 Bureau for Counterterrorism to—

14 (A) adapt or expand existing Department
15 programs, projects, activities, or policy instru-
16 ments based on existing authorities for the spe-
17 cific purpose of degrading and delegitimizing
18 the white identity terrorist movement globally;
19 and

20 (B) identify the need for any new Depart-
21 ment programs, projects, activities, or policy in-
22 struments for the specific purpose of degrading
23 and delegitimizing the white identity terrorist
24 movement globally, including a description of
25 the steps and resources necessary to establish

1 any such programs, projects, activities, or policy
2 instruments, noting whether such steps would
3 require new authorities.

4 (4) Detailed plans for using public diplomacy,
5 including the efforts of the Secretary of State and
6 other senior Executive Branch officials, including
7 the President, to degrade and delegitimize white
8 identity terrorist ideologues and ideology globally, in-
9 cluding by—

10 (A) countering white identity terrorist mes-
11 saging and supporting efforts to redirect poten-
12 tial supporters away from white identity ter-
13 rorist content online;

14 (B) exposing foreign government support
15 for white identity terrorist ideologies, objectives,
16 ideologues, networks, organizations, and inter-
17 net platforms;

18 (C) engaging with foreign governments and
19 internet service providers and other relevant
20 technology entities, to prevent or limit white
21 identity terrorists from exploiting internet plat-
22 forms in furtherance of or in preparation for
23 acts of terrorism or other targeted violence, as
24 well as the recruitment, radicalization, and in-

1 doctrination of new adherents to white identity
2 terrorism; and

3 (D) identifying the roles and responsibil-
4 ities for the Office of the Under Secretary for
5 Public Affairs and Public Diplomacy and the
6 Global Engagement Center in developing and
7 implementing such plans.

8 (5) An outline of steps the Department is tak-
9 ing or will take in coordination, as appropriate, with
10 the Director of the National Counterterrorism Cen-
11 ter, the Director of the Central Intelligence Agency,
12 the Attorney General, the Director of National Intel-
13 ligence, the Secretary of Homeland Security, the Di-
14 rector of the Federal Bureau of Investigation, the
15 Secretary of the Treasury, and the heads of any
16 other relevant Federal departments or agencies to
17 improve information and intelligence sharing with
18 other countries on white identity terrorism based on
19 existing authorities by—

20 (A) describing plans for adapting or ex-
21 panding existing mechanisms for sharing infor-
22 mation, intelligence, or counterterrorism best
23 practices, including facilitating the sharing of
24 information, intelligence, or counterterrorism

1 best practices gathered by Federal, State, and
2 local law enforcement; and

3 (B) proposing new mechanisms or forums
4 that might enable expanded sharing of informa-
5 tion, intelligence, or counterterrorism best prac-
6 tices.

7 (6) An outline of how the Department plans to
8 use designation as a Specially Designated Global
9 Terrorist (under Executive Order No. 13224 (50
10 U.S.C. 1701 note)) and foreign terrorist organiza-
11 tion (pursuant to section 219 of the Immigration
12 and Nationality Act (8 U.S.C. 1189)) to support the
13 strategy, including—

14 (A) an assessment and explanation of the
15 utility of applying or not applying such designa-
16 tions when individuals or entities satisfy the cri-
17 teria for such designations; and

18 (B) a description of possible remedies if
19 such criteria are insufficient to enable designa-
20 tion of any individuals or entities the Secretary
21 of State considers a potential terrorist threat to
22 the United States.

23 (7) A description of the Department's plans, in
24 consultation with the Department of the Treasury,
25 to work with foreign governments, financial institu-

1 tions, and other related entities to counter the fi-
2 nancing of white identity terrorists within the pa-
3 rameters of current law, or if no such plans exist,
4 a description of why.

5 (8) A description of how the Department plans
6 to implement the strategy in conjunction with ongo-
7 ing efforts to counter the Islamic State, al-Qaeda,
8 and other terrorist threats to the United States.

9 (9) A description of how the Department will
10 integrate into the strategy lessons learned in the on-
11 going efforts to counter the Islamic State, al-Qaeda,
12 and other terrorist threats to the United States.

13 (10) A identification of any additional resources
14 or staff needed to implement the strategy.

15 (c) INTERAGENCY COORDINATION.—The Secretary of
16 State shall develop the strategy in coordination with the
17 Director of the National Counterterrorism Center and in
18 consultation with the Director of the Central Intelligence
19 Agency, the Attorney General, the Director of National
20 Intelligence, the Secretary of Homeland Security, the Di-
21 rector of the Federal Bureau of Investigation, the Sec-
22 retary of the Treasury, and the heads of any other rel-
23 evant Federal departments or agencies.

24 (d) STAKEHOLDER INCLUSION.—The strategy shall
25 be developed in consultation with representatives of

1 United States and international civil society and academic
2 entities with experience researching or implementing pro-
3 grams to counter white identity terrorism.

4 (e) FORM.—The strategy shall be submitted in un-
5 classified form that can be made available to the public,
6 but may include a classified annex if the Secretary of
7 State determines such is appropriate.

8 (f) IMPLEMENTATION.—Not later than three months
9 after the submission of the strategy, the Secretary of State
10 shall begin implementing the strategy.

11 (g) CONSULTATION.—Not later than 90 days after
12 the date of the enactment of this Act and not less often
13 than annually thereafter, the Secretary of State shall con-
14 sult with the Committee on Foreign Affairs of the House
15 of Representatives and the Committee on Foreign Rela-
16 tions of the Senate regarding the development and imple-
17 mentation of the strategy.

18 (h) COUNTRY REPORTS ON TERRORISM.—The Sec-
19 retary of State shall incorporate all credible information
20 about white identity terrorism, including regarding rel-
21 evant attacks, the identification of perpetrators and vic-
22 tims of such attacks, the size and identification of organi-
23 zations and networks, and the identification of notable
24 ideologues, in the annual country reports on terrorism
25 submitted pursuant to section 140 of the Foreign Rela-

1 tions Authorization Act, Fiscal Years 1988 and 1989 (22
2 U.S.C. 2656f).

3 (i) REPORT ON SANCTIONS.—

4 (1) IN GENERAL.—Not later than 120 days and
5 again 240 days after the submission of each annual
6 country report on terrorism submitted pursuant to
7 section 140 of the Foreign Relations Authorization
8 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f),
9 as modified in accordance with subsection (h), the
10 President shall submit to the Committee on Foreign
11 Affairs of the House of Representatives and the
12 Committee on Foreign Relations of the Senate a re-
13 port that determines whether the foreign persons,
14 organizations, and networks identified in such an-
15 nual country reports on terrorism as so modified,
16 satisfy the criteria to be designated as—

17 (A) foreign terrorist organizations under
18 section 219 of the Immigration and Nationality
19 Act (8 U.S.C. 1189); or

20 (B) Specially Designated Global Terrorist
21 under Executive Order No. 13224 (50 U.S.C.
22 1701 note).

23 (2) FORM.—Each determination required under
24 paragraph (1) shall be submitted in unclassified

1 form, but may include a classified annex, if appro-
2 priate.

3 (j) REQUIREMENT FOR INDEPENDENT STUDY TO
4 MAP THE GLOBAL WHITE IDENTITY TERRORISM MOVE-
5 MENT.—

6 (1) IN GENERAL.—Not later than 60 days after
7 the date of the enactment of this Act, the Secretary
8 of State shall enter into a contract with a federally
9 funded research and development center with appro-
10 priate expertise and analytical capability to carry out
11 the study described in paragraph (2).

12 (2) STUDY.—The study described in this para-
13 graph shall provide for a comprehensive social net-
14 work analysis of the global white identity terrorism
15 movement to—

16 (A) identify key actors, organizations, and
17 supporting infrastructure; and

18 (B) map the relationships and interactions
19 between such actors, organizations, and sup-
20 porting infrastructure.

21 (3) REPORT.—

22 (A) TO THE SECRETARY.—Not later than
23 one year after the date on which the Secretary
24 of State enters into a contract pursuant to
25 paragraph (1), the federally funded research

1 and development center referred to in such sub-
2 section that has entered into such contract with
3 the Secretary shall submit to the Secretary a
4 report containing the results of the study re-
5 quired under this section.

6 (B) TO CONGRESS.—Not later than 30
7 days after receipt of the report under subpara-
8 graph (A), the Secretary of State shall submit
9 to the Committee of Foreign Affairs of the
10 House of Representatives and the Committee
11 on Foreign Relations of the Senate such report,
12 together with any additional views or rec-
13 ommendations of the Secretary.

14 **SEC. 1299G. REPORT ON PROGRESS OF THE DEPARTMENT**
15 **OF DEFENSE WITH RESPECT TO DENYING**
16 **THE STRATEGIC GOALS OF A COMPETITOR**
17 **AGAINST A COVERED DEFENSE PARTNER.**

18 (a) REPORT ON PROGRESS OF THE DEPARTMENT OF
19 DEFENSE WITH RESPECT TO DENYING THE STRATEGIC
20 GOALS OF A COMPETITOR AGAINST A COVERED DEFENSE
21 PARTNER.—

22 (1) IN GENERAL.—Not later than April 30,
23 2021, and annually thereafter for 5 years, the Sec-
24 retary of Defense shall submit to the congressional
25 defense committees a report on the progress of the

1 Department of Defense with respect to improving
2 the ability of the United States Armed Forces to
3 conduct combined joint operations to deny the stra-
4 tegic goals of a competitor against a covered defense
5 partner.

6 (2) MATTERS TO BE INCLUDED.—Each report
7 required by paragraph (1) shall include the fol-
8 lowing:

9 (A) An explanation of the objectives for
10 the United States Armed Forces that would be
11 necessary to deny the strategic goals of a com-
12 petitor against a covered defense partner.

13 (B) An identification of joint warfighting
14 capabilities and current efforts to organize,
15 train, and equip the United States Armed
16 Forces in support of the objectives explained
17 pursuant to paragraph (1), including—

18 (i) an assessment of whether the pro-
19 grams included in the most recent future-
20 years defense program submitted to Con-
21 gress under section 221 of title 10, United
22 States Code, are sufficient to enable the
23 United States Armed Forces to conduct
24 combined joint operations to achieve such
25 objectives;

1 (ii) a description of additional invest-
2 ments or force posture adjustments re-
3 quired to maintain or improve the ability
4 of the United States Armed Forces to con-
5 duct combined joint operations to achieve
6 such objectives;

7 (iii) a description of the manner in
8 which the Secretary of Defense intends to
9 develop and integrate Army, Navy, Air
10 Force, Marine Corps, and Space Force
11 operational concepts to maintain or im-
12 prove the ability of the United States
13 Armed Forces to conduct combined joint
14 operations to achieve such objectives; and

15 (iv) an assessment of the manner in
16 which different options for pre-delegating
17 authorities may improve the ability of the
18 United States Armed Forces to conduct
19 combined joint operations to achieve such
20 objectives.

21 (C) An assessment of options for deterring
22 limited use of nuclear weapons by a competitor
23 in the Indo-Pacific region without undermining
24 the ability of the United States Armed Forces

1 to maintain deterrence against other competi-
2 tors or adversaries.

3 (D) An assessment of a competitor theory
4 of victory for invading and unifying a covered
5 defense partner with such competitor by mili-
6 tary force.

7 (E) A description of the military objectives
8 a competitor would need to achieve strategic
9 goals.

10 (F) A description of the military missions
11 a strategic competitor would need to achieve
12 strategic goals, including—

- 13 (i) blockade and bombing operations;
14 (ii) amphibious landing operations; or
15 (iii) combat operations.

16 (G) An assessment of competing demands
17 on a competitor's resources and how such de-
18 mands impact such competitor's ability to
19 achieve strategic goals.

20 (H) An assessment of the self-defense ca-
21 pabilities of covered defense partners and a
22 summary of defense articles and services that
23 are required to enhance such capability.

24 (I) An assessment of the capabilities of
25 partner and allied countries to conduct com-

1 bined operations with the United States Armed
2 Forces in a regional contingency.

3 (3) FORM.—Each report required by paragraph
4 (1) shall be submitted in classified form but may in-
5 clude an unclassified executive summary.

6 (b) DEFINITIONS.—In this section:

7 (1) The term “competitor” means a country
8 identified as a strategic competitor in the “Summary
9 of the 2018 National Defense Strategy of the United
10 States of America: Sharpening the American Mili-
11 tary’s Competitive Edge” issued by the Department
12 of Defense pursuant to section 113 of title 10,
13 United States Code.

14 (2) The term “covered defense partner” means
15 a partner identified in the “Department of Defense
16 Indo-Pacific Strategy Report” issued on June 1,
17 2019, that is located within 100 miles off the coast
18 of a strategic competitor.

19 (3) The term “strategic goals” means, with re-
20 spect to a competitor, a strategy designed to allow
21 the competitor to rapidly use military force to effec-
22 tively control the territory of a covered defense part-
23 ner before the United States Armed Forces are able
24 to respond.

1 **SEC. 1299H. COMPARATIVE STUDIES ON DEFENSE BUDGET**
2 **TRANSPARENCY OF THE PEOPLE'S REPUBLIC**
3 **OF CHINA, THE RUSSIAN FEDERATION, AND**
4 **THE UNITED STATES.**

5 (a) STUDIES REQUIRED.—

6 (1) DEPARTMENT OF DEFENSE STUDY.—Not
7 later than 270 days after the date of the enactment
8 of this Act, the Secretary of Defense shall complete
9 a comparative study on the defense budgets of the
10 People's Republic of China, the Russian Federation,
11 and the United States.

12 (2) INDEPENDENT STUDY.—

13 (A) IN GENERAL.—Not later than 90 days
14 after the date of the enactment of this Act, the
15 Secretary shall offer to enter into an agreement
16 with an entity independent of the Department
17 of Defense to conduct a comparative study on
18 the defense budgets of the People's Republic of
19 China, the Russian Federation, and the United
20 States, to be completed not later than 270 days
21 after the date on which the offer to enter into
22 the agreement is made.

23 (B) FEDERALLY FUNDED RESEARCH AND
24 DEVELOPMENT CENTER.—The entity described
25 in subparagraph (A) shall be a federally funded
26 research and development center.

1 (3) GOAL.—The goal of the studies required by
2 paragraphs (1) and (2) shall be to develop a meth-
3 odologically sound set of assumptions to underpin a
4 comparison of the defense spending of the People’s
5 Republic of China, the Russian Federation, and the
6 United States.

7 (b) ELEMENTS.—

8 (1) IN GENERAL.—Each study required by sub-
9 section (a) shall do the following:

10 (A) Determine the amounts invested by
11 each subject country across functional cat-
12 egories for spending, including—

13 (i) defense-related research and devel-
14 opment;

15 (ii) weapons procurement from domes-
16 tic and foreign sources;

17 (iii) operations and maintenance;

18 (iv) pay and benefits; and

19 (v) military pensions.

20 (B) Consider the effects of purchasing
21 power parity and market exchange rates, par-
22 ticularly on nontraded goods.

23 (C) Consider differences in the relative
24 prices and quality of goods within each subject
25 country.

1 (D) Compare the quality of labor and ben-
2 efits for the defense workforce of each subject
3 country.

4 (E) Account for discrepancies in the man-
5 ner in which each subject country accounts for
6 certain functional types of defense-related
7 spending.

8 (F) Explicitly estimate the magnitude of
9 omitted spending from official defense budget
10 information.

11 (G) Describe direct, indirect, and burden-
12 sharing contributions made by host countries to
13 each subject country, including contributions
14 for—

15 (i) labor costs;

16 (ii) military construction projects;

17 (iii) labor, utilities, facilities, and costs
18 omitted;

19 (iv) costs associated with training and
20 operations; and

21 (v) any other purpose the Secretary
22 considers appropriate.

23 (H) Analyze the budget impact of geo-
24 graphical considerations and forward-deployed
25 forces.

1 (I) Exclude spending related to veterans'
2 benefits.

3 (2) ADDITIONAL ELEMENT FOR INDEPENDENT
4 STUDY.—In addition to the elements described in
5 paragraph (1), the independent study required by
6 subsection (a)(2) shall analyze best practices for
7 quantifying and evaluating the comparative military
8 expenditures of each subject country for defense-re-
9 lated databases and research.

10 (c) CONSIDERATIONS.—The studies required by sub-
11 section (a) may take into consideration the following:

12 (1) The effects of state-owned enterprises on
13 the defense expenditures of the People's Republic of
14 China and the Russian Federation.

15 (2) The role of differing acquisition policies and
16 structures with respect to the defense expenditures
17 of each subject country.

18 (3) Any other matter relevant to evaluating the
19 resources dedicated to the defense spending or the
20 various military-related outlays of the People's Re-
21 public of China and the Russian Federation.

22 (d) REPORTS.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the date on which each study required by subsection
25 (a) is completed, the Secretary shall submit to the

1 appropriate committees of Congress a report on the
2 results of the applicable study, together with the
3 views of the Secretary on such study.

4 (2) FORM.—Each report required by paragraph
5 (1) shall be submitted in unclassified form, but may
6 include a classified annex.

7 (3) APPROPRIATE COMMITTEES OF CONGRESS
8 DEFINED.—In this subsection, the term “appro-
9 priate committees of Congress” means—

10 (A) the Committee on Appropriations, the
11 Committee on Armed Services, the Committee
12 on Foreign Relations, and the Select Committee
13 on Intelligence of the Senate; and

14 (B) the Committee on Appropriations, the
15 Committee on Armed Services, the Committee
16 on Foreign Affairs, and the Permanent Select
17 Committee on Intelligence of the House of Rep-
18 resentatives.

19 **SEC. 1299I. ASSESSMENT OF WEAPONS OF MASS DESTRUC-**
20 **TION TERRORISM.**

21 (a) ASSESSMENT.—Not later than 60 days after the
22 date of the enactment of this Act, the Secretary of De-
23 fense, in consultation with the Secretary of State and the
24 Secretary of Energy, shall enter into an arrangement with
25 the National Academy of Sciences—

1 (1) to conduct an assessment of strategies of
2 the United States for preventing, countering, and re-
3 sponding to nuclear, biological, and chemical ter-
4 rorism; and

5 (2) to make recommendations to improve such
6 strategies.

7 (b) MATTERS TO BE INCLUDED.—The assessment
8 and recommendations required by subsection (a) shall ad-
9 dress the adequacy of strategies described in such sub-
10 section and identify technical, policy, and resource gaps
11 with respect to—

12 (1) identifying national and international nu-
13 clear, biological, and chemical risks, and critical
14 emerging threats;

15 (2) preventing state-sponsored and non-state
16 actors from acquiring or misusing the technologies,
17 materials, and critical expertise needed to carry out
18 nuclear, biological, and chemical attacks, including
19 dual-use technologies, materials, and expertise;

20 (3) countering efforts by state-sponsored and
21 non-state actors to carry out such attacks;

22 (4) responding to nuclear, biological, and chem-
23 ical terrorism incidents to attribute their origin and
24 help manage their consequences;

1 (5) budgets likely to be required to implement
2 effectively such strategies; and

3 (6) other important matters that are directly
4 relevant to such strategies.

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to the appropriate
9 congressional committees a report that contains the
10 assessment and recommendations required by sub-
11 section (a).

12 (2) FORM.—The report required by this sub-
13 section shall be submitted in unclassified form, but
14 may contain a classified annex.

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term “appropriate con-
17 gressional committees” means—

18 (1) the Committee on Foreign Affairs, Com-
19 mittee on Armed Services, and Permanent Select
20 Committee on Intelligence of the House of Rep-
21 resentatives; and

22 (2) the Committee on Foreign Relations, Com-
23 mittee on Armed Services, and Select Committee on
24 Intelligence of the Senate.

1 **SEC. 1299J. REVIEW OF DEPARTMENT OF DEFENSE COM-**
2 **PLIANCE WITH “PRINCIPLES RELATED TO**
3 **THE PROTECTION OF MEDICAL CARE PRO-**
4 **VIDED BY IMPARTIAL HUMANITARIAN ORGA-**
5 **NIZATIONS DURING ARMED CONFLICTS”.**

6 (a) REVIEW.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall submit to the Committee on Armed Services of the
9 Senate and the Committee on Armed Services of the
10 House of Representatives any available results of the re-
11 view requested on October 3, 2016, by the Secretary of
12 Defense of compliance of all relevant Department of De-
13 fense orders, rules of engagement, directives, regulations,
14 policies, practices, and procedures, with the “Principles
15 Related to the Protection of Medical Care Provided by Im-
16 partial Humanitarian Organizations During Armed Con-
17 flicts”.

18 (b) ADDITIONAL REQUIREMENT.—The Secretary of
19 Defense shall continue to ensure that all Department of
20 Defense orders, rules of engagement, directives, regula-
21 tions, policies, practices, and procedures that were re-
22 viewed as described in subsection (a), including any other
23 guidance, training, or standard operating procedures re-
24 lating to the protection of health care during armed con-
25 flict, are consistent with the “Principles Related to the

1 Protection of Medical Care Provided by Impartial Human-
2 itarian Organizations During Armed Conflicts”.

3 **SEC. 1299K. CERTIFICATION RELATING TO ASSISTANCE**
4 **FOR GUATEMALA.**

5 (a) IN GENERAL.—Prior to the transfer of any vehi-
6 cles by the Department of Defense to a joint task force
7 of the Ministry of Defense or the Ministry of the Interior
8 of Guatemala during fiscal year 2021, the Secretary of
9 Defense shall certify to the appropriate congressional com-
10 mittees that such ministries have made a credible commit-
11 ment to use such equipment only for the uses for which
12 they were intended.

13 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the Committee on Armed Services, the
17 Committee on Appropriations, and the Committee on
18 Foreign Affairs of the House of Representatives;
19 and

20 (2) the Committee on Armed Services, the
21 Committee on Appropriations, and the Committee on
22 Foreign Relations of the Senate.

23 **SEC. 1299L. FUNCTIONAL CENTER FOR SECURITY STUDIES**
24 **IN IRREGULAR WARFARE.**

25 (a) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of Defense, in consultation with the Secretary of
4 State, shall submit to the congressional defense com-
5 mittees a report that assesses the merits and feasi-
6 bility of establishing and administering a Depart-
7 ment of Defense Functional Center for Security
8 Studies in Irregular Warfare.

9 (2) ELEMENTS.—The report required by para-
10 graph (1) shall include the following:

11 (A) A description of the benefits to the
12 United States, and the allies and partners of
13 the United States, of establishing such a func-
14 tional center, including the manner in which the
15 establishment of such a functional center would
16 enhance and sustain focus on, and advance
17 knowledge and understanding of, matters of ir-
18 regular warfare, including cybersecurity,
19 nonstate actors, information operations,
20 counterterrorism, stability operations, and the
21 hybridization of such matters.

22 (B) A detailed description of the mission
23 and purpose of such a functional center, includ-
24 ing applicable policy guidance from the Office
25 of the Secretary of Defense.

1 (C) An analysis of appropriate reporting
2 and liaison relationships between such a func-
3 tional center and—

4 (i) the geographic and functional com-
5 batant commands;

6 (ii) other Department of Defense
7 stakeholders; and

8 (iii) other government and nongovern-
9 ment entities and organizations.

10 (D) An enumeration and valuation of cri-
11 teria applicable to the determination of a suit-
12 able location for such a functional center.

13 (E) A description of the establishment and
14 operational costs of such a functional center, in-
15 cluding for—

16 (i) military construction for required
17 facilities;

18 (ii) facility renovation;

19 (iii) personnel costs for faculty and
20 staff; and

21 (iv) other costs the Secretary of De-
22 fense considers appropriate.

23 (F) An evaluation of the existing infra-
24 structure, resources, and personnel available at
25 military installations, existing regional centers,

1 interagency facilities, and universities and other
2 academic and research institutions that could
3 reduce the costs described in subparagraph (E).

4 (G) An examination of partnership oppor-
5 tunities with United States allies and partners
6 for potential collaboration and burden sharing.

7 (H) A description of potential courses and
8 programs that such a functional center could
9 carry out, including—

10 (i) core, specialized, and advanced
11 courses;

12 (ii) planning workshops and struc-
13 tured after-action reviews or debriefs;

14 (iii) seminars;

15 (iv) initiatives on executive develop-
16 ment, relationship building, partnership
17 outreach, and any other matter the Sec-
18 retary of Defense considers appropriate;
19 and

20 (v) focused academic research and
21 studies in support of Department prior-
22 ities.

23 (I) A description of any modification to
24 title 10, United States Code, or any other pro-
25 vision of law, necessary for the effective estab-

1 lishment and administration of such a func-
2 tional center.

3 (3) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex.

6 (b) ESTABLISHMENT.—

7 (1) IN GENERAL.—Not earlier than 30 days
8 after the submittal of the report required by sub-
9 section (a), and subject to the availability of appro-
10 priated funds, the Secretary of Defense may estab-
11 lish and administer a Department of Defense Func-
12 tional Center for Security Studies in Irregular War-
13 fare.

14 (2) TREATMENT AS A REGIONAL CENTER FOR
15 SECURITY STUDIES.—A Department of Defense
16 Functional Center for Security Studies in Irregular
17 Warfare established under paragraph (1) shall be
18 operated and administered in the same manner as
19 the Department of Defense Regional Centers for Se-
20 curity Studies under section 342 of title 10, United
21 States Code, and in accordance with such regula-
22 tions as the Secretary of Defense may prescribe.

23 (3) LIMITATION.—No other institution or ele-
24 ment of the Department may be designated as a De-

1 partment of Defense functional center, except by an
2 Act of Congress.

3 (4) LOCATION.—The location of a Department
4 of Defense Functional Center for Security Studies in
5 Irregular Warfare established under paragraph (1)
6 shall be selected based on an objective, criteria-driv-
7 en administrative or competitive award process.

8 **SEC. 1299M. UNITED STATES-ISRAEL OPERATIONS-TECH-**
9 **NOLOGY COOPERATION WITHIN THE UNITED**
10 **STATES-ISRAEL DEFENSE ACQUISITION ADVI-**
11 **SORY GROUP.**

12 (a) REQUIREMENT.—

13 (1) IN GENERAL.—The Secretary of Defense, in
14 consultation with the Secretary of State, shall take
15 actions within the United States-Israel Defense Ac-
16 quisition Advisory Group that may be necessary—

17 (A) to systematically evaluate and share
18 potential options to develop and acquire intel-
19 ligence-informed military requirements that di-
20 rectly support warfighting capabilities of both
21 the Department of Defense and the Ministry of
22 Defense of Israel; and

23 (B) to develop, as feasible and advisable,
24 combined United States-Israel plans to re-
25 search, develop, procure, and field weapon sys-

1 tems and military capabilities as quickly and
2 economically as possible to meet common capa-
3 bility requirements of the Department and the
4 Ministry of Defense of Israel.

5 (2) RULE OF CONSTRUCTION.—Nothing in this
6 subsection shall be construed as requiring the estab-
7 lishment or termination of any existing United
8 States defense activity, group, program, or partner-
9 ship with Israel.

10 (b) BILATERAL COORDINATION.—To enhance co-
11 operation and encourage military-to-military engagement
12 on operations and technology, the Secretary of Defense,
13 in consultation with other appropriate Cabinet members,
14 shall take appropriate actions to consult and cooperate
15 with the Government of Israel on the requirements.

16 (c) ESTABLISHMENT OF WORKING GROUP WITHIN
17 THE UNITED STATES-ISRAEL DEFENSE ACQUISITION AD-
18 VISORY GROUP.—The Secretary of Defense, in consulta-
19 tion with the appropriate heads of other Federal agencies,
20 may establish, under the United States vice chairman of
21 the United States-Israel Defense Acquisition Advisory
22 Group, a working group to address operations and tech-
23 nology matters described in subsection (a)(1).

24 (d) REPORTS.—

1 (1) IN GENERAL.—Not later than March 15
2 each year through 2025, the Secretary of Defense,
3 in consultation with the Secretary of State, shall
4 submit to the appropriate committees of Congress a
5 report on any actions taken by the Secretary of De-
6 fense pursuant to the requirements in subsection
7 (a)(1).

8 (2) ELEMENTS.—Each report required by para-
9 graph (1) shall include the following:

10 (A) A description of any science and tech-
11 nology effort or research, development, test,
12 and evaluation effort considered, facilitated, or
13 recommended by the United States-Israel De-
14 fense Acquisition Advisory Group, including any
15 effort that results in a United States or Israel
16 program of record.

17 (B) A description of military capabilities
18 the United States-Israel Defense Acquisition
19 Advisory Group has determined should be pur-
20 sued through a defense cooperation effort be-
21 tween the Government of the United States and
22 the Government of Israel.

23 (C) A description of any science and tech-
24 nology effort or research, development, test,
25 and evaluation effort facilitated and rec-

1 recommended by the United States-Israel Defense
2 Acquisition Advisory Group, in support of the
3 development of the military capabilities referred
4 to in subparagraph (B), including any effort
5 that results in a United States or Israel pro-
6 gram of record.

7 (D) A description of any obstacle or chal-
8 lenge associated with an effort described in sub-
9 paragraph (B) and the plan of the United
10 States-Israel Defense Acquisition Advisory
11 Group to address such obstacle or challenge.

12 (E) A description of the efforts of the
13 United States-Israel Defense Acquisition Advi-
14 sory Group to prevent the People's Republic of
15 China or the Russian Federation from obtain-
16 ing intellectual property or military technology
17 associated with combined United States and
18 Israel science and technology efforts and re-
19 search, development, test, and evaluation ef-
20 forts.

21 (F) A list of potential areas the United
22 States-Israel Defense Acquisition Advisory
23 Group is considering for cooperation on defense
24 issues.

1 (G) A description of any authority or au-
2 thorization of appropriations required for the
3 United States-Israel Defense Acquisition Advi-
4 sory Group to carry out the purposes described
5 in subsection (a)(1).

6 (3) FORM.—Each report required by paragraph
7 (1) shall be submitted in unclassified form and shall
8 include a classified annex in which the elements re-
9 quired under subparagraphs (B) and (E) of para-
10 graph (2) and any additional classified information,
11 as determined by the Secretary of Defense, shall be
12 addressed.

13 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
14 FINED.—In this subsection, the term “appropriate com-
15 mittees of Congress” means—

16 (1) the Committee on Armed Services, the
17 Committee on Foreign Relations, and the Select
18 Committee on Intelligence of the Senate; and

19 (2) the Committee on Armed Services, the
20 Committee on Foreign Affairs, and the Permanent
21 Select Committee on Intelligence of the House of
22 Representatives.

1 **SEC. 1299N. PAYMENT OF PASSPORT FEES FOR CERTAIN IN-**
2 **DIVIDUALS.**

3 Subsection (c) of section 452 of title 37, United
4 States Code, is amended—

5 (1) by redesignating paragraph (4) as para-
6 graph (5); and

7 (2) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

9 “(4) Passport and visa fees required for foreign
10 travel.”.

11 **SEC. 1299O. RESUMPTION OF PEACE CORPS OPERATIONS.**

12 Not later than 90 days after the date of enactment
13 of this Act, the Director of the Peace Corps shall submit
14 to the Committee on Foreign Relations of the Senate and
15 the Committee on Foreign Affairs of the House of Rep-
16 resentatives a report that describes the efforts of the
17 Peace Corps to—

18 (1) offer a return to service to each Peace
19 Corps volunteer and trainee whose service ended on
20 March 15, 2020 (or earlier, in the case of volunteers
21 who were serving in China or Mongolia), due to the
22 COVID–19 public health emergency;

23 (2) obtain approval from countries, to the ex-
24 tent safe and appropriate, to return volunteers and
25 trainees to countries of service, predicated on the

1 ability for volunteers and trainees to return safely
2 and legally;

3 (3) provide adequate measures necessary for
4 the safety and health of volunteers and trainees and
5 develop contingency plans in the event overseas oper-
6 ations are disrupted by future COVID–19 outbreaks;

7 (4) develop and maintain a robust volunteer co-
8 hort; and

9 (5) identify any need for anticipated additional
10 appropriations or new statutory authorities and the
11 changes in global conditions that would be necessary
12 to achieve the goal of safely enrolling 7,300 Peace
13 Corps volunteers during the 1-year period beginning
14 on the date on which Peace Corps operations re-
15 sume.

16 **SEC. 1299P. ESTABLISHMENT OF THE OPEN TECHNOLOGY**
17 **FUND.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that it is in the interest of the United States to pro-
20 mote global internet freedom by countering internet cen-
21 sorship and repressive surveillance and protect the inter-
22 net as a platform for the free exchange of ideas, promotion
23 of human rights and democracy, and advancement of a
24 free press and to support efforts that prevent the delib-
25 erate misuse of the internet to repress individuals from

1 exercising their rights to free speech and association, in-
2 cluding countering the use of such technologies by authori-
3 tarian regimes.

4 (b) ESTABLISHMENT.—The United States Inter-
5 national Broadcasting Act of 1994 (22 U.S.C. 6201 et
6 seq.) is amended by inserting after section 309 the fol-
7 lowing new section:

8 **“SEC. 309A. OPEN TECHNOLOGY FUND.**

9 “(a) AUTHORITY.—

10 “(1) IN GENERAL.—Grants authorized under
11 section 305 shall be available to make annual grants
12 for the purpose of promoting, consistent with United
13 States law, unrestricted access to uncensored
14 sources of information via the internet to enable
15 journalists, including journalists employed by or af-
16 filiated with the Voice of America, Radio Free Eu-
17 rope/Radio Liberty, Radio Free Asia, the Middle
18 East Broadcasting Networks, the Office of Cuba
19 Broadcasting, or any entity funded by or partnering
20 with the United States Agency for Global Media, to
21 create and disseminate, and for their audiences to
22 receive, news and information consistent with the
23 purposes, standards, and principles specified in sec-
24 tions 302 and 303.

1 “(2) ESTABLISHMENT.—There is established a
2 grantee entity to be known as the ‘Open Technology
3 Fund’, which shall carry out the provisions of this
4 section.

5 “(b) FUNCTIONS OF THE GRANTEE.—In furtherance
6 of the mission set forth in subsection (a), the Open Tech-
7 nology Fund shall seek to advance freedom of the press
8 and unrestricted access to the internet in repressive envi-
9 ronments overseas, and shall—

10 “(1) research, develop, implement, and main-
11 tain—

12 “(A) technologies that circumvent tech-
13 niques used by authoritarian governments,
14 nonstate actors, and others to block or censor
15 access to the internet, including circumvention
16 tools that bypass internet blocking, filtering,
17 and other censorship techniques used to limit or
18 block legitimate access to content and informa-
19 tion; and

20 “(B) secure communication tools and other
21 forms of privacy and security technology that
22 facilitate the creation and distribution of news
23 and enable audiences to access media content
24 on censored websites;

1 “(2) advance internet freedom by supporting
2 private and public sector research, development, im-
3 plementation, and maintenance of technologies that
4 provide secure and uncensored access to the internet
5 to counter attempts by authoritarian governments,
6 nonstate actors, and others to improperly restrict
7 freedom online;

8 “(3) research and analyze emerging technical
9 threats and develop innovative solutions through col-
10 laboration with the private and public sectors to
11 maintain the technological advantage of the United
12 States Government over authoritarian governments,
13 nonstate actors, and others;

14 “(4) develop, acquire, and distribute requisite
15 internet freedom technologies and techniques for the
16 United States Agency for Global Media, including as
17 set forth in paragraph (1), and digital security inter-
18 ventions, to fully enable the creation and distribution
19 of digital content between and to all users and re-
20 gional audiences;

21 “(5) prioritize programs for countries the gov-
22 ernments of which restrict freedom of expression on
23 the internet, and that are important to the national
24 interest of the United States, and are consistent
25 with section 7050(b)(2)(C) of the Further Consoli-

1 dated Appropriations Act, 2020 (Public Law 116–
2 94); and

3 “(6) carry out any other effort consistent with
4 the purposes of this Act or press freedom overseas
5 if requested or approved by the United States Agen-
6 cy for Global Media.

7 “(c) METHODOLOGY.—In carrying out subsection
8 (b), the Open Technology Fund shall—

9 “(1) support fully open-source tools, code, and
10 components, to the extent practicable, to ensure
11 such supported tools and technologies are as secure,
12 transparent, and accessible as possible, and require
13 that any such tools, components, code, or technology
14 supported by the Open Technology Fund remain
15 fully open-source, to the extent practicable;

16 “(2) support technologies that undergo com-
17 prehensive security audits to ensure that such tech-
18 nologies are secure and have not been compromised
19 in a manner detrimental to the interest of the
20 United States or to individuals and organizations
21 benefitting from programs supported by the Open
22 Technology Fund;

23 “(3) review and update periodically as nec-
24 essary security auditing procedures used by the

1 Open Technology Fund to reflect current industry
2 security standards;

3 “(4) establish safeguards to mitigate the use of
4 such supported technologies for illicit purposes;

5 “(5) solicit project proposals through an open,
6 transparent, and competitive application process to
7 attract innovative applications and reduce barriers to
8 entry;

9 “(6) seek input from technical, regional, and
10 subject matter experts from a wide range of relevant
11 disciplines, to review, provide feedback, and evaluate
12 proposals to ensure the most competitive projects
13 are funded;

14 “(7) implement an independent review process,
15 through which proposals are reviewed by such ex-
16 perts to ensure the highest degree of technical re-
17 view and due diligence;

18 “(8) maximize cooperation with the public and
19 private sectors, as well as foreign allies and partner
20 countries, to maximize efficiencies and eliminate du-
21 plication of efforts; and

22 “(9) utilize any other methodology approved by
23 the United States Agency for Global Media in fur-
24 therance of the mission of the Open Technology
25 Fund.

1 “(d) GRANT AGREEMENT.—Any grant agreement
2 with or grants made to the Open Technology Fund under
3 this section shall be subject to the following limitations
4 and restrictions:

5 “(1) The headquarters of the Open Technology
6 Fund and its senior administrative and managerial
7 staff shall be located in a location which ensures
8 economy, operational effectiveness, and account-
9 ability to the United States Agency for Global
10 Media.

11 “(2) Grants awarded under this section shall be
12 made pursuant to a grant agreement which requires
13 that grant funds be used only for activities con-
14 sistent with this section, and that failure to comply
15 with such requirements shall permit the grant to be
16 terminated without fiscal obligation to the United
17 States.

18 “(3) Any grant agreement under this section
19 shall require that any contract entered into by the
20 Open Technology Fund shall specify that all obliga-
21 tions are assumed by the grantee and not by the
22 United States Government.

23 “(4) Any grant agreement under this section
24 shall require that any lease agreements entered into
25 by the Open Technology Fund shall be, to the max-

1 imum extent possible, assignable to the United
2 States Government.

3 “(5) Administrative and managerial costs for
4 operation of the Open Technology Fund should be
5 kept to a minimum and, to the maximum extent fea-
6 sible, should not exceed the costs that would have
7 been incurred if the Open Technology Fund had
8 been operated as a Federal entity rather than as a
9 grantee.

10 “(6) Grant funds may not be used for any ac-
11 tivity the purpose of which is influencing the passage
12 or defeat of legislation considered by Congress.

13 “(e) RELATIONSHIP TO THE UNITED STATES AGEN-
14 CY FOR GLOBAL MEDIA.—

15 “(1) IN GENERAL.—The Open Technology
16 Fund shall be subject to the same oversight and gov-
17 ernance by the United States Agency for Global
18 Media as other grantees of the Agency as set forth
19 in section 305.

20 “(2) ASSISTANCE.—The United States Agency
21 for Global Media, its broadcast entities, and the
22 Open Technology Fund should render assistance to
23 each other as may be necessary to carry out the pur-
24 poses of this section or any other provision of this
25 Act.

1 “(3) NOT A FEDERAL AGENCY OR INSTRUMEN-
2 TALITY.—Nothing in this section may be construed
3 to make the Open Technology Fund a Federal agen-
4 cy or instrumentality.

5 “(4) DETAILEES.—Under the Intergovern-
6 mental Personnel Act, employees of a grantee of the
7 United States Agency for Global Media may be de-
8 tailed to the Agency, and Federal employees may be
9 detailed to a grantee of the United States Agency
10 for Global Media.

11 “(f) RELATIONSHIP TO OTHER UNITED STATES
12 GOVERNMENT-FUNDED INTERNET FREEDOM PRO-
13 GRAMS.—The United States Agency for Global Media
14 shall ensure that internet freedom research and develop-
15 ment projects of the Open Technology Fund are coordi-
16 nated with internet freedom programs of the Department
17 of State and other relevant United States Government de-
18 partments, in order to share information and best-prac-
19 tices relating to the implementation of subsections (b) and
20 (c).

21 “(g) REPORTING REQUIREMENTS.—

22 “(1) ANNUAL REPORT.—The Open Technology
23 Fund shall highlight, in its annual report, internet
24 freedom activities, including a comprehensive assess-
25 ment of the Open Technology Fund’s activities relat-

1 ing to the implementation of subsections (b) and (c).

2 Each such report shall include the following:

3 “(A) An assessment of the current state of
4 global internet freedom, including trends in cen-
5 sorship and surveillance technologies and inter-
6 net shutdowns, and the threats such pose to
7 journalists, citizens, and human rights and
8 civil-society organizations.

9 “(B) A description of the technology
10 projects supported by the Open Technology
11 Fund and the associated impact of such
12 projects in the prior year, including the coun-
13 tries and regions in which such technologies
14 were deployed, and any associated metrics indi-
15 cating audience usage of such technologies, as
16 well as future-year technology project initia-
17 tives.

18 “(2) ASSESSMENT OF THE EFFECTIVENESS OF
19 THE OPEN TECHNOLOGY FUND.—Not later than two
20 years after the date of the enactment of this section,
21 the Inspector General of the Department of State
22 and the Foreign Service shall submit to the appro-
23 priate congressional committees a report on the fol-
24 lowing:

1 “(A) Whether the Open Technology Fund
2 is technically sound and cost effective.

3 “(B) Whether the Open Technology Fund
4 is satisfying the requirements of this section.

5 “(C) The extent to which the interests of
6 the United States are being served by maintain-
7 ing the work of the Open Technology Fund.

8 “(h) AUDIT AUTHORITIES.—

9 “(1) IN GENERAL.—Financial transactions of
10 the Open Technology Fund, as such relate to func-
11 tions carried out under this section, may be audited
12 by the Government Accountability Office in accord-
13 ance with such principles and procedures and under
14 such rules and regulations as may be prescribed by
15 the Comptroller General of the United States. Any
16 such audit shall be conducted at the place or places
17 at which accounts of the Open Technology Fund are
18 normally kept.

19 “(2) ACCESS BY GAO.—The Government Ac-
20 countability Office shall have access to all books, ac-
21 counts, records, reports, files, papers, and property
22 belonging to or in use by the Open Technology Fund
23 pertaining to financial transactions as may be nec-
24 essary to facilitate an audit. The Government Ac-
25 countability Office shall be afforded full facilities for

1 verifying transactions with any assets held by de-
2 positories, fiscal agents, and custodians. All such
3 books, accounts, records, reports, files, papers, and
4 property of the Open Technology Fund shall remain
5 in the possession and custody of the Open Tech-
6 nology Fund.

7 “(3) EXERCISE OF AUTHORITIES.—Notwith-
8 standing any other provision of law, the Inspector
9 General of the Department of State and the Foreign
10 Service is authorized to exercise the authorities of
11 the Inspector General Act of 1978 with respect to
12 the Open Technology Fund.”.

13 (c) CONFORMING AMENDMENTS.—The United States
14 International Broadcasting Act of 1994 is amended—

15 (1) in section 304(d) (22 U.S.C. 6203(d)), by
16 inserting “the Open Technology Fund,” before “the
17 Middle East Broadcasting Networks”;

18 (2) in sections 305 and 310 (22 U.S.C. 6204
19 and 6209), by inserting “the Open Technology
20 Fund,” before “or the Middle East Broadcasting
21 Networks” each place such term appears; and

22 (3) in section 310 (22 U.S.C. 6209), by insert-
23 ing “the Open Technology Fund,” before “and the
24 Middle East Broadcasting Networks” each place
25 such term appears.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for the Open Technology
3 Fund \$25,000,000 for fiscal year 2022 to carry out sec-
4 tion 309A of the United States International Broadcasting
5 Act of 1994, as added by subsection (b) of this section.

6 (e) EFFECTIVE DATE.—Section 309A of the United
7 States International Broadcasting Act of 1994 (as added
8 by subsection (b) of this section) and subsections (c) and
9 (d) of this section shall take effect and apply beginning
10 on July 1, 2021.

11 **SEC. 1299Q. UNITED STATES AGENCY FOR GLOBAL MEDIA.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Office of Cuba Broadcasting should—

14 (1) remain an independent entity of the United
15 States Agency for Global Media; and

16 (2) continue taking steps to ensure that the Of-
17 fice is fulfilling its core mission of promoting free-
18 dom and democracy by providing the people of Cuba
19 with objective news and information programming.

20 (b) STANDARDS AND PRINCIPLES.—Section 303 of
21 the United States International Broadcasting Act of 1994
22 (22 U.S.C. 6202) is amended—

23 (1) in subsection (a), by inserting “, including
24 editorial independence” before the semicolon at the
25 end; and

1 (2) in subsection (b), by inserting “, including
2 editorial independence,” after “programing”.

3 (c) AUTHORITIES OF THE CHIEF EXECUTIVE OFFI-
4 CER; LIMITATION ON CORPORATE LEADERSHIP OF
5 GRANTEES.—Section 305 of the United States Inter-
6 national Broadcasting Act of 1994 (22 U.S.C. 6204) is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (20), by inserting “in ac-
10 cordance with subsection (c)” before the period
11 at the end;

12 (B) in paragraph (21)—

13 (i) by striking “including with Federal
14 officials,”; and

15 (ii) by inserting “in accordance with
16 subsection (c)” before the period at the
17 end;

18 (C) by adding at the end the following new
19 paragraph:

20 “(23) To—

21 “(A) require annual content reviews of
22 each language service of Voice of America, The
23 Office of Cuba Broadcasting, and each grantee
24 network, consisting of a review of at least 10
25 percent of available unique weekly content from

1 any selected week from the previous year, which
2 shall be conducted, to the extent practicable, by
3 fluent language speakers and experts without
4 direct affiliation to the language service being
5 reviewed, who are seeking any evidence of inap-
6 propriate or unprofessional content, which shall
7 be submitted to the Office of Policy Research,
8 the head and Board of the respective language
9 service, and the Chief Executive Officer;

10 “(B) submit to the appropriate congres-
11 sional committees a list of anomalous reports,
12 including status updates on anomalous services
13 during the 3-year period commencing on the
14 date of receipt of the first report of biased, un-
15 professional, or otherwise problematic content.”;
16 and

17 “(C) launch a review, using external, na-
18 tive-language and regional experts, the results
19 of which are to be reported to the appropriate
20 congressional committees, if a widespread pat-
21 tern of violations of the principles, standards,
22 or journalistic code of ethics of a language serv-
23 ice or grantee network has been identified.”;
24 and

1 (2) by adding at the end the following new sub-
2 section:

3 “(c) LIMITATION ON CORPORATE LEADERSHIP OF
4 GRANTEES.—

5 “(1) IN GENERAL.—The Chief Executive Offi-
6 cer may not award any grant under subsection (a)
7 to RFE/RL, Inc., Radio Free Asia, the Middle East
8 Broadcasting Networks, the Open Technology Fund,
9 or any other grantee authorized under this title (col-
10 lectively referred to as ‘Agency Grantee Networks’)
11 unless the incorporation documents of any such
12 grantee require that the corporate leadership and
13 Board of Directors of such grantee be selected in ac-
14 cordance with this Act.

15 “(2) CONFLICTS OF INTEREST.—

16 “(A) CHIEF EXECUTIVE OFFICER.—The
17 Chief Executive Officer may not serve on any of
18 the corporate boards of any grantee under sub-
19 section (a).

20 “(B) FEDERAL EMPLOYEES.—A full-time
21 employee of a Federal agency may not serve on
22 a corporate board of any grantee under sub-
23 section (a).

24 “(3) QUALIFICATIONS OF GRANTEE BOARD
25 MEMBERS.—Individuals appointed under subsection

1 (a) to the Board of Directors of any of the Agency
2 Grantee Networks shall have requisite expertise in
3 journalism, technology, broadcasting, or diplomacy,
4 or appropriate language or cultural understanding
5 relevant to the grantee’s mission.”.

6 (d) INTERNATIONAL BROADCASTING ADVISORY
7 BOARD.—Section 306 of the United States International
8 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended—
9 (1) by striking subsections (a) through (c) and
10 inserting the following:

11 “(a) IN GENERAL.—The International Broadcasting
12 Advisory Board (referred to in this section as the ‘Advi-
13 sory Board’) shall advise the Chief Executive Officer of
14 the United States Agency for Global Media, as appro-
15 priate. The Advisory Board as established shall exist with-
16 in the executive branch as an entity described in section
17 104 of title 5, United States Code.

18 “(b) COMPOSITION OF THE ADVISORY BOARD.—

19 “(1) IN GENERAL.—The Advisory Board shall
20 consist of seven members, of whom—

21 “(A) six shall be appointed by the Presi-
22 dent, by and with the advice and consent of the
23 Senate, in accordance with subsection (c); and

24 “(B) one shall be the Secretary of State.

1 “(2) CHAIR.—The President shall designate,
2 with the advice and consent of the Senate, one of the
3 members appointed under paragraph (1)(A) as
4 Chair of the Advisory Board.

5 “(3) PARTY LIMITATION.—Not more than three
6 members of the Advisory Board appointed under
7 paragraph (1)(A) may be affiliated with the same
8 political party.

9 “(4) TERMS OF OFFICE.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), members of the Advisory
12 Board shall serve for a single term of 4 years,
13 except that, of the first group of members ap-
14 pointed under paragraph (1)(A)—

15 “(i) two members who are not affili-
16 ated with the same political party, shall be
17 appointed for terms ending on the date
18 that is 2 years after the date of the enact-
19 ment of the U.S. Agency for Global Media
20 Reform Act;

21 “(ii) two members who are not affili-
22 ated with the same political party, shall be
23 appointed for terms ending on the date
24 that is 4 years after the date of the enact-

1 ment of the U.S. Agency for Global Media
2 Reform Act; and

3 “(iii) two members who are not affili-
4 ated with the same political party, shall be
5 appointed for terms ending on the date
6 that is 6 years after the date of the enact-
7 ment of the U.S. Agency for Global Media
8 Reform Act.

9 “(B) SECRETARY OF STATE.—The Sec-
10 retary of State shall serve as a member of the
11 Advisory Board for the duration of his or her
12 tenure as Secretary of State.

13 “(5) VACANCIES.—

14 “(A) IN GENERAL.—The President shall
15 appoint, with the advice and consent of the
16 Senate, additional members to fill vacancies on
17 the Advisory Board occurring before the expira-
18 tion of a term.

19 “(B) TERM.—Any members appointed pur-
20 suant to subparagraph (A) shall serve for the
21 remainder of such term.

22 “(C) SERVICE BEYOND TERM.—Any mem-
23 ber whose term has expired shall continue to
24 serve as a member of the Advisory Board until

1 a qualified successor has been appointed and
2 confirmed by the Senate.

3 “(D) SECRETARY OF STATE.—When there
4 is a vacancy in the office of Secretary of State,
5 the Acting Secretary of State shall serve as a
6 member of the Advisory Board until a new Sec-
7 retary of State is appointed.”;

8 (2) by redesignating subsection (d) as sub-
9 section (c);

10 (3) by amending subsection (c), as redesign-
11 nated—

12 (A) in the subsection heading, by inserting
13 “ADVISORY” before “BOARD”; and

14 (B) in paragraph (2), by inserting “who
15 are” before “distinguished”; and

16 (4) by striking subsections (e) and (f) and in-
17 serting the following new subsections:

18 “(d) FUNCTIONS OF THE ADVISORY BOARD.—The
19 members of the Advisory Board shall—

20 “(1) provide the Chief Executive Officer of the
21 United States Agency for Global Media with advice
22 and recommendations for improving the effectiveness
23 and efficiency of the Agency and its programming;

24 “(2) meet with the Chief Executive Officer at
25 least four times annually, including twice in person

1 as practicable, and at additional meetings at the re-
2 quest of the Chief Executive Officer or the Chair of
3 the Advisory Board;

4 “(3) report periodically, or upon request, to the
5 congressional committees specified in subsection
6 (c)(2) regarding its advice and recommendations for
7 improving the effectiveness and efficiency of the
8 United States Agency for Global Media and its pro-
9 gramming;

10 “(4) obtain information from the Chief Execu-
11 tive Officer, as needed, for the purposes of fulfilling
12 the functions described in this subsection;

13 “(5) consult with the Chief Executive Officer
14 regarding budget submissions and strategic plans
15 before they are submitted to the Office of Manage-
16 ment and Budget or to Congress;

17 “(6) advise the Chief Executive Officer to en-
18 sure that—

19 “(A) the Chief Executive Officer fully re-
20 spects the professional integrity and editorial
21 independence of United States Agency for Glob-
22 al Media broadcasters, networks, and grantees;
23 and

24 “(B) agency networks, broadcasters, and
25 grantees adhere to the highest professional

1 standards and ethics of journalism, including
2 taking necessary actions to uphold professional
3 standards to produce consistently reliable and
4 authoritative, accurate, objective, and com-
5 prehensive news and information; and

6 “(7) provide other strategic input to the Chief
7 Executive Officer.

8 “(e) APPOINTMENT OF HEADS OF NETWORKS.—

9 “(1) IN GENERAL.—The heads of Voice of
10 America, the Office of Cuba Broadcasting, RFE/RL,
11 Inc., Radio Free Asia, the Middle East Broadcasting
12 Networks, the Open Technology Fund, or of any
13 other grantee authorized under this title may only be
14 appointed or removed if such action has been ap-
15 proved by a majority vote of the Advisory Board.

16 “(2) REMOVAL.—After consulting with the
17 Chief Executive Officer, five or more members of the
18 Advisory Board may unilaterally remove any such
19 head of network or grantee network described in
20 paragraph (1).

21 “(3) QUORUM.—

22 “(A) IN GENERAL.—A quorum shall con-
23 sist of four members of the Advisory Board (ex-
24 cluding the Secretary of State).

1 “(B) DECISIONS.—Except as provided in
2 paragraph (2), decisions of the Advisory Board
3 shall be made by majority vote, a quorum being
4 present.

5 “(C) CLOSED SESSIONS.—The Advisory
6 Board may meet in closed sessions in accord-
7 ance with section 552b of title 5, United States
8 Code.

9 “(f) COMPENSATION.—

10 “(1) IN GENERAL.—Members of the Advisory
11 Board, while attending meetings of the Advisory
12 Board or while engaged in duties relating to such
13 meetings or in other activities of the Advisory Board
14 under this section (including travel time) shall be en-
15 titled to receive compensation equal to the daily
16 equivalent of the compensation prescribed for level
17 IV of the Executive Schedule under section 5315 of
18 title 5, United States Code.

19 “(2) TRAVEL EXPENSES.—While away from
20 their homes or regular places of business, members
21 of the Board may be allowed travel expenses, includ-
22 ing per diem in lieu of subsistence, as authorized
23 under section 5703 of such title for persons in the
24 Government service employed intermittently.

1 “(3) SECRETARY OF STATE.—The Secretary of
2 State is not entitled to any compensation under this
3 title, but may be allowed travel expenses in accord-
4 ance with paragraph (2).

5 “(g) SUPPORT STAFF.—The Chief Executive Officer
6 shall, from within existing United States Agency for Glob-
7 al Media personnel, provide the Advisory Board with an
8 Executive Secretary and such administrative staff and
9 support as may be necessary to enable the Advisory Board
10 to carry out subsections (d) and (e).”.

11 (e) CONFORMING AMENDMENTS.—The United States
12 International Broadcasting Act of 1994 (22 U.S.C. 6201
13 et seq.) is amended—

14 (1) in section 304—

15 (A) in the section heading, by striking
16 **“BROADCASTING BOARD OF GOVERNORS”**
17 and inserting **“UNITED STATES AGENCY FOR**
18 **GLOBAL MEDIA”**;

19 (B) in subsection (a), by striking “Broad-
20 casting Board of Governors” and inserting
21 “United States Agency for Global Media”;

22 (C) in subsection (b)(1), by striking
23 “Broadcasting Board of Governors” and insert-
24 ing “United States Agency for Global Media”;
25 and

1 (D) in subsection (c), by striking “Board”
2 each place such term appears and inserting
3 “Agency”;

4 (2) in section 305—

5 (A) in subsection (a)—

6 (i) in paragraph (6), by striking
7 “Board” and inserting “Agency”;

8 (ii) in paragraph (13), by striking
9 “Board” and inserting “Agency”;

10 (iii) in paragraph (20), by striking
11 “Board” and inserting “Agency”; and

12 (iv) in paragraph (22), by striking
13 “Board” and inserting “Agency”;

14 (B) in subsection (b), by striking “Board”
15 each place such term appears and inserting
16 “Agency”;

17 (3) in section 308—

18 (A) in subsection (a), in the matter pre-
19 ceding paragraph (1), by striking “Board” and
20 inserting “Agency”;

21 (B) in subsection (b), by striking “Board”
22 each place such term appears and inserting
23 “Agency”;

24 (C) in subsection (d), by striking “Board”
25 and inserting “Agency”;

1 (D) in subsection (g), by striking “Board”
2 each place such term appears and inserting
3 “Agency”;

4 (E) in subsection (h)(5), by striking
5 “Board” and inserting “Agency”; and

6 (F) in subsection (i), in the first sentence,
7 by striking “Board” and inserting “Agency”;
8 (4) in section 309—

9 (A) in subsection (c)(1), by striking
10 “Board” each place such term appears and in-
11 serting “Agency”;

12 (B) in subsection (e), in the matter pre-
13 ceding paragraph (1), by striking “Board” and
14 inserting “Agency”;

15 (C) in subsection (f), by striking “Board”
16 each place such term appears and inserting
17 “Agency”; and

18 (D) in subsection (g), by striking “Board”
19 and inserting “Agency”;

20 (5) in section 310(d), by striking “Board” and
21 inserting “Agency”;

22 (6) in section 310A(a), by striking “Broad-
23 casting Board of Governors” and inserting “United
24 States Agency for Global Media”;

1 (7) in section 310B, by striking “Board” and
2 inserting “Agency”;

3 (8) by striking section 312;

4 (9) in section 313(a), in the matter preceding
5 paragraph (1), by striking “Board” and inserting
6 “Agency”;

7 (10) in section 314—

8 (A) by striking “(4) the terms ‘Board and
9 Chief Executive Officer of the Board’ means
10 the Broadcasting Board of Governors” and in-
11 serting the following:

12 “(2) the terms ‘Agency’ and ‘Chief Executive
13 Officer of the Agency’ mean the United States Agen-
14 cy for Global Media and the Chief Executive Officer
15 of the United States Agency for Global Media, re-
16 spectively,”; and

17 (B) in paragraph (3)—

18 (i) by striking “includes—” and in-
19 serting “means the corporation having the
20 corporate title described in section 308”;
21 and

22 (ii) by striking subparagraphs (A) and
23 (B); and

24 (11) in section 316—

1 (A) in subsection (a)(1), by striking
2 “Broadcasting Board of Governors” and insert-
3 ing “United States Agency for Global Media”;
4 and

5 (B) in subsection (c), by striking “Broad-
6 casting Board of Governors” and inserting
7 “United States Agency for Global Media”.

8 (f) SAVINGS PROVISIONS.—Section 310 of the United
9 States International Broadcasting Act of 1994 (22 U.S.C.
10 6209) is amended by adding at the end the following new
11 subsections:

12 “(f) MAINTENANCE OF PROPRIETARY INFORMA-
13 TION.—No consolidation of grantees authorized under
14 subsection (a) involving any grantee shall result in any
15 legal transfer of ownership of any proprietary information
16 or intellectual property to the United State Agency for
17 Global Media or any other Federal entity.

18 “(g) RULE OF CONSTRUCTION.—No consolidation of
19 grantees authorized under subsection (a) shall result in
20 the consolidation of the Open Technology Fund or any
21 successor entity with any other grantee.”.

22 **SEC. 1299R. LEVERAGING INFORMATION ON FOREIGN**
23 **TRAFFICKERS.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the annual Trafficking In Persons Report
2 prepared by the Department of State pursuant to
3 the Trafficking Victims Protection Act of 2000 (the
4 “TIP Report”) remains one of the most comprehen-
5 sive, timely, and important sources of information on
6 human trafficking in the world, and currently in-
7 cludes 187 individual country narratives;

8 (2) in January 2019, the statute mandating the
9 TIP Report was amended to require that each report
10 must cover efforts and activities occurring within the
11 period from April 1 of the prior year through March
12 31 of the current year, which necessarily requires
13 the collection and transmission of information after
14 March 31;

15 (3) ensuring that the Department of State has
16 adequate time to receive, analyze, and incorporate
17 trafficking-related information into its annual Traf-
18 ficking In Persons Report is important to the quality
19 and comprehensiveness of that report;

20 (4) information regarding prevalence and pat-
21 terns of human trafficking is important for under-
22 standing the scourge of modern slavery and making
23 effective decisions about where and how to combat
24 it; and

1 (5) United States officials responsible for moni-
2 toring and combating trafficking in persons around
3 the world should receive available information re-
4 garding where and how often United States diplo-
5 matic and consular officials encounter persons who
6 are responsible for, or who knowingly benefit from,
7 severe forms of trafficking in persons.

8 (b) ANNUAL DEADLINE FOR TRAFFICKING IN PER-
9 SONS REPORT.—Section 110(b)(1) of the Trafficking Vic-
10 tims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is
11 amended by striking “June 1” and inserting “June 30”.

12 (c) UNITED STATES ADVISORY COUNCIL ON HUMAN
13 TRAFFICKING.—

14 (1) EXTENSION.—Section 115(h) of the Justice
15 for Victims of Trafficking Act of 2015 (Public Law
16 114–22; 129 Stat. 243) is amended by striking
17 “September 30, 2021” and inserting “September
18 30, 2025”.

19 (2) COMPENSATION.—Section 115(f) of the
20 Justice for Victims of Trafficking Act of 2015 (Pub-
21 lic Law 114–22; 129 Stat. 243) is amended—

22 (A) in paragraph (1), by striking “and”
23 after the semicolon at the end;

24 (B) in paragraph (2), by striking the pe-
25 riod at end and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(3) may each receive compensation for each
4 day such member is engaged in the actual perform-
5 ance of the duties of the Council.”.

6 (3) COMPENSATION REPORT.—Not later than
7 120 days after the date of the enactment of this Act,
8 the Secretary of State shall provide to the relevant
9 congressional committees a plan to implement com-
10 pensation for members of the United States Advi-
11 sory Council on Human Trafficking pursuant to
12 paragraph (3) of section 115(f) of the Justice for
13 Victims of Trafficking Act of 2015 (Public Law
14 114–22; 129 Stat. 243), as added by paragraph (2).

15 (d) TIMELY PROVISION OF INFORMATION TO THE
16 OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PER-
17 SONS OF THE DEPARTMENT OF STATE.—

18 (1) IN GENERAL.—Section 106 of the Traf-
19 ficking Victims Protection Act of 2000 (22 U.S.C.
20 7104) is amended by adding at the end the following
21 new subsection:

22 “(1) INFORMATION REGARDING HUMAN TRAF-
23 FICKING-RELATED VISA DENIALS.—

24 “(1) IN GENERAL.—The Secretary of State
25 shall ensure that the Office to Monitor and Combat

1 Trafficking in Persons and the Bureau of Diplo-
2 matic Security of the Department of State receive
3 timely and regular information regarding United
4 States visa denials based, in whole or in part, on
5 grounds related to human trafficking.

6 “(2) DECISIONS REGARDING ALLOCATION.—

7 The Secretary of State shall ensure that decisions
8 regarding the allocation of resources of the Depart-
9 ment of State related to combating human traf-
10 ficking and to law enforcement presence at United
11 States diplomatic and consular posts appropriately
12 take into account—

13 “(A) the information described in para-
14 graph (1); and

15 “(B) the information included in the most
16 recent report submitted in accordance with sec-
17 tion 110(b).”.

18 (2) CONFORMING AMENDMENT.—Section 103
19 of the Trafficking Victims Protection Act of 2000
20 (22 U.S.C. 7102) is amended by adding at the end
21 the following new paragraph:

22 “(18) GROUNDS RELATED TO HUMAN TRAF-
23 FICKING.—The term ‘grounds related to human traf-
24 ficking’ means grounds related to the criteria for in-
25 admissibility to the United States described in sub-

1 section (a)(2)(H) of section 212 of the Immigration
2 and Nationality Act (8 U.S.C. 1182).”.

3 (e) REPORTS TO CONGRESS.—

4 (1) INITIAL REPORT.—Not later than 90 days
5 after the date of the enactment of this Act, the Sec-
6 retary of State shall provide to the relevant congres-
7 sional committees a report that—

8 (A) describes the actions that have been
9 taken and that are planned to implement sub-
10 section (l) of section 106 of the Trafficking Vic-
11 tims Protection Act of 2000 (22 U.S.C. 7104),
12 as added by subsection (d)(1); and

13 (B) identifies by country and by United
14 States diplomatic or consular post the number
15 of visa applications denied during the previous
16 calendar year with respect to which the basis
17 for such denial, included grounds related to
18 human trafficking (as such term is defined in
19 section 103 of the Trafficking Victims Protec-
20 tion Act of 2000 (22 U.S.C. 7102), as amended
21 by subsection (d)(2)).

22 (2) ANNUAL REPORT.—Beginning with the first
23 annual anti-trafficking report that is required under
24 subsection (b)(1) of section 110 of the Trafficking
25 Victims Protection Act of 2000 (22 U.S.C. 7107) to

1 be submitted after the date of the enactment of this
2 Act, and concurrent with each such subsequent sub-
3 mission for the following 7 years, the Secretary of
4 State shall submit to the relevant congressional com-
5 mittees a report that contains information relating
6 to the number and the locations of United States
7 visa denials based, in whole or in part, on grounds
8 related to human trafficking (as such term is de-
9 fined in section 103 of the Trafficking Victims Pro-
10 tection Act of 2000 (22 U.S.C. 7102), as amended
11 by subsection (d)(2)) during the period covered by
12 each such annual anti-trafficking report.

13 (f) DEFINITIONS.—In this section:

14 (1) LOCATION OF UNITED STATES VISA DENI-
15 ALS.—The term “location of United States visa de-
16 nials” means—

17 (A) the United States diplomatic or con-
18 sular post at which a denied United States visa
19 application was adjudicated; and

20 (B) the city or locality of residence of the
21 applicant whose visa application was so denied.

22 (2) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant congressional commit-
24 tees” means—

1 (A) the Committee on Foreign Affairs and
2 the Committee on the Judiciary of the House of
3 Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on the Judiciary of the Sen-
6 ate.

7 **SEC. 1299S. RULE OF CONSTRUCTION RELATING TO USE OF**
8 **MILITARY FORCE.**

9 Nothing in this Act or any amendment made by this
10 Act may be construed to authorize the use of military
11 force.

12 **TITLE XIII—COOPERATIVE**
13 **THREAT REDUCTION**

Sec. 1301. Funding allocations; specification of cooperative threat reduction funds.

14 **SEC. 1301. FUNDING ALLOCATIONS; SPECIFICATION OF CO-**
15 **OPERATIVE THREAT REDUCTION FUNDS.**

16 (a) FUNDING ALLOCATION.—Of the \$360,190,000
17 authorized to be appropriated to the Department of De-
18 fense for fiscal year 2021 in section 301 and made avail-
19 able by the funding table in division D for the Department
20 of Defense Cooperative Threat Reduction Program estab-
21 lished under section 1321 of the Department of Defense
22 Cooperative Threat Reduction Act (50 U.S.C. 3711), the
23 following amounts may be obligated for the purposes spec-
24 ified:

1 (1) For strategic offensive arms elimination,
2 \$2,924,000.

3 (2) For chemical weapons destruction,
4 \$11,806,000.

5 (3) For global nuclear security, \$35,852,000.

6 (4) For cooperative biological engagement,
7 \$225,396,000.

8 (5) For proliferation prevention, \$60,064,000.

9 (6) For activities designated as Other Assess-
10 ments/Administrative Costs, \$24,148,000.

11 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
12 Duction FUNDS.—Funds appropriated pursuant to the
13 authorization of appropriations in section 301 and made
14 available by the funding table in division D for the Depart-
15 ment of Defense Cooperative Threat Reduction Program
16 shall be available for obligation for fiscal years 2021,
17 2022, and 2023.

18 **TITLE XIV—OTHER**
19 **AUTHORIZATIONS**

Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. Chemical agents and munitions destruction, defense.

Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.

Sec. 1404. Defense Inspector General.

Sec. 1405. Defense health program.

Subtitle B—Armed Forces Retirement Home

Sec. 1411. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1412. Expansion of eligibility for residence at the Armed Forces Retirement Home.

Sec. 1413. Periodic inspections of Armed Forces Retirement Home facilities by nationally recognized accrediting organization.

Subtitle C—Other Matters

Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2021 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds,
7 as specified in the funding table in section 4501.

8 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
9 **TION, DEFENSE.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for the Depart-
12 ment of Defense for fiscal year 2021 for expenses, not oth-
13 erwise provided for, for Chemical Agents and Munitions
14 Destruction, Defense, as specified in the funding table in
15 section 4501.

16 (b) USE.—Amounts authorized to be appropriated
17 under subsection (a) are authorized for—

18 (1) the destruction of lethal chemical agents
19 and munitions in accordance with section 1412 of
20 the Department of Defense Authorization Act, 1986
21 (50 U.S.C. 1521); and

1 (2) the destruction of chemical warfare materiel
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
5 **TIVITIES, DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2021 for ex-
8 penses, not otherwise provided for, for Drug Interdiction
9 and Counter-Drug Activities, Defense-wide, as specified in
10 the funding table in section 4501.

11 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2021 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, as speci-
16 fied in the funding table in section 4501.

17 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2021 for the Defense Health Program for use
20 of the Armed Forces and other activities and agencies of
21 the Department of Defense for providing for the health
22 of eligible beneficiaries, as specified in the funding table
23 in section 4501.

**Subtitle B—Armed Forces
Retirement Home**

**SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR
ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of \$70,300,000 for the operation of the Armed Forces Retirement Home.

**SEC. 1412. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT
THE ARMED FORCES RETIREMENT HOME.**

(a) EXPANSION OF ELIGIBILITY.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “active” in the first sentence;

(2) in paragraph (1), by striking “are 60 years of age or over and”; and

(3) by adding the following new paragraph:

“(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and are—

“(A) eligible for care under section 1710 of title 38, United States Code;

“(B) enrolled in coverage under chapter 55 of title 10, United States Code; or

1 “(C) enrolled in a qualified health plan (as
2 defined in section 1301(a) of the Patient Pro-
3 tection and Affordable Care Act (42 U.S.C.
4 18021(a))) that is acceptable to the Chief Oper-
5 ating Officer.”.

6 (b) PARITY OF FEES AND DEDUCTIONS.—Section
7 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

8 (1) by amending paragraph (2) to read as fol-
9 lows:

10 “(2)(A) The fee shall be fixed as a percentage of the
11 monthly income and monthly payments (including Federal
12 payments) received by a resident. The percentage shall be
13 the same for each facility of the Retirement Home. The
14 Secretary of Defense may make any adjustment in a per-
15 centage that the Secretary determines appropriate.

16 “(B) The calculation of monthly income and monthly
17 payments under subparagraph (A) for a resident eligible
18 under section 1512(a)(5) shall not be less than the retire-
19 ment pay for equivalent active duty service as determined
20 by the Chief Operating Officer, except as the Chief Oper-
21 ating Officer may provide because of the compelling per-
22 sonal circumstances of such resident.”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(4) The Administrator of each facility of the Retire-
2 ment Home may collect a fee upon admission from a resi-
3 dent accepted under section 1512(a)(5) equal to the de-
4 ductions then in effect under section 1007(i)(1) of title
5 37, United States Code, for each year of service computed
6 under chapter 1223 of title 10, United States Code, and
7 shall deposit such fee in the Armed Forces Retirement
8 Home Trust Fund.”.

9 (c) CONFORMING AMENDMENT.—Section 1007(i)(3)
10 of title 37, United States Code, is amended by striking
11 “Armed Forces Retirement Home Board” and inserting
12 “Chief Operating Officer of the Armed Forces Retirement
13 Home”.

14 **SEC. 1413. PERIODIC INSPECTIONS OF ARMED FORCES RE-**
15 **TIREMENT HOME FACILITIES BY NATION-**
16 **ALLY RECOGNIZED ACCREDITING ORGANIZA-**
17 **TION.**

18 (a) IN GENERAL.—Section 1518 of the Armed
19 Forces Retirement Home Act of 1991 (24 U.S.C. 418)
20 is amended to read as follows:

21 **“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME**
22 **FACILITIES.**

23 “(a) INSPECTIONS.—The Chief Operating Officer
24 shall request the inspection of each facility of the Retire-
25 ment Home by a nationally recognized civilian accrediting

1 organization in accordance with section 1511(g) on a fre-
2 quency consistent with the standards of such organization.

3 “(b) AVAILABILITY OF STAFF AND RECORDS.—The
4 Chief Operating Officer and the Administrator of a facility
5 being inspected under this section shall make all staff,
6 other personnel, and records of the facility available to the
7 civilian accrediting organization in a timely manner for
8 purposes of inspections under this section.

9 “(c) REPORTS.—Not later than 60 days after receiv-
10 ing a report on an inspection from the civilian accrediting
11 organization under this section, the Chief Operating Offi-
12 cer shall submit to the Secretary of Defense, the Senior
13 Medical Advisor, and the Advisory Council a report con-
14 taining—

15 “(1) the results of the inspection; and

16 “(2) a plan to address any recommendations
17 and other matters set forth in the report.”.

18 (b) CONFORMING AMENDMENTS.—The Armed
19 Forces Retirement Home Act of 1991 (24 U.S.C. 401 et
20 seq.) is further amended as follows:

21 (1) In section 1513A(c)(2) (24 U.S.C.
22 413a(c)(2)), by striking “(including requirements
23 identified in applicable reports of the Inspector Gen-
24 eral of the Department of Defense)”.

1 (2) In section 1516(b)(3) (24 U.S.C.
2 416(b)(3))—

3 (A) by striking “shall—” and all that fol-
4 lows through “provide for” and inserting “shall
5 provide for”;

6 (B) by striking “; and” and inserting a pe-
7 riod; and

8 (C) by striking subparagraph (B).

9 (3) In section 1517(e)(2) (24 U.S.C.
10 417(e)(2)), by striking “the Inspector General of the
11 Department of Defense,”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 set forth in section 1501(b) of the Armed Forces Retire-
14 ment Home Act of 1991 (24 U.S.C. 401 note) is amended
15 by striking the item related to section 1518 and inserting
16 the following:

“Sec. 1518. Periodic inspection of Retirement Home facilities.”.

17 **Subtitle C—Other Matters**

18 **SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 19 **DEPARTMENT OF DEFENSE-DEPARTMENT OF** 20 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 21 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 22 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

23 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
24 funds authorized to be appropriated by section 1405 and
25 available for the Defense Health Program for operation

1 and maintenance, \$137,000,000 may be transferred by the
2 Secretary of Defense to the Joint Department of Defense—
3 Department of Veterans Affairs Medical Facility Dem-
4 onstration Fund established by subsection (a)(1) of sec-
5 tion 1704 of the National Defense Authorization Act for
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
7 For purposes of subsection (a)(2) of such section 1704,
8 any funds so transferred shall be treated as amounts au-
9 thorized and appropriated specifically for the purpose of
10 such a transfer.

11 (b) USE OF TRANSFERRED FUNDS.—For the pur-
12 poses of subsection (b) of such section 1704, facility oper-
13 ations for which funds transferred under subsection (a)
14 may be used are operations of the Captain James A.
15 Lovell Federal Health Care Center, consisting of the
16 North Chicago Veterans Affairs Medical Center, the Navy
17 Ambulatory Care Center, and supporting facilities des-
18 ignated as a combined Federal medical facility under an
19 operational agreement covered by section 706 of the Dun-
20 can Hunter National Defense Authorization Act for Fiscal
21 Year 2009 (Public Law 110–417; 122 Stat. 4500).

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**

Subtitle A—Authorization of Appropriations

- Sec. 1501. Purpose.
Sec. 1502. Overseas contingency operations.
Sec. 1503. Procurement.
Sec. 1504. Research, development, test, and evaluation.
Sec. 1505. Operation and maintenance.
Sec. 1506. Military personnel.
Sec. 1507. Working capital funds.
Sec. 1508. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1509. Defense Inspector General.
Sec. 1510. Defense Health Program.

Subtitle B—Financial Matters

- Sec. 1511. Treatment as additional authorizations.
Sec. 1512. Special transfer authority.

Subtitle C—Other Matters

- Sec. 1521. Afghanistan Security Forces Fund.

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

7 **SEC. 1501. PURPOSE.**

8 The purpose of this title is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2021
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2021 for the Department of Defense for over-
15 seas contingency operations in such amounts as may be
16 designated as provided in section 251(b)(2)(A)(ii) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

3 **SEC. 1503. PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2021 for procurement accounts for the Army,
6 the Navy and the Marine Corps, the Air Force and the
7 Space Force, and Defense-wide activities, as specified in
8 the funding table in section 4102.

9 **SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
10 **TION.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2021 for the use of the Department of Defense
13 for research, development, test, and evaluation, as speci-
14 fied in the funding table in section 4202.

15 **SEC. 1505. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2021 for the use of the Armed Forces and other
18 activities and agencies of the Department of Defense for
19 expenses, not otherwise provided for, for operation and
20 maintenance, as specified in the funding table in section
21 4302.

22 **SEC. 1506. MILITARY PERSONNEL.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2021 for the use of the Armed Forces and other
25 activities and agencies of the Department of Defense for

1 expenses, not otherwise provided for, military personnel
2 accounts, as specified in the funding table in section 4402.

3 **SEC. 1507. WORKING CAPITAL FUNDS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2021 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 providing capital for working capital and revolving funds,
8 as specified in the funding table in section 4502.

9 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
10 **TIVITIES, DEFENSE-WIDE.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2021 for ex-
13 penses, not otherwise provided for, for Drug Interdiction
14 and Counter-Drug Activities, Defense-wide, as specified in
15 the funding table in section 4502.

16 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2021 for ex-
19 penses, not otherwise provided for, for the Office of the
20 Inspector General of the Department of Defense, as speci-
21 fied in the funding table in section 4502.

22 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

23 Funds are hereby authorized to be appropriated for
24 the Department of Defense for fiscal year 2021 for ex-

1 penses, not otherwise provided for, for the Defense Health
2 Program, as specified in the funding table in section 4502.

3 **Subtitle B—Financial Matters**

4 **SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5 The amounts authorized to be appropriated by this
6 title are in addition to amounts otherwise authorized to
7 be appropriated by this Act.

8 **SEC. 1512. SPECIAL TRANSFER AUTHORITY.**

9 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

10 (1) **AUTHORITY.**—Upon determination by the
11 Secretary of Defense that such action is necessary in
12 the national interest, the Secretary may transfer
13 amounts of authorizations made available to the De-
14 partment of Defense in this title for fiscal year 2021
15 between any such authorizations for that fiscal year
16 (or any subdivisions thereof). Amounts of authoriza-
17 tions so transferred shall be merged with and be
18 available for the same purposes as the authorization
19 to which transferred.

20 (2) **LIMITATION.**—The total amount of author-
21 izations that the Secretary may transfer under the
22 authority of this subsection may not exceed
23 \$2,000,000,000.

1 (b) TERMS AND CONDITIONS.—Transfers under this
2 section shall be subject to the same terms and conditions
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-
5 ity provided by this section is in addition to the transfer
6 authority provided under section 1001.

7 **Subtitle C—Other Matters**

8 **SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.**

9 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-
10 TICE AND REPORTING REQUIREMENTS.—Funds available
11 to the Department of Defense for the Afghanistan Secu-
12 rity Forces Fund for fiscal year 2021 shall be subject to
13 the conditions contained in—

14 (1) subsections (b) through (f) of section 1513
15 of the National Defense Authorization Act for Fiscal
16 Year 2008 (Public Law 110–181; 122 Stat. 428);
17 and

18 (2) section 1521(d)(1) of the National Defense
19 Authorization Act for Fiscal Year 2017 (Public Law
20 114–328; 130 Stat. 2577) (as amended by sub-
21 section (b)).

22 (b) EXTENSION OF PRIOR NOTICE AND REPORTING
23 REQUIREMENTS.—Section 1521(d)(1) of the National De-
24 fense Authorization Act for Fiscal Year 2017 (Public Law
25 114–328; 130 Stat. 2577) is amended by striking

1 “through January 31, 2021” and inserting “through Jan-
2 uary 31, 2023”.

3 (c) EQUIPMENT DISPOSITION.—

4 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—

5 Subject to paragraph (2), the Secretary of Defense
6 may accept equipment that is procured using
7 amounts authorized to be appropriated for the Af-
8 ghanistan Security Forces Fund by this Act and is
9 intended for transfer to the security forces of the
10 Ministry of Defense and the Ministry of Interior Af-
11 fairs of the Government of Afghanistan, but is not
12 accepted by such security forces.

13 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-
14 MENT.—Before accepting any equipment under the
15 authority provided under paragraph (1), the Com-
16 mander of United States forces in Afghanistan shall
17 make a determination that such equipment was pro-
18 cured for the purpose of meeting requirements of the
19 security forces of the Ministry of Defense and the
20 Ministry of Interior Affairs of the Government of
21 Afghanistan, as agreed to by both the Government
22 of Afghanistan and the U.S. Government, but is no
23 longer required by such security forces or was dam-
24 aged before transfer to such security forces.

1 (3) ELEMENTS OF DETERMINATION.—In mak-
2 ing a determination under paragraph (2) regarding
3 equipment, the Commander of United States forces
4 in Afghanistan shall consider alternatives to the ac-
5 ceptance of such equipment by the Secretary. An ex-
6 planation of each determination, including the basis
7 for the determination and the alternatives consid-
8 ered, shall be included in the relevant quarterly re-
9 port required under paragraph (5).

10 (4) TREATMENT AS DEPARTMENT OF DEFENSE
11 STOCKS.—Equipment accepted under the authority
12 provided under paragraph (1) may be treated as
13 stocks of the Department of Defense upon notifica-
14 tion to the congressional defense committees of such
15 treatment.

16 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-
17 POSITION.—

18 (A) IN GENERAL.—Not later than 90 days
19 after the date of the enactment of this Act and
20 every 90 days thereafter during the period in
21 which the authority provided under paragraph
22 (1) is exercised, the Secretary shall submit to
23 the congressional defense committees a report
24 describing the equipment accepted during the

1 period covered by such report under the fol-
2 lowing:

3 (i) This subsection.

4 (ii) Section 1521(b) of the National
5 Defense Authorization Act for Fiscal Year
6 2017 (Public Law 114–328; 130 Stat.
7 2575).

8 (iii) Section 1531(b) of the National
9 Defense Authorization Act for Fiscal Year
10 2016 (Public Law 114–92; 129 Stat.
11 1088).

12 (iv) Section 1532(b) of the Carl Levin
13 and Howard P. “Buck” McKeon National
14 Defense Authorization Act for Fiscal Year
15 2015 (Public Law 113–291; 128 Stat.
16 3613).

17 (v) Section 1531(d) of the National
18 Defense Authorization Act for Fiscal Year
19 2014 (Public Law 113–66; 127 Stat. 938;
20 10 U.S.C. 2302 note).

21 (B) ELEMENTS.—Each report under sub-
22 paragraph (A) shall include, with respect to the
23 90-day period for which the report is sub-
24 mitted—

1 (i) a list of any equipment accepted
2 during such period and treated as stocks of
3 the Department of Defense; and

4 (ii) copies of any determinations made
5 under paragraph (2) during such period,
6 as required under paragraph (3).

7 (d) SECURITY OF AFGHAN WOMEN.—

8 (1) IN GENERAL.—Of the funds available to the
9 Department of Defense for the Afghanistan Security
10 Forces Fund for fiscal year 2021, it is the goal that
11 \$29,100,000, but in no event less than \$10,000,000,
12 shall be used for programs and activities for—

13 (A) the recruitment, integration, retention,
14 training, and treatment of women in the Af-
15 ghan National Defense and Security Forces;
16 and

17 (B) the recruitment, training, and con-
18 tracting of female security personnel for future
19 elections.

20 (2) TYPES OF PROGRAMS AND ACTIVITIES.—
21 Such programs and activities may include—

22 (A) efforts to recruit and retain women
23 into the Afghan National Defense and Security
24 Forces, including the special operations forces;

1 (B) programs and activities of the Direc-
2 torate of Human Rights and Gender Integra-
3 tion of the Ministry of Defense and the Office
4 of Human Rights, Gender, and Child Rights of
5 the Ministry of Interior Affairs of the Govern-
6 ment of Afghanistan;

7 (C) development and dissemination of gen-
8 der and human rights educational and training
9 materials and programs within the Ministry of
10 Defense and the Ministry of Interior Affairs of
11 the Government of Afghanistan;

12 (D) efforts to address harassment and vio-
13 lence against women within the Afghan Na-
14 tional Defense and Security Forces;

15 (E) improvements to infrastructure that
16 address the requirements of women serving in
17 the Afghan National Defense and Security
18 Forces, including appropriate equipment for fe-
19 male security and police forces, remediation,
20 renovation, and protection of facilities used by
21 women, and transportation for policewomen to
22 their station;

23 (F) support for Afghanistan National Po-
24 lice Family Response Units;

1 (G) security provisions for high-profile fe-
2 male police and military officers;

3 (H) programs to promote conflict preven-
4 tion, management, and resolution through the
5 meaningful participation of Afghan women in
6 the Afghan National Defense and Security
7 Forces, by exposing Afghan women and girls to
8 the activities of and careers available with such
9 forces, encouraging their interest in such ca-
10 reers, or developing their interest and skills nec-
11 essary for service in such forces; and

12 (I) enhancements to Afghan National De-
13 fense and Security Forces recruitment pro-
14 grams for targeted advertising with the goal of
15 increasing the number of female recruits.

16 (e) ASSESSMENT OF AFGHANISTAN PROGRESS ON
17 OBJECTIVES.—

18 (1) ASSESSMENT REQUIRED.—Not later than
19 March 1, 2021, the Secretary of Defense, in con-
20 sultation with the Secretary of State, shall submit to
21 the Committee on Armed Services and the Com-
22 mittee on Foreign Affairs of the House of Rep-
23 resentatives and the Committee on Armed Services
24 and the Committee on Foreign Relations of the Sen-
25 ate an assessment describing—

1 (A) the progress of the Government of Af-
2 ghanistan toward meeting shared security ob-
3 jectives, including specific milestones achieved
4 since the date on which the assessment required
5 under section 1520(d)(1) of the National De-
6 fense Authorization Act for Fiscal Year 2020
7 (Public Law 116–92; 133 Stat. 1716) was sub-
8 mitted; and

9 (B) the efforts of the Government of Af-
10 ghanistan to manage, employ, and sustain the
11 equipment and inventory provided under sub-
12 section (a).

13 (2) MATTERS TO BE INCLUDED.—The assess-
14 ment required under paragraph (1) shall include
15 each of the following:

16 (A) The progress made by the Government
17 of Afghanistan toward increased accountability
18 and the reduction of corruption within the Min-
19 istry of Defense and the Ministry of Interior
20 Affairs of such Government.

21 (B) The extent to which the capability and
22 capacity of the Afghan National Defense and
23 Security Forces have improved as a result of
24 Afghanistan Security Forces Fund investment,
25 including through training, and an articulation

1 of the metrics used to assess such improve-
2 ments.

3 (C) The extent to which the Afghan Na-
4 tional Defense and Security Forces have been
5 successful in—

6 (i) defending territory, re-taking terri-
7 tory, and disrupting attacks;

8 (ii) reducing the use of Aghan Na-
9 tional Defense and Security Forces check-
10 points; and

11 (iii) curtailing the use of Afghan Spe-
12 cial Security Forces for missions that are
13 better suited to general purpose forces.

14 (D) The distribution practices of the Af-
15 ghan National Defense and Security Forces and
16 whether the Government of Afghanistan has en-
17 sured that supplies, equipment, and weaponry
18 supplied by the United States are appropriately
19 distributed to, and employed by, security forces.

20 (E) The extent to which the Government
21 of Afghanistan has designated the appropriate
22 staff, prioritized the development of relevant
23 processes, and provided or requested the alloca-
24 tion of resources necessary to support a peace
25 and reconciliation process in Afghanistan.

1 (F) A description of the ability of the Min-
2 istry of Defense and the Ministry of Interior
3 Affairs of the Government of Afghanistan to
4 manage and account for previously divested
5 equipment, including a description of any
6 vulnerabilities or weaknesses of the internal
7 controls of such Ministries and any plan in
8 place to address shortfalls.

9 (G) A description of any significant irreg-
10 ularities in the divestment of equipment to the
11 Afghan National Defense and Security Forces
12 during the period beginning on May 1, 2020,
13 and ending on March 1, 2021, including any
14 major losses of such equipment or any inability
15 on the part of the Afghan National Defense and
16 Security Forces to account for equipment pro-
17 cured during such period.

18 (H) A description of the sustainment and
19 maintenance costs required during the five-year
20 period beginning on the date of the enactment
21 of this Act, for major weapons platforms pre-
22 viously divested, and a description of the plan
23 for the Afghan National Defense and Security
24 Forces to maintain such platforms in the fu-
25 ture.

1 (I) The extent to which the Government of
2 Afghanistan has adhered to conditions for re-
3 ceiving assistance established in annual finan-
4 cial commitment letters or any other bilateral
5 agreements with the United States.

6 (J) The extent to which the Government of
7 Afghanistan or the Secretary of Defense has de-
8 veloped a plan to integrate former Taliban
9 fighters into the Ministry of Defense or the
10 Ministry of Interior Affairs of the Government
11 of Afghanistan.

12 (K) Such other factors as the Secretaries
13 consider appropriate.

14 (3) FORM.—The assessment required under
15 paragraph (1) shall be submitted in unclassified
16 form, but may include a classified annex.

17 (4) WITHHOLDING OF ASSISTANCE FOR INSUF-
18 FICIENT PROGRESS.—

19 (A) CERTIFICATION.—Not later than De-
20 cember 31, 2020, the Secretary of Defense, in
21 coordination with the Secretary of State and
22 pursuant to the assessment required under
23 paragraph (1), shall submit to the congressional
24 defense committees a certification indicating
25 whether the Government of the Islamic Repub-

1 lic of Afghanistan has made sufficient progress
2 in the areas described in paragraph (2).

3 (B) WITHHOLDING OF FUNDS.—If the
4 Secretary of Defense is unable to certify under
5 subparagraph (A) that the Government of Af-
6 ghanistan has made sufficient progress in the
7 areas described in paragraph (2), the Secretary
8 of Defense shall—

9 (i) withhold from expenditure and ob-
10 ligation an amount that is not less than 5
11 percent and not more than 15 percent of
12 the amounts made available for assistance
13 for the Afghan National Defense and Secu-
14 rity Forces for fiscal year 2021 until the
15 date on which the Secretary is able to so
16 certify; and

17 (ii) notify the congressional defense
18 committees not later than 30 days before
19 withholding such funds and indicate each
20 specific area of insufficient progress.

21 (C) WAIVER.—If the Secretary of Defense
22 determines that withholding assistance under
23 this paragraph would impede the national secu-
24 rity objectives of the United States by prohib-
25 iting, restricting, delaying, or otherwise limiting

1 the provision of assistance to the Afghan Na-
2 tional Defense and Security Forces for fiscal
3 year 2021, the Secretary may waive the with-
4 holding requirement under subparagraph (B) if
5 the Secretary, in coordination with the Sec-
6 retary of State, certifies such determination to
7 the congressional defense committees not later
8 than 30 days before the effective date of the
9 waiver.

10 (f) ADDITIONAL REPORTING REQUIREMENTS.—The
11 Secretary of Defense shall include in the materials sub-
12 mitted in support of the budget for fiscal year 2022 that
13 is submitted by the President under section 1105(a) of
14 title 31, United States Code, each of the following:

15 (1) The amount of funding provided in fiscal
16 year 2020 through the Afghanistan Security Forces
17 Fund to the Government of Afghanistan in the form
18 of direct government-to-government assistance or on-
19 budget assistance for the purposes of supporting any
20 entity of the Government of Afghanistan, including
21 the Afghan National Defense and Security Forces,
22 the Ministry of Defense, or the Ministry of Interior
23 Affairs of such Government.

24 (2) The amount of funding provided and antici-
25 pated to be provided, as of the date of the submis-

1 sion of the materials, in fiscal year 2021 through
2 such Fund in such form.

3 (3) If the amount described in paragraph (2)
4 exceeds the amount described in paragraph (1)—

5 (A) an explanation as to why the amount
6 described in paragraph (2) is greater; and

7 (B) a detailed description of the specific
8 entities and purposes that were supported by
9 such increase.

10 **TITLE XVI—SPACE ACTIVITIES,**
11 **STRATEGIC PROGRAMS, AND**
12 **INTELLIGENCE MATTERS**

Subtitle A—Space Activities

- Sec. 1601. Space Development Agency development requirements and transfer to Space Force.
- Sec. 1602. Personnel management authority for Space Development Agency for experts in science and engineering.
- Sec. 1603. Requirement to buy certain satellite component from national technology and industrial base.
- Sec. 1604. Conforming amendments relating to reestablishment of Space Command.
- Sec. 1605. Clarification of authority for procurement of commercial satellite communications services.
- Sec. 1606. National Security Space Launch program.
- Sec. 1607. Commercial space domain awareness capabilities.
- Sec. 1608. Policy to ensure launch of small-class payloads.
- Sec. 1609. Tactically responsive space launch operations.
- Sec. 1610. Limitation on availability of funds for prototype program for multi-global navigation satellite system receiver development.
- Sec. 1611. Resilient and survivable positioning, navigation, and timing capabilities.
- Sec. 1612. Leveraging commercial satellite remote sensing.
- Sec. 1613. Strategy to strengthen civil and national security capabilities and operations in space.
- Sec. 1614. Report and strategy on space competition with China.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Safety of navigation mission of the National Geospatial-Intelligence Agency.

- Sec. 1622. National Academies Climate Security Roundtable.
Sec. 1623. Efficient use of sensitive compartmented information facilities.

Subtitle C—Nuclear Forces

- Sec. 1631. Semiannual updates on meetings held by Nuclear Weapons Council; limitation on availability of funds relating to such updates.
Sec. 1632. Role of Nuclear Weapons Council with respect to performance requirements and budget for nuclear weapons programs.
Sec. 1633. Modification of Government Accountability Office review of annual reports on nuclear weapons enterprise.
Sec. 1634. Independent study on nuclear weapons programs of certain foreign countries.
Sec. 1635. Prohibition on reduction of the intercontinental ballistic missiles of the United States.

Subtitle D—Missile Defense Programs

- Sec. 1641. Alignment of the Missile Defense Agency within the Department of Defense.
Sec. 1642. Extension of prohibition relating to missile defense information and systems.
Sec. 1643. Extension of transition of ballistic missile defense programs to military departments.
Sec. 1644. Extension of requirement for Comptroller General review and assessment of missile defense acquisition programs.
Sec. 1645. Development of hypersonic and ballistic missile tracking space sensor payload.
Sec. 1646. Ground-based midcourse defense interim capability.
Sec. 1647. Next generation interceptors.
Sec. 1648. Report on and limitation on availability of funds for layered homeland missile defense system.
Sec. 1649. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
Sec. 1650. Report on defense of Guam from integrated air and missile threats.
Sec. 1651. Reports on cruise missile defense and North Warning System.

Subtitle E—Matters Relating to Certain Commercial Terrestrial Operations

- Sec. 1661. Prohibition on availability of funds for certain purposes relating to the Global Positioning System.
Sec. 1662. Limitation on awarding contracts to entities operating commercial terrestrial communication networks that cause harmful interference with the Global Positioning System.
Sec. 1663. Independent technical review of Federal Communications Commission Order 20–48.
Sec. 1664. Estimate of damages from Federal Communications Commission Order 20–48.

Subtitle F—Other Matters

- Sec. 1671. Conventional prompt strike.
Sec. 1672. Limitation on availability of funds relating to reports on missile systems and arms control treaties.
Sec. 1673. Submission of reports under Missile Defense Review and Nuclear Posture Review.

1 **Subtitle A—Space Activities**

2 **SEC. 1601. SPACE DEVELOPMENT AGENCY DEVELOPMENT**
3 **REQUIREMENTS AND TRANSFER TO SPACE**
4 **FORCE.**

5 (a) IN GENERAL.—Chapter 908 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 9084. Space Development Agency**

9 “(a) IN GENERAL.—(1) There is a Space Develop-
10 ment Agency of the Department of Defense (in this sec-
11 tion referred to as the ‘Agency’). The Director of the
12 Space Development Agency shall be the head of the Agen-
13 cy.

14 “(2) Effective on October 1, 2022—

15 “(A) the Agency shall be an element of the
16 Space Force; and

17 “(B) the Director shall report—

18 “(i) pursuant to section
19 9016(b)(6)(B)(iv)(III) of this title, to the As-
20 sistant Secretary of the Air Force for Space Ac-
21 quisition and Integration with respect to acqui-
22 sition decisions; and

23 “(ii) directly to the Chief of Space Oper-
24 ations with respect to requirements decisions,

1 personnel decisions, and any other matter not
2 covered by clause (i).

3 “(b) DEVELOPMENT AND INTEGRATION AUTHORI-
4 TIES.—The Director shall lead—

5 “(1) the development and demonstration of a
6 resilient military space-based sensing, tracking, and
7 data transport architecture that uses proliferated
8 low-Earth orbit systems and services;

9 “(2) the integration of next-generation space
10 capabilities, such as novel sensors (including with re-
11 spect to alternate navigation, and autonomous battle
12 management features), and sensor and tracking
13 components (including a hypersonic and ballistic
14 missile tracking space sensor payload pursuant to
15 section 1645 of the William M. (Mac) Thornberry
16 National Defense Authorization Act for Fiscal Year
17 2021), into the architecture specified in paragraph
18 (1) to address the requirements and needs of the
19 armed forces and combatant commands for such ca-
20 pabilities;

21 “(3) the procurement of commercial capabilities
22 and services, including—

23 “(A) options for integrating payloads on
24 commercial buses and spacecraft into existing
25 commercial architectures; and

1 “(B) innovative commercial capabilities
2 and services, such as on-orbit servicing or in-
3 space transportation systems, that could extend
4 the life of space systems, rapidly respond to
5 threats, or contribute to resilience; and

6 “(4) the rapid introduction, acquisition, and
7 iteration of cost-effective, resilient solutions that le-
8 verage planned and existing commercial low-Earth
9 orbit capabilities or innovative capabilities.

10 “(c) BUDGET MATERIALS AND PROGRAM ELE-
11 MENTS.—Beginning not later than with respect to fiscal
12 year 2023 and each fiscal year thereafter—

13 “(1) in the budget justification materials sub-
14 mitted to Congress in support of the Department of
15 Defense budget for a fiscal year (as submitted with
16 the budget of the President under section 1105(a) of
17 title 31), the amount requested for the activities of
18 the Agency shall be separate from the other activi-
19 ties of the Space Force; and

20 “(2) the Secretary of Defense shall ensure that
21 the programs of the Agency are assigned program
22 elements different from other program elements of
23 the Space Force.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by inserting

1 after the item relating to section 9083 the following new
2 item:

“9084. Space Development Agency.”.

3 (c) CONFORMING AMENDMENT.—Section
4 9016(b)(6)(B)(iv)(III) of such title is amended by insert-
5 ing before the period at the end the following: “with re-
6 spect to acquisition decisions”.

7 (d) TRANSITION.—

8 (1) TRANSFER.—Effective on October 1, 2022,
9 the Secretary of Defense shall transfer the Space
10 Development Agency from the Office of the Sec-
11 retary of Defense to the Space Force.

12 (2) FUNDING, DUTIES, RESPONSIBILITIES, AND
13 PERSONNEL.—Except as provided by section 9084 of
14 title 10, United States Code, the transfer under
15 paragraph (1) of the Space Development Agency
16 from the Office of the Secretary of Defense to the
17 Space Force shall include the transfer of the fund-
18 ing, duties, responsibilities, and personnel of the
19 Agency as of the day before the date of the transfer.

20 **SEC. 1602. PERSONNEL MANAGEMENT AUTHORITY FOR**
21 **SPACE DEVELOPMENT AGENCY FOR EX-**
22 **PERTS IN SCIENCE AND ENGINEERING.**

23 (a) PROGRAM AUTHORIZED FOR SPACE DEVELOP-
24 MENT AGENCY.—Section 1599h(a) of title 10, United

1 States Code, is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(7) SDA.—The Director of the Space Devel-
4 opment Agency may carry out a program of per-
5 sonnel management authority provided in subsection
6 (b) in order to facilitate recruitment of eminent ex-
7 perts in science or engineering for research and de-
8 velopment projects and to enhance the administra-
9 tion and management of the Agency. The authority
10 to carry out the program under this paragraph shall
11 terminate on December 31, 2025.”.

12 (b) PERSONNEL MANAGEMENT AUTHORITY.—Sec-
13 tion 1599h(b)(1) of such title is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (E);

16 (2) by inserting “and” after the semicolon at
17 the end of subparagraph (F); and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(G) in the case of the Space Development
21 Agency, appoint individuals to a total of not
22 more than 10 positions in the Agency, of which
23 not more than 3 such positions may be posi-
24 tions of administration or management of the
25 Agency;”.

1 **SEC. 1603. REQUIREMENT TO BUY CERTAIN SATELLITE**
2 **COMPONENT FROM NATIONAL TECHNOLOGY**
3 **AND INDUSTRIAL BASE.**

4 (a) IN GENERAL.—Section 2534(a) of title 10,
5 United States Code, as amended by section 845, is further
6 amended by adding at the end the following new para-
7 graph:

8 “(5) STAR TRACKER.—A star tracker used in a
9 satellite weighing more than 400 pounds whose prin-
10 ciple purpose is to support the national security, de-
11 fense, or intelligence needs of the United States
12 Government.”.

13 (b) CERTAIN EXEMPTION.—Paragraph (5) of section
14 2534(a) of title 10, United States Code, as added by sub-
15 section (a) of this section, shall not apply with respect to
16 programs that have received Milestone A approval (as de-
17 fined in section 2431a of such title) before October 1,
18 2021.

19 (c) CLARIFICATION OF DELEGATION AUTHORITY.—
20 Subject to subsection (i) of section 2534 of title 10, United
21 States Code, the Secretary of Defense may delegate to a
22 service acquisition executive the authority to make a waiv-
23 er under subsection (d) of such section with respect to the
24 limitation under subsection (a)(5) of such section, as
25 added by subsection (a) of this section.

1 **SEC. 1604. CONFORMING AMENDMENTS RELATING TO RE-**
2 **ESTABLISHMENT OF SPACE COMMAND.**

3 (a) CERTIFICATIONS REGARDING INTEGRATED TAC-
4 TICAL WARNING AND ATTACK ASSESSMENT MISSION OF
5 THE AIR FORCE.—Section 1666(a) of National Defense
6 Authorization Act for Fiscal Year 2017 (Public Law 114–
7 328; 113 Stat. 2617) is amended by striking “Strategic
8 Command” and inserting “Space Command”.

9 (b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT
10 OF DEFENSE POSITIONING, NAVIGATION, AND TIMING
11 ENTERPRISE.—Section 2279b of title 10, United States
12 Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraphs (7), (8),
15 (9), and (10) as paragraphs (8), (9), (10), and
16 (11), respectively; and

17 (B) by inserting after paragraph (6) the
18 following new paragraph (7):

19 “(7) The Commander of the United States
20 Space Command.”; and

21 (2) in subsection (f), by striking “Strategic
22 Command” each place it appears and inserting
23 “Space Command”.

24 (c) JOINT INTERAGENCY COMBINED SPACE OPER-
25 ATIONS CENTER.—Section 605(e) of the Intelligence Au-

1 thorization Act for Fiscal Year 2017 (Public Law 115–
2 31; 131 Stat. 832; 10 U.S.C. 2271 note) is amended—

3 (1) in the subsection heading, by striking
4 “JOINT INTERAGENCY COMBINED SPACE OPER-
5 ATIONS CENTER” and inserting “NATIONAL SPACE
6 DEFENSE CENTER”;

7 (2) by striking “Strategic Command” each
8 place it appears and inserting “Space Command”;
9 and

10 (3) by striking “Joint Interagency Combined
11 Space Operations Center” each place it appears and
12 inserting “National Space Defense Center”.

13 (d) NATIONAL SECURITY SPACE SATELLITE RE-
14 PORTING POLICY.—Section 2278(a) of title 10, United
15 States Code, is amended by striking “Strategic Com-
16 mand” and inserting “Space Command”.

17 (e) SPACE-BASED INFRARED SYSTEM AND AD-
18 VANCED EXTREMELY HIGH FREQUENCY PROGRAM.—
19 Section 1612(a)(1) of the National Defense Authorization
20 Act for 2017 (Public Law 114–328; 130 Stat. 2590) is
21 amended by striking “Strategic Command” and inserting
22 “Space Command”.

1 **SEC. 1605. CLARIFICATION OF AUTHORITY FOR PROCURE-**
2 **MENT OF COMMERCIAL SATELLITE COMMU-**
3 **NICATIONS SERVICES.**

4 Section 957(c) of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
6 9016 note) is amended by adding at the end the following
7 new paragraph:

8 “(4) COMMERCIAL SATELLITE COMMUNICA-
9 TIONS SERVICES.—

10 “(A) AUTHORITY.—Beginning on the date
11 specified in subparagraph (B), the Service Ac-
12 quisition Executive for Space Systems and Pro-
13 grams shall be responsible for the procurement
14 of commercial satellite communications services
15 for the Department of Defense.

16 “(B) DATE SPECIFIED.—The date speci-
17 fied in this subparagraph is the date that is
18 120 days after the date on which the Service
19 Acquisition Executive for Space Systems and
20 Programs submits to the congressional defense
21 committees a plan for delegating the authority
22 under subparagraph (A) to a subordinate acqui-
23 sition command within the Space Force.

24 “(C) RESPONSIBILITY DURING INTERIM
25 PERIOD.—During the period preceding the date
26 specified in subparagraph (B), the Chief of

1 Space Operations shall be responsible for the
2 procurement of commercial satellite communica-
3 tions services for the Department of Defense.”.

4 **SEC. 1606. NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

5 (a) LAUNCH SERVICES AGREEMENT.—

6 (1) LIMITATION ON AMOUNTS.—Except as pro-
7 vided by paragraph (2), in carrying out the phase
8 two acquisition strategy, the Secretary of the Air
9 Force may not obligate or expend a total amount for
10 a launch services agreement that is greater than the
11 amount specifically appropriated for the launch serv-
12 ices agreement.

13 (2) USE OF REPROGRAMMING AND TRANSFER
14 AUTHORITY.—The Secretary may exceed the limita-
15 tion under paragraph (1) if the Secretary carries out
16 a reprogramming or transfer for such purpose in ac-
17 cordance with established procedures for
18 reprogrammings or transfers, including with respect
19 to presenting a request for a reprogramming of
20 funds.

21 (b) REUSABILITY.—

22 (1) VALIDATION.—Not later than 18 months
23 after the date on which the Secretary determines the
24 down-selected National Security Space Launch pro-
25 viders, the Secretary shall—

1 (A) complete all non-recurring design vali-
2 dation of previously flown launch hardware for
3 National Security Space Launch providers of-
4 fering such hardware for use in phase two con-
5 tracts; and

6 (B) notify the appropriate congressional
7 committees that such design validation has been
8 completed.

9 (2) REPORT.—Not later than 210 days after
10 the date on which the Secretary determines the
11 down-selected National Security Space Launch pro-
12 viders, the Secretary shall submit to the appropriate
13 congressional committees a report on the progress of
14 the Secretary with respect to completing all non-re-
15 curring design validation of previously flown launch
16 hardware described in paragraph (1), including—

17 (A) a justification for any deviation from
18 the new entrant certification guide; and

19 (B) a description of such progress with re-
20 spect to National Security Space Launch pro-
21 viders that are not down-selected National Se-
22 curity Space Launch providers, if applicable.

23 (c) FUNDING AND STRATEGY FOR TECHNOLOGY DE-
24 VELOPMENT FOR CERTIFICATION, INFRASTRUCTURE, AND
25 INNOVATION.—

1 (1) AUTHORITY.—Pursuant to section 2371b of
2 title 10, United States Code, not later than Sep-
3 tember 30, 2021, the Secretary of the Air Force
4 shall enter into agreements described in paragraph
5 (3) with potential phase three National Security
6 Space Launch providers—

7 (A) to maintain competition in order to
8 maximize the likelihood of at least three Na-
9 tional Security Space Launch providers com-
10 peting for phase three contracts; and

11 (B) to support innovation for national se-
12 curity launches, including innovative tech-
13 nologies and systems to further advance launch
14 capability associated with the insertion of na-
15 tional security payloads into relevant classes of
16 orbits.

17 (2) COMPETITIVE PROCEDURES.—The Sec-
18 retary shall carry out paragraph (1) by conducting
19 a full and open competition among all National Se-
20 curity Space Launch providers that plan to submit
21 bids for a phase three contract.

22 (3) AGREEMENTS.—An agreement described in
23 this paragraph is an agreement that could provide
24 value or technical advances to phase three of the
25 National Security Space Launch program and that

1 includes not more than \$90,000,000 in fiscal year
2 2021, subject to the availability of appropriations for
3 such purpose, for the provider to conduct either or
4 both of the following activities:

5 (A) Develop enabling technologies to meet
6 the certification and infrastructure require-
7 ments that are—

8 (i) unique to national security space
9 missions; and

10 (ii) support the likely requirements of
11 a phase three contract.

12 (B) Develop transformational technologies
13 in support of the national security space launch
14 capability for phase three contracts (such as
15 technologies regarding launch, maneuver, and
16 transport capabilities for enhanced resiliency
17 and security technologies, technologies to sup-
18 port progress toward phase three national secu-
19 rity space launches, or technologies to inform
20 the National Security Launch Architecture
21 study of the Space Force).

22 (4) TECHNOLOGY DEVELOPMENT INVESTMENT
23 STRATEGY.—Not later than March 15, 2021, the
24 Secretary shall submit to the appropriate congres-
25 sional committees a strategy to support investments

1 in technologies for phase three pursuant to para-
2 graph (1) that includes—

3 (A) the funding requirements for such
4 strategy during fiscal years 2022 through 2026;

5 (B) a schedule for investments toward
6 phase three;

7 (C) associated milestones; and

8 (D) a planned schedule for awarding phase
9 three contracts.

10 (5) REPORT.—Not later than 30 days after the
11 date on which the Secretary enters into an agree-
12 ment under paragraph (1), the Secretary shall sub-
13 mit to the appropriate congressional committees a
14 report explaining which enabling technologies are
15 funded under such agreement.

16 (d) BRIEFING.—Not later than March 15, 2021, and
17 quarterly thereafter through September 30, 2023, the Sec-
18 retary shall provide to the congressional defense commit-
19 tees a briefing on the progress made by the Secretary in
20 ensuring that full and open competition exists for phase
21 three contracts, including—

22 (1) a description of progress made to establish
23 the requirements for phase three contracts, including
24 such requirements that the Secretary determines
25 cannot be met by the commercial market;

1 (2) whether the Secretary determines that addi-
2 tional development funding will be necessary for
3 such phase;

4 (3) a description of the estimated costs for the
5 development described in subparagraphs (A) and (B)
6 of subsection (c)(3); and

7 (4) how the Secretary will—

8 (A) ensure full and open competition for
9 technology development for phase three con-
10 tracts; and

11 (B) maintain competition.

12 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to delay the award of phase two
14 contracts.

15 (f) DEFINITIONS.—In this section:

16 (1) The term “appropriate congressional com-
17 mittees” means—

18 (A) the congressional defense committees;
19 and

20 (B) the Permanent Select Committee on
21 Intelligence of the House of Representatives
22 and the Select Committee on Intelligence of the
23 Senate.

24 (2) The term “down-selected National Security
25 Space Launch provider” means a National Security

1 Space Launch provider that the Secretary of the Air
2 Force selected to be awarded phase two contracts.

3 (3) The term “phase three contract” means a
4 contract awarded using competitive procedures for
5 launch services under the National Security Space
6 Launch program after fiscal year 2024.

7 (4) The term “phase two acquisition strategy”
8 means the process by which the Secretary of the Air
9 Force enters into phase two contracts during fiscal
10 year 2020, orders launch missions during fiscal
11 years 2020 through 2024, and carries out such
12 launches under the National Security Space Launch
13 program.

14 (5) The term “phase two contract” means a
15 contract awarded during fiscal year 2020 using com-
16 petitive procedures for launch missions ordered
17 under the National Security Space Launch program
18 during fiscal years 2020 through 2024.

19 **SEC. 1607. COMMERCIAL SPACE DOMAIN AWARENESS CA-**
20 **PABILITIES.**

21 (a) **PROCUREMENT.**—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 the Air Force shall procure commercial space domain
24 awareness services by awarding at least two contracts for
25 such services.

1 (b) LIMITATION.—Of the funds authorized to be ap-
2 propriated by this Act or otherwise made available for fis-
3 cal year 2021 for the Office of the Secretary of the Air
4 Force, not more than 75 percent may be obligated or ex-
5 pended until the date on which the Secretary of Defense,
6 without delegation, certifies to the congressional commit-
7 tees that the Secretary of the Air Force has awarded the
8 contracts under subsection (a).

9 (c) REPORT.—Not later than January 31, 2021, the
10 Chief of Space Operations, in coordination with the Sec-
11 retary of the Air Force, shall submit to the congressional
12 defense committees a report detailing the commercial
13 space domain awareness services, data, and analytics of
14 objects in low-Earth orbit that have been purchased dur-
15 ing the two-year period preceding the date of the report.
16 The report shall be submitted in unclassified form.

17 (d) COMMERCIAL SPACE DOMAIN AWARENESS SERV-
18 ICES DEFINED.—In this section, the term “commercial
19 space domain awareness services” means space domain
20 awareness data, processing software, and analytics derived
21 from best-in-breed commercial capabilities to address
22 warfighter requirements in low-Earth orbit and fill gaps
23 in current space domain capabilities of the Space Force,
24 including commercial capabilities to—

25 (1) provide conjunction and maneuver alerts;

1 (2) monitor breakup and launch events; and

2 (3) detect and track objects smaller than 10
3 centimeters in size.

4 **SEC. 1608. POLICY TO ENSURE LAUNCH OF SMALL-CLASS**
5 **PAYLOADS.**

6 (a) IN GENERAL.—The Secretary of Defense shall es-
7 tablish a small launch and satellite policy to ensure re-
8 sponsive and reliable access to space through the proc-
9 essing and launch of Department of Defense small-class
10 payloads.

11 (b) POLICY.—The policy under subsection (a) shall
12 include, at a minimum, providing resources and policy
13 guidance to sustain—

14 (1) the availability of small-class payload launch
15 service providers using launch vehicles capable of de-
16 livering into space small payloads designated by the
17 Secretary of Defense as a national security payload;

18 (2) a robust small-class payload space launch
19 infrastructure and industrial base, including small
20 launch systems and small satellite rideshare opportu-
21 nities;

22 (3) the availability of rapid, responsive, and re-
23 liable space launches for national security space pro-
24 grams to—

1 (A) improve the responsiveness and flexi-
2 bility of a national security space system;

3 (B) lower the costs of launching a national
4 security space system; and

5 (C) maintain risks to mission success at
6 acceptable levels;

7 (4) a minimum number of dedicated launches
8 each year; and

9 (5) full and open competition, including small
10 launch providers and rideshare opportunities.

11 **SEC. 1609. TACTICALLY RESPONSIVE SPACE LAUNCH OPER-**
12 **ATIONS.**

13 The Secretary of the Air Force shall implement a
14 tactically responsive space launch program—

15 (1) to provide long-term continuity for tactically
16 responsive space launch operations across the fu-
17 ture-years defense program submitted to Congress
18 under section 221 of title 10, United States Code;

19 (2) to accelerate the development of—

20 (A) responsive launch concepts of oper-
21 ations;

22 (B) tactics;

23 (C) training; and

24 (D) procedures;

1 (3) to develop appropriate processes for
2 tactically responsive space launch, including—

3 (A) mission assurance processes; and

4 (B) command and control, tracking, telem-
5 etry, and communications; and

6 (4) to identify basing capabilities necessary to
7 enable tactically responsive space launch, including
8 mobile launch range infrastructure.

9 **SEC. 1610. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **PROTOTYPE PROGRAM FOR MULTI-GLOBAL**
11 **NAVIGATION SATELLITE SYSTEM RECEIVER**
12 **DEVELOPMENT.**

13 Of the funds authorized to be appropriated by this
14 Act or otherwise made available for fiscal year 2021 for
15 the Office of the Secretary of the Air Force, not more than
16 80 percent may be obligated or expended until the date
17 on which the Secretary of Defense—

18 (1) certifies to the congressional defense com-
19 mittees that the Secretary of the Air Force is car-
20 rying out the program required under section 1607
21 of the National Defense Authorization Act for Fiscal
22 Year 2020 (Public Law 116–92; 133 Stat. 1724);
23 and

24 (2) provides to the Committees on Armed Serv-
25 ices of the House of Representatives and the Senate

1 a briefing on how the Secretary is implementing
2 such program, including with respect to addressing
3 each element specified in subsection (b) of such sec-
4 tion.

5 **SEC. 1611. RESILIENT AND SURVIVABLE POSITIONING,**
6 **NAVIGATION, AND TIMING CAPABILITIES.**

7 (a) IN GENERAL.—Not later than two years after the
8 date of the enactment of this Act, consistent with the
9 timescale applicable to joint urgent operational needs
10 statements, the Secretary of Defense shall—

11 (1) prioritize and rank order the mission ele-
12 ments, platforms, and weapons systems most critical
13 for the operational plans of the combatant com-
14 mands;

15 (2) mature, test, and produce for such
16 prioritized mission elements sufficient equipment—

17 (A) to generate resilient and survivable al-
18 ternative positioning, navigation, and timing
19 signals; and

20 (B) to process resilient survivable data
21 provided by signals of opportunity and on-board
22 sensor systems; and

23 (3) integrate and deploy such equipment into
24 the prioritized operational systems, platforms, and
25 weapons systems.

1 (b) PLAN.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, the Sec-
4 retary shall submit to the congressional defense com-
5 mittees a plan to commence carrying out subsection
6 (a) in fiscal year 2021.

7 (2) REPROGRAMMING AND BUDGET PRO-
8 POSALS.—The plan submitted under paragraph (1)
9 may include any reprogramming or supplemental
10 budget request the Secretary considers necessary to
11 carry out subsection (a).

12 (c) COORDINATION.—In carrying out this section, the
13 Secretary shall consult with the National Security Council,
14 the Secretary of Homeland Security, the Secretary of
15 Transportation, and the head of any other relevant Fed-
16 eral department or agency to enable civilian and commer-
17 cial adoption of technologies and capabilities for resilient
18 and survivable alternative positioning, navigation, and
19 timing capabilities to complement the global positioning
20 system.

21 **SEC. 1612. LEVERAGING COMMERCIAL SATELLITE REMOTE**
22 **SENSING.**

23 (a) IN GENERAL.—In acquiring geospatial intel-
24 ligence, the Secretary of Defense and the Director of Na-
25 tional Intelligence, in coordination with the Director of the

1 National Reconnaissance Office and the Director of the
2 National Geospatial-Intelligence Agency, shall leverage, to
3 the extent practicable, the capabilities of the industry of
4 the United States, including through the use of domestic
5 commercial geospatial-intelligence services and acquisition
6 of domestic commercial satellite imagery.

7 (b) OBTAINING FUTURE GEOSPATIAL-INTELLIGENCE
8 DATA.—The Director of the National Reconnaissance Of-
9 fice, as part of an analysis of alternatives for the future
10 acquisition of space systems, and the Director of the Na-
11 tional Geospatial-Intelligence Agency, as part of an anal-
12 ysis of alternatives for the future acquisition of analysis
13 tools for geospatial intelligence, shall each—

14 (1) consider whether there is a cost-effective do-
15 mestic commercial capability or service available that
16 can meet any or all of the geospatial-intelligence re-
17 quirements of the Department of Defense, the intel-
18 ligence community, or both;

19 (2) if a cost-effective domestic commercial capa-
20 bility or service is available as described in para-
21 graph (1)—

22 (A) give preference to using such domestic
23 commercial capability or service to meet re-
24 quirements; and

25 (B) determine—

1 (i) whether it is in the national inter-
2 est to develop a governmental space system
3 or service for geospatial intelligence;

4 (ii) whether such a governmental
5 space system or service would be duplica-
6 tive to such a domestic commercial capa-
7 bility or service; and

8 (iii) the costs for developing such a
9 governmental space system or service; and

10 (3) include, as part of the established acquisi-
11 tion reporting requirements to the appropriate con-
12 gressional committees, any determination made
13 under paragraphs (1) and (2).

14 (c) DEFINITIONS.—In this section:

15 (1) The term “acquisition of commercial sat-
16 ellite imagery” means the acquisition of satellite im-
17 agery derived from electro-optical, infrared, synthetic
18 aperture radar, hyperspectral, and radio frequency,
19 data.

20 (2) The term “appropriate congressional com-
21 mittees” means—

22 (A) the congressional defense committees;

23 (B) the Select Committee on Intelligence
24 of the Senate; and

1 (C) the Permanent Select Committee on
2 Intelligence of the House of Representatives.

3 (3) The term “commercial geospatial-intel-
4 ligence services” means services including analytic
5 tools, products, or data that can describe, assess,
6 and visually depict natural or manmade features, ob-
7 jects, or activities that can be geographically ref-
8 erenced on the Earth, regardless of collection phe-
9 nomenology.

10 (4) The term “intelligence community” has the
11 meaning given such term in section 3 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 3003).

13 **SEC. 1613. STRATEGY TO STRENGTHEN CIVIL AND NA-**
14 **TIONAL SECURITY CAPABILITIES AND OPER-**
15 **ATIONS IN SPACE.**

16 (a) STRATEGY REQUIRED.—Not later than 270 days
17 after the date of the enactment of this Act, the President,
18 in consultation with the National Space Council, shall de-
19 velop a strategy to ensure that the United States, as ap-
20 propriate, strengthens civil and national security capabili-
21 ties and operations in space. Such strategy shall include—

22 (1) a 10-year roadmap for the civil space and
23 programs that is able to leverage commercial gains
24 in space capabilities;

1 (2) increasing partnerships with allies of the
2 United States;

3 (3) ensuring a robust and secure supply chain
4 and manufacturing processes for space capabilities
5 while sustaining a skilled workforce and leadership
6 capabilities in support of such activities;

7 (4) ensuring freedom of navigation of space
8 from potential adversaries; and

9 (5) enhancing resilience of civil and national se-
10 curity space operations.

11 (b) SUBMISSION OF STRATEGY AND PLAN.—Not
12 later than one year after the date of the enactment of this
13 Act, the Chair of the National Space Council, in consulta-
14 tion with relevant departments and agencies of the Fed-
15 eral Government, shall submit to the appropriate congres-
16 sional committees a report setting forth—

17 (1) the strategy under subsection (a); and

18 (2) a plan to implement such strategy.

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Armed Services of the
23 House of Representatives;

24 (2) the Committee on Science, Space, and
25 Technology of the House of Representatives;

1 (3) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (4) the Committee on Energy and Commerce of
4 the House of Representatives;

5 (5) the Permanent Select Committee on Intel-
6 ligence of the House of Representatives;

7 (6) the Committee on Armed Services of the
8 Senate;

9 (7) the Committee on Foreign Relations of the
10 Senate;

11 (8) the Committee on Commerce, Science, and
12 Transportation of the Senate; and

13 (9) the Select Committee on Intelligence of the
14 Senate.

15 **SEC. 1614. REPORT AND STRATEGY ON SPACE COMPETI-**
16 **TION WITH CHINA.**

17 (a) REPORT.—

18 (1) IN GENERAL.—Not later than 18 months
19 after the date of the enactment of this Act, the Na-
20 tional Space Council shall submit to the appropriate
21 congressional committees an interagency assessment
22 of the ability of the United States to compete with
23 the space programs of China.

24 (2) ELEMENTS.—The report under paragraph
25 (1) shall include the following:

1 (A) A comparative assessment between the
2 United States and China on—

3 (i) human exploration and spaceflight
4 capabilities;

5 (ii) the viability and potential environ-
6 mental impacts of extraction of space-
7 based precious minerals, onsite exploitation
8 of space-based natural resources, and the
9 use of space-based solar power;

10 (iii) the strategic interest in and capa-
11 bilities for cislunar space; and

12 (iv) current and future space launch
13 capabilities.

14 (B) The extent of foreign investment in
15 the commercial space sector of the United
16 States, including venture capital and other pri-
17 vate equity investments that seek to work with
18 the Federal Government, and a description of
19 due diligence reviews of such investments con-
20 ducted by the Federal Government to mitigate
21 threats by China.

22 (C) An assessment of the ability, role,
23 costs, and authorities of the Department of De-
24 fense to mitigate the threats of commercial

1 communications and navigation in space from
2 the growing counterspace capabilities of China.

3 (D) An assessment of how the activities of
4 China are impacting the national security of the
5 United States with respect to space, includ-
6 ing—

7 (i) theft of United States intellectual
8 property; and

9 (ii) efforts by China to seize control of
10 critical elements of the United States space
11 industry supply chain and United States
12 space industry companies.

13 (E) An assessment of efforts by China to
14 pursue cooperative agreements with other na-
15 tions to advance space development.

16 (F) Recommendations to Congress, includ-
17 ing recommendations with respect to any legis-
18 lative proposals to address threats by China to
19 the United States national space programs and
20 the domestic commercial launch and satellite in-
21 dustries.

22 (3) FORM.—The report required under para-
23 graph (1) shall be submitted in unclassified form,
24 but may include a classified annex.

25 (b) STRATEGY.—

1 (1) IN GENERAL.—Not later than one year
2 after the date on which the National Space Council
3 submits the report under subsection (a), the Presi-
4 dent, in consultation with the National Space Coun-
5 cil, shall develop and submit to the appropriate con-
6 gressional committees a strategy to ensure the
7 United States can—

8 (A) compete with other national space pro-
9 grams;

10 (B) maintain leadership in the emerging
11 commercial space economy;

12 (C) identify market, regulatory, and other
13 means to address unfair competition from
14 China based on the findings of the report under
15 subsection (a);

16 (D) leverage commercial space capabilities
17 to ensure the national security of the United
18 States and the security of the interests of the
19 United States in space;

20 (E) protect the supply chains and manu-
21 facturing of the United States critical to com-
22 petitiveness in space; and

23 (F) coordinate with international allies and
24 partners in space.

1 (2) FORM.—The strategy required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Committee
9 on Commerce, Science, and Transportation of the
10 Senate; and

11 (2) the Committee on Armed Services, the
12 Committee on Foreign Affairs, and the Committee
13 on Science, Space, and Technology of the House of
14 Representatives.

15 **Subtitle B—Defense Intelligence**
16 **and Intelligence-Related Activities**

17 **SEC. 1621. SAFETY OF NAVIGATION MISSION OF THE NA-**
18 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
19 **CY.**

20 (a) MISSION OF NATIONAL GEOSPATIAL-INTEL-
21 LIGENCE AGENCY.—Section 442 of title 10, United States
22 Code, is amended—

23 (1) in subsection (b)—

1 (A) by striking “means of navigating ves-
2 sels of the Navy and the merchant marine” and
3 inserting “the means for safe navigation”; and

4 (B) by striking “and inexpensive nautical
5 charts” and all that follows and inserting
6 “geospatial information for use by the depart-
7 ments and agencies of the United States, the
8 merchant marine, and navigators generally.”;

9 (2) in subsection (c)—

10 (A) by striking “shall prepare and” and in-
11 serting “shall acquire, prepare, and”;

12 (B) by striking “charts” and inserting
13 “safe-for-navigation charts and datasets”; and

14 (C) by striking “geodetic” and inserting
15 “geomatics”; and

16 (3) by adding at the end the following new sub-
17 section:

18 “(f) VALIDATION.—The National Geospatial-Intel-
19 ligence Agency shall assist the Joint Chiefs of Staff, com-
20 batant commands, and the military departments in estab-
21 lishing, coordinating, consolidating, and validating map-
22 ping, charting, geomatics data, and safety of navigation
23 capability requirements through a formal process governed
24 by the Joint Staff. Consistent with validated requirements,
25 the National Geospatial-Intelligence Agency shall provide

1 aeronautical and nautical charts that are safe for naviga-
2 tion, maps, books, datasets, models, and geomatics prod-
3 ucts.”.

4 (b) MAPS, CHARTS, AND BOOKS.—

5 (1) IN GENERAL.—Section 451 of title 10,
6 United States Code, is amended—

7 (A) in the heading, by striking “and
8 books” and inserting “books, and datasets”;

9 (B) in paragraph (1), by striking “maps,
10 charts, and nautical books” and inserting “nau-
11 tical and aeronautical charts, topographic and
12 geomatics maps, books, models, and datasets”;
13 and

14 (C) by amending paragraph (2) to read as
15 follows:

16 “(2) acquire (by purchase, lease, license, or bar-
17 ter) all necessary rights, including copyrights and
18 other intellectual property rights, required to pre-
19 pare, publish, and furnish to navigators the products
20 described in paragraph (1).”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of subchapter II of chapter 22
23 of title 10, United States Code, is amended by strik-
24 ing the item relating to section 451 and inserting
25 the following new item:

“451. Maps, charts, books, and datasets.”.

1 (c) EXCHANGE.—

2 (1) IN GENERAL.—Section 454 of title 10,
3 United States Code, is amended—

4 (A) in the heading, by striking “**geo-**
5 **detic**” and inserting “**geomatics**”; and

6 (B) by striking “geodetic” and inserting
7 “geomatics” each place it appears.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of subchapter II of chapter 22
10 of title 10, United States Code, is amended by strik-
11 ing the item relating to section 454 and inserting
12 the following new item:

“454. Exchange of mapping, charting, and geomatics data with foreign coun-
tries, international organizations, nongovernmental organiza-
tions, and academic institutions.”.

13 (d) PUBLIC AVAILABILITY.—

14 (1) IN GENERAL.—Section 455 of title 10,
15 United States Code, is amended—

16 (A) in the heading, by striking “**geo-**
17 **detic**” and inserting “**geomatics**”; and

18 (B) by striking “geodetic” and inserting
19 “geomatics” each place it appears.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of subchapter II of chapter 22
22 of title 10, United States Code, is amended by strik-

1 ing the item relating to section 455 and inserting
2 the following new item:

“455. Maps, charts, and geomatics data: public availability; exceptions.”.

3 (e) CIVIL ACTIONS BARRED.—Section 456 of title 10,
4 United States Code, is amended by striking subsections
5 (a) and (b) and inserting the following:

6 “No civil action may be brought against the United
7 States on the basis of the content of geospatial informa-
8 tion prepared or disseminated by the National Geospatial-
9 Intelligence Agency.”.

10 (f) DEFINITIONS.—Section 467 of title 10, United
11 States Code, is amended—

12 (1) in paragraph (4)—

13 (A) in the matter preceding subparagraph
14 (A), by inserting “or about” after “boundaries
15 on”;

16 (B) in subparagraph (A), by striking “sta-
17 tistical”; and

18 (C) in subparagraph (B)—

19 (i) by striking “geodetic” and insert-
20 ing “geomatics”; and

21 (ii) by inserting “and services” after
22 “products”; and

23 (2) in paragraph (5), by inserting “or about”
24 after “activities on”.

25 (g) CONFORMING AMENDMENTS.—

1 (1) IN GENERAL.—The heading of subchapter
2 II of chapter 22 of title 10, United States Code, is
3 amended by striking “GEODETIC” and inserting
4 “GEOMATICS”.

5 (2) CLERICAL AMENDMENT.—The table of sub-
6 chapters at the beginning of chapter 22 of title 10,
7 United States Code, is amended in the matter relat-
8 ing to subchapter II by striking “Geodetic” and in-
9 serting “Geomatics”.

10 **SEC. 1622. NATIONAL ACADEMIES CLIMATE SECURITY**
11 **ROUNDTABLE.**

12 (a) IN GENERAL.—The Director of National Intel-
13 ligence, in coordination with the Under Secretary of De-
14 fense for Intelligence and Security, shall enter into a joint
15 agreement with the Academies to create a new “National
16 Academies Climate Security Roundtable” (in this section
17 referred to as the “roundtable”).

18 (b) PARTICIPANTS.—The roundtable shall include—

19 (1) the members of the Climate Security Advi-
20 sory Council established under section 120 of the
21 National Security Act of 1947 (50 U.S.C. 3060);

22 (2) senior representatives and practitioners
23 from Federal science agencies, elements of the intel-
24 ligence community, and the Department of Defense,
25 who are not members of the Council; and

1 (3) key stakeholders in the United States sci-
2 entific enterprise, including institutions of higher
3 education, Federal research laboratories (including
4 the national security laboratories), industry, and
5 nonprofit research organizations.

6 (c) PURPOSE.—The purpose of the roundtable is—

7 (1) to support the duties and responsibilities of
8 the Climate Security Advisory Council under section
9 120(c) of the National Security Act of 1947 (50
10 U.S.C. 3060(c));

11 (2) to develop best practices for the exchange of
12 data, knowledge, and expertise among elements of
13 the intelligence community, elements of the Federal
14 Government that are not elements of the intelligence
15 community, and non-Federal researchers;

16 (3) to facilitate dialogue and collaboration
17 about relevant collection and analytic priorities
18 among participants of the roundtable with respect to
19 climate security;

20 (4) to identify relevant gaps in the exchange of
21 data, knowledge, or expertise among participants of
22 the roundtable with respect to climate security, and
23 consider viable solutions to address such gaps; and

24 (5) to provide any other assistance, resources,
25 or capabilities that the Director of National Intel-

1 ligence or the Under Secretary determines necessary
2 with respect to the Council carrying out the duties
3 and responsibilities of the Council under such sec-
4 tion 120(c).

5 (d) MEETINGS.—The roundtable shall meet at least
6 quarterly, in coordination with the meetings of the Climate
7 Security Advisory Council under section 120(c)(1) of the
8 National Security Act of 1947 (50 U.S.C. 3060(c)(1)).

9 (e) REPORTS AND BRIEFINGS.—The joint agreement
10 under subsection (a) shall specify that—

11 (1) the roundtable shall organize workshops, on
12 at least a biannual basis, that include both partici-
13 pants of the roundtable and persons who are not
14 participants, and may be conducted in classified or
15 unclassified form in accordance with subsection (f);

16 (2) on a regular basis, the roundtable shall
17 produce classified and unclassified reports on the
18 topics described in subsection (c) and the activities
19 of the roundtable, and other documents in support
20 of the duties and responsibilities of the Climate Se-
21 curity Advisory Council under section 120(c) of the
22 National Security Act of 1947 (50 U.S.C. 3060(c));

23 (3) the Academies shall provide recommenda-
24 tions by consensus to the Council on both the topics

1 described in subsection (c) and specific topics as
2 identified by participants of the roundtable;

3 (4) not later than March 1, 2021, and annually
4 thereafter during the life of the roundtable, the
5 Academies shall provide a briefing to the appropriate
6 congressional committees on the progress and activi-
7 ties of the roundtable; and

8 (5) not later than September 30, 2025, the
9 Academies shall submit a final report to the appro-
10 priate congressional committees on the activities of
11 the roundtable.

12 (f) SECURITY CLEARANCES.—Each participant of the
13 roundtable shall have a security clearance at the appro-
14 priate level to carry out the duties of the participant under
15 this section. A person who is not a participant who attends
16 a workshop under subsection (e)(1) is not required to have
17 a security clearance, and the roundtable shall ensure that
18 any such workshop is held at the appropriate classified
19 or unclassified level.

20 (g) TERMINATION.—The roundtable shall terminate
21 on September 30, 2025.

22 (h) DEFINITIONS.—In this section:

23 (1) The term “Academies” means the National
24 Academies of Sciences, Engineering, and Medicine.

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

3 (A) the Committee on Science, Space, and
4 Technology, the Committee on Armed Services,
5 the Committee on Foreign Affairs, and the Per-
6 manent Select Committee on Intelligence of the
7 House of Representatives; and

8 (B) the Committee on Commerce, Science,
9 and Transportation, the Committee on Armed
10 Services, the Committee on Foreign Relations,
11 and the Select Committee on Intelligence of the
12 Senate.

13 (3) The term “Federal science agency” means
14 any agency or department of the Federal Govern-
15 ment with at least \$100,000,000 in basic and ap-
16 plied research obligations in fiscal year 2019.

17 (4) The term “intelligence community” has the
18 meaning given that term in section 3 of the National
19 Security Act of 1947 (50 U.S.C. 3003).

20 (5) The term “national security laboratory” has
21 the meaning given the term in section 4002 of the
22 Atomic Energy Defense Act (50 U.S.C. 2501).

1 **SEC. 1623. EFFICIENT USE OF SENSITIVE COMPART-**
2 **MENTED INFORMATION FACILITIES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Director of National Intelligence, in
5 consultation with the Secretary of Defense, shall issue re-
6 vised guidance authorizing and directing departments and
7 agencies of the Federal Government and appropriately
8 cleared contractors of such departments and agencies to
9 process, store, use, and discuss sensitive compartmented
10 information at facilities previously approved to handle
11 such information, without need for further approval by the
12 department or agency or by the site. Such guidance shall
13 apply to controlled access programs of the intelligence
14 community and to special access programs of the Depart-
15 ment of Defense.

16 **Subtitle C—Nuclear Forces**

17 **SEC. 1631. SEMIANNUAL UPDATES ON MEETINGS HELD BY**
18 **NUCLEAR WEAPONS COUNCIL; LIMITATION**
19 **ON AVAILABILITY OF FUNDS RELATING TO**
20 **SUCH UPDATES.**

21 (a) SEMIANNUAL UPDATES.—Section 179(g) of title
22 10, United States Code, is amended to read as follows:

23 “(g) SEMIANNUAL UPDATES ON COUNCIL MEET-
24 INGS.—(1) Not later than February 1 and August 1 of
25 each year, the Council shall provide to the congressional

1 defense committees a semiannual update including, with
2 respect to the six-month period preceding the update—

3 “(A) the dates on which the Council met; and

4 “(B) except as provided by paragraph (2), a
5 summary of any decisions made by the Council pur-
6 suant to subsection (d) at each such meeting and
7 the rationale for and options that informed such de-
8 cisions.

9 “(2) The Council shall not be required to include in
10 a semiannual update under paragraph (1) the matters de-
11 scribed in subparagraph (B) of that paragraph with re-
12 spect to decisions of the Council relating to the budget
13 of the President for a fiscal year if the budget for that
14 fiscal year has not been submitted to Congress under sec-
15 tion 1105 of title 31 as of the date of the semiannual up-
16 date.

17 “(3) The Council may provide a semiannual update
18 under paragraph (1) either in the form of a briefing or
19 a written report.”.

20 (b) LIMITATION ON USE OF FUNDS FOR FAILURE TO
21 PROVIDE SEMIANNUAL UPDATES IN 2021.—

22 (1) FIRST SEMIANNUAL UPDATE.—If, by Feb-
23 ruary 1, 2021, the Council has not provided the
24 semiannual update under subsection (g) of section
25 179 of title 10, United States Code, as amended by

1 subsection (a), required by that date, not more than
2 50 percent of the funds authorized to be appro-
3 priated for fiscal year 2021 for the Office of the
4 Under Secretary of Defense for Acquisition and
5 Sustainment for the purposes of operating the Office
6 of the Assistant Secretary of Defense for Nuclear,
7 Chemical, and Biological Defense Programs may be
8 obligated or expended until the date on which such
9 semiannual update has been provided.

10 (2) SECOND SEMIANNUAL UPDATE.—If, by Au-
11 gust 1, 2021, the Council has not provided the semi-
12 annual update described in paragraph (1) required
13 by that date, not more than 90 percent of the funds
14 authorized to be appropriated for fiscal year 2021
15 for the Office of the Under Secretary of Defense for
16 Acquisition and Sustainment for the purposes of op-
17 erating the Office of the Assistant Secretary of De-
18 fense for Nuclear, Chemical, and Biological Defense
19 Programs may be obligated or expended until the
20 date on which such semiannual update has been pro-
21 vided.

1 **SEC. 1632. ROLE OF NUCLEAR WEAPONS COUNCIL WITH**
2 **RESPECT TO PERFORMANCE REQUIREMENTS**
3 **AND BUDGET FOR NUCLEAR WEAPONS PRO-**
4 **GRAMS.**

5 (a) MODIFICATION TO RESPONSIBILITIES OF NU-
6 CLEAR WEAPONS COUNCIL.—Section 179(d) of title 10,
7 United States Code, is amended—

8 (1) by redesignating paragraphs (9) through
9 (11) as paragraphs (10) through (12), respectively;
10 and

11 (2) by inserting after paragraph (8) the fol-
12 lowing new paragraph (9):

13 “(9) Reviewing proposed capabilities, and estab-
14 lishing and validating performance requirements (as
15 defined in section 181(h) of this title), for nuclear
16 warhead programs.”.

17 (b) REVIEW OF ADEQUACY OF NUCLEAR WEAPONS
18 BUDGET.—

19 (1) IN GENERAL.—Subtitle A of title XVII of
20 the Atomic Energy Defense Act (50 U.S.C. 2741 et
21 seq.) is amended by adding at the end the following
22 new section:

23 **“SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS**
24 **BUDGET.**

25 “(a) REVIEW OF ADEQUACY OF ADMINISTRATION
26 BUDGET BY NUCLEAR WEAPONS COUNCIL.—

1 “(1) TRANSMISSION TO COUNCIL.—The Sec-
2 retary of Energy shall transmit to the Nuclear
3 Weapons Council (in this section referred to as the
4 ‘Council’) a copy of the proposed budget request of
5 the Administration for each fiscal year before that
6 budget request is submitted to the Director of the
7 Office of Management and Budget in relation to the
8 preparation of the budget of the President to be sub-
9 mitted to Congress under section 1105(a) of title 31,
10 United States Code.

11 “(2) REVIEW AND DETERMINATION OF ADE-
12 QUACY.—

13 “(A) REVIEW.—The Council shall review
14 each budget request transmitted to the Council
15 under paragraph (1).

16 “(B) DETERMINATION OF ADEQUACY.—

17 “(i) INADEQUATE REQUESTS.—If the
18 Council determines that a budget request
19 for a fiscal year transmitted to the Council
20 under paragraph (1) is inadequate, in
21 whole or in part, to implement the objec-
22 tives of the Department of Defense with
23 respect to nuclear weapons for that fiscal
24 year, the Council shall submit to the Sec-
25 retary of Energy a written description of

1 funding levels and specific initiatives that
2 would, in the determination of the Council,
3 make the budget request adequate to im-
4 plement those objectives.

5 “(ii) ADEQUATE REQUESTS.—If the
6 Council determines that a budget request
7 for a fiscal year transmitted to the Council
8 under paragraph (1) is adequate to imple-
9 ment the objectives described in clause (i)
10 for that fiscal year, the Council shall sub-
11 mit to the Secretary of Energy a written
12 statement confirming the adequacy of the
13 request.

14 “(iii) RECORDS.—The Council shall
15 maintain a record of each description sub-
16 mitted under clause (i) and each statement
17 submitted under clause (ii).

18 “(3) DEPARTMENT OF ENERGY RESPONSE.—

19 “(A) IN GENERAL.—If the Council submits
20 to the Secretary of Energy a written description
21 under paragraph (2)(B)(i) with respect to the
22 budget request of the Administration for a fis-
23 cal year, the Secretary shall include as an ap-
24 pendix to the budget request submitted to the

1 Director of the Office of Management and
2 Budget—

3 “(i) the funding levels and initiatives
4 identified in the description under para-
5 graph (2)(B)(i); and

6 “(ii) any additional comments the
7 Secretary considers appropriate.

8 “(B) TRANSMISSION TO CONGRESS.—The
9 Secretary of Energy shall transmit to Congress,
10 with the budget justification materials sub-
11 mitted in support of the Department of Energy
12 budget for a fiscal year (as submitted with the
13 budget of the President under section 1105(a)
14 of title 31, United States Code), a copy of the
15 appendix described in subparagraph (A).

16 “(b) REVIEW AND CERTIFICATION OF DEPARTMENT
17 OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

18 “(1) IN GENERAL.—At the time the Secretary
19 of Energy submits the budget request of the Depart-
20 ment of Energy for that fiscal year to the Director
21 of the Office of Management and Budget in relation
22 to the preparation of the budget of the President,
23 the Secretary shall transmit a copy of the budget re-
24 quest of the Department to the Council.

25 “(2) CERTIFICATION.—The Council shall—

1 “(A) review the budget request transmitted
2 to the Council under paragraph (1);

3 “(B) based on the review under subpara-
4 graph (A), make a determination with respect
5 to whether the budget request includes the
6 funding levels and initiatives described in sub-
7 section (a)(2)(B)(i); and

8 “(C) submit to Congress—

9 “(i)(I) a certification that the budget
10 request is adequate to implement the ob-
11 jectives described in subsection
12 (a)(2)(B)(i); or

13 “(II) a statement that the budget re-
14 quest is not adequate to implement those
15 objectives; and

16 “(ii) a copy of the written description
17 submitted by the Council to the Secretary
18 under subsection (a)(2)(B)(i), if any.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents for the Atomic Energy Defense Act is amended
21 by inserting after the item relating to section 4716
22 the following new item:

“Sec. 4717. Review of adequacy of nuclear weapons budget.”.

1 **SEC. 1633. MODIFICATION OF GOVERNMENT ACCOUNT-**
2 **ABILITY OFFICE REVIEW OF ANNUAL RE-**
3 **PORTS ON NUCLEAR WEAPONS ENTERPRISE.**

4 Section 492a(c) of title 10, United States Code, is
5 amended—

6 (1) in paragraph (1), by striking “review each
7 report” and inserting “periodically review reports
8 submitted”; and

9 (2) in paragraph (2), by striking “not later”
10 and all that follows through “submitted,”.

11 **SEC. 1634. INDEPENDENT STUDY ON NUCLEAR WEAPONS**
12 **PROGRAMS OF CERTAIN FOREIGN COUN-**
13 **TRIES.**

14 (a) STUDY.—Not later than March 1, 2021, the Sec-
15 retary of Defense shall seek to enter into a contract with
16 a federally funded research and development center to con-
17 duct a study on the nuclear weapons programs of covered
18 foreign countries.

19 (b) MATTERS INCLUDED.—The study under sub-
20 section (a) shall compile open-source data to conduct an
21 analysis of the following for each covered foreign country:

22 (1) The activities, budgets, and policy docu-
23 ments, regarding the nuclear weapons program.

24 (2) The known research and development activi-
25 ties with respect to nuclear weapons.

1 (3) The inventories of nuclear weapons and de-
2 livery vehicles with respect to both deployed and
3 nondeployed weapons.

4 (4) The capabilities of such nuclear weapons
5 and delivery vehicles.

6 (5) The physical sites used for nuclear proc-
7 essing, testing, and weapons integration.

8 (6) The human capital of the scientific and
9 technical workforce involved in nuclear programs, in-
10 cluding with respect to matters relating to the edu-
11 cation, knowledge, and technical capabilities of that
12 workforce.

13 (7) The known deployment areas for nuclear
14 weapons.

15 (8) Information with respect to the nuclear
16 command and control system.

17 (9) The factors and motivations driving the nu-
18 clear weapons program and the nuclear command
19 and control system.

20 (10) Any other information that the federally
21 funded research and development center determines
22 appropriate.

23 (c) SUBMISSION TO DOD.—The federally funded re-
24 search and development center shall submit to the Sec-
25 retary—

1 (1) not later than March 1, 2022, the study
2 under subsection (a); and

3 (2) not later than March 1, 2023, and March
4 1, 2024, any updates to the study.

5 (d) SUBMISSION TO CONGRESS.—Not later than 30
6 days after the date on which the Secretary receives under
7 subsection (c) the study under subsection (a) or an update
8 to the study, the Secretary shall submit to the appropriate
9 congressional committees the study or update, without
10 change.

11 (e) PUBLIC RELEASE.—The federally funded re-
12 search and development center shall maintain an internet
13 website on which the center—

14 (1) publishes the study under subsection (a) by
15 not later than 30 days after the date on which the
16 Secretary receives the study under subsection (c);
17 and

18 (2) provides on an ongoing basis commentaries,
19 analyses, updates, and other information regarding
20 the nuclear weapons programs of covered foreign
21 countries.

22 (f) FORM.—The study under subsection (a) shall be
23 submitted in unclassified form.

24 (g) MODIFICATION TO REPORT ON NUCLEAR FORCES
25 OF THE UNITED STATES AND NEAR-PEER COUNTRIES.—

1 Section 1676 of the National Defense Authorization Act
2 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
3 1778) is amended—

4 (1) in subsection (a), by striking “Not later
5 than February 15, 2020, the Secretary of Defense,
6 in coordination with the Director of National Intel-
7 ligence, shall” and inserting “Not later than Feb-
8 ruary 15, 2020, and each year thereafter through
9 2023, the Secretary of Defense and the Director of
10 National Intelligence shall jointly”; and

11 (2) in subsection (b), by adding at the end the
12 following new paragraph:

13 “(4) With respect to the current and planned
14 nuclear systems specified in paragraphs (1) through
15 (3), the factors and motivations driving the develop-
16 ment and deployment of the systems.”.

17 (h) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the congressional defense committees;
22 (B) the Committee on Foreign Affairs and
23 the Permanent Select Committee on Intelligence
24 of the House of Representatives; and

1 (C) the Committee on Foreign Relations
2 and the Select Committee on Intelligence of the
3 Senate.

4 (2) COVERED FOREIGN COUNTRY.—The term
5 “covered foreign country” means each of the fol-
6 lowing:

7 (A) North Korea.

8 (B) The People’s Republic of China.

9 (C) The Russian Federation.

10 (D) To the extent applicable, Iran.

11 (3) OPEN-SOURCE DATA.—The term “open-
12 source data” includes data derived from, found in,
13 or related to any of the following:

14 (A) Geospatial information.

15 (B) Seismic sensors.

16 (C) Commercial data.

17 (D) Public government information.

18 (E) Academic journals and conference pro-
19 ceedings.

20 (F) Media reports.

21 (G) Social media.

1 **SEC. 1635. PROHIBITION ON REDUCTION OF THE INTER-**
2 **CONTINENTAL BALLISTIC MISSILES OF THE**
3 **UNITED STATES.**

4 (a) PROHIBITION.—Except as provided in subsection
5 (b), none of the funds authorized to be appropriated by
6 this Act for fiscal year 2021 for the Department of De-
7 fense may be obligated or expended for the following, and
8 the Department may not otherwise take any action to do
9 the following:

10 (1) Reduce, or prepare to reduce, the respon-
11 siveness or alert level of the intercontinental ballistic
12 missiles of the United States.

13 (2) Reduce, or prepare to reduce, the quantity
14 of deployed intercontinental ballistic missiles of the
15 United States to a number less than 400.

16 (b) EXCEPTION.—The prohibition in subsection (a)
17 shall not apply to any of the following activities:

18 (1) The maintenance or sustainment of inter-
19 continental ballistic missiles.

20 (2) Ensuring the safety, security, or reliability
21 of intercontinental ballistic missiles.

**Subtitle D—Missile Defense
Programs**

**SEC. 1641. ALIGNMENT OF THE MISSILE DEFENSE AGENCY
WITHIN THE DEPARTMENT OF DEFENSE.**

(a) REPEAL OF REQUIREMENT FOR REPORTING
STRUCTURE OF MISSILE DEFENSE AGENCY.—Section
205 of title 10, United States Code, is amended to read
as follows:

“§ 205. Missile Defense Agency

“The Director of the Missile Defense Agency shall be
appointed for a six-year term.”.

(b) REPORT ON ALIGNMENT.—Not later than Feb-
ruary 28, 2021, the Secretary of Defense shall submit to
the congressional defense committees a report on the
alignment of the Missile Defense Agency within the De-
partment of Defense. The report shall include—

(1) a description of the risks and benefits of
both—

(A) continuing the alignment of the Agen-
cy under the authority, direction, and control of
the Under Secretary of Defense for Research
and Engineering; and

(B) realigning the Agency to be under the
authority, direction, and control of the Under

1 Secretary of Defense for Acquisition and
2 Sustainment; and

3 (2) if the Agency were to be realigned, the ac-
4 tions that would need to be taken to realign the
5 Agency to be under the authority, direction, and
6 control of the Under Secretary of Defense for Acqui-
7 sition and Sustainment or another element of the
8 Department of Defense.

9 (c) NOTICE AND WAIT REQUIREMENT TO MODIFY
10 CERTAIN DoDI.—The Secretary of Defense may not mod-
11 ify Department of Defense Directive 5134.09, as in effect
12 on the date of the enactment of this Act, unless—

13 (1) the Secretary submits to the congressional
14 defense committees a final draft of the proposed
15 modified directive, both in an electronic format and
16 in a hard copy format;

17 (2) the Secretary provides to such committees
18 a briefing to describe the modifications made in the
19 proposed modified directive; and

20 (3) a period of 60 days has elapsed following
21 the date on which the Secretary has carried out both
22 paragraphs (1) and (2).

23 (d) COMPTROLLER GENERAL REPORT.—Not later
24 than 180 days after the date of the enactment of this Act,
25 the Comptroller General of the United States shall submit

1 to the congressional defense committees a report con-
2 taining an assessment of whether the Secretary of Defense
3 is in compliance with section 1688 of the National Defense
4 Authorization Act for Fiscal Year 2020 (Public Law 116–
5 92; 133 Stat. 1787). Such assessment shall include an
6 evaluation of—

7 (1) whether the Secretary has complied with the
8 timelines required by subsection (b) of such section
9 and whether the Secretary has carried out the con-
10 sultation described in paragraph (1)(A) of such sub-
11 section; and

12 (2) how the changes proposed by the Secretary
13 to the non-standard acquisition processes and re-
14 sponsibilities described in paragraph (2) of such sub-
15 section will improve or impact the development of
16 weapon systems and timelines for the delivery of ca-
17 pabilities to members of the Armed Forces.

18 **SEC. 1642. EXTENSION OF PROHIBITION RELATING TO MIS-**
19 **SILE DEFENSE INFORMATION AND SYSTEMS.**

20 Section 130h(e) of title 10, United States Code, is
21 amended by striking “January 1, 2021” and inserting
22 “January 1, 2026”.

1 **SEC. 1643. EXTENSION OF TRANSITION OF BALLISTIC MIS-**
2 **SILE DEFENSE PROGRAMS TO MILITARY DE-**
3 **PARTMENTS.**

4 Section 1676(b)(1) of the National Defense Author-
5 ization Act for Fiscal Year 2018 (Public Law 115–91; 10
6 U.S.C. 2431 note) is amended by striking “2021” and in-
7 serting “2023”.

8 **SEC. 1644. EXTENSION OF REQUIREMENT FOR COMP-**
9 **TROLLER GENERAL REVIEW AND ASSESS-**
10 **MENT OF MISSILE DEFENSE ACQUISITION**
11 **PROGRAMS.**

12 Section 232(a) of the National Defense Authorization
13 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
14 1339), as amended by section 1688 of the National De-
15 fense Authorization Act for Fiscal Year 2016 (Public Law
16 114–92; 129 Stat. 1144), is amended—

17 (1) in paragraph (1), by striking “through
18 2020” and inserting “through 2025”;

19 (2) in paragraph (2)—

20 (A) by striking “through 2021” and insert-
21 ing “through 2026”; and

22 (B) by striking “year. Each” and all that
23 follows through “appropriate.” and inserting
24 the following: “year, which shall include such
25 findings and recommendations as the Comp-
26 troller General considers appropriate.”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(3) REVIEW OF EMERGING ISSUES.—In car-
4 rying out this subsection, as the Comptroller General
5 determines is warranted, the Comptroller General
6 shall review emerging issues and, in consultation
7 with the congressional defense committees, brief
8 such committees or submit to such committees a re-
9 port on the findings of the Comptroller General with
10 respect to such review.”.

11 **SEC. 1645. DEVELOPMENT OF HYPERSONIC AND BALLISTIC**
12 **MISSILE TRACKING SPACE SENSOR PAYLOAD.**

13 (a) DEVELOPMENT.—The Director of the Missile De-
14 fense Agency, in coordination with the Director of the
15 Space Development Agency and the Chief of Space Oper-
16 ations, shall develop and procure a hypersonic and ballistic
17 missile tracking space sensor payload.

18 (b) PRIMARY RESPONSIBILITY.—

19 (1) ASSIGNMENT.—Not later than 15 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall, without delegation—

22 (A) assign the Director of the Missile De-
23 fense Agency with the principal responsibility
24 for the development and procurement of a
25 hypersonic and ballistic tracking space sensor

1 payload pursuant to subsection (a) as a compo-
2 nent of a proliferated low-Earth orbit satellite
3 constellation through, at minimum, fiscal year
4 2022; and

5 (B) submit to the congressional defense
6 committees a certification of such assignment.

7 (2) PLAN FOR INTEGRATION.—Not later than
8 May 1, 2021, the Secretary shall submit to the con-
9 gressional defense committees a plan for integrating
10 the hypersonic and ballistic tracking space sensor
11 payload developed by the Missile Defense Agency
12 pursuant to subsection (a) into the persistent space-
13 based sensor architecture of the Space Development
14 Agency and the Space Force. The plan shall include,
15 at a minimum, options for—

16 (A) minimizing disruption to the program
17 for such space sensor payload;

18 (B) ensuring sufficient funding for such an
19 integration;

20 (C) maintaining prioritization of unique
21 ballistic and hypersonic defense requirements
22 for such space sensor payload through the tran-
23 sition;

24 (D) ensuring connection of such space sen-
25 sor payload into the overall missile defense com-

1 mand and control, battle management, and
2 communications system; and

3 (E) addressing any impacts to the develop-
4 ment and deployment of such space sensor pay-
5 load if responsibility for the proliferated low-
6 Earth orbit satellite constellation specified in
7 paragraph (1)(A) is transitioned from the
8 Space Development Agency to the Space Force
9 prior to the constellation achieving full oper-
10 ational capability.

11 (c) **TIMELINE FOR TESTING, INTEGRATION, AND DE-**
12 **PLOYMENT.**—The Director, in coordination with the Di-
13 rector of the Space Development Agency and the Chief
14 of Space Operations, shall—

15 (1) begin on-orbit testing of the hypersonic and
16 ballistic tracking space sensor payload developed
17 pursuant to subsection (a) no later than December
18 31, 2023; and

19 (2) begin integration of such sensor payload
20 into the persistent space-based sensor architecture of
21 the Space Development Agency and the Space Force
22 pursuant to the plan developed under subsection
23 (b)(2), and shall achieve full operational deployment
24 of such sensor payload, as soon as technically fea-
25 sible thereafter.

1 (d) ANNUAL CERTIFICATIONS.—On an annual basis
2 until the date on which the hypersonic and ballistic track-
3 ing space sensor payload developed under subsection (a)
4 achieves full operational capability—

5 (1) the Under Secretary of Defense (Comp-
6 troller) and the Director of Cost Assessment and
7 Program Evaluation shall jointly certify to the ap-
8 propriate congressional committees that the most re-
9 cent future-years defense program submitted under
10 section 221 of title 10, United States Code, includes
11 estimated expenditures and proposed appropriations
12 in amounts necessary to ensure the development and
13 deployment of such space sensor payload as a com-
14 ponent of the persistent space-based sensor architec-
15 ture of the Space Development Agency and the
16 Space Force; and

17 (2) the Vice Chairman of the Joint Chiefs of
18 Staff, acting through the Joint Requirements Over-
19 sight Council, shall certify to the appropriate con-
20 gressional committees that both the ballistic and
21 hypersonic tracking requirements of, and the
22 timeline to deploy, such space sensor payload have
23 been validated.

24 (e) LIMITATION.—Of the funds authorized to be ap-
25 propriated by this Act or otherwise made available for fis-

1 cal year 2021 for operation and maintenance, Defense-
2 wide, for the Office of Secretary of Defense for travel of
3 persons assigned to the Office of the Under Secretary of
4 Defense for Research and Engineering, not more than 50
5 percent may be obligated or expended until—

6 (1) the Secretary of Defense submits the certifi-
7 cation under subsection (b)(1)(B);

8 (2) the Under Secretary of Defense (Comp-
9 troller) and the Director of Cost Assessment and
10 Program Evaluation jointly submit the first certifi-
11 cation under subsection (d)(1); and

12 (3) the Vice Chairman submits the first certifi-
13 cation under subsection (d)(2).

14 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means—

17 (1) the congressional defense committees; and

18 (2) the Select Committee on Intelligence of the
19 Senate and the Permanent Select Committee on In-
20 telligence of the House of Representatives.

21 (g) CONFORMING REPEAL.—Section 1683 of the Na-
22 tional Defense Authorization Act for Fiscal Year 2018
23 (Public Law 115–91; 10 U.S.C. 2431 note) is amended
24 by striking subsection (d).

1 **SEC. 1646. GROUND-BASED MIDCOURSE DEFENSE INTERIM**
2 **CAPABILITY.**

3 (a) INTERIM GROUND-BASED INTERCEPTOR.—

4 (1) DEVELOPMENT.—Subject to the availability
5 of appropriations, not later than 30 days after the
6 date of the enactment of this Act, the Secretary of
7 Defense, acting through the Director of the Missile
8 Defense Agency and in coordination with the Under
9 Secretary of Defense for Acquisition and
10 Sustainment, the Under Secretary of Defense for
11 Research and Engineering, the Commander of the
12 United States Northern Command, and the Com-
13 mander of the United States Strategic Command,
14 shall commence carrying out a program to develop
15 an interim ground-based interceptor capability that
16 will—

17 (A) use sound acquisition practices;

18 (B) address the majority of current and
19 near- to mid-term projected ballistic missile
20 threats to the United States homeland from
21 rogue nations;

22 (C) at minimum, meet the proposed capa-
23 bilities of the Redesigned Kill Vehicle program;

24 (D) leverage existing kill vehicle and boost-
25 er technology; and

1 (E) appropriately balance interceptor per-
2 formance with schedule of delivery.

3 (2) CAPABILITIES AND CRITERIA.—The Direc-
4 tor shall ensure that the interim ground-based inter-
5 ceptor developed under paragraph (1) meets, at a
6 minimum, the following capabilities and criteria:

7 (A) Vehicle-to-vehicle communications, as
8 applicable.

9 (B) Vehicle-to-ground communications.

10 (C) Kill assessment capability.

11 (D) The ability to counter advanced coun-
12 termeasures, decoys, and penetration aids.

13 (E) Producibility and manufacturability.

14 (F) Use of technology involving high tech-
15 nology readiness levels.

16 (G) Options to integrate the new kill vehi-
17 cle onto other missile defense interceptor vehi-
18 cles other than the ground-based interceptors of
19 the ground-based midcourse defense system.

20 (H) Sound acquisition processes.

21 (3) DEPLOYMENT.—The Secretary of Defense,
22 acting through the Director of the Missile Defense
23 Agency and in coordination with the Under Sec-
24 retary of Defense for Acquisition and Sustainment,
25 the Under Secretary of Defense for Research and

1 Engineering, the Commander of the United States
2 Northern Command, and the Commander of the
3 United States Strategic Command, shall—

4 (A) conduct rigorous flight testing of the
5 interim ground-based interceptor; and

6 (B) deliver 20 interim ground-based inter-
7 ceptors by 2026.

8 (b) WAIVER.—

9 (1) AUTHORITY.—The Secretary of Defense
10 may waive the requirements under paragraphs (1)
11 and (3) of subsection (a) if the Secretary—

12 (A) determines that—

13 (i) the technology development is not
14 technically feasible;

15 (ii) the interim capability development
16 is not in the national security interest of
17 the United States; or

18 (iii) the interim ground-based inter-
19 ceptor program under subsection (a)(1)
20 cannot deliver an initial operational capa-
21 bility at least two years prior to the field-
22 ing of the next-generation interceptor for
23 the ground-based midcourse defense sys-
24 tem; and

1 (B) submits to the congressional defense
2 committees a certification that such a waiver is
3 necessary based on the determination under
4 subparagraph (A), including—

5 (i) an explanation of the rationale of
6 such determination;

7 (ii) an estimate of the ballistic missile
8 threats to the United States homeland
9 from rogue nations that will not be de-
10 fended against until the fielding of the
11 next-generation interceptor for the ground-
12 based midcourse defense system; and

13 (iii) an updated schedule for the de-
14 velopment and deployment of such next-
15 generation interceptor.

16 (2) DELEGATION.—The Secretary may not del-
17 egate the authority to carry out paragraph (1) below
18 the level of an Under Secretary of Defense.

19 (c) REPORT ON FUNDING PROFILE.—Unless the Sec-
20 retary makes a waiver under subsection (b), the Director
21 shall include with the budget justification materials sub-
22 mitted to Congress in support of the budget of the Depart-
23 ment of Defense for fiscal year 2022 (as submitted with
24 the budget of the President under section 1105(a) of title
25 31, United States Code) a report on the funding profile

1 necessary for the interim ground-based interceptor pro-
2 gram to meet the objectives under subsection (a).

3 **SEC. 1647. NEXT GENERATION INTERCEPTORS.**

4 (a) NOTIFICATION OF CHANGED REQUIREMENTS.—
5 During the acquisition and development process of the
6 next generation interceptor program, not later than seven
7 days after the date on which any changes are made to
8 the requirements for such program that are established
9 in the equivalent to capability development documentation,
10 the Director of the Missile Defense Agency shall notify
11 the congressional defense committees of such changes.

12 (b) BRIEFING ON CONTRACT.—Not later than 14
13 days after the date on which the Director awards a con-
14 tract for design, development, or both, of the next genera-
15 tion interceptor, the Director shall provide the congres-
16 sional defense committees a briefing on such contract, in-
17 cluding with respect to the cost, schedule, performance,
18 and requirements of the contract.

19 (c) INDEPENDENT COST ASSESSMENT AND VALIDA-
20 TION.—

21 (1) ASSESSMENT.—The Director of Cost As-
22 sessment and Program Evaluation shall—

23 (A) conduct an independent cost assess-
24 ment of the next generation interceptor pro-
25 gram; and

1 (B) make available to the Director of the
2 Missile Defense Agency, the Under Secretary of
3 Defense for Acquisition and Sustainment, and
4 the Under Secretary of Defense for Research
5 and Engineering preliminary findings of the as-
6 sessment to inform the award of a contract for
7 the design, development, or both, of the next
8 generation interceptor.

9 (2) VALIDATION.—The Under Secretary of De-
10 fense for Acquisition and Sustainment shall validate
11 the preliminary findings of the cost assessment con-
12 ducted under paragraph (1) that will be used to in-
13 form the award of a contract for the design, develop-
14 ment, or both, of the next generation interceptor.

15 (3) SUBMISSION.—Not later than the date on
16 which the Director of the Missile Defense Agency
17 awards a contract for the design, development, or
18 both, of the next generation interceptor, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees the preliminary findings of the
21 independent cost assessment under paragraph (1)
22 and the validation under paragraph (2).

23 (d) FLIGHT TESTS.—In addition to the requirements
24 of section 2399 of title 10, United States Code, the Direc-
25 tor of the Missile Defense Agency may not make any deci-

1 sion regarding the initial production, or equivalent, of the
2 next generation interceptor unless the Director has—

3 (1) certified to the congressional defense com-
4 mittees that the Director has conducted not fewer
5 than two successful intercept flight tests of the next
6 generation interceptor; and

7 (2) provided to such committees a briefing on
8 the details of such tests, including with respect to
9 the operational realism of such tests.

10 **SEC. 1648. REPORT ON AND LIMITATION ON AVAILABILITY**
11 **OF FUNDS FOR LAYERED HOMELAND MIS-**
12 **SILE DEFENSE SYSTEM.**

13 (a) REPORT.—

14 (1) REQUIREMENT.—Not later than March 1,
15 2021, the Secretary of Defense shall submit to the
16 congressional defense committees a report on the
17 proposal for a layered homeland missile defense ar-
18 chitecture included in the budget justification mate-
19 rials submitted to Congress in support of the budget
20 for the Department of Defense for fiscal year 2021
21 (as submitted with the budget of the President for
22 such fiscal year under section 1105(a) of title 31,
23 United States Code).

24 (2) ELEMENTS REQUIRED.—The report under
25 paragraph (1) shall include the following:

1 (A) A description of the requirements for
2 the proposed layered homeland missile defense
3 architecture that are—

4 (i) based on an assessment by the in-
5 telligence community of threats to be ad-
6 dressed at the time of deployment of such
7 a system; and

8 (ii) validated by the Joint Require-
9 ments Oversight Council.

10 (B) An assessment of how such require-
11 ments addressed by the proposed layered home-
12 land missile defense architecture relate to those
13 addressed by the existing ground-based mid-
14 course defense system, including deployed
15 ground-based interceptors and planned up-
16 grades to such ground-based interceptors.

17 (C) An analysis of weapon system and in-
18 terceptor solutions to meet such requirements,
19 including the Aegis ballistic missile defense sys-
20 tem, the standard missile–3 block IIA, and the
21 terminal high altitude area defense system, with
22 the number of locations required for deployment
23 and the production numbers of such weapon
24 systems and interceptors.

1 (D) A description of any improvements
2 needed to the missile defense system command
3 and control, battle management, and commu-
4 nications system to support the proposed lay-
5 ered homeland missile defense architecture.

6 (E) A description of the sensors required,
7 with respect to both sensors organic to the
8 weapon systems and the sensors needed for
9 tracking and discrimination provided through
10 the command and control, battle management,
11 and communications system, for the proposed
12 layered homeland missile defense architecture,
13 including how the cancellation, or indefinite
14 postponement, of the discrimination radar for
15 homeland defense planned to be located in Ha-
16 waii will impact the ability of such architecture
17 to defend against current and future missile
18 threats to Hawaii, with respect to both the ca-
19 pacity and capability of such architecture.

20 (F) An assessment of the impact to the
21 flights IIA and III fielding and posture plans of
22 the Navy for Arleigh Burke class destroyers if
23 at-sea standard missile-3 block IIA missiles are
24 required for the proposed layered homeland
25 missile defense architecture.

1 (G) A site-specific fielding plan that in-
2 cludes possible locations, the number and type
3 of interceptors and radars in each location, and
4 any associated environmental or permitting con-
5 siderations, including an assessment of the loca-
6 tions evaluated pursuant to section 227(b) of
7 the National Defense Authorization Act for Fis-
8 cal Year 2013 (Public Law 112-239; 126 Stat.
9 1679) for inclusion in the proposed layered
10 homeland missile defense architecture.

11 (H) Relevant policy considerations for de-
12 ployment of such architecture for defense
13 against intercontinental ballistic missiles in the
14 continental United States.

15 (I) A life-cycle cost estimate and detailed
16 development, testing, production, and deploy-
17 ment schedule for options involving a land-
18 based standard missile-3 block IIA interceptor
19 system and the terminal high altitude area de-
20 fense system, including required environmental
21 assessments.

22 (J) A feasibility assessment of the nec-
23 essary modifications to the terminal high alti-
24 tude area defense system to address such re-
25 quirements.

1 (K) An assessment of the industrial base
2 capacity to support additional production of ei-
3 ther a land-based standard missile—3 block IIA
4 interceptor system or the terminal high altitude
5 area defense system.

6 (L) An assessment of the manning, train-
7 ing, and sustainment needed to operationally
8 support the proposed layered homeland missile
9 defense architecture.

10 (3) CONSULTATION.—In preparing the report
11 required under paragraph (1), the Secretary shall
12 consult with each of the following:

13 (A) The Under Secretary of Defense for
14 Policy.

15 (B) The Under Secretary of Defense for
16 Acquisition and Sustainment.

17 (C) The Vice Chairman of the Joint Chiefs
18 of Staff, as the Chair of the Joint Require-
19 ments Oversight Council.

20 (D) The Commander of the United States
21 Strategic Command.

22 (E) The Commander of the United States
23 Northern Command.

24 (F) The Director of the Missile Defense
25 Agency.

1 (G) The Director of Cost Assessment and
2 Program Evaluation.

3 (b) LIMITATION ON USE OF FUNDS.—Of the
4 amounts authorized to be appropriated by this Act or oth-
5 erwise made available for fiscal year 2021 for the Missile
6 Defense Agency for a layered homeland missile defense
7 system, not more than 50 percent may be obligated or ex-
8 pended until the Director of the Missile Defense Agency
9 submits to the congressional defense committees the re-
10 port under subsection (a).

11 (c) ASSESSMENT.—Not later than February 28,
12 2021, the Director of the Defense Intelligence Agency, and
13 the head of any other element of the intelligence commu-
14 nity that the Secretary of Defense determines appropriate,
15 shall submit to the congressional defense committees an
16 assessment of the following:

17 (1) How the development and deployment of re-
18 gional terminal high altitude area defense systems
19 and Aegis ballistic missile defense systems to con-
20 duct longer-range missile defense missions would be
21 perceived by near-peer foreign countries and rogue
22 nations.

23 (2) How such near-peer foreign countries and
24 rogue nations would likely respond to such deploy-
25 ments.

1 (d) INTELLIGENCE COMMUNITY DEFINED.—In this
2 section, the term “intelligence community” has the mean-
3 ing given such term in section 3 of the National Security
4 Act of 1947 (50 U.S.C. 3003).

5 **SEC. 1649. IRON DOME SHORT-RANGE ROCKET DEFENSE**
6 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
7 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
8 **CO-PRODUCTION.**

9 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
10 SYSTEM.—

11 (1) AVAILABILITY OF FUNDS.—Of the funds
12 authorized to be appropriated by this Act for fiscal
13 year 2021 for procurement, Defense-wide, and avail-
14 able for the Missile Defense Agency, not more than
15 \$73,000,000 may be provided to the Government of
16 Israel to procure components for the Iron Dome
17 short-range rocket defense system through co-pro-
18 duction of such components in the United States by
19 industry of the United States.

20 (2) CONDITIONS.—

21 (A) AGREEMENT.—Funds described in
22 paragraph (1) for the Iron Dome short-range
23 rocket defense program shall be available sub-
24 ject to the terms and conditions in the Agree-
25 ment Between the Department of Defense of

1 the United States of America and the Ministry
2 of Defense of the State of Israel Concerning
3 Iron Dome Defense System Procurement,
4 signed on March 5, 2014, as amended to in-
5 clude co-production for Tamir interceptors.

6 (B) CERTIFICATION.—Not later than 30
7 days prior to the initial obligation of funds de-
8 scribed in paragraph (1), the Under Secretary
9 of Defense for Acquisition and Sustainment
10 shall submit to the appropriate congressional
11 committees—

12 (i) a certification that the amended bi-
13 lateral international agreement specified in
14 subparagraph (A) is being implemented as
15 provided in such agreement;

16 (ii) an assessment detailing any risks
17 relating to the implementation of such
18 agreement; and

19 (iii) for system improvements result-
20 ing in modified Iron Dome components
21 and Tamir interceptor sub-components, a
22 certification that the Government of Israel
23 has demonstrated successful completion of
24 Production Readiness Reviews, including
25 the validation of production lines, the

1 verification of component conformance,
2 and the verification of performance to
3 specification as defined in the Iron Dome
4 Defense System Procurement Agreement,
5 as further amended.

6 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
7 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-
8 TION.—

9 (1) IN GENERAL.—Subject to paragraph (3), of
10 the funds authorized to be appropriated for fiscal
11 year 2021 for procurement, Defense-wide, and avail-
12 able for the Missile Defense Agency not more than
13 \$50,000,000 may be provided to the Government of
14 Israel to procure the David's Sling Weapon System,
15 including for co-production of parts and components
16 in the United States by United States industry.

17 (2) AGREEMENT.—Provision of funds specified
18 in paragraph (1) shall be subject to the terms and
19 conditions in the bilateral co-production agreement,
20 including—

21 (A) a one-for-one cash match is made by
22 Israel or in another matching amount that oth-
23 erwise meets best efforts (as mutually agreed to
24 by the United States and Israel); and

1 (B) co-production of parts, components,
2 and all-up rounds (if appropriate) in the United
3 States by United States industry for the Da-
4 vid's Sling Weapon System is not less than 50
5 percent.

6 (3) CERTIFICATION AND ASSESSMENT.—The
7 Under Secretary of Defense for Acquisition and
8 Sustainment shall submit to the appropriate con-
9 gressional committees—

10 (A) a certification that the Government of
11 Israel has demonstrated the successful comple-
12 tion of the knowledge points, technical mile-
13 stones, and production readiness reviews re-
14 quired by the research, development, and tech-
15 nology agreement and the bilateral co-produc-
16 tion agreement for the David's Sling Weapon
17 System; and

18 (B) an assessment detailing any risks re-
19 lating to the implementation of such agreement.

20 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
21 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM
22 CO-PRODUCTION.—

23 (1) IN GENERAL.—Subject to paragraph (2), of
24 the funds authorized to be appropriated for fiscal
25 year 2021 for procurement, Defense-wide, and avail-

1 able for the Missile Defense Agency not more than
2 \$77,000,000 may be provided to the Government of
3 Israel for the Arrow 3 Upper Tier Interceptor Pro-
4 gram, including for co-production of parts and com-
5 ponents in the United States by United States in-
6 dustry.

7 (2) CERTIFICATION.—The Under Secretary of
8 Defense for Acquisition and Sustainment shall sub-
9 mit to the appropriate congressional committees a
10 certification that—

11 (A) the Government of Israel has dem-
12 onstrated the successful completion of the
13 knowledge points, technical milestones, and pro-
14 duction readiness reviews required by the re-
15 search, development, and technology agreement
16 for the Arrow 3 Upper Tier Interceptor Pro-
17 gram;

18 (B) funds specified in paragraph (1) will
19 be provided on the basis of a one-for-one cash
20 match made by Israel or in another matching
21 amount that otherwise meets best efforts (as
22 mutually agreed to by the United States and
23 Israel);

24 (C) the United States has entered into a
25 bilateral international agreement with Israel

1 that establishes, with respect to the use of such
2 funds—

3 (i) in accordance with subparagraph
4 (D), the terms of co-production of parts
5 and components on the basis of the great-
6 est practicable co-production of parts, com-
7 ponents, and all-up rounds (if appropriate)
8 by United States industry and minimizes
9 nonrecurring engineering and facilitization
10 expenses to the costs needed for co-produc-
11 tion;

12 (ii) complete transparency on the re-
13 quirement of Israel for the number of
14 interceptors and batteries that will be pro-
15 cured, including with respect to the pro-
16 curement plans, acquisition strategy, and
17 funding profiles of Israel;

18 (iii) technical milestones for co-pro-
19 duction of parts and components and pro-
20 curement;

21 (iv) a joint affordability working
22 group to consider cost reduction initiatives;
23 and

24 (v) joint approval processes for third-
25 party sales; and

1 (D) the level of co-production described in
2 subparagraph (C)(i) for the Arrow 3 Upper
3 Tier Interceptor Program is not less than 50
4 percent.

5 (d) NUMBER.—In carrying out paragraph (2) of sub-
6 section (b) and paragraph (2) of subsection (c), the Under
7 Secretary may submit—

8 (1) one certification covering both the David’s
9 Sling Weapon System and the Arrow 3 Upper Tier
10 Interceptor Program; or

11 (2) separate certifications for each respective
12 system.

13 (e) TIMING.—The Under Secretary shall submit to
14 the congressional defense committees the certification and
15 assessment under subsection (b)(3) and the certification
16 under subsection (c)(2) no later than 30 days before the
17 funds specified in paragraph (1) of subsections (b) and
18 (c) for the respective system covered by the certification
19 are provided to the Government of Israel.

20 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means the following:

23 (1) The congressional defense committees.

1 (2) The Committee on Foreign Relations of the
2 Senate and the Committee on Foreign Affairs of the
3 House of Representatives.

4 **SEC. 1650. REPORT ON DEFENSE OF GUAM FROM INTE-**
5 **GRATED AIR AND MISSILE THREATS.**

6 (a) REPORT.—Not later than 120 days after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees a re-
9 port containing a study on the defense of Guam from inte-
10 grated air and missile threats, including such threats from
11 ballistic, hypersonic, and cruise missiles.

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

14 (1) The identification of existing deployed land-
15 and sea-based air and missile defense programs of
16 record within the military departments and Defense
17 Agencies, including with respect to interceptors, ra-
18 dars, and ground-, ship-, air-, and space-based sen-
19 sors that could be used either alone or in coordina-
20 tion with other systems to counter the threats speci-
21 fied in subsection (a) with an initial operational ca-
22 pability by 2025.

23 (2) A plan of how such programs would be used
24 to counter such threats with an initial operational
25 capability by 2025.

1 (3) A plan of which programs currently in de-
2 velopment but not yet deployed could enhance or
3 substitute for existing programs in countering such
4 threats with an initial operational capability by
5 2025.

6 (4) An analysis of which military department,
7 Defense Agency, or combatant command would have
8 operational control of the mission to counter such
9 threats.

10 (5) A cost analysis of the various options de-
11 scribed in paragraphs (1) and (3), including a
12 breakdown of the cost of weapons systems consid-
13 ered under the various scenarios (including any costs
14 to modify the systems), the cost benefits gained
15 through economies of scale, and the cost of any mili-
16 tary construction required.

17 (6) An analysis of the policy implications re-
18 garding deploying additional missile defense systems
19 on Guam, and how such deployments could affect
20 strategic stability, including likely responses from
21 both rogue nations and near-peer competitors.

22 (c) CONSULTATION.—The Secretary shall carry out
23 this section in consultation with each of the following:

24 (1) The Director of the Missile Defense Agency.

1 (2) The Commander of the United States Indo-
2 Pacific Command.

3 (3) The Commander of the United States
4 Northern Command.

5 (4) The Commander of the United States Stra-
6 tegic Command.

7 (5) The Director of the Joint Integrated Air
8 and Missile Defense Organization.

9 (6) Any other official whom the Secretary of
10 Defense determines for purposes of this section has
11 significant technical, policy, or military expertise.

12 (d) FORM.—The report submitted under subsection
13 (a) shall be in unclassified form, but may contain a classi-
14 fied annex.

15 (e) BRIEFING.—Not later than 30 days after the date
16 on which the Secretary submits to the congressional de-
17 fense committees the report under subsection (a), the Sec-
18 retary shall provide to such committees a briefing on the
19 report.

20 **SEC. 1651. REPORTS ON CRUISE MISSILE DEFENSE AND**
21 **NORTH WARNING SYSTEM.**

22 (a) REPORT ON CRUISE MISSILE DEFENSE AND STA-
23 TUS OF NORTH WARNING SYSTEM.—

24 (1) REQUIREMENT.—Not later than 90 days
25 after the date of the enactment of this Act, the

1 Commander of the United States Northern Com-
2 mand, in coordination with the Secretary of the Air
3 Force, the Director of the Missile Defense Agency,
4 and the Director for Force Structure, Resources,
5 and Assessment of the Joint Staff, shall submit to
6 the congressional defense committees a report on the
7 on cruise missile defense of the United States.

8 (2) ELEMENTS.—The report under paragraph
9 (1) shall include the following:

10 (A) An identification of any vulnerability
11 of the contiguous United States to known cruise
12 missile threats.

13 (B) An assessment of the status of the
14 North Warning System, including—

15 (i) a description and assessment of
16 the status and operational integrity of the
17 infrastructure of the North Warning Sys-
18 tem;

19 (ii) an assessment of the technology
20 currently used by the North Warning Sys-
21 tem compared with the technology consid-
22 ered necessary by the Commander of the
23 North American Aerospace Defense Com-
24 mand to detect current and anticipated
25 threats;

1 (iii) an assessment of the infrastruc-
2 ture and ability of the Alaska Radar Sys-
3 tem to integrate into the broader North
4 Warning System; and

5 (iv) an assessment of the ability of the
6 North Warning System to integrate with
7 current and anticipated space-based sensor
8 platforms.

9 (b) REPORT ON PLAN FOR MITIGATION AND MOD-
10 ERNIZATION.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the
13 Commander of the United States Northern Com-
14 mand, in coordination with the Secretary of the Air
15 Force, the Director of the Missile Defense Agency,
16 and the Director for Force Structure, Resources,
17 and Assessment of the Joint Staff, shall submit to
18 the congressional defense committees a report set-
19 ting forth a plan for—

20 (A) mitigating vulnerabilities of the contig-
21 uous United States to known cruise missile
22 threats; and

23 (B) modernizing the capabilities provided
24 by the current North Warning System.

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

3 (A) A plan to mitigate any vulnerability of
4 the contiguous United States to known cruise
5 missile threats identified in the report under
6 subsection (a).

7 (B) A detailed timeline for the moderniza-
8 tion of the North Warning System based on the
9 status of the system as assessed in the report
10 under subsection (a).

11 (C) The technological advancements nec-
12 essary for ground-based North Warning System
13 sites to address current and anticipated threats
14 (as specified by the Commander of the North
15 American Aerospace Defense Command).

16 (D) An assessment of the number of fu-
17 ture North Warning System sites required in
18 order to address current and anticipated threats
19 (as so specified).

20 (E) Any new or complementary tech-
21 nologies required to accomplish the mission of
22 the North Warning System.

23 (F) The cost and schedule, by year, of the
24 plan.

1 **Subtitle E—Matters Relating to**
2 **Certain Commercial Terrestrial**
3 **Operations**

4 **SEC. 1661. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
5 **CERTAIN PURPOSES RELATING TO THE**
6 **GLOBAL POSITIONING SYSTEM.**

7 (a) PROHIBITION.—Except as provided by subsection
8 (b), none of the funds authorized to be appropriated by
9 this Act or otherwise made available for fiscal year 2021
10 or any subsequent fiscal year for the Department of De-
11 fense may be obligated or expended to retrofit any Global
12 Positioning System device or system, or network that uses
13 the Global Positioning System, in order to mitigate harm-
14 ful interference from commercial terrestrial operations
15 using the 1526–1536 megahertz band, the 1627.5–1637.5
16 megahertz band, or the 1646.5–1656.5 megahertz band.

17 (b) ACTIONS NOT PROHIBITED.—The prohibition in
18 subsection (a) shall not apply to any action taken by the
19 Secretary of Defense relating to—

20 (1) conducting technical or information ex-
21 changes with the entity that operates the commercial
22 terrestrial operations in the megahertz bands speci-
23 fied in such subsection;

24 (2) seeking compensation for harmful inter-
25 ference from such entity; or

1 (3) Global Positioning System receiver upgrades
2 needed to address other resiliency requirements.

3 **SEC. 1662. LIMITATION ON AWARDING CONTRACTS TO EN-**
4 **TITIES OPERATING COMMERCIAL TERRES-**
5 **TRIAL COMMUNICATION NETWORKS THAT**
6 **CAUSE HARMFUL INTERFERENCE WITH THE**
7 **GLOBAL POSITIONING SYSTEM.**

8 The Secretary of Defense may not enter into a con-
9 tract, or extend or renew a contract, with an entity that
10 engages in commercial terrestrial operations using the
11 1525–1559 megahertz band or the 1626.5–1660.5 mega-
12 hertz band unless the Secretary has certified to the con-
13 gressional defense committees that such operations do not
14 cause harmful interference to a Global Positioning System
15 device of the Department of Defense.

16 **SEC. 1663. INDEPENDENT TECHNICAL REVIEW OF FEDERAL**
17 **COMMUNICATIONS COMMISSION ORDER 20-**
18 **48.**

19 (a) AGREEMENT.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall seek to enter into an agreement with the Na-
22 tional Academies of Sciences, Engineering, and Med-
23 icine for the National Academies to perform the
24 services covered by this section.

1 (2) TIMING.—The Secretary shall seek to enter
2 into the agreement described in paragraph (1) not
3 later than 30 days after the date of the enactment
4 of this Act.

5 (b) INDEPENDENT TECHNICAL REVIEW.—

6 (1) IN GENERAL.—Under an agreement be-
7 tween the Secretary and the National Academies
8 under subsection (a), the National Academies shall
9 carry out an independent technical review of the
10 Order and Authorization adopted by the Federal
11 Communications Commission on April 19, 2020
12 (FCC 20–48), to the extent that such Order and
13 Authorization affects the devices, operations, or ac-
14 tivities of the Department of Defense.

15 (2) ELEMENTS.—The independent technical re-
16 view carried out under paragraph (1) shall include
17 the following:

18 (A) Comparison of the two different ap-
19 proaches on which the Commission relied for
20 the Order and Authorization described in para-
21 graph (1) to evaluate the potential harmful in-
22 terference concerns relating to Global Posi-
23 tioning System devices, with a recommendation
24 on which method most effectively mitigates
25 risks of harmful interference with Global Posi-

1 tioning System devices of the Department, or
2 relating to or with the potential to affect the
3 operations and activities of the Department.

4 (B) Assessment of the potential for harm-
5 ful interference to mobile satellite services, in-
6 cluding commercial services and Global Posi-
7 tioning System services of the Department, or
8 relating to or with the potential to affect the
9 operations and activities of the Department.

10 (C) Review of the feasibility, practicality,
11 and effectiveness of the proposed mitigation
12 measures relating to, or with the potential to
13 affect, the devices, operations, or activities of
14 the Department.

15 (D) Development of recommendations as-
16 sociated with the findings of the National Acad-
17 emies in carrying out the independent technical
18 review.

19 (E) Such other matters as the National
20 Academies determines relevant.

21 (c) REPORT.—

22 (1) IN GENERAL.—Under an agreement be-
23 tween the Secretary and the National Academies
24 under subsection (a), the National Academies, not
25 later than 270 days after the date of the execution

1 of such agreement, shall submit to the Committee on
2 Armed Services of the Senate and the Committee on
3 Armed Services of the House of Representatives a
4 report on the findings of the National Academies
5 with respect to the independent technical review car-
6 ried out under subsection (b) and the recommenda-
7 tions developed pursuant to such review.

8 (2) FORM.—The report submitted under para-
9 graph (1) shall be submitted in a publicly releasable
10 and unclassified format, but may include a classified
11 annex.

12 **SEC. 1664. ESTIMATE OF DAMAGES FROM FEDERAL COM-**
13 **MUNICATIONS COMMISSION ORDER 20–48.**

14 (a) LIMITATION, ESTIMATE, AND CERTIFICATION.—
15 None of the funds authorized to be appropriated by this
16 Act or otherwise made available for fiscal year 2021 may
17 be obligated or expended by the Secretary of Defense to
18 comply with the Order and Authorization adopted by the
19 Federal Communications Commission on April 19, 2020
20 (FCC 20–48), until the Secretary—

21 (1) submits to the congressional defense com-
22 mittees an estimate of the extent of covered costs
23 and the range of eligible reimbursable costs associ-
24 ated with harmful interference resulting from such

1 Order and Authorization to the Global Positioning
2 System of the Department of Defense; and

3 (2) certifies to the congressional defense com-
4 mittees that the estimate submitted under para-
5 graph (1) is accurate with a high degree of cer-
6 tainty.

7 (b) COVERED COSTS.—For purposes of this section,
8 covered costs include costs that would be incurred—

9 (1) to upgrade, repair, or replace potentially af-
10 fected receivers of the Federal Government;

11 (2) to modify, repair, or replace equipment,
12 spares, associated ancillary equipment, software, fa-
13 cilities, operating manuals, training, or compliance
14 with regulations, including with regard to the under-
15 lying platform or system in which a capability of the
16 Global Positioning System is embedded; and

17 (3) for personnel of the Department to engi-
18 neer, validate, and verify that any required remedi-
19 ation provides the Department with the same oper-
20 ational capability for the affected system prior to
21 terrestrial operation in the 1525 to 1559 megahertz
22 or 1626.5 to 1660.5 megahertz bands of electro-
23 magnetic spectrum.

1 (c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—

2 For purposes of this section, the range of eligible reim-
3 bursable costs includes—

4 (1) costs associated with engineering, equip-
5 ment, software, site acquisition, and construction;

6 (2) any transaction expense that the Secretary
7 determines is legitimate and prudent;

8 (3) costs relating to term-limited Federal civil
9 servant and contractor staff; and

10 (4) the costs of research, engineering studies, or
11 other expenses the Secretary determines reasonably
12 incurred.

13 **Subtitle F—Other Matters**

14 **SEC. 1671. CONVENTIONAL PROMPT STRIKE.**

15 (a) INTEGRATION.—Section 1697(a) of the National
16 Defense Authorization Act for Fiscal Year 2020 (Public
17 Law 116–92; 133 Stat. 1791) is amended by adding at
18 the end the following new sentence: “The Secretary shall
19 initiate efforts to integrate such technologies to DDG–
20 1000 class destroyers during fiscal year 2021.”.

21 (b) REPORT ON STRATEGIC HYPERSONIC WEAP-
22 ONS.—

23 (1) REQUIREMENT.—Not later than 120 days
24 after the date of the enactment of this Act, the
25 Chairman of the Joint Chiefs of Staff, in coordina-

1 tion with the Under Secretary of Defense for Policy,
2 shall submit to the congressional defense committees
3 a report on strategic hypersonic weapons.

4 (2) MATTERS INCLUDED.—The report under
5 paragraph (1) shall include the following:

6 (A) A discussion of the authority and pol-
7 icy processes to use hypersonic weapons and if,
8 and how, such authorities would be delegated to
9 the commanders of the combatant commands or
10 to the Chiefs of the Armed Forces.

11 (B) How escalation risks will be addressed
12 with regards to the use of strategic hypersonic
13 weapons, including—

14 (i) whether any risk escalation exer-
15 cises have been conducted or are planned
16 for the potential use of hypersonic weap-
17 ons; and

18 (ii) an analysis of the escalation risks
19 posed by foreign hypersonic systems that
20 are potentially nuclear and conventional
21 dual-use capable weapons.

22 (C) The potential target sets for
23 hypersonic weapons envisioned as of the date of
24 the report and the required mission planning to
25 support targeting by the United States Stra-

1 tegic Command and other combatant com-
2 mands.

3 (D) Identification of the process for the
4 Department of Defense to establish targeting
5 and release authority for conventional prompt
6 strike hypersonic weapons.

7 (E) A description of how the requirements
8 for land- and sea-based hypersonic weapons will
9 be addressed with the Joint Requirements
10 Oversight Council, and how such requirements
11 will be formally provided to the military depart-
12 ments procuring such weapons through an ac-
13 quisition program described under section 804
14 of the National Defense Authorization Act for
15 Fiscal Year 2016 (10 U.S.C. 2302 note).

16 (F) The required force structures, includ-
17 ing necessary training, simulators, and range
18 use needed by the Armed Forces, to support
19 employment of such weapons against the classes
20 of targets that will be held at risk.

21 (G) With respect to the force structure of
22 the Navy—

23 (i) whether such weapons should be
24 deployed on both submarines and surface
25 combatants; and

1 (ii) the number of such vessels that
2 need to be so equipped.

3 (H) A basing strategy for land-based
4 launch platforms and a description of the ac-
5 tions needed to be taken for future deployment
6 of such platforms.

7 (3) FORM.—The report under paragraph (1)
8 shall be submitted in unclassified form, but may in-
9 clude a classified annex.

10 (c) ANNUAL REPORTS ON ACQUISITION.—

11 (1) ARMY AND NAVY PROGRAMS.—Except as
12 provided by paragraph (3), not later than 30 days
13 after the date on which the budget of the President
14 for each of fiscal years 2022 through 2025 is sub-
15 mitted to Congress pursuant to section 1105 of title
16 31, United States Code, the Secretary of the Army
17 and the Secretary of the Navy shall jointly submit
18 to the congressional defense committees a report on
19 the long-range hypersonic weapon program of the
20 Army and the conventional prompt strike program
21 of the Navy, including—

22 (A) the total costs to the respective mili-
23 tary departments for such programs;

1 (B) the strategy for such programs with
2 respect to manning, training, and equipping, in-
3 cluding cost estimates; and

4 (C) a testing strategy and schedule for
5 such programs.

6 (2) INDEPENDENT COST ESTIMATE.—Not later
7 than 90 days after the date on which the budget of
8 the President for fiscal year 2022 is submitted to
9 Congress pursuant to section 1105 of title 31,
10 United States Code, the Director of Cost Assess-
11 ment and Program Evaluation shall submit to the
12 congressional defense committees an independent
13 cost estimate for the long-range hypersonic weapon
14 program of the Army and the conventional prompt
15 strike program of the Navy.

16 (3) TERMINATION.—The requirement to submit
17 a report under paragraph (1) shall terminate on the
18 date on which the Secretary of Defense determines
19 that the long-range hypersonic weapon program of
20 the Army and the conventional prompt strike pro-
21 gram of the Navy are unable to be acquired under
22 the authority of section 804 of the National Defense
23 Authorization Act for Fiscal Year 2016 (10 U.S.C.
24 2302 note).

1 **SEC. 1672. LIMITATION ON AVAILABILITY OF FUNDS RELAT-**
2 **ING TO REPORTS ON MISSILE SYSTEMS AND**
3 **ARMS CONTROL TREATIES.**

4 (a) LIMITATION.—

5 (1) IN GENERAL.—Beginning on the date that
6 is 60 days after the date of the enactment of this
7 Act, if the Secretary of Defense has not submitted
8 the covered reports, not more than 50 percent of the
9 funds specified in paragraph (2) may be obligated or
10 expended until the date on which the covered reports
11 have been submitted.

12 (2) FUNDS SPECIFIED.—The funds specified in
13 this paragraph are the funds authorized to be appro-
14 priated by this Act or otherwise made available for
15 fiscal year 2021 for the Office of the Under Sec-
16 retary of Defense for Policy.

17 (b) COVERED REPORTS DEFINED.—In this section,
18 the term “covered reports” means—

19 (1) the report under section 1698(b) of the Na-
20 tional Defense Authorization Act for Fiscal Year
21 2020 (Public Law 116–92; 133 Stat. 1792); and

22 (2) the assessment under section 1236(b) of the
23 National Defense Authorization Act for Fiscal Year
24 2020 (Public Law 116–92; 133 Stat. 1650).

1 **SEC. 1673. SUBMISSION OF REPORTS UNDER MISSILE DE-**
2 **FENSE REVIEW AND NUCLEAR POSTURE RE-**
3 **VIEW.**

4 Not later than 30 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the congressional defense committees—

7 (1) each report, assessment, and guidance docu-
8 ment produced by the Department of Defense pursu-
9 ant to the Missile Defense Review published in 2019
10 or during subsequent actions taken to implement the
11 conclusions of the Review; and

12 (2) each report, assessment, and guidance docu-
13 ment produced by the Department pursuant to the
14 Nuclear Posture Review published in 2018 or during
15 subsequent actions taken to implement the conclu-
16 sions of the Review.

17 **TITLE XVII—CYBERSPACE-**
18 **RELATED MATTERS**

Sec. 1701. Modification of mission of Cyber Command and assignment of cyber operations forces.

Sec. 1702. Modification of scope of notification requirements for sensitive military cyber operations.

Sec. 1703. Modification of requirements for quarterly Department of Defense cyber operations briefings for Congress.

Sec. 1704. Clarification relating to protection from liability of operationally critical contractors.

Sec. 1705. Strengthening Federal networks; CISA cybersecurity support to agencies.

Sec. 1706. Improvements relating to the quadrennial cyber posture review.

Sec. 1707. Modification of authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.

Sec. 1708. Personnel management authority for Commander of United States Cyber Command and development program for offensive cyber operations.

- Sec. 1709. Applicability of reorientation of Big Data Platform program to Department of Navy.
- Sec. 1710. Report on Cyber Institutes program.
- Sec. 1711. Modification of acquisition authority of Commander of United States Cyber Command.
- Sec. 1712. Modification of requirements relating to the Strategic Cybersecurity Program and the evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense.
- Sec. 1713. Modification of position of Principal Cyber Advisor.
- Sec. 1714. Cyberspace Solarium Commission.
- Sec. 1715. Establishment in Department of Homeland Security of joint cyber planning office.
- Sec. 1716. Subpoena authority.
- Sec. 1717. Cybersecurity State Coordinator.
- Sec. 1718. Cybersecurity Advisory Committee.
- Sec. 1719. Cybersecurity education and training assistance program.
- Sec. 1720. Framework for cyber hunt forward operations.
- Sec. 1721. Rationalization and integration of parallel cybersecurity architectures and operations.
- Sec. 1722. Assessing risk to national security of quantum computing.
- Sec. 1723. Tailored cyberspace operations organizations.
- Sec. 1724. Responsibility for cybersecurity and critical infrastructure protection of the defense industrial base.
- Sec. 1725. Pilot program on remote provision by National Guard to National Guards of other States of cybersecurity technical assistance in training, preparation, and response to cyber incidents.
- Sec. 1726. Department of Defense cyber workforce efforts.
- Sec. 1727. Reporting requirements for cross domain incidents and exemptions to policies for information technology.
- Sec. 1728. Assessing private-public collaboration in cybersecurity.
- Sec. 1729. Cyber capabilities and interoperability of the National Guard.
- Sec. 1730. Evaluation of non-traditional cyber support to the Department of Defense.
- Sec. 1731. Integrated cybersecurity center plan.
- Sec. 1732. Assessment of cyber operational planning and deconfliction policies and processes.
- Sec. 1733. Pilot program on cybersecurity capability metrics.
- Sec. 1734. Assessment of effect of inconsistent timing and use of Network Address Translation in Department of Defense networks.
- Sec. 1735. Integration of Department of Defense user activity monitoring and cybersecurity.
- Sec. 1736. Defense industrial base cybersecurity sensor architecture plan.
- Sec. 1737. Assessment on defense industrial base participation in a threat information sharing program.
- Sec. 1738. Assistance for small manufacturers in the defense industrial supply chain on matters relating to cybersecurity.
- Sec. 1739. Assessment on defense industrial base cybersecurity threat hunting program.
- Sec. 1740. Defense Digital Service.
- Sec. 1741. Matters concerning the College of Information and Cyberspace and limitation of funding for National Defense University.
- Sec. 1742. Department of Defense cyber hygiene and Cybersecurity Maturity Model Certification framework.
- Sec. 1743. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.

- Sec. 1744. National cyber exercises.
- Sec. 1745. Cybersecurity and Infrastructure Security Agency review.
- Sec. 1746. Report on enabling United States Cyber Command resource allocation.
- Sec. 1747. Ensuring cyber resiliency of nuclear command and control system.
- Sec. 1748. Requirements for review of and limitations on the Joint Regional Security Stacks activity.
- Sec. 1749. Implementation of information operations matters.
- Sec. 1750. Report on use of encryption by Department of Defense national security systems.
- Sec. 1751. Guidance and direction on use of direct hiring processes for artificial intelligence professionals and other data science and software development personnel.
- Sec. 1752. National Cyber Director.

1 SEC. 1701. MODIFICATION OF MISSION OF CYBER COM-
2 MAND AND ASSIGNMENT OF CYBER OPER-
3 ACTIONS FORCES.

4 Title 10, United States Code, is amended—

5 (1) in section 167b—

6 (A) in subsection (a)—

7 (i) in the first sentence, by inserting
8 “(1)” before “With the advice”;

9 (ii) in paragraph (1), as designated by
10 clause (i), by striking the second sentence;
11 and

12 (iii) by adding at the end the fol-
13 lowing new paragraph:

14 “(2) The principal mission of the Cyber Com-
15 mand is to direct, synchronize, and coordinate mili-
16 tary cyberspace planning and operations to defend
17 and advance national interests in collaboration with
18 domestic and international partners.”; and

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

3 “(b) ASSIGNMENT OF FORCES.—(1) Active and re-
4 serve cyber forces of the armed forces shall be assigned
5 to the Cyber Command through the Global Force Manage-
6 ment Process, as approved by the Secretary of Defense.

7 “(2) Cyber forces not assigned to Cyber Com-
8 mand remain assigned to combatant commands or
9 service-retained.”; and

10 (2) in section 238—

11 (A) in subsection (a)—

12 (i) in the matter preceding paragraph

13 (1)—

14 (I) by striking “2017” and in-
15 serting “2021”; and

16 (II) by inserting “, in electronic
17 and print formats,” after “display”;

18 (ii) in paragraph (1), by inserting
19 “and the cyberspace operations forces” be-
20 fore the semicolon;

21 (iii) in paragraph (2), by inserting
22 “and the cyberspace operations forces” be-
23 fore the period;

24 (B) in subsection (b)—

1 (i) in the matter preceding paragraph
2 (1), by striking “2017” and inserting
3 “2021”;

4 (ii) in paragraph (1), by striking
5 “2017” and inserting “2021”; and

6 (iii) in paragraph (2), by striking
7 “2018” and inserting “2022”; and

8 (C) by adding at the end the following new
9 subsection:

10 “(c) SUBMISSION.—The Secretary shall provide the
11 displays described in subsection (a)—

12 “(1) in electronic format not later than five
13 days after the submission by the President under
14 section 1105(a) of title 31 of the budget; and

15 “(2) in print format not later than 21 days
16 after the submission by the President under section
17 1105(a) of title 31 of the budget.”.

18 **SEC. 1702. MODIFICATION OF SCOPE OF NOTIFICATION RE-**
19 **QUIREMENTS FOR SENSITIVE MILITARY**
20 **CYBER OPERATIONS.**

21 Subsection (c) of section 395 of title 10, United
22 States Code, is amended to read as follows:

23 “(c) SENSITIVE MILITARY CYBER OPERATION DE-
24 FINED.—(1) In this section, the term ‘sensitive military

1 cyber operation’ means an action described in paragraph
2 (2) that—

3 “(A) is carried out by the armed forces of
4 the United States;

5 “(B) is intended to achieve a cyber effect
6 against a foreign terrorist organization or a
7 country, including its armed forces and the
8 proxy forces of that country located elsewhere—

9 “(i) with which the armed forces of
10 the United States are not involved in hos-
11 tilities (as that term is used in section 4 of
12 the War Powers Resolution (50 U.S.C.
13 1543)); or

14 “(ii) with respect to which the involve-
15 ment of the armed forces of the United
16 States in hostilities has not been acknowl-
17 edged publicly by the United States; and

18 “(C)(i) is determined to—

19 “(I) have a medium or high col-
20 lateral effects estimate;

21 “(II) have a medium or high in-
22 telligence gain or loss;

23 “(III) have a medium or high
24 probability of political retaliation, as
25 determined by the political military

1 assessment contained within the asso-
2 ciated concept of operations;

3 “(IV) have a medium or high
4 probability of detection when detection
5 is not intended; or

6 “(V) result in medium or high
7 collateral effects; or

8 “(ii) is a matter the Secretary deter-
9 mines to be appropriate.

10 “(2) The actions described in this paragraph
11 are the following:

12 “(A) An offensive cyber operation.

13 “(B) A defensive cyber operation.”.

14 **SEC. 1703. MODIFICATION OF REQUIREMENTS FOR QUAR-**
15 **TERLY DEPARTMENT OF DEFENSE CYBER OP-**
16 **ERATIONS BRIEFINGS FOR CONGRESS.**

17 Section 484 of title 10, United States Code, is
18 amended by striking subsections (a) and (b) and inserting
19 the following new subsections:

20 “(a) BRIEFINGS REQUIRED.—The Under Secretary
21 of Defense for Policy, the Commander of United States
22 Cyber Command, and the Chairman of the Joint Chiefs
23 of Staff, or designees from each of their offices, shall pro-
24 vide to the congressional defense committees quarterly
25 briefings on all offensive and significant defensive military

1 operations in cyberspace, including clandestine cyber ac-
2 tivities, carried out by the Department of Defense during
3 the immediately preceding quarter.

4 “(b) ELEMENTS.—Each briefing under subsection
5 (a) shall include, with respect to the military operations
6 in cyberspace described in such subsection, the following:

7 “(1) An update, set forth separately for each
8 applicable geographic and functional command, that
9 describes the operations carried out in the area of
10 operations of that command or by that command.

11 “(2) An update, set forth for each applicable
12 geographic and functional command, that describes
13 defensive cyber operations executed to protect or de-
14 fend forces, networks, and equipment in the area of
15 operations of that command.

16 “(3) An update on relevant authorities and
17 legal issues applicable to operations, including any
18 presidential directives and delegations of authority
19 received since the last quarterly update.

20 “(4) An overview of critical operational chal-
21 lenges posed by major adversaries or encountered in
22 operational activities conducted since the last quar-
23 terly update.

24 “(5) An overview of the readiness of the Cyber
25 Mission Forces to perform assigned missions that—

1 “(A) addresses all of the abilities of such
2 Forces to conduct cyberspace operations based
3 on capability and capacity of personnel, equip-
4 ment, training, and equipment condition—

5 “(i) using both quantitative and quali-
6 tative metrics; and

7 “(ii) in a way that is common to all
8 military departments; and

9 “(B) is consistent with readiness reporting
10 pursuant to section 482 of this title.

11 “(6) Any other matters that the briefers deter-
12 mine to be appropriate.

13 “(c) DOCUMENTS.—Each briefing under subsection
14 (a) shall include a classified placemat, summarizing the
15 elements specified in paragraphs (1), (2), (3), and (5) of
16 subsection (b), and an unclassified memorandum, summa-
17 rizing the briefing’s contents.”.

18 **SEC. 1704. CLARIFICATION RELATING TO PROTECTION**
19 **FROM LIABILITY OF OPERATIONALLY CRIT-**
20 **ICAL CONTRACTORS.**

21 Paragraph (1) of section 391(d) of title 10, United
22 States Code, is amended—

23 (1) by inserting “and contract requirements es-
24 tablished pursuant to Defense Federal Acquisition
25 Regulation Supplement clause 252.204-7012, Safe-

1 guarding Covered Defense Information and Cyber
2 Incident Reporting,” after “compliance with this
3 section”; and

4 (2) by inserting “and such contract require-
5 ments” before the period.

6 **SEC. 1705. STRENGTHENING FEDERAL NETWORKS; CISA CY-**
7 **BERSECURITY SUPPORT TO AGENCIES.**

8 Section 3553 of title 44, United States Code, is
9 amended—

10 (1) in subsection (b)—

11 (A) in paragraph (6)(D), by striking
12 “and” after the semicolon;

13 (B) by redesignating paragraph (7) as
14 paragraph (9); and

15 (C) by inserting after paragraph (6) the
16 following new paragraphs:

17 “(7) hunting for and identifying, with or with-
18 out advance notice to or authorization from agen-
19 cies, threats and vulnerabilities within Federal infor-
20 mation systems;

21 “(8) upon request by an agency, and at the
22 Secretary’s discretion, with or without reimburse-
23 ment—

24 “(A) providing services, functions, and ca-
25 pabilities, including operation of the agency’s

1 information security program, to assist the
2 agency with meeting the requirements set forth
3 in section 3554(b); and

4 “(B) deploying, operating, and maintaining
5 secure technology platforms and tools, including
6 networks and common business applications, for
7 use by the agency to perform agency functions,
8 including collecting, maintaining, storing, proc-
9 essing, disseminating, and analyzing informa-
10 tion; and”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(I) INFORMATION SHARING.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, including any provision of law that
16 would otherwise restrict or prevent the head of an
17 agency from disclosing information to the Secretary,
18 the Secretary in carrying out this section and title
19 XXII of the Homeland Security Act of 2002 (6
20 U.S.C. 651 et seq.) may access, use, retain, and dis-
21 close, and the head of an agency may disclose to the
22 Secretary, information, for the purpose of protecting
23 information and information systems from cyberse-
24 curity risks.

1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply to national security systems or to information
3 systems described in paragraph (2) or (3) of sub-
4 section (e).”.

5 **SEC. 1706. IMPROVEMENTS RELATING TO THE QUADREN-**
6 **NIAL CYBER POSTURE REVIEW.**

7 Section 1644(c) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2018 (Public Law 115–91), as
9 amended by section 1635 of the National Defense Author-
10 ization Act for Fiscal Year 2020 (Public Law 116–92),
11 is further amended—

12 (1) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) The assessment and definition of the role
15 of cyber forces in the national defense and military
16 strategies of the United States.”;

17 (2) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) Review of the following:

20 “(A) The role of cyber operations in com-
21 batant commander warfighting plans.

22 “(B) The ability of combatant commanders
23 to respond to adversary cyber attacks.

24 “(C) The international partner cyber ca-
25 pacity-building programs of the Department.”;

1 (3) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) A review of the law, policies, and authori-
4 ties relating to, and necessary for, the United States
5 to maintain a safe, reliable, and credible cyber pos-
6 ture for defending against and responding to cyber
7 attacks and for deterrence in cyberspace, including
8 the following:

9 “(A) An assessment of the need for further
10 delegation of cyber-related authorities, including
11 those germane to information warfare, to the
12 Commander of United States Cyber Command.

13 “(B) An evaluation of the adequacy of mis-
14 sion authorities for all cyber-related military
15 components, defense agencies, directorates, cen-
16 ters, and commands.”;

17 (4) in paragraph (4), by striking “A declara-
18 tory” and inserting “A review of the need for or for
19 updates to a declaratory”;

20 (5) in paragraph (5), by striking “Proposed”
21 and inserting “A review of”;

22 (6) by amending paragraph (6) to read as fol-
23 lows:

24 “(6) A review of a strategy to deter, degrade,
25 or defeat malicious cyber activity targeting the

1 United States (which may include activities, capa-
2 bility development, and operations other than cyber
3 activities, cyber capability development, and cyber
4 operations), including—

5 “(A) a review and assessment of various
6 approaches to competition and deterrence in
7 cyberspace, determined in consultation with ex-
8 perts from Government, academia, and indus-
9 try;

10 “(B) a comparison of the strengths and
11 weaknesses of the approaches identified pursu-
12 ant to subparagraph (A) relative to the threat
13 of each other; and

14 “(C) an assessment as to how the cyber
15 strategy will inform country-specific campaign
16 plans focused on key leadership of Russia,
17 China, Iran, North Korea, and any other coun-
18 try the Secretary considers appropriate.”;

19 (7) by striking paragraph (8) and inserting the
20 following new paragraph (8):

21 “(8) A comprehensive force structure assess-
22 ment of the Cyber Operations Forces of the Depart-
23 ment for the posture review period, including the fol-
24 lowing:

1 “(A) A determination of the appropriate
2 size and composition of the Cyber Mission
3 Forces to accomplish the mission requirements
4 of the Department.

5 “(B) An assessment of the Cyber Mission
6 Forces’ personnel, capabilities, equipment,
7 funding, operational concepts, and ability to
8 execute cyber operations in a timely fashion.

9 “(C) An assessment of the personnel, capa-
10 bilities, equipment, funding, and operational
11 concepts of Cybersecurity Service Providers and
12 other elements of the Cyber Operations
13 Forces.”;

14 (8) by redesignating paragraphs (9) through
15 (11) as subsections (12) through (14), respectively;
16 and

17 (9) by inserting after paragraph (8), the fol-
18 lowing new paragraphs:

19 “(9) An assessment of whether the Cyber Mis-
20 sion Force has the appropriate level of interoper-
21 ability, integration, and interdependence with special
22 operations and conventional forces.

23 “(10) An evaluation of the adequacy of mission
24 authorities for the Joint Force Provider and Joint
25 Force Trainer responsibilities of United States

1 Cyber Command, including the adequacy of the
2 units designated as Cyber Operations Forces to sup-
3 port such responsibilities.

4 “(11) An assessment of the missions and
5 resourcing of the combat support agencies in sup-
6 port of cyber missions of the Department.”.

7 **SEC. 1707. MODIFICATION OF AUTHORITY TO USE OPER-**
8 **ATION AND MAINTENANCE FUNDS FOR**
9 **CYBER OPERATIONS-PECULIAR CAPABILITY**
10 **DEVELOPMENT PROJECTS.**

11 Section 1640 of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
13 ed—

14 (1) by redesignating subsections (b) and (c) as
15 subsections (c) and (d), respectively;

16 (2) in subsection (a)—

17 (A) by striking “The Secretary of De-
18 fense” and inserting “Subject to subsection (b),
19 the Commander of the United States Cyber
20 Command”;

21 (B) by striking “per service” and inserting
22 “per use”; and

23 (C) by striking “through 2022” and insert-
24 ing “through 2025”;

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) LIMITATION.—(1) Each fiscal year, the Secre-
4 taries of the military departments concerned may each ob-
5 ligate and expend under subsection (a) not more than
6 \$10,000,000.

7 “(2) Each fiscal year, the Commander of the
8 United States Cyber Command may obligate and ex-
9 pend under subsection (a) not more than
10 \$6,000,000.”; and

11 (4) in subsection (d), as so redesignated, by
12 striking “through 2022” and inserting “through
13 2025”.

14 **SEC. 1708. PERSONNEL MANAGEMENT AUTHORITY FOR**
15 **COMMANDER OF UNITED STATES CYBER**
16 **COMMAND AND DEVELOPMENT PROGRAM**
17 **FOR OFFENSIVE CYBER OPERATIONS.**

18 (a) PERSONNEL MANAGEMENT AUTHORITY FOR
19 COMMANDER OF UNITED STATES CYBER COMMAND TO
20 ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.—
21 Section 1599h of title 10, United States Code, as amended
22 by section 1602 of this Act, is further amended—

23 (1) in subsection (a), by adding at the end the
24 following:

1 “(8) UNITED STATES CYBER COMMAND.—The
2 Commander of United States Cyber Command may
3 carry out a program of personnel management au-
4 thority provided in subsection (b) in order to facili-
5 tate the recruitment of eminent experts in computer
6 science, data science, engineering, mathematics, and
7 computer network exploitation within the head-
8 quarters of United States Cyber Command and the
9 Cyber National Mission Force.”; and

10 (2) in subsection (b)(1)—

11 (A) in subparagraph (F), by striking
12 “and” after the semicolon;

13 (B) in subparagraph (G), by inserting
14 “and” after the semicolon; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(H) in the case of United States Cyber
18 Command, appoint computer scientists, data
19 scientists, engineers, mathematicians, and com-
20 puter network exploitation specialists to a total
21 of not more than 10 scientific and engineering
22 positions in the Command;”.

23 (b) PROGRAM TO DEVELOP ACCESSES, DISCOVER
24 VULNERABILITIES, AND ENGINEER CYBER TOOLS AND

1 DEVELOP TACTICS, TECHNIQUES, AND PROCEDURES FOR
2 OFFENSIVE CYBER OPERATIONS.—

3 (1) IN GENERAL.—Pursuant to the authority
4 provided under section 1599h(a)(8) of title 10,
5 United States Code, as added by subsection (a), the
6 Commander of United States Cyber Command shall
7 establish a program or augment an existing program
8 within the Command to develop accesses, discover
9 vulnerabilities, and engineer cyber tools and develop
10 tactics, techniques, and procedures for the use of
11 these assets and capabilities in offensive cyber oper-
12 ations.

13 (2) ELEMENTS.—The program or augmented
14 program required by paragraph (1) shall—

15 (A) develop accesses, discover
16 vulnerabilities, and engineer cyber tools and de-
17 velop tactics, techniques, and procedures fit for
18 Department of Defense military operations in
19 cyberspace, such as reliability, meeting short
20 development and operational timelines, low cost,
21 and expendability;

22 (B) aim to decrease the reliance of Cyber
23 Command on accesses, tools, and expertise pro-
24 vided by the intelligence community;

1 (C) be designed to provide technical and
2 operational expertise on par with that of pro-
3 grams of the intelligence community;

4 (D) enable the Commander to attract and
5 retain expertise resident in the private sector
6 and other technologically elite government orga-
7 nizations; and

8 (E) coordinate development activities with,
9 and, as appropriate, facilitate transition of ca-
10 pabilities from, the Defense Advanced Research
11 Projects Agency, the Strategic Capabilities Of-
12 fice, and components within the intelligence
13 community.

14 (3) INTELLIGENCE COMMUNITY DEFINED.—In
15 this subsection, the term “intelligence community”
16 has the meaning given such term in section 3 of the
17 National Security Act of 1947 (50 U.S.C. 3003).

18 **SEC. 1709. APPLICABILITY OF REORIENTATION OF BIG**
19 **DATA PLATFORM PROGRAM TO DEPARTMENT**
20 **OF NAVY.**

21 (a) IN GENERAL.—Section 1651 of the National De-
22 fense Authorization Act for Fiscal Year 2020 (Public Law
23 116–92) is amended by adding at the end the following
24 new subsection:

1 “(f) APPLICABILITY.—The requirements of this sec-
2 tion shall apply in full to the Department of the Navy,
3 including the Sharkcage and associated programs.”.

4 (b) BRIEFING.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of the Navy,
6 the program manager of the Unified Platform program,
7 the Chief Information Officer, and the Principal Cyber
8 Advisor shall jointly brief the congressional defense com-
9 mittees on the compliance of the Department of the Navy
10 with the requirements of such section, as amended by sub-
11 section (a).

12 **SEC. 1710. REPORT ON CYBER INSTITUTES PROGRAM.**

13 Section 1640 of the John S. McCain National De-
14 fense Authorization Act for Fiscal Year 2019 (Public Law
15 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amend-
16 ed by adding at the end the following:

17 “(g) REPORT TO CONGRESS.—Not later than Sep-
18 tember 30, 2021, the Secretary of Defense shall submit
19 to the Committees on Armed Services of the Senate and
20 the House of Representatives a report on the effectiveness
21 of the Cyber Institutes and on opportunities to expand the
22 Cyber Institutes to additional select institutions of higher
23 learning that have a Reserve Officers’ Training Corps pro-
24 gram.”.

1 **SEC. 1711. MODIFICATION OF ACQUISITION AUTHORITY OF**
2 **COMMANDER OF UNITED STATES CYBER**
3 **COMMAND.**

4 Section 807 of the National Defense Authorization
5 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
6 2224 note) is amended—

- 7 (1) by striking subsections (e) and (i); and
8 (2) by redesignating subsections (f) through (h)
9 as subsections (e) through (g), respectively.

10 **SEC. 1712. MODIFICATION OF REQUIREMENTS RELATING**
11 **TO THE STRATEGIC CYBERSECURITY PRO-**
12 **GRAM AND THE EVALUATION OF CYBER**
13 **VULNERABILITIES OF MAJOR WEAPON SYS-**
14 **TEMS OF THE DEPARTMENT OF DEFENSE.**

15 (a) EVALUATION OF CYBER VULNERABILITIES OF
16 MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DE-
17 FENSE.—

18 (1) IN GENERAL.—Section 1647 of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2016 (Public Law 114–92; 10 U.S.C. 2224 note), as
21 amended by section 1633 of the National Defense
22 Authorization Act for Fiscal Year 2020 (Public Law
23 116–92), is further amended by adding at the end
24 the following new subsections:

25 “(i) ESTABLISHING REQUIREMENTS FOR PERIO-
26 DICITY OF VULNERABILITY REVIEWS.—The Secretary of

1 Defense shall establish policies and requirements for each
2 major weapon system, and the priority critical infrastruc-
3 ture essential to the proper functioning of major weapon
4 systems in broader mission areas, to be re-assessed for
5 cyber vulnerabilities, taking into account upgrades or
6 other modifications to systems and changes in the threat
7 landscape.

8 “(j) IDENTIFICATION OF SENIOR OFFICIAL.—Each
9 secretary of a military department shall identify a senior
10 official who shall be responsible for ensuring that cyber
11 vulnerability assessments and mitigations for weapon sys-
12 tems and critical infrastructure are planned, funded, and
13 carried out.”.

14 (2) TECHNICAL CORRECTION.—Such section
15 1647 of the National Defense Authorization Act for
16 Fiscal Year 2016 is further amended—

17 (A) by redesignating subsection (g) as sub-
18 section (h); and

19 (B) by redesignating the second subsection
20 (f), as added by section 1633 of the National
21 Defense Authorization Act for Fiscal Year
22 2020, as subsection (g).

23 (b) STRATEGIC CYBERSECURITY PROGRAM.—Section
24 1640 of the National Defense Authorization Act for Fiscal
25 Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note),

1 is amended by striking subsections (a) through (e) and
2 inserting the following new subsections:

3 “(a) IN GENERAL.—Not later than August 1, 2021,
4 the Secretary of Defense shall, acting through the Under
5 Secretary of Defense for Acquisition and Sustainment, the
6 Chief Information Officer, the Vice Chairman of the Joint
7 Chiefs of Staff, the Commander of United States Cyber
8 Command, and the Director of the National Security
9 Agency, establish a program to be known as the ‘Strategic
10 Cybersecurity Program’ (in this section referred to as the
11 ‘Program’) to ensure that the Department of Defense is
12 always able to conduct the most important military mis-
13 sions of the Department.

14 “(b) PERSONNEL SUPPORT TO THE PROGRAM.—

15 “(1) IN GENERAL.—The Director of the Na-
16 tional Security Agency shall establish a program of-
17 fice within the Cybersecurity Directorate to support
18 the Program by identifying threats to, vulnerabilities
19 in, and remediations for the missions and mission
20 elements described in paragraph (1) of subsection
21 (c). Such program office shall be headed by a pro-
22 gram manager selected by the Director.

23 “(2) NATIONAL SECURITY AGENCY PROGRAM
24 OFFICE STAFF AUGMENTATION.—The Secretary may
25 augment the personnel assigned to the program of-

1 fice required under paragraph (1) by assigning per-
2 sonnel as appropriate from among regular and re-
3 serve members of the Armed Forces, civilian employ-
4 ees of the Department of Defense (including the De-
5 fense intelligence agencies), and personnel of the re-
6 search laboratories of the Department and the De-
7 partment of Energy, who have particular expertise
8 in the areas of responsibility described in subsection
9 (c).

10 “(3) DEPARTMENT OF ENERGY PERSONNEL.—
11 Any personnel assigned to the program office from
12 among personnel of the Department of Energy shall
13 be so assigned with the concurrence of the Secretary
14 of Energy.

15 “(c) RESPONSIBILITIES.—

16 “(1) DESIGNATION OF MISSION ELEMENTS OF
17 THE PROGRAM.—The Under Secretary of Defense
18 for Policy, the Under Secretary of Defense for Ac-
19 quisition and Sustainment, and the Vice Chairman
20 of the Joint Chiefs of Staff shall identify and des-
21 ignate for inclusion in the Program all of the sys-
22 tems, critical infrastructure, kill chains, and proc-
23 esses, including systems and components in develop-
24 ment, that comprise the following military missions
25 of the Department of Defense:

1 “(A) Nuclear deterrence and strike.

2 “(B) Select long-range conventional strike
3 missions germane to the warfighting plans of
4 United States European Command and United
5 States Indo-Pacific Command.

6 “(C) Offensive cyber operations.

7 “(D) Homeland missile defense.

8 “(2) OFFICE OF THE UNDER SECRETARY OF
9 DEFENSE FOR ACQUISITION AND SUSTAINMENT.—
10 The Office of the Under Secretary of Defense for
11 Acquisition and Sustainment shall serve as the office
12 of primary responsibility for the Program, providing
13 policy, direction, and oversight regarding the execu-
14 tion of the National Security Agency program man-
15 ager’s responsibilities described in paragraph (5).

16 “(3) VICE CHAIRMAN OF THE JOINT CHIEFS OF
17 STAFF.—The Vice Chairman of the Joint Chiefs of
18 Staff shall coordinate the identification and
19 prioritization of the missions and mission compo-
20 nents, and the development and approval of require-
21 ments relating to the cybersecurity of the missions
22 and mission components, of the Program.

23 “(4) CHIEF INFORMATION OFFICER.—The
24 Chief Information Officer, in exercising authority,
25 direction, and control over the Cybersecurity Direc-

1 torate of the National Security Agency, shall ensure
2 that the National Security Agency program office is
3 responsive to the requirements and direction of the
4 Under Secretary of Defense for Acquisition and
5 Sustainment.

6 “(5) PROGRAM MANAGER.—The program man-
7 ager shall be responsible for—

8 “(A) Conducting end-to-end vulnerability
9 assessments of the missions of the Program and
10 their constituent systems, infrastructure, kill
11 chains, and processes.

12 “(B) Prioritizing and facilitating the reme-
13 diation of identified vulnerabilities in the con-
14 stituent systems, infrastructure, kill chains, and
15 processes of the missions of the Program.

16 “(C) Conducting, prior to the Milestone B
17 approval for any such system or infrastructure,
18 appropriate reviews of acquisition and system
19 engineering plans for proposed systems and in-
20 frastructure germane to the missions of the
21 Program, in accordance with the Under Sec-
22 retary of Defense for Acquisition and
23 Sustainment’s policy and guidance regarding
24 the components of such reviews and the range
25 of systems and infrastructure to be reviewed.

1 “(D) Advising the military departments,
2 combatant commands, and Joint Staff on the
3 vulnerabilities and cyberattack vectors that pose
4 substantial risk to the missions of the Program
5 and their constituent systems, critical infra-
6 structure, kill chains, or processes.

7 “(6) SECRETARY OF DEFENSE DIRECTIVE.—
8 The Secretary of Defense shall define and issue
9 guidance on the roles and responsibilities for other
10 components with respect to the Program, includ-
11 ing—

12 “(A) the military departments’ acquisition
13 and sustainment organizations in supporting
14 and implementing remedial actions;

15 “(B) the alignment of Cyber Protection
16 Teams with the prioritized missions of the Pro-
17 gram;

18 “(C) the role of the Director of Oper-
19 ational Test and Evaluation in conducting peri-
20 odic assessments, including through red teams,
21 of the cybersecurity of missions in the Program;
22 and

23 “(D) the role of the Principal Cyber Ad-
24 viser in coordinating and monitoring the De-
25 partment’s execution of the Program.

1 “(d) INTEGRATION WITH OTHER EFFORTS.—The
2 Under Secretary of Defense for Acquisition and
3 Sustainment shall ensure that the Program builds upon,
4 and does not duplicate, other efforts of the Department
5 of Defense relating to cybersecurity, including the fol-
6 lowing:

7 “(1) The evaluation of cyber vulnerabilities of
8 major weapon systems of the Department of Defense
9 required under section 1647 of the National Defense
10 Authorization Act for Fiscal Year 2016 (Public Law
11 114–92).

12 “(2) The evaluation of cyber vulnerabilities of
13 Department of Defense critical infrastructure re-
14 quired under section 1650 of the National Defense
15 Authorization Act for Fiscal year 2017 (Public Law
16 114–328; 10 U.S.C. 2224 note).

17 “(3) The activities of the cyber protection
18 teams of the Department of Defense.

19 “(e) BRIEFING.—Not later than December 1, 2021,
20 the Secretary of Defense shall provide to the congressional
21 defense committees a briefing on the establishment of the
22 Program, and the plans, funding, and staffing of the Pro-
23 gram.”.

1 **SEC. 1713. MODIFICATION OF POSITION OF PRINCIPAL**
2 **CYBER ADVISOR.**

3 (a) IN GENERAL.—Subsection (c) of section 932 of
4 the National Defense Authorization Act for Fiscal Year
5 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is
6 amended to read as follows:

7 “(c) PRINCIPAL CYBER ADVISOR.—

8 “(1) DESIGNATION.—The Secretary shall des-
9 ignate a Principal Cyber Advisor from among those
10 civilian officials of the Department of Defense who
11 have been appointed to the positions in which they
12 serve by the President, by and with the advice and
13 consent of the Senate.

14 “(2) RESPONSIBILITIES.—The Principal Cyber
15 Advisor shall be responsible for the following:

16 “(A) Acting as the principal advisor to the
17 Secretary on military cyber forces and activi-
18 ties.

19 “(B) Overall integration of Cyber Oper-
20 ations Forces activities relating to cyberspace
21 operations, including associated policy and oper-
22 ational considerations, resources, personnel,
23 technology development and transition, and ac-
24 quisition.

25 “(C) Assessing and overseeing the imple-
26 mentation of the cyber strategy of the Depart-

1 ment and execution of the cyber posture review
2 of the Department on behalf of the Secretary.

3 “(D) Coordinating activities pursuant to
4 subparagraphs (A) and (B) of subsection (c)(3)
5 with the Principal Information Operations Advi-
6 sor, the Chief Information Officer of the De-
7 partment, and other officials as determined by
8 the Secretary of Defense, to ensure the integra-
9 tion of activities in support of cyber, informa-
10 tion, and electromagnetic spectrum operations.

11 “(E) Such other matters relating to the of-
12 fensive military cyber forces of the Department
13 as the Secretary shall specify for the purposes
14 of this subsection.

15 “(3) CROSS-FUNCTIONAL TEAM.—Consistent
16 with section 911 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2017 (Public Law 114–328;
18 10 U.S.C. 111 note), the Principal Cyber Advisor
19 shall—

20 “(A) integrate the cyber expertise and per-
21 spectives of appropriate organizations within
22 the Office of the Secretary of Defense, Joint
23 Staff, military departments, the Defense Agen-
24 cies and Field Activities, and combatant com-
25 mands, by establishing and maintaining a full-

1 time cross-functional team of subject matter ex-
2 perts from those organizations; and

3 “(B) select team members, and designate a
4 team leader, from among those personnel nomi-
5 nated by the heads of such organizations.”.

6 (b) DESIGNATION OF DEPUTY PRINCIPAL CYBER
7 ADVISOR.—Section 905(a)(1) of the National Defense Au-
8 thorization Act for Fiscal Year 2020 (Public Law 116–
9 92) is amended by striking “Under Secretary of Defense
10 for Policy” and inserting “Secretary of Defense”.

11 **SEC. 1714. CYBERSPACE SOLARIUM COMMISSION.**

12 Section 1652 of the John S. McCain National De-
13 fense Authorization Act for Fiscal Year 2019 (Public Law
14 115–232), is amended—

15 (1) in subsection (b)(1)—

16 (A) in subparagraph (A), by—

17 (i) striking clauses (i) through (iv);

18 and

19 (ii) redesignating clauses (v) through

20 (viii) as clauses (i) through (iv), respec-

21 tively; and

22 (B) in subparagraph (B)(i), by striking

23 “and who are appointed under clauses (iv)

24 through (vii) of subparagraph (A)”;

- 1 (2) in subsection (d)(2), by striking “Seven”
2 and inserting “Six”;
- 3 (3) in subsection (h), by—
4 (B) striking “(1) IN GENERAL.—”; and
5 (C) striking paragraph (2);
- 6 (4) in subsection (i)(1)(B), by striking “officers
7 or employees of the United States or”; and
- 8 (5) in subsection (k)(2)—
9 (A) in subparagraph (A)—
10 (i) by striking “at the end of the 120-
11 day period beginning on” and inserting
12 “20 months after”; and
13 (ii) by adding at the end the following
14 new sentence: “No extension of the Com-
15 mission is permitted.”;
- 16 (B) in subparagraph (B), by—
17 (i) striking “may use the 120-day”
18 and inserting “shall use the 20-month”;
- 19 (ii) striking “for the purposes of con-
20 cluding its activities, including providing
21 testimony to Congress concerning the final
22 report referred to in that paragraph and
23 disseminating the report” and inserting
24 the following: “for the purposes of—”:

1 “(i) collecting and assessing com-
2 ments and feedback from the Executive
3 Branch, academia, and the public on the
4 analysis and recommendations contained in
5 the Commission’s report;

6 “(ii) collecting and assessing any de-
7 velopments in cybersecurity that may af-
8 fect the analysis and recommendations
9 contained in the Commission’s report;

10 “(iii) reviewing the implementation of
11 the recommendations contained in the
12 Commission’s report;

13 “(iv) revising, amending, or making
14 new recommendations based on the assess-
15 ments and reviews required under clauses
16 (i)–(iii);

17 “(v) providing an annual update to
18 the congressional defense committees, the
19 congressional intelligence committees, the
20 Committee on Homeland Security of the
21 House of Representatives, the Committee
22 on Homeland Security and Governmental
23 Affairs of the Senate, the Director of Na-
24 tional Intelligence, the Secretary of De-
25 fense, and the Secretary of Homeland Se-

1 curity in a manner and format determined
2 by the Commission regarding any such re-
3 visions, amendments, or new recommenda-
4 tions; and

5 “(vi) concluding its activities, includ-
6 ing providing testimony to Congress con-
7 cerning the final report referred to in that
8 paragraph and disseminating the report.”;
9 and

10 (C) by adding at the end the following new
11 subparagraph:

12 “(C) If the Commission is extended, and
13 the effective date of such extension is after the
14 date on which the Commission terminated, the
15 Commission shall be deemed reconstituted with
16 the same members and powers that existed on
17 the day before such termination date, except
18 that—

19 “(i) a member of the Commission may
20 serve only if the member’s position con-
21 tinues to be authorized under subsection
22 (b);

23 “(ii) no compensation or entitlements
24 relating to a person’s status with the Com-
25 mission shall be due for the period between

1 the termination and reconstitution of the
2 Commission;

3 “(iii) nothing in this subparagraph
4 may be construed as requiring the exten-
5 sion or reemployment of any staff member
6 or contractor working for the Commission;

7 “(iv) the staff of the Commission shall
8 be—

9 “(I) selected by the co-chairs of
10 the Commission in accordance with
11 subsection (h)(1);

12 “(II) comprised of not more than
13 four individuals, including a staff di-
14 rector; and

15 “(III) resourced in accordance
16 with subsection (g)(4)(A);

17 “(v) with the approval of the co-
18 chairs, may be provided by contract with a
19 nongovernmental organization;

20 “(vi) any unexpended funds made
21 available for the use of the Commission
22 shall continue to be available for use for
23 the life of the Commission, as well as any
24 additional funds appropriated to the De-
25 partment of Defense that are made avail-

1 able to the Commission, provided that the
2 total such funds does not exceed
3 \$1,000,000 from the reconstitution of the
4 Commission to the completion of the Com-
5 mission; and

6 “(vii) the requirement for an assess-
7 ment of the final report in subsection (l)
8 shall be updated to require every ten
9 months for a period of 20 months further
10 assessments of the Federal Government’s
11 responses to the Commission’s rec-
12 ommendations contained in such final re-
13 port.”.

14 **SEC. 1715. ESTABLISHMENT IN DEPARTMENT OF HOME-**
15 **LAND SECURITY OF JOINT CYBER PLANNING**
16 **OFFICE.**

17 (a) AMENDMENT.—Subtitle A of title XXII of the
18 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
19 is amended by adding at the end the following new section:

20 **“SEC. 2215. JOINT CYBER PLANNING OFFICE.**

21 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
22 lished in the Agency an office for joint cyber planning (in
23 this section referred to as the ‘Office’) to develop, for pub-
24 lic and private sector entities, plans for cyber defense oper-
25 ations, including the development of a set of coordinated

1 actions to protect, detect, respond to, and recover from
2 cybersecurity risks or incidents or limit, mitigate, or de-
3 fend against coordinated, malicious cyber operations that
4 pose a potential risk to critical infrastructure or national
5 interests. The Office shall be headed by a senior official
6 of the Agency selected by the Director.

7 “(b) PLANNING AND EXECUTION.—In leading the de-
8 velopment of plans for cyber defense operations pursuant
9 to subsection (a), the head of the Office shall—

10 “(1) coordinate with relevant Federal depart-
11 ments and agencies to establish processes and proce-
12 dures necessary to develop and maintain ongoing co-
13 ordinated plans for cyber defense operations;

14 “(2) leverage cyber capabilities and authorities
15 of participating Federal departments and agencies,
16 as appropriate, in furtherance of plans for cyber de-
17 fense operations;

18 “(3) ensure that plans for cyber defense oper-
19 ations are, to the greatest extent practicable, devel-
20 oped in collaboration with relevant private sector en-
21 tities, particularly in areas in which such entities
22 have comparative advantages in limiting, mitigating,
23 or defending against a cybersecurity risk or incident
24 or coordinated, malicious cyber operation;

1 “(4) ensure that plans for cyber defense oper-
2 ations, as appropriate, are responsive to potential
3 adversary activity conducted in response to United
4 States offensive cyber operations;

5 “(5) facilitate the exercise of plans for cyber de-
6 fense operations, including by developing and mod-
7 eling scenarios based on an understanding of adver-
8 sary threats to, vulnerability of, and potential con-
9 sequences of disruption or compromise of critical in-
10 frastructure;

11 “(6) coordinate with and, as necessary, support
12 relevant Federal departments and agencies in the es-
13 tablishment of procedures, development of additional
14 plans, including for offensive and intelligence activi-
15 ties in support of cyber defense operations, and cre-
16 ation of agreements necessary for the rapid execu-
17 tion of plans for cyber defense operations when a cy-
18 bersecurity risk or incident or malicious cyber oper-
19 ation has been identified; and

20 “(7) support public and private sector entities,
21 as appropriate, in the execution of plans developed
22 pursuant to this section.

23 “(c) COMPOSITION.—The Office shall be composed
24 of—

25 “(1) a central planning staff; and

1 “(2) appropriate representatives of Federal de-
2 partments and agencies, including—

3 “(A) the Department;

4 “(B) United States Cyber Command;

5 “(C) the National Security Agency;

6 “(D) the Federal Bureau of Investigation;

7 “(E) the Department of Justice; and

8 “(F) the Office of the Director of National
9 Intelligence.

10 “(d) CONSULTATION.—In carrying out its respon-
11 sibilities described in subsection (b), the Office shall regu-
12 larly consult with appropriate representatives of non-Fed-
13 eral entities, such as—

14 “(1) State, local, federally-recognized Tribal,
15 and territorial governments;

16 “(2) information sharing and analysis organiza-
17 tions, including information sharing and analysis
18 centers;

19 “(3) owners and operators of critical informa-
20 tion systems;

21 “(4) private entities; and

22 “(5) other appropriate representatives or enti-
23 ties, as determined by the Secretary.

24 “(e) INTERAGENCY AGREEMENTS.—The Secretary
25 and the head of a Federal department or agency referred

1 to in subsection (c) may enter into agreements for the pur-
2 pose of detailing personnel on a reimbursable or non-reim-
3 bursable basis.

4 “(f) DEFINITIONS.—In this section:

5 “(1) CYBER DEFENSE OPERATION.—The term
6 ‘cyber defense operation’ means defensive activities
7 performed for a cybersecurity purpose.

8 “(2) CYBERSECURITY PURPOSE.—The term ‘cy-
9 bersecurity purpose’ has the meaning given such
10 term in section 102 of the Cybersecurity Act of 2015
11 (contained in division N of the Consolidated Appro-
12 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
13 1501)).

14 “(3) CYBERSECURITY RISK; INCIDENT.—The
15 terms ‘cybersecurity risk’ and ‘incident’ have the
16 meanings given such terms in section 2209.

17 “(4) INFORMATION SHARING AND ANALYSIS OR-
18 GANIZATION.—The term ‘information sharing and
19 analysis organization’ has the meaning given such
20 term in section 2222(5).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of contents in section 1(b) of the Homeland Se-
23 curity Act of 2002 is amended by inserting after the item
24 relating to section 2214 the following new item:

“Sec. 2215. Joint cyber planning office.”.

1 **SEC. 1716. SUBPOENA AUTHORITY.**

2 (a) IN GENERAL.—Section 2209 of the Homeland
3 Security Act of 2002 (6 U.S.C. 659) is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraphs (1)
6 through (6) as paragraphs (2) through (7), re-
7 spectively;

8 (B) by inserting before paragraph (2), as
9 so redesignated, the following new paragraph:

10 “(1) the term ‘cybersecurity purpose’ has the
11 meaning given that term in section 102 of the Cy-
12 bersecurity Information Sharing Act of 2015 (6
13 U.S.C. 1501);”;

14 (C) in paragraph (6), as so redesignated,
15 by striking “and” at the end;

16 (D) by redesignating paragraph (7), as so
17 redesignated, as paragraph (8); and

18 (E) by inserting after paragraph (6), as so
19 redesignated, the following new paragraph:

20 “(7) the term ‘security vulnerability’ has the
21 meaning given that term in section 102 of the Cy-
22 bersecurity Information Sharing Act of 2015 (6
23 U.S.C. 1501); and”;

24 (2) in subsection (c)—

25 (A) in paragraph (10), by striking “and”
26 at the end;

1 (B) in paragraph (11), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(12) detecting, identifying, and receiving infor-
6 mation for a cybersecurity purpose about security
7 vulnerabilities relating to critical infrastructure in
8 information systems and devices.”; and

9 (3) by adding at the end the following new sub-
10 section:

11 “(o) SUBPOENA AUTHORITY.—

12 “(1) DEFINITION.—In this subsection, the term
13 ‘covered device or system’—

14 “(A) means a device or system commonly
15 used to perform industrial, commercial, sci-
16 entific, or governmental functions or processes
17 that relate to critical infrastructure, including
18 operational and industrial control systems, dis-
19 tributed control systems, and programmable
20 logic controllers; and

21 “(B) does not include personal devices and
22 systems, such as consumer mobile devices, home
23 computers, residential wireless routers, or resi-
24 dential internet enabled consumer devices.

25 “(2) AUTHORITY.—

1 “(A) IN GENERAL.—If the Director identi-
2 fies a system connected to the internet with a
3 specific security vulnerability and has reason to
4 believe such security vulnerability relates to
5 critical infrastructure and affects a covered de-
6 vice or system, and the Director is unable to
7 identify the entity at risk that owns or operates
8 such covered device or system, the Director may
9 issue a subpoena for the production of informa-
10 tion necessary to identify and notify such entity
11 at risk, in order to carry out a function author-
12 ized under subsection (c)(12).

13 “(B) LIMIT ON INFORMATION.—A sub-
14 poena issued pursuant to subparagraph (A)
15 may seek information—

16 “(i) only in the categories set forth in
17 subparagraphs (A), (B), (D), and (E) of
18 section 2703(c)(2) of title 18, United
19 States Code; and

20 “(ii) for not more than 20 covered de-
21 vices or systems.

22 “(C) LIABILITY PROTECTIONS FOR DIS-
23 CLOSING PROVIDERS.—The provisions of section
24 2703(e) of title 18, United States Code, shall

1 apply to any subpoena issued pursuant to sub-
2 paragraph (A).

3 “(3) COORDINATION.—

4 “(A) IN GENERAL.—If the Director exer-
5 cises the subpoena authority under this sub-
6 section, and in the interest of avoiding inter-
7 ference with ongoing law enforcement investiga-
8 tions, the Director shall coordinate the issuance
9 of any such subpoena with the Department of
10 Justice, including the Federal Bureau of Inves-
11 tigation, pursuant to interagency procedures
12 which the Director, in coordination with the At-
13 torney General, shall develop not later than 60
14 days after the date of the enactment of this
15 subsection.

16 “(B) CONTENTS.—The inter-agency proce-
17 dures developed under this paragraph shall pro-
18 vide that a subpoena issued by the Director
19 under this subsection shall be—

20 “(i) issued to carry out a function de-
21 scribed in subsection (c)(12); and

22 “(ii) subject to the limitations speci-
23 fied in this subsection.

24 “(4) NONCOMPLIANCE.—If any person, part-
25 nership, corporation, association, or entity fails to

1 comply with any duly served subpoena issued pursu-
2 ant to this subsection, the Director may request that
3 the Attorney General seek enforcement of such sub-
4 poena in any judicial district in which such person,
5 partnership, corporation, association, or entity re-
6 sides, is found, or transacts business.

7 “(5) NOTICE.—Not later than seven days after
8 the date on which the Director receives information
9 obtained through a subpoena issued pursuant to this
10 subsection, the Director shall notify any entity iden-
11 tified by information obtained pursuant to such sub-
12 poena regarding such subpoena and the identified
13 vulnerability.

14 “(6) AUTHENTICATION.—

15 “(A) IN GENERAL.—Any subpoena issued
16 pursuant to this subsection shall be authenti-
17 cated with a cryptographic digital signature of
18 an authorized representative of the Agency, or
19 other comparable successor technology, that al-
20 lows the Agency to demonstrate that such sub-
21 poena was issued by the Agency and has not
22 been altered or modified since such issuance.

23 “(B) INVALID IF NOT AUTHENTICATED.—
24 Any subpoena issued pursuant to this sub-
25 section that is not authenticated in accordance

1 with subparagraph (A) shall not be considered
2 to be valid by the recipient of such subpoena.

3 “(7) PROCEDURES.—Not later than 90 days
4 after the date of the enactment of this subsection,
5 the Director shall establish internal procedures and
6 associated training, applicable to employees and op-
7 erations of the Agency, regarding subpoenas issued
8 pursuant to this subsection, which shall address the
9 following:

10 “(A) The protection of and restriction on
11 dissemination of nonpublic information obtained
12 through such a subpoena, including a require-
13 ment that the Agency not disseminate non-
14 public information obtained through such a sub-
15 poena that identifies the party that is subject to
16 such subpoena or the entity at risk identified by
17 information obtained, except that the Agency
18 may share the nonpublic information with the
19 Department of Justice for the purpose of en-
20 forcing such subpoena in accordance with para-
21 graph (4), and may share with a Federal agen-
22 cy the nonpublic information of the entity at
23 risk if—

24 “(i) the Agency identifies or is noti-
25 fied of a cybersecurity incident involving

1 such entity, which relates to the vulner-
2 ability which led to the issuance of such
3 subpoena;

4 “(ii) the Director determines that
5 sharing the nonpublic information with an-
6 other Federal department or agency is nec-
7 essary to allow such department or agency
8 to take a law enforcement or national secu-
9 rity action, consistent with the interagency
10 procedures under paragraph (3)(A), or ac-
11 tions related to mitigating or otherwise re-
12 solving such incident;

13 “(iii) the entity to which the informa-
14 tion pertains is notified of the Director’s
15 determination, to the extent practicable
16 consistent with national security or law en-
17 forcement interests, consistent with such
18 interagency procedures; and

19 “(iv) the entity consents, except that
20 the entity’s consent shall not be required if
21 another Federal department or agency
22 identifies the entity to the Agency in con-
23 nection with a suspected cybersecurity inci-
24 dent.

1 “(B) The restriction on the use of informa-
2 tion obtained through such a subpoena for a cy-
3 bersecurity purpose.

4 “(C) The retention and destruction of non-
5 public information obtained through such a sub-
6 poena, including—

7 “(i) destruction of such information
8 that the Director determines is unrelated
9 to critical infrastructure immediately upon
10 providing notice to the entity pursuant to
11 paragraph (5); and

12 “(ii) destruction of any personally
13 identifiable information not later than 6
14 months after the date on which the Direc-
15 tor receives information obtained through
16 such a subpoena, unless otherwise agreed
17 to by the individual identified by the sub-
18 poena respondent.

19 “(D) The processes for providing notice to
20 each party that is subject to such a subpoena
21 and each entity identified by information ob-
22 tained under such a subpoena.

23 “(E) The processes and criteria for con-
24 ducting critical infrastructure security risk as-
25 sessments to determine whether a subpoena is

1 necessary prior to being issued pursuant to this
2 subsection.

3 “(F) The information to be provided to an
4 entity at risk at the time of the notice of the
5 vulnerability, which shall include—

6 “(i) a discussion or statement that re-
7 sponding to, or subsequent engagement
8 with, the Agency, is voluntary; and

9 “(ii) to the extent practicable, infor-
10 mation regarding the process through
11 which the Director identifies security
12 vulnerabilities.

13 “(8) LIMITATION ON PROCEDURES.—The inter-
14 nal procedures established pursuant to paragraph
15 (7) may not require an owner or operator of critical
16 infrastructure to take any action as a result of a no-
17 tice of vulnerability made pursuant to this Act.

18 “(9) REVIEW OF PROCEDURES.—Not later than
19 1 year after the date of the enactment of this sub-
20 section, the Privacy Officer of the Agency shall—

21 “(A) review the internal procedures estab-
22 lished pursuant to paragraph (7) to ensure
23 that—

24 “(i) such procedures are consistent
25 with fair information practices; and

1 “(ii) the operations of the Agency
2 comply with such procedures; and

3 “(B) notify the Committee on Homeland
4 Security and Governmental Affairs of the Sen-
5 ate and the Committee on Homeland Security
6 of the House of Representatives of the results
7 of the review under subparagraph (A).

8 “(10) PUBLICATION OF INFORMATION.—Not
9 later than 120 days after establishing the internal
10 procedures under paragraph (7), the Director shall
11 publish information on the website of the Agency re-
12 garding the subpoena process under this subsection,
13 including information regarding the following:

14 “(A) Such internal procedures.

15 “(B) The purpose for subpoenas issued
16 pursuant to this subsection.

17 “(C) The subpoena process.

18 “(D) The criteria for the critical infra-
19 structure security risk assessment conducted
20 prior to issuing a subpoena.

21 “(E) Policies and procedures on retention
22 and sharing of data obtained by subpoenas.

23 “(F) Guidelines on how entities contacted
24 by the Director may respond to notice of a sub-
25 poena.

1 “(11) ANNUAL REPORTS.—The Director shall
2 annually submit to the Committee on Homeland Se-
3 curity and Governmental Affairs of the Senate and
4 the Committee on Homeland Security of the House
5 of Representatives a report (which may include a
6 classified annex but with the presumption of declas-
7 sification) on the use of subpoenas issued pursuant
8 to this subsection, which shall include the following:

9 “(A) A discussion of the following:

10 “(i) The effectiveness of the use of
11 such subpoenas to mitigate critical infra-
12 structure security vulnerabilities.

13 “(ii) The critical infrastructure secu-
14 rity risk assessment process conducted for
15 subpoenas issued under this subsection.

16 “(iii) The number of subpoenas so
17 issued during the preceding year.

18 “(iv) To the extent practicable, the
19 number of vulnerable covered devices or
20 systems mitigated under this subsection by
21 the Agency during the preceding year.

22 “(v) The number of entities notified
23 by the Director under this subsection, and
24 their responses, during the preceding year.

1 “(B) For each subpoena issued pursuant
2 to this subsection, the following:

3 “(i) Information relating to the source
4 of the security vulnerability detected, iden-
5 tified, or received by the Director.

6 “(ii) Information relating to the steps
7 taken to identify the entity at risk prior to
8 issuing the subpoena.

9 “(iii) A description of the outcome of
10 the subpoena, including discussion on the
11 resolution or mitigation of the critical in-
12 frastructure security vulnerability.

13 “(12) PUBLICATION OF THE ANNUAL RE-
14 PORTS.—The Director shall publish a version of the
15 annual report required under paragraph (11) on the
16 website of the Agency, which shall, at a minimum,
17 include the findings described in clauses (iii), (iv),
18 and (v) of subparagraph (A) of such paragraph.

19 “(13) PROHIBITION ON USE OF INFORMATION
20 FOR UNAUTHORIZED PURPOSES.—Any information
21 obtained pursuant to a subpoena issued under this
22 subsection may not be provided to any other Federal
23 department or agency for any purpose other than a
24 cybersecurity purpose or for the purpose of enforcing
25 a subpoena issued pursuant to this subsection.”.

1 (b) RULES OF CONSTRUCTION.—

2 (1) PROHIBITION ON NEW REGULATORY AU-
3 THORITY.—Nothing in this section or the amend-
4 ments made by this section may be construed to
5 grant the Secretary of Homeland Security, or the
6 head of any another Federal agency or department,
7 any authority to promulgate regulations or set
8 standards relating to the cybersecurity of private
9 sector critical infrastructure that was not in effect
10 on the day before the date of the enactment of this
11 Act.

12 (2) PRIVATE ENTITIES.—Nothing in this sec-
13 tion or the amendments made by this section may be
14 construed to require any private entity to—

15 (A) request assistance from the Director of
16 the Cybersecurity and Infrastructure Security
17 Agency of the Department of Homeland Secu-
18 rity; or

19 (B) implement any measure or rec-
20 ommendation suggested by the Director.

21 **SEC. 1717. CYBERSECURITY STATE COORDINATOR.**

22 (a) CYBERSECURITY STATE COORDINATOR.—

23 (1) IN GENERAL.—Subtitle A of title XXII of
24 the Homeland Security Act of 2002 (6 U.S.C. 651
25 et seq.) is amended—

1 (A) in section 2202(c) (6 U.S.C. 652(c))—

2 (i) in paragraph (10), by striking

3 “and” at the end;

4 (ii) by redesignating paragraph (11)

5 as paragraph (12); and

6 (iii) by inserting after paragraph (10)

7 the following:

8 “(11) appoint a Cybersecurity State Coordi-

9 nator in each State, as described in section 2215;

10 and”; and

11 (B) by adding at the end the following new

12 section:

13 **“SEC. 2215. CYBERSECURITY STATE COORDINATOR.**

14 “(a) APPOINTMENT.—The Director shall appoint an

15 employee of the Agency in each State, with the appro-

16 priate cybersecurity qualifications and expertise, who shall

17 serve as the Cybersecurity State Coordinator.

18 “(b) DUTIES.—The duties of a Cybersecurity State

19 Coordinator appointed under subsection (a) shall in-

20 clude—

21 “(1) building strategic public and, on a vol-

22 untary basis, private sector relationships, including

23 by advising on establishing governance structures to

24 facilitate the development and maintenance of secure

25 and resilient infrastructure;

1 “(2) serving as the Federal cybersecurity risk
2 advisor and supporting preparation, response, and
3 remediation efforts relating to cybersecurity risks
4 and incidents;

5 “(3) facilitating the sharing of cyber threat in-
6 formation to improve understanding of cybersecurity
7 risks and situational awareness of cybersecurity inci-
8 dents;

9 “(4) raising awareness of the financial, tech-
10 nical, and operational resources available from the
11 Federal Government to non-Federal entities to in-
12 crease resilience against cyber threats;

13 “(5) supporting training, exercises, and plan-
14 ning for continuity of operations to expedite recovery
15 from cybersecurity incidents, including ransomware;

16 “(6) serving as a principal point of contact for
17 non-Federal entities to engage, on a voluntary basis,
18 with the Federal Government on preparing, man-
19 aging, and responding to cybersecurity incidents;

20 “(7) assisting non-Federal entities in developing
21 and coordinating vulnerability disclosure programs
22 consistent with Federal and information security in-
23 dustry standards;

1 “(8) assisting State, local, Tribal, and terri-
2 torial governments, on a voluntary basis, in the de-
3 velopment of State cybersecurity plans;

4 “(9) coordinating with appropriate officials
5 within the Agency; and

6 “(10) performing such other duties as deter-
7 mined necessary by the Director to achieve the goal
8 of managing cybersecurity risks in the United States
9 and reducing the impact of cyber threats to non-
10 Federal entities.

11 “(c) FEEDBACK.—The Director shall consult with
12 relevant State, local, Tribal, and territorial officials re-
13 garding the appointment, and State, local, Tribal, and ter-
14 ritorial officials and other non-Federal entities regarding
15 the performance, of the Cybersecurity State Coordinator
16 of a State.”.

17 (2) COORDINATION PLAN.—Not later than 60
18 days after the date of the enactment of this Act, the
19 Director of the Cybersecurity and Infrastructure Se-
20 curity Agency of the Department of Homeland Secu-
21 rity shall establish and submit to the Committee on
22 Homeland Security and Governmental Affairs in the
23 Senate and the Committee on Homeland Security in
24 the House of Representatives a plan describing the
25 reporting structure and coordination processes and

1 procedures of Cybersecurity State Coordinators
2 within the Cybersecurity and Infrastructure Security
3 Agency under section 2215 of the Homeland Security
4 Act of 2002, as added by paragraph (1)(B).

5 (3) OVERSIGHT.—The Director of the Cyberse-
6 curity and Infrastructure Security Agency of the De-
7 partment of Homeland Security shall provide to the
8 Committee on Homeland Security and Governmental
9 Affairs of the Senate and the Committee on Home-
10 land Security of the House of Representatives a
11 briefing on the placement and efficacy of the Cyber-
12 security State Coordinators appointed under section
13 2215 of the Homeland Security Act of 2002, as
14 added by paragraph (1)(B), and the coordination
15 plan required under paragraph (2)—

16 (A) not later than one year after the date
17 of enactment of this Act; and

18 (B) not later than two years after pro-
19 viding the first briefing under this paragraph.

20 (4) RULE OF CONSTRUCTION.—Nothing in this
21 subsection or the amendments made by this sub-
22 section may be construed to affect or otherwise mod-
23 ify the authority of Federal law enforcement agen-
24 cies with respect to investigations relating to cyber-
25 security incidents.

1 (5) CLERICAL AMENDMENT.—The table of con-
2 tents in section 1(b) of the Homeland Security Act
3 of 2002 is amended by inserting after the item relat-
4 ing to section 2214 the following new item:

“Sec. 2215. Cybersecurity State Coordinator.”.

5 (b) STAKEHOLDER OUTREACH AND OPERATIONAL
6 ENGAGEMENT STRATEGY AND IMPLEMENTATION
7 PLAN.—

8 (1) STRATEGY.—Not later than one year after
9 the date of the enactment of this Act, the Director
10 of the Cybersecurity and Infrastructure Security
11 Agency of the Department of Homeland Security
12 shall issue a strategy and subsequent implementa-
13 tion plan to improve stakeholder outreach and oper-
14 ational engagement, including the Agency’s strategic
15 and operational goals and priorities for carrying out
16 stakeholder engagement activities.

17 (2) CONTENTS.—The stakeholder outreach and
18 operational engagement strategy and implementation
19 plan issued pursuant to paragraph (1) shall include
20 the following:

21 (A) A catalogue of the stakeholder engage-
22 ment services delivered by the Cybersecurity
23 and Infrastructure Security Agency of the De-
24 partment of Homeland Security, including the
25 regions of the stakeholder services delivered and

1 the critical infrastructure sectors (as such term
2 is defined in section 2001(3) of the Homeland
3 Security Act of 2002 (6 U.S.C. 601(3)) in-
4 volved.

5 (B) An assessment of the capacity of pro-
6 grams of the Agency to deploy personnel, in-
7 cluding the adequacy of such personnel to meet
8 service requests and the ability of such per-
9 sonnel to engage with and deliver services to
10 stakeholders in urban, suburban, and rural
11 areas.

12 (C) Long-term objectives of such per-
13 sonnel, including training of the workforce to
14 optimize the capabilities of such programs and
15 capacity goals.

16 (D) A description of programs, policies,
17 and activities used to carry out such stake-
18 holder engagement services under subparagraph
19 (A).

20 (E) Resources and personnel necessary to
21 effectively support critical infrastructure owners
22 and operators and, as appropriate, other enti-
23 ties, including non-profit organizations, based
24 on current and projected demand for Agency
25 services.

1 (F) Guidance on how outreach to critical
2 infrastructure owners and operators in a region
3 should be prioritized.

4 (G) Plans to ensure that stakeholder en-
5 gagement personnel of the Agency have a clear
6 understanding of expectations for engagement
7 within each critical infrastructure sector and
8 subsector, whether during steady state or surge
9 capacity.

10 (H) Metrics for measuring how effective
11 stakeholder engagement services under subpara-
12 graph (A) are at furthering the Agency's stra-
13 tegic and operational goals and priorities.

14 (I) Mechanisms to track regional engage-
15 ment by personnel of the Agency with critical
16 infrastructure owners and operators, and how
17 frequently such engagement takes place.

18 (J) Plans for awareness campaigns to fa-
19 miliarize critical infrastructure owners and op-
20 erators with security resources and support of-
21 fered by the Cybersecurity and Infrastructure
22 Security Agency.

23 (K) A description of how to prioritize en-
24 gagement with critical infrastructure sectors

1 based on threat information and the capacity of
2 such sectors to mitigate such threats

3 (L) Projected timelines, benchmarks, and
4 resource requirements to implement the Agen-
5 cy's strategic goals and priorities.

6 (3) STAKEHOLDER INPUT.—In issuing the
7 stakeholder outreach and operational engagement
8 strategy required under paragraph (1), the Director
9 of the Cybersecurity and Infrastructure Security
10 Agency of the Department of Homeland Security
11 shall, to the extent practicable, solicit input from
12 stakeholders representing the following:

13 (A) Each of the critical infrastructure sec-
14 tors.

15 (B) Critical infrastructure owners and op-
16 erators located in each region in which the
17 Agency maintains a field office.

18 (4) OVERSIGHT.—Upon issuance of the stake-
19 holder outreach and operational engagement strat-
20 egy and implementation plan required under para-
21 graph (1), the Director of the Cybersecurity and In-
22 frastructure Security Agency of the Department of
23 Homeland Security shall submit to the Committee
24 on Homeland Security of the House of Representa-
25 tives and the Committee on Homeland Security and

1 Governmental Affairs of the Senate such strategy
2 and plan, together with any associated legislative or
3 budgetary proposals relating thereto.

4 **SEC. 1718. CYBERSECURITY ADVISORY COMMITTEE.**

5 (a) IN GENERAL.—Subtitle A of title XXII of the
6 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.),
7 as amended by section 1715 of this Act, is further amend-
8 ed by adding at the end the following new section:

9 **“SEC. 2216. CYBERSECURITY ADVISORY COMMITTEE.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish within the Agency a Cybersecurity Advisory Com-
12 mittee (referred to in this section as the ‘Advisory Com-
13 mittee’).

14 “(b) DUTIES.—

15 “(1) IN GENERAL.—The Advisory Committee
16 shall advise, consult with, report to, and make rec-
17 ommendations to the Director, as appropriate, on
18 the development, refinement, and implementation of
19 policies, programs, planning, and training pertaining
20 to the cybersecurity mission of the Agency.

21 “(2) RECOMMENDATIONS.—

22 “(A) IN GENERAL.—The Advisory Com-
23 mittee shall develop, at the request of the Di-
24 rector, recommendations for improvements to
25 advance the cybersecurity mission of the Agency

1 and strengthen the cybersecurity of the United
2 States.

3 “(B) RECOMMENDATIONS OF SUBCOMMIT-
4 TEES.—Recommendations agreed upon by sub-
5 committees established under subsection (d) for
6 any year shall be approved by the Advisory
7 Committee before the Advisory Committee sub-
8 mits to the Director the annual report under
9 paragraph (4) for that year.

10 “(3) PERIODIC REPORTS.—The Advisory Com-
11 mittee shall periodically submit to the Director—

12 “(A) reports on matters identified by the
13 Director; and

14 “(B) reports on other matters identified by
15 a majority of the members of the Advisory
16 Committee.

17 “(4) ANNUAL REPORT.—

18 “(A) IN GENERAL.—The Advisory Com-
19 mittee shall submit to the Director an annual
20 report providing information on the activities,
21 findings, and recommendations of the Advisory
22 Committee, including its subcommittees, for the
23 preceding year.

24 “(B) PUBLICATION.—Not later than 180
25 days after the date on which the Director re-

1 ceives an annual report for a year under sub-
2 paragraph (A), the Director shall publish a
3 public version of the report describing the ac-
4 tivities of the Advisory Committee and such re-
5 lated matters as would be informative to the
6 public during that year, consistent with section
7 552(b) of title 5, United States Code.

8 “(5) FEEDBACK.—Not later than 90 days after
9 receiving any recommendation submitted by the Ad-
10 visory Committee under paragraph (2), (3), or (4),
11 the Director shall respond in writing to the Advisory
12 Committee with feedback on the recommendation.
13 Such a response shall include—

14 “(A) with respect to any recommendation
15 with which the Director concurs, an action plan
16 to implement the recommendation; and

17 “(B) with respect to any recommendation
18 with which the Director does not concur, a jus-
19 tification for why the Director does not plan to
20 implement the recommendation.

21 “(6) CONGRESSIONAL NOTIFICATION.—Not less
22 frequently than once per year after the date of en-
23 actment of this section, the Director shall provide to
24 the Committee on Homeland Security and Govern-
25 mental Affairs and the Committee on Appropriations

1 of the Senate and the Committee on Homeland Se-
2 curity, the Committee on Energy and Commerce,
3 and the Committee on Appropriations of the House
4 of Representatives a briefing on feedback from the
5 Advisory Committee.

6 “(7) GOVERNANCE RULES.—The Director shall
7 establish rules for the structure and governance of
8 the Advisory Committee and all subcommittees es-
9 tablished under subsection (d).

10 “(c) MEMBERSHIP.—

11 “(1) APPOINTMENT.—

12 “(A) IN GENERAL.—Not later than 180
13 days after the date of enactment of the Cyber-
14 security Advisory Committee Authorization Act
15 of 2020, the Director shall appoint the mem-
16 bers of the Advisory Committee.

17 “(B) COMPOSITION.—The membership of
18 the Advisory Committee shall consist of not
19 more than 35 individuals.

20 “(C) REPRESENTATION.—

21 “(i) IN GENERAL.—The membership
22 of the Advisory Committee shall satisfy the
23 following criteria:

24 “(I) Consist of subject matter ex-
25 perts.

1 “(II) Be geographically balanced.

2 “(III) Include representatives of
3 State, local, and Tribal governments
4 and of a broad range of industries,
5 which may include the following:

6 “(aa) Defense.

7 “(bb) Education.

8 “(cc) Financial services and
9 insurance.

10 “(dd) Healthcare.

11 “(ee) Manufacturing.

12 “(ff) Media and entertain-
13 ment.

14 “(gg) Chemicals.

15 “(hh) Retail.

16 “(ii) Transportation.

17 “(jj) Energy.

18 “(kk) Information Tech-
19 nology.

20 “(ll) Communications.

21 “(mm) Other relevant fields
22 identified by the Director.

23 “(ii) PROHIBITION.—Not fewer than
24 one member nor more than three members

1 may represent any one category under
2 clause (i)(III).

3 “(iii) PUBLICATION OF MEMBERSHIP
4 LIST.—The Advisory Committee shall pub-
5 lish its membership list on a publicly avail-
6 able website not less than once per fiscal
7 year and shall update the membership list
8 as changes occur.

9 “(2) TERM OF OFFICE.—

10 “(A) TERMS.—The term of each member
11 of the Advisory Committee shall be two years,
12 except that a member may continue to serve
13 until a successor is appointed.

14 “(B) REMOVAL.—The Director may review
15 the participation of a member of the Advisory
16 Committee and remove such member any time
17 at the discretion of the Director.

18 “(C) REAPPOINTMENT.—A member of the
19 Advisory Committee may be reappointed for an
20 unlimited number of terms.

21 “(3) PROHIBITION ON COMPENSATION.—The
22 members of the Advisory Committee may not receive
23 pay or benefits from the United States Government
24 by reason of their service on the Advisory Com-
25 mittee.

1 “(4) MEETINGS.—

2 “(A) IN GENERAL.—The Director shall re-
3 quire the Advisory Committee to meet not less
4 frequently than semiannually, and may convene
5 additional meetings as necessary.

6 “(B) PUBLIC MEETINGS.—At least one of
7 the meetings referred to in subparagraph (A)
8 shall be open to the public.

9 “(C) ATTENDANCE.—The Advisory Com-
10 mittee shall maintain a record of the persons
11 present at each meeting.

12 “(5) MEMBER ACCESS TO CLASSIFIED INFOR-
13 MATION.—

14 “(A) IN GENERAL.—Not later than 60
15 days after the date on which a member is first
16 appointed to the Advisory Committee and be-
17 fore the member is granted access to any classi-
18 fied information, the Director shall determine,
19 for the purposes of the Advisory Committee, if
20 the member should be restricted from review-
21 ing, discussing, or possessing classified informa-
22 tion.

23 “(B) ACCESS.—Access to classified mate-
24 rials shall be managed in accordance with Exec-
25utive Order No. 13526 of December 29, 2009

1 (75 Fed. Reg. 707), or any subsequent cor-
2 responding Executive Order.

3 “(C) PROTECTIONS.—A member of the
4 Advisory Committee shall protect all classified
5 information in accordance with the applicable
6 requirements for the particular level of classi-
7 fication of such information.

8 “(D) RULE OF CONSTRUCTION.—Nothing
9 in this paragraph shall be construed to affect
10 the security clearance of a member of the Advi-
11 sory Committee or the authority of a Federal
12 agency to provide a member of the Advisory
13 Committee access to classified information.

14 “(6) CHAIRPERSON.—The Advisory Committee
15 shall select, from among the members of the Advi-
16 sory Committee—

17 “(A) a member to serve as chairperson of
18 the Advisory Committee; and

19 “(B) a member to serve as chairperson of
20 each subcommittee of the Advisory Committee
21 established under subsection (d).

22 “(d) SUBCOMMITTEES.—

23 “(1) IN GENERAL.—The Director shall establish
24 subcommittees within the Advisory Committee to ad-

1 dress cybersecurity issues, which may include the
2 following:

3 “(A) Information exchange.

4 “(B) Critical infrastructure.

5 “(C) Risk management.

6 “(D) Public and private partnerships.

7 “(2) MEETINGS AND REPORTING.—Each sub-
8 committee shall meet not less frequently than semi-
9 annually, and submit to the Advisory Committee for
10 inclusion in the annual report required under sub-
11 section (b)(4) information, including activities, find-
12 ings, and recommendations, regarding subject mat-
13 ter considered by the subcommittee.

14 “(3) SUBJECT MATTER EXPERTS.—The chair of
15 the Advisory Committee shall appoint members to
16 subcommittees and shall ensure that each member
17 appointed to a subcommittee has subject matter ex-
18 pertise relevant to the subject matter of the sub-
19 committee.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002
22 (Public Law 107–296; 116 Stat. 2135), as so amended,
23 is further amended by inserting after the item relating to
24 section 2215 the following new item:

“Sec. 2216. Cybersecurity Advisory Committee.”.

1 **SEC. 1719. CYBERSECURITY EDUCATION AND TRAINING AS-**
2 **SISTANCE PROGRAM.**

3 (a) AUTHORITIES.—Section 2202(e)(1) of the Home-
4 land Security Act of 2002 (6 U.S.C. 652(e)(1)) is amend-
5 ed by adding at the end the following new subparagraph:

6 “(R) To encourage and build cybersecurity
7 awareness and competency across the United
8 States and to develop, attract, and retain the
9 cybersecurity workforce necessary for the cyber-
10 security related missions of the Department, in-
11 cluding by—

12 “(i) overseeing elementary and sec-
13 ondary cybersecurity education and aware-
14 ness related programs at the Agency;

15 “(ii) leading efforts to develop, at-
16 tract, and retain the cybersecurity work-
17 force necessary for the cybersecurity re-
18 lated missions of the Department;

19 “(iii) encouraging and building cyber-
20 security awareness and competency across
21 the United States; and

22 “(iv) carrying out cybersecurity re-
23 lated workforce development activities, in-
24 cluding through—

25 “(I) increasing the pipeline of fu-
26 ture cybersecurity professionals

1 through programs focused on elemen-
2 tary and secondary education, postsec-
3 ondary education, and workforce de-
4 velopment; and

5 “(II) building awareness of and
6 competency in cybersecurity across
7 the civilian Federal Government work-
8 force.”.

9 (b) EDUCATION, TRAINING, AND CAPACITY DEVEL-
10 OPMENT.—Section 2202(c) of the Homeland Security Act
11 of 2002 (6 U.S.C. 652(c)) is amended—

12 (1) in paragraph (10), by striking “and” at the
13 end;

14 (2) by redesignating paragraph (11) as para-
15 graph (12); and

16 (3) by inserting after paragraph (10) the fol-
17 lowing new paragraph:

18 “(11) provide education, training, and capacity
19 development to Federal and non-Federal entities to
20 enhance the security and resiliency of domestic and
21 global cybersecurity and infrastructure security;
22 and”.

23 (c) ESTABLISHMENT OF TRAINING PROGRAMS.—
24 Subtitle A of title XXII of the Homeland Security Act of
25 2002 (6 U.S.C. 651 et seq.), as amended by sections 1715

1 and 1718 of this Act, is further amended by adding at
2 the end the following new section:

3 **“SEC. 2217. CYBERSECURITY EDUCATION AND TRAINING**
4 **PROGRAMS.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—The Cybersecurity Edu-
7 cation and Training Assistance Program (referred to
8 in this section as ‘CETAP’) is established within the
9 Agency.

10 “(2) PURPOSE.—The purpose of CETAP shall
11 be to support the effort of the Agency in building
12 and strengthening a national cybersecurity workforce
13 pipeline capacity through enabling elementary and
14 secondary cybersecurity education, including by—

15 “(A) providing foundational cybersecurity
16 awareness and literacy;

17 “(B) encouraging cybersecurity career ex-
18 ploration; and

19 “(C) supporting the teaching of cybersecu-
20 rity skills at the elementary and secondary edu-
21 cation levels.

22 “(b) REQUIREMENTS.—In carrying out CETAP, the
23 Director shall—

24 “(1) ensure that the program—

1 “(A) creates and disseminates cybersecu-
2 rity-focused curricula and career awareness ma-
3 terials appropriate for use at the elementary
4 and secondary education levels;

5 “(B) conducts professional development
6 sessions for teachers;

7 “(C) develops resources for the teaching of
8 cybersecurity-focused curricula described in
9 subparagraph (A);

10 “(D) provides direct student engagement
11 opportunities through camps and other pro-
12 gramming;

13 “(E) engages with State educational agen-
14 cies and local educational agencies to promote
15 awareness of the program and ensure that of-
16 ferings align with State and local curricula;

17 “(F) integrates with existing post-sec-
18 ondary education and workforce development
19 programs at the Department;

20 “(G) promotes and supports national
21 standards for elementary and secondary cyber
22 education;

23 “(H) partners with cybersecurity and edu-
24 cation stakeholder groups to expand outreach;
25 and

1 “(I) any other activity the Director deter-
2 mines necessary to meet the purpose described
3 in subsection (a)(2); and

4 “(2) enable the deployment of CETAP nation-
5 wide, with special consideration for underserved pop-
6 ulations or communities.

7 “(c) BRIEFINGS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the establishment of CETAP, and annually there-
10 after, the Secretary shall brief the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate and the Committee on Homeland Security of
13 the House of Representatives on the program.

14 “(2) CONTENTS.—Each briefing conducted
15 under paragraph (1) shall include—

16 “(A) estimated figures on the number of
17 students reached and teachers engaged;

18 “(B) information on outreach and engage-
19 ment efforts, including the activities described
20 in subsection (b)(1)(E);

21 “(C) information on new curricula offer-
22 ings and teacher training platforms; and

23 “(D) information on coordination with
24 post-secondary education and workforce devel-
25 opment programs at the Department.

1 “(d) MISSION PROMOTION.—The Director may use
2 appropriated amounts to purchase promotional and rec-
3 ognition items and marketing and advertising services to
4 publicize and promote the mission and services of the
5 Agency, support the activities of the Agency, and to re-
6 cruit and retain Agency personnel.”.

7 (d) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002, as
9 so amended, is further amended by inserting after the
10 item relating to section 2216 the following new item:

“Sec. 2217. Cybersecurity Education and Training Programs.”.

11 **SEC. 1720. FRAMEWORK FOR CYBER HUNT FORWARD OPER-**
12 **ATIONS.**

13 (a) FRAMEWORK REQUIRED.—Not later than April
14 1, 2021, the Secretary of Defense shall develop a stand-
15 ard, comprehensive framework to enhance the consistency,
16 execution, and effectiveness of cyber hunt forward oper-
17 ations.

18 (b) ELEMENTS.—The framework developed pursuant
19 to subsection (a) shall include the following:

20 (1) Identification of the selection criteria for
21 proposed cyber hunt forward operations, including
22 specification of necessary thresholds for the justifica-
23 tion of operations and thresholds for partner co-
24 operation.

1 (2) The roles and responsibilities of the fol-
2 lowing organizations in the support of the planning
3 and execution of cyber hunt forward operations:

4 (A) United States Cyber Command.

5 (B) Service cyber components.

6 (C) The Office of the Under Secretary of
7 Defense for Policy.

8 (D) Geographic combatant commands.

9 (E) Cyber Operations-Integrated Planning
10 Elements and Joint Cyber Centers.

11 (F) Embassies and consulates of the
12 United States.

13 (3) Pre-deployment planning guidelines to
14 maximize the operational success of each unique op-
15 eration, including guidance that takes into account
16 the highly variable nature of the following aspects at
17 the tactical level:

18 (A) Team composition, including necessary
19 skillsets, recommended training, and guidelines
20 on team size and structure.

21 (B) Relevant factors to determine mission
22 duration in a country of interest.

23 (C) Agreements with partner countries re-
24 quired pre-deployment.

1 (D) Criteria for potential follow-on oper-
2 ations.

3 (E) Equipment and infrastructure required
4 to support the missions.

5 (4) Metrics to measure the effectiveness of each
6 operation, including means to evaluate the value of
7 discovered malware and infrastructure, the effect on
8 the adversary, and the potential for future engage-
9 ments with the partner country.

10 (5) Roles and responsibilities for United States
11 Cyber Command and the National Security Agency
12 in the analysis of relevant mission data.

13 (6) A detailed description of counterintelligence
14 support for cyber hunt forward operations.

15 (7) A standardized force presentation model
16 across service components and combatant com-
17 mands.

18 (8) Review of active and reserve component per-
19 sonnel policies to account for deployment and rede-
20 ployment operations, including the following:

21 (A) Global Force Management.

22 (B) Contingency, Exercise, and Deploy-
23 ment orders to be considered for and applied to-
24 wards deployment credit and benefits.

1 (9) Such other matters as the Secretary deter-
2 mines relevant.

3 (c) BRIEFING.—

4 (1) IN GENERAL.—Not later than May 1, 2021,
5 the Secretary of Defense shall provide to the Com-
6 mittee on Armed Services of the Senate and the
7 Committee on Armed Services of the House of Rep-
8 resentatives a briefing on the framework developed
9 pursuant to subsection (a).

10 (2) CONTENTS.—The briefing required by para-
11 graph (1) shall include the following:

12 (A) An overview of the framework devel-
13 oped pursuant to subsection (a).

14 (B) An explanation of the tradeoffs associ-
15 ated with the use of Department of Defense re-
16 sources for cyber hunt forward missions in the
17 context of competing priorities.

18 (C) Such recommendations as the Sec-
19 retary may have for legislative action to im-
20 prove the effectiveness of cyber hunt forward
21 missions.

1 **SEC. 1721. RATIONALIZATION AND INTEGRATION OF PAR-**
2 **ALLEL CYBERSECURITY ARCHITECTURES**
3 **AND OPERATIONS.**

4 (a) REVIEW REQUIRED.—The Commander of United
5 States Cyber Command, with support from the Chief In-
6 formation Officer of the Department of Defense, the Chief
7 Data Officer of the Department, the Principal Cyber Advi-
8 sor, the Vice Chairman of the Joint Chiefs of Staff, and
9 the Director of Cost Analysis and Program Evaluation,
10 as well as the Principal Cyber Advisors and the Chief In-
11 formation Officers of the military services, shall conduct
12 a review of the Cybersecurity Service Provider and Cyber
13 Mission Force enterprises.

14 (b) ASSESSMENT AND IDENTIFICATION OF
15 REDUNDANCIES AND GAPS.—The review required by sub-
16 section (a) shall assess and identify—

17 (1) the optimal way to integrate the Joint
18 Cyber Warfighting Architecture and the Cybersecu-
19 rity Service Provider architectures, associated tools
20 and capabilities, and associated concepts of oper-
21 ations;

22 (2) redundancies and gaps in network sensor
23 deployment and data collection and analysis for
24 the—

25 (A) Big Data Platform;

26 (B) Joint Regional Security Stacks; and

1 (C) Security Information and Event Man-
2 agement capabilities;

3 (3) where integration, collaboration, and inter-
4 operability are not occurring that would improve
5 outcomes;

6 (4) baseline training, capabilities, competencies,
7 operational responsibilities, and joint concepts of op-
8 erations for the Joint Force Headquarters for the
9 Department of Defense Information Network, Cy-
10 bersecurity Service Providers, and Cyber Protection
11 Teams;

12 (5) the roles and responsibilities of the Prin-
13 cipal Cyber Advisor, Chief Information Officer, and
14 the Commander of United States Cyber Command
15 in establishing and overseeing the baselines assessed
16 and identified under paragraph (4);

17 (6) the optimal command structure for the mili-
18 tary services' and combatant commands' cybersecu-
19 rity service providers and cyber protection teams;

20 (7) the responsibilities of network owners and
21 cybersecurity service providers in mapping, config-
22 uring, instrumenting, and deploying sensors on net-
23 works to best support response of cyber protection
24 teams when assigned to defend unfamiliar networks;
25 and

1 (8) operational concepts and engineering
2 changes to enhance remote access and operations of
3 cyber protection teams on networks through tools
4 and capabilities of the Cybersecurity Service Pro-
5 viders.

6 (c) RECOMMENDATIONS FOR FISCAL YEAR 2023
7 BUDGET.—The Chief Information Officer, the Chief Data
8 Officer, the Commander of United States Cyber Com-
9 mand, and the Principal Cyber Advisor shall jointly de-
10 velop recommendations for the Secretary of Defense in
11 preparation of the budget justification materials to be sub-
12 mitted to Congress in support of the budget for the De-
13 partment of Defense for fiscal year 2023 (as submitted
14 with the budget of the President for such fiscal year under
15 section 1105(a) of title 31, United States Code).

16 (d) PROGRESS BRIEFING.—Not later than March 31,
17 2021, the Chief Information Officer, the Chief Data Offi-
18 cer, the Commander of United States Cyber Command,
19 and the Principal Cyber Advisor shall jointly provide a
20 briefing to the congressional defense committees on the
21 progress made in carrying out this section.

1 **SEC. 1722. ASSESSING RISK TO NATIONAL SECURITY OF**
2 **QUANTUM COMPUTING.**

3 (a) COMPREHENSIVE ASSESSMENT AND REC-
4 OMMENDATIONS REQUIRED.—Not later than December
5 31, 2021, the Secretary of Defense shall—

6 (1) complete a comprehensive assessment of the
7 current and potential threats and risks posed by
8 quantum computing technologies to critical national
9 security systems, including—

10 (A) an identification and prioritization of
11 critical national security systems at risk;

12 (B) an assessment of the standards of the
13 National Institute of Standards and Technology
14 for quantum resistant cryptography and the ap-
15 plicability of such standards to cryptographic
16 requirements of the Department of Defense;

17 (C) an assessment of the feasibility of al-
18 ternate quantum-resistant algorithms and fea-
19 tures; and

20 (D) a description of any funding shortfalls
21 in public and private developmental efforts re-
22 lating to quantum resistant cryptography,
23 standards, and models; and

24 (2) develop recommendations for research, de-
25 velopment, and acquisition activities, including
26 resourcing schedules, for securing the critical na-

1 tional security systems identified pursuant to para-
2 graph (1)(A) against quantum computing code-
3 breaking capabilities.

4 (b) BRIEFING.—Not later than February 1, 2022,
5 the Secretary shall brief the congressional defense commit-
6 tees on the assessment completed under paragraph (1) of
7 subsection (a) and the recommendations developed under
8 paragraph (2) of such subsection.

9 **SEC. 1723. TAILORED CYBERSPACE OPERATIONS ORGANI-**
10 **ZATIONS.**

11 (a) STUDY.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the enactment of this Act, the Sec-
14 retary of the Navy and the Chief of Naval Oper-
15 ations, in consultation with the Commander of
16 United States Cyber Command, shall submit to the
17 congressional defense committees a study of the
18 Navy Cyber Warfare Development Group
19 (NCWDG).

20 (2) ELEMENTS.—The study required under
21 paragraph (1) shall include the following:

22 (A) An examination of NCWDG's struc-
23 ture, manning, authorities, funding, and oper-
24 ations.

1 (B) A review of organizational relation-
2 ships—

3 (i) within the Navy; and

4 (ii) to other Department of Defense
5 organizations, as well as non-Department
6 of Defense organizations.

7 (C) Recommendations for how the
8 NCWDG can be strengthened and improved,
9 without growth in size.

10 (D) Such other information as determined
11 necessary or appropriate by the Secretary of the
12 Navy.

13 (3) RELEASE.—

14 (A) TO CONGRESS.—Not later than 7 days
15 after completion of the study required under
16 paragraph (1), the Secretary of the Navy shall
17 brief the congressional defense committees on
18 the findings of the study.

19 (B) TO SERVICE SERVICES.— The Sec-
20 retary of the Navy shall transmit to the secre-
21 taries of the military services and the Assistant
22 Secretary of Defense for Special Operations and
23 Irregular Warfare the study required under
24 paragraph (1).

1 (b) DESIGNATION.—Notwithstanding any other pro-
2 vision of law, the Secretary of the Navy shall designate
3 the NCWDG as a screened command.

4 (c) AUTHORITY TO REPLICATE.—After review of the
5 study required under subsection (a) and consulting the
6 Commander of United States Cyber Command in accord-
7 ance with procedures established by the Secretary of De-
8 fense, the secretaries of the military services may establish
9 tailored cyberspace operations organizations of com-
10 parable size to NCWDG within the military service, re-
11 spectively, of each such secretary. Such counterpart orga-
12 nizations shall have the same authorities as the NCWDG.
13 On behalf of United States Special Operations Command,
14 the Assistant Secretary of Defense for Special Operations
15 and Irregular Warfare may authorize a tailored cyber-
16 space operations organization within United States Spe-
17 cial Operations Command of similar size and equivalent
18 authorities as NCWDG.

19 (d) BRIEFING TO CONGRESS.—Not later than 180
20 days after the date of the enactment of this Act, the secre-
21 taries of the military services and the Assistant Secretary
22 of Defense for Special Operations and Irregular Warfare
23 shall brief the congressional defense committees on—

24 (1) the utilization of the authority provided
25 pursuant to subsection (c); and

1 (2) if appropriate based on such utilization, de-
2 tails on how the military service, respectively, of
3 each such secretary intends to establish tailored
4 cyberspace operations organizations.

5 **SEC. 1724. RESPONSIBILITY FOR CYBERSECURITY AND**
6 **CRITICAL INFRASTRUCTURE PROTECTION**
7 **OF THE DEFENSE INDUSTRIAL BASE.**

8 (a) **CRITICAL INFRASTRUCTURE DEFINED.**—In this
9 section, the term “critical infrastructure” has the meaning
10 given such term in section 1016(e) of the Uniting and
11 Strengthening America by Providing Appropriate Tools
12 Required to Intercept and Obstruct Terrorism (USA PA-
13 TRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

14 (b) **DESIGNATION.**—The Secretary of Defense shall
15 designate the Principal Cyber Advisor of the Department
16 of Defense as the coordinating authority for cybersecurity
17 issues relating to the defense industrial base.

18 (c) **RESPONSIBILITIES.**—As the coordinating author-
19 ity for cybersecurity issues relating to the defense indus-
20 trial base, the Principal Cyber Advisor of the Department
21 of Defense shall synchronize, harmonize, de-conflict, and
22 coordinate all policies and programs germane to defense
23 industrial base cybersecurity, including the following:

24 (1) The Sector Specific Agency functions under
25 Presidential Policy Directive-21 the Department of

1 Defense has assigned to the Under Secretary of De-
2 fense for Policy for implementation.

3 (2) The Under Secretary of Defense for Acqui-
4 sition and Sustainment's policies and programs ger-
5 mane to contracting and contractual enforcement as
6 such relate to cybersecurity assessment and assist-
7 ance, and industrial base health and security.

8 (3) The Under Secretary of Defense for Intel-
9 ligence and Security's policies and programs ger-
10 mane to physical security, information security, in-
11 dustrial security, acquisition security and cybersecu-
12 rity, all source intelligence, classified threat intel-
13 ligence sharing related to defense industrial base cy-
14 bersecurity activities, counterintelligence, and foreign
15 ownership control or influence, including the Defense
16 Intelligence Agency and National Security Agency
17 support provided to the Department of Defense –
18 Defense Industrial Base Collaborative Information
19 Sharing Environment and cyber intrusion damage
20 assessment analysis as part of defense industrial
21 base cybersecurity activities.

22 (4) The Department of Defense Chief Informa-
23 tion Officer's policies and programs for cybersecurity
24 standards and integrating cybersecurity threat intel-
25 ligence-sharing activities and enhancing Department

1 of Defense and defense industrial base cyber situa-
2 tional awareness.

3 (5) The Under Secretary of Defense for Re-
4 search and Engineering's policies and programs ger-
5 mane to protection planning requirements of emerg-
6 ing technologies as such relate to cybersecurity as-
7 sessment and assistance, and industrial base health
8 and security.

9 (6) Other Department of Defense components'
10 policies and programs germane to the cybersecurity
11 of the defense industrial base, including the policies
12 and programs of the military services and the com-
13 batant commands.

14 (d) ADDITIONAL FUNCTIONS.—In carrying out this
15 section, the Principal Cyber Advisor of the Department
16 of Defense shall—

17 (1) coordinate or facilitate coordination with
18 relevant Federal departments and agencies, defense
19 industrial base entities, independent regulatory
20 agencies, and with State, local, territorial, and Trib-
21 al entities, as appropriate;

22 (2) facilitate or coordinate the provision of inci-
23 dent management support to defense industrial base
24 entities, as appropriate;

1 (3) facilitate or coordinate the provision of tech-
2 nical assistance to and consultations with defense in-
3 dustrial base entities to identify cyber or cyber-phys-
4 ical vulnerabilities and minimize the damage of po-
5 tential incidents, as appropriate; and

6 (4) support or facilitate the supporting of the
7 statutorily required reporting requirements of such
8 relevant Federal departments and agencies by pro-
9 viding or facilitating the provision to such depart-
10 ments and agencies on an annual basis relevant crit-
11 ical infrastructure information, as appropriate.

12 (e) DEPARTMENT OF DEFENSE ROLES AND RESPON-
13 SIBILITIES.—No later than 180 days after the date of the
14 enactment of this Act, the Secretary of Defense shall brief
15 the Committees on Armed Services of the Senate and the
16 House of Representatives on the following issues:

17 (1) A plan for implementation of this section,
18 including an assessment of the roles and responsibil-
19 ities of entities across the Department of Defense
20 and mechanisms and processes for coordination of
21 policy and programs germane to defense industrial
22 base cybersecurity.

23 (2) An analysis of the feasibility and advis-
24 ability of separating cybersecurity Sector Specific
25 Agency functions under Presidential Policy Direc-

1 tive-21 from non-cybersecurity Sector Specific Agen-
2 cy functions.

3 (3) Regarding the non-cybersecurity Sector
4 Specific Agency functions the Department has as-
5 signed to the Under Secretary of Defense for Policy
6 for implementation, the implications of reassigning
7 such responsibilities to the Under Secretary of De-
8 fense for Acquisition and Sustainment.

9 **SEC. 1725. PILOT PROGRAM ON REMOTE PROVISION BY NA-**
10 **TIONAL GUARD TO NATIONAL GUARDS OF**
11 **OTHER STATES OF CYBERSECURITY TECH-**
12 **NICAL ASSISTANCE IN TRAINING, PREPARA-**
13 **TION, AND RESPONSE TO CYBER INCIDENTS.**

14 (a) PILOT PROGRAM AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary of Defense
16 may conduct a pilot program to assess the feasibility
17 and advisability of the development of a capability in
18 support of Department of Defense missions within
19 the National Guard through which a National Guard
20 of a State remotely provides National Guards of
21 other States (whether or not in the same Armed
22 Force as the providing National Guard) with cyber-
23 security technical assistance in training, preparation,
24 and response to cyber incidents.

1 (2) TERMINATION.—The authorization under
2 paragraph (1) to conduct the pilot program expires
3 24 months after the date of the enactment of this
4 Act.

5 (b) ASSESSMENT PRIOR TO COMMENCEMENT.—For
6 purposes of the pilot program described in subsection (a),
7 the Secretary of Defense shall, prior to commencing the
8 pilot program, for purposes of evaluating existing plat-
9 forms, technologies, and capabilities under subsection (c),
10 and for establishing eligibility and participation require-
11 ments under such subsection—

12 (1) conduct an assessment of—

13 (A) existing cyber response capacities of
14 the Army National Guard or Air National
15 Guard, as applicable, in each State; and

16 (B) any existing platform, technology, or
17 capability of a National Guard that provides the
18 capability described in subsection (a)(1);

19 (2) determine whether a platform, technology,
20 or capability referred to in subparagraph (B) is suit-
21 able for expansion for purposes of the pilot program;
22 and

23 (3) assess potential benefits or impact on the
24 missions, the Total Force, the Cyber Operations

1 Forces, and the cyber infrastructure of the Depart-
2 ment of Defense.

3 (c) ELEMENTS.—The pilot program described in sub-
4 section (a) may include the following:

5 (1) A technical capability that enables the Na-
6 tional Guard of a State to remotely provide cyberse-
7 curity technical assistance to National Guards of
8 other States, without the need to deploy outside its
9 home State.

10 (2) The development of policies, processes, pro-
11 cedures, and authorities for use of such a capability,
12 including with respect to the following:

13 (A) The roles and responsibilities of both
14 requesting and deploying National Guards with
15 respect to such technical assistance, taking into
16 account the matters specified in subsection (g).

17 (B) Necessary updates to the Defense
18 Cyber Incident Coordinating Procedure, or any
19 other applicable Department of Defense instruc-
20 tion, for purposes of implementing such a capa-
21 bility.

22 (C) Program management and governance
23 structures for deployment and maintenance of
24 such a capability.

1 (D) Security when performing remote sup-
2 port, including in matters such as authentica-
3 tion and remote sensing.

4 (3) The conduct, in consultation with the Sec-
5 retary of Homeland Security and the Director of the
6 Federal Bureau of Investigation, the heads of other
7 Federal agencies, and appropriate non-Federal enti-
8 ties, as appropriate, of at least one exercise to dem-
9 onstrate such a capability, which exercise shall in-
10 clude the following:

11 (A) Participation of not fewer than the
12 National Guards of two different States.

13 (B) Circumstances designed to test and
14 validate the policies, processes, procedures, and
15 authorities developed pursuant to paragraph
16 (2).

17 (d) USE OF EXISTING TECHNOLOGY.—The Secretary
18 of Defense may use an existing platform, technology, or
19 capability to provide the technical capability described in
20 subsection (a)(1) under the pilot program.

21 (e) ELIGIBILITY AND PARTICIPATION REQUIRE-
22 MENTS.—The Secretary of Defense shall, in consultation
23 with the Chief of the National Guard Bureau, establish
24 requirements with respect to eligibility and participation
25 of National Guards in the pilot program.

1 (g) CONSTRUCTION WITH CERTAIN CURRENT AU-
2 THORITIES.—

3 (1) COMMAND AUTHORITIES.—Nothing in this
4 section may be construed as affecting or altering the
5 command authorities otherwise applicable to any
6 unit of the National Guard participating in the pilot
7 program.

8 (2) EMERGENCY MANAGEMENT ASSISTANCE
9 COMPACT.—Nothing in this section may be con-
10 strued as affecting or altering any current agree-
11 ment under the Emergency Management Assistance
12 Compact, or any other State agreements, or as de-
13 terminative of the future content of any such agree-
14 ment.

15 (h) EVALUATION METRICS.—The Secretary of De-
16 fense shall establish metrics to evaluate the effectiveness
17 of the pilot program.

18 (i) TERM.—The pilot program under subsection (b)
19 shall terminate not later than the date that is three years
20 after the date of the commencement of the pilot program.

21 (j) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 180 days
23 after the date of the commencement of the pilot pro-
24 gram, the Secretary of Defense shall submit to the
25 appropriate committees of Congress and the Sec-

1 retary of Homeland Security an initial report setting
2 forth a description of the pilot program and such
3 other matters in connection with the pilot program
4 as the Secretary considers appropriate.

5 (2) FINAL REPORT.—Not later than 180 days
6 after the termination of the pilot program, the Sec-
7 retary of Defense shall submit to the appropriate
8 committees of Congress and the Secretary of Home-
9 land Security a final report on the pilot program.
10 The final report shall include the following:

11 (A) A description of the pilot program, in-
12 cluding any partnerships entered into under the
13 pilot program.

14 (B) A summary of the assessment per-
15 formed prior to the commencement of the pilot
16 program in accordance with subsection (b).

17 (C) A summary of the evaluation metrics
18 established in accordance with subsection (h),
19 including how the pilot program contributes di-
20 rectly to Department of Defense missions.

21 (D) An assessment of the effectiveness of
22 the pilot program, and of the capability de-
23 scribed in subsection (c)(1) under the pilot pro-
24 gram.

1 (E) A description of costs associated with
2 the implementation and conduct of the pilot
3 program.

4 (F) A recommendation as to the value of
5 the pilot program, including whether to author-
6 ize a permanent program modeled on the pilot
7 program, including whether the pilot program
8 duplicates the remote operating concept and ca-
9 pabilities of active duty cyber operations forces.

10 (G) An estimate of the costs of making the
11 pilot program permanent and expanding it na-
12 tionwide in accordance with the recommenda-
13 tion in subparagraph (F).

14 (H) Such recommendations for legislative
15 or administrative action as the Secretary con-
16 siders appropriate in light of the pilot program.

17 (3) APPROPRIATE COMMITTEES OF CONGRESS
18 DEFINED.—In this subsection, the term “appro-
19 priate committees of Congress” means—

20 (A) the Committee on Armed Services and
21 the Committee on Homeland Security of the
22 House of Representatives; and

23 (B) the Committee on Armed Services and
24 the Committee on Homeland Security and Gov-
25 ernmental Affairs of the Senate.

1 (k) STATE DEFINED.—In this section, the term
2 “State” means each of the several States, the District of
3 Columbia, the Commonwealth of Puerto Rico, American
4 Samoa, Guam, the United States Virgin Islands, and the
5 Commonwealth of the Northern Mariana Islands.

6 **SEC. 1726. DEPARTMENT OF DEFENSE CYBER WORKFORCE**
7 **EFFORTS.**

8 (a) RESOURCES FOR CYBER EDUCATION.—

9 (1) IN GENERAL.—The Chief Information Offi-
10 cer of the Department of Defense, in consultation
11 with the Director of the National Security Agency
12 (NSA), shall examine the current policies permitting
13 National Security Agency employees to use up to
14 140 hours of paid time toward NSA’s cyber edu-
15 cation programs.

16 (2) REPORT.—

17 (A) IN GENERAL.—Not later than 90 days
18 after the date of the enactment of this Act, the
19 Chief Information Officer shall submit to the
20 congressional defense committees and the con-
21 gressional intelligence committees a strategy for
22 expanding the policies described in paragraph
23 (1) to—

1 (i) individuals who occupy positions
2 described in section 1599f of title 10,
3 United States Code; and

4 (ii) any other individuals who the
5 Chief Information Officer determines ap-
6 propriate.

7 (B) IMPLEMENTATION PLAN.—The report
8 required under subparagraph (A) shall detail
9 the utilization of the policies in place at the Na-
10 tional Security Agency, as well as an implemen-
11 tation plan that describes the mechanisms need-
12 ed to expand the use of such policies to accom-
13 modate wider participation by individuals de-
14 scribed in such subparagraph. Such implemen-
15 tation plan shall detail how such individuals
16 would be able to connect to the instructional
17 and participatory opportunities available
18 through the efforts, programs, initiatives, and
19 investments accounted for in the report re-
20 quired under section 1649 of the National De-
21 fense Authorization Act for Fiscal Year 2020
22 (Public Law 116–92), including the following
23 programs:

24 (i) GenCyber.

1 (ii) Centers for Academic Excellence –
2 Cyber Defense.

3 (iii) Centers for Academic Excellence
4 – Cyber Operations.

5 (C) DEADLINE.—Not later than 120 days
6 after the submission of the report required
7 under subparagraph (A), the Chief Information
8 Officer of the Department of Defense shall
9 carry out the implementation plan contained in
10 such report.

11 (b) IMPROVING THE TRAINING WITH INDUSTRY PRO-
12 GRAM.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act, the Prin-
15 cipal Cyber Advisor of the Department of Defense,
16 in consultation with the Principal Cyber Advisors of
17 the military services and the Under Secretary of De-
18 fense for Personnel and Readiness, shall submit to
19 the Secretary of Defense and the congressional de-
20 fense committees a review of the current utilization
21 and utility of the Training With Industry (TWI)
22 programs, including relating to the following:

23 (A) Recommendations regarding how to
24 improve and better utilize such programs, in-

1 including regarding individuals who have com-
2 pleted such programs.

3 (B) An implementation plan to carry out
4 such recommendations.

5 (2) ADDITIONAL.—Not later than 90 days after
6 the submission of the report required under para-
7 graph (1), the Secretary of Defense shall carry out
8 such elements of the implementation plan required
9 under paragraph (1)(B) as the Secretary considers
10 appropriate and notify the congressional defense
11 committees of the determinations of the Secretary
12 relating thereto.

13 (c) ALIGNMENT OF CYBERSECURITY TRAINING PRO-
14 GRAMS.—

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the congressional
18 defense committees a report containing recommenda-
19 tions on how cybersecurity training programs de-
20 scribed in section 1649 of the National Defense Au-
21 thorization Act for Fiscal Year 2020 can be better
22 aligned and harmonized.

23 (2) REPORT.—The report required under para-
24 graph (1) shall provide recommendations concerning
25 the following topics and information:

1 (A) Developing a comprehensive mecha-
2 nism for utilizing and leveraging the Cyber Ex-
3 cepted Service workforce of the Department of
4 Defense referred to in subsection (a), as well as
5 mechanisms for military participation.

6 (B) Unnecessary redundancies in such pro-
7 grams, or in any related efforts, initiatives, or
8 investments.

9 (C) Mechanisms for tracking participation
10 and transition of participation from one such
11 program to another.

12 (D) Department level oversight and man-
13 agement of such programs.

14 (3) CYBER WORKFORCE PIPELINE AND EARLY
15 CHILDHOOD EDUCATION.—

16 (A) ELEMENTS.—The Secretary of De-
17 fense shall, when completing the report required
18 under paragraph (1), take into consideration
19 existing Federal childhood cyber education pro-
20 grams, including the programs identified in the
21 report required under section 1649 of the Na-
22 tional Defense Authorization Act for Fiscal
23 Year 2020 (Public Law 116–92) and the De-
24 partment of Homeland Security’s Cybersecurity
25 Education and Training Assistance Program

1 (CETAP), that can provide opportunities to
2 military-connected students and members of the
3 Armed Forces to pursue cyber careers.

4 (B) DEFINITION.—In this paragraph, the
5 term “military-connected student” means an in-
6 dividual who—

7 (i) is a dependent a member of the
8 Armed Forces serving on active duty; and

9 (ii) is enrolled in a preschool, an ele-
10 mentary or secondary school, or an institu-
11 tion of higher education.

12 **SEC. 1727. REPORTING REQUIREMENTS FOR CROSS DO-**
13 **MAIN INCIDENTS AND EXEMPTIONS TO POLI-**
14 **CIES FOR INFORMATION TECHNOLOGY.**

15 (a) INCIDENT REPORTING.—

16 (1) IN GENERAL.—Effective beginning on the
17 date of the enactment of this Act, the Secretary of
18 Defense and the secretaries of the military services
19 shall submit to the congressional defense committees
20 a monthly report in writing that documents each in-
21 stance or indication of a cross-domain incident with-
22 in the Department of Defense.

23 (2) PROCEDURES.—The Secretary of Defense
24 shall submit to the congressional defense committees
25 procedures for complying with the requirements of

1 paragraph (1) consistent with the national security
2 of the United States and the protection of oper-
3 ational integrity. The Secretary shall promptly notify
4 such committees in writing of any changes to such
5 procedures at least 14 days prior to the adoption of
6 any such changes.

7 (3) DEFINITION.—In this subsection, the term
8 “cross domain incident” means any unauthorized
9 connection of any duration between software, hard-
10 ware, or both that is either used on, or designed for
11 use on a network or system built for classified data,
12 and systems not accredited or authorized at the
13 same or higher classification level, including systems
14 on the public internet, regardless of whether the un-
15 authorized connection is later determined to have re-
16 sulted in the exfiltration, exposure, or spillage of
17 data across the cross domain connection.

18 (b) EXEMPTIONS TO POLICY FOR INFORMATION
19 TECHNOLOGY.—Not later than six months after the date
20 of the enactment of this Act and biannually thereafter,
21 the Secretary of Defense and the secretaries of the mili-
22 tary services shall submit to the congressional defense
23 committees a report in writing that enumerates and de-
24 tails each current exemption to information technology
25 policy, interim Authority To Operate (ATO) order, or

1 both. Each such report shall include other relevant infor-
2 mation pertaining to each such exemption, including relat-
3 ing to the following:

4 (1) Risk categorization.

5 (2) Duration.

6 (3) Estimated time remaining.

7 **SEC. 1728. ASSESSING PRIVATE-PUBLIC COLLABORATION**
8 **IN CYBERSECURITY.**

9 (a) REQUIREMENT.—Not later than 120 days after
10 the date of the enactment of this Act, the Secretary of
11 Defense shall—

12 (1) conduct a review and assessment of any on-
13 going public-private collaborative initiatives involving
14 the Department of Defense and the private sector
15 related to cybersecurity and defense of critical infra-
16 structure, including—

17 (A) the United States Cyber Command's
18 Pathfinder initiative and any derivative initia-
19 tive;

20 (B) the Department's support to and inte-
21 gration with existing Federal cybersecurity cen-
22 ters and organizations; and

23 (C) comparable initiatives led by other
24 Federal departments or agencies that support

1 long-term public-private cybersecurity collabora-
2 tion; and

3 (2) make recommendations for improvements
4 and the requirements and resources necessary to in-
5 stitutionalize and strengthen the initiatives described
6 in subparagraphs (A) through (C) of paragraph (1).

7 (b) REPORT.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall submit to the congressional defense committees
10 a report on the review, assessment, and rec-
11 ommendations under subsection (a).

12 (2) FORM.—The report required under para-
13 graph (1) may be submitted in unclassified or classi-
14 fied form, as necessary.

15 (c) DEFINITION.—In this section, the term “critical
16 infrastructure” has the meaning given such term in sec-
17 tion 1016(e) of the Uniting and Strengthening America
18 by Providing Appropriate Tools Required to Intercept and
19 Obstruct Terrorism (USA PATRIOT ACT) Act of 2001
20 (42 U.S.C. 5195c(e)).

21 **SEC. 1729. CYBER CAPABILITIES AND INTEROPERABILITY**
22 **OF THE NATIONAL GUARD.**

23 (a) EVALUATION.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall submit to the congressional
2 defense committees, the Committee on Homeland
3 Security and Governmental Affairs of the Senate,
4 and the Committee on Homeland Security of the
5 House of Representatives an evaluation of the stat-
6 utes, rules, regulations and standards that pertain to
7 the use of the National Guard for the response to
8 and recovery from significant cyber incidents.

9 (2) CONSIDERATION OF INPUTS.—In con-
10 ducting the evaluation under paragraph (1), the Sec-
11 retary of Defense shall consult with the Secretary of
12 Homeland Security and may solicit and consider in-
13 puts from the following:

14 (A) The heads of Federal agencies deter-
15 mined appropriate by the Secretary of Defense.

16 (B) State governors.

17 (C) The heads of other non-Federal enti-
18 ties as determined appropriate by the Secretary
19 of Defense.

20 (b) ELEMENTS OF EVALUATION.—The evaluation re-
21 quired under subsection (a) shall include review of the fol-
22 lowing:

23 (1) Regulations promulgated under section 903
24 of title 32, United States Code, to clarify when and
25 under what conditions the National Guard could re-

1 spond to a cyber attack as a homeland defense activ-
2 ity under section 902 of such title.

3 (2) Guidance promulgated regarding how units
4 of the National Guard shall collaborate with relevant
5 civil, law enforcement, and cybersecurity agencies
6 when conducting a homeland defense activity under
7 section 902 of title 32, United States Code.

8 (c) UPDATE TO CERTAIN REGULATIONS AND GUID-
9 ANCE.—If the Secretary of Defense determines such is ap-
10 appropriate based on the evaluation required under sub-
11 section (a) and the review described in subsection (b), the
12 Secretary shall update—

13 (1) the regulations referred to in subsection
14 (b)(1); and

15 (2) the guidance referred to in subsection
16 (b)(2).

17 (d) UPDATE TO THE NATIONAL CYBER INCIDENT
18 RESPONSE PLAN.—Not later than 270 days after the date
19 of the enactment of this Act, the Secretary of Homeland
20 Security, in coordination with the Secretary of Defense,
21 may update the National Cyber Incident Response Plan
22 to address any changes made by the Secretary of Defense
23 to the roles and responsibilities of the National Guard for
24 the response to and recovery from significant cyber inci-
25 dents.

1 (e) JOINT BRIEFINGS.—Not later than 300 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense and the Secretary of Homeland Security shall
4 jointly brief the congressional defense committees, the
5 Committee on Homeland Security and Governmental Af-
6 fairs of the Senate and the Committee on Homeland Secu-
7 rity of the House of Representatives on the following:

8 (1) The results of the evaluation required under
9 subsection (a)(1), including the utilization of any
10 input provided to the Secretary of Defense pursuant
11 to subsection (a)(2).

12 (2) Any updated regulations or guidance in ac-
13 cordance with subsection (c).

14 (3) Any update by the Secretary of Homeland
15 Security to the National Cyber Incident Response
16 Plan pursuant to subsection (d).

17 (4) How the Department of Defense, including
18 the National Guard, and the Department of Home-
19 land Security, including the Cybersecurity and Infra-
20 structure Security Agency and the Federal Emer-
21 gency Management Agency, will collaborate with
22 each other and with relevant law enforcement, State
23 governments, and other non-Federal entities when
24 responding to and recovering from significant cyber
25 incidents.

1 (f) DEFINITION.—The term “significant cyber inci-
2 dent” means a cyber incident that results, or several re-
3 lated cyber incidents that result, in demonstrable harm
4 to—

5 (1) the national security interests, foreign rela-
6 tions, or economy of the United States; or

7 (2) the public confidence, civil liberties, or pub-
8 lic health and safety of the American people.

9 **SEC. 1730. EVALUATION OF NON-TRADITIONAL CYBER SUP-**
10 **PORT TO THE DEPARTMENT OF DEFENSE.**

11 (a) REQUIREMENT.—Not later than 270 days after
12 the date of the enactment of this Act, the Principal Cyber
13 Advisor to the Secretary of Defense, in conjunction with
14 the Under Secretary for Personnel and Readiness of the
15 Department of Defense and the Principal Cyber Advisors
16 of the military services, shall submit to the congressional
17 defense committees an evaluation of reserve models tai-
18 lored to the support of cyberspace operations for the De-
19 partment.

20 (b) ELEMENTS.—The evaluation conducted under
21 subsection (a) shall include assessment of the following:

22 (1) The capabilities and deficiencies in military
23 and civilian personnel with needed cybersecurity ex-
24 pertise, and the quantity of personnel with such ex-
25 pertise, within the Department.

1 (2) The potential for a uniformed, civilian, or
2 mixed cyber reserve force to remedy shortfalls in ex-
3 pertise and capacity.

4 (3) The ability of the Department to attract the
5 personnel with the desired expertise to either a uni-
6 formed or civilian cyber reserve force.

7 (4) The number of personnel, their skills, addi-
8 tional infrastructure required, funding, and the com-
9 position of a cyber reserve force that would be re-
10 quired to meet the needs of the Department.

11 (5) Alternative models for establishing a cyber
12 reserve force, including the following:

13 (A) A traditional uniformed military re-
14 serve component.

15 (B) A nontraditional uniformed military
16 reserve component, with respect to drilling and
17 other requirements such as grooming and phys-
18 ical fitness.

19 (C) Nontraditional civilian cyber reserve
20 options.

21 (D) Hybrid options.

22 (E) Models of reserve support used by
23 international allies and partners.

1 (6) The impact each of the cyber reserve models
2 would have on active duty and existing reserve
3 forces, including the following:

4 (A) Recruiting.

5 (B) Promotion.

6 (C) Retention.

7 (D) Relocation.

8 (7) The impact each of the cyber reserve models
9 would have on the Cyber Operations Forces total
10 force, including the following:

11 (A) Cyber operations forces training.

12 (B) Cyber operations forces individual and
13 unit readiness.

14 (C) Cyber operations forces training
15 ranges and cyber warfighting architectures.

16 (D) Infrastructure supporting Cyber Oper-
17 ations Forces.

18 (8) The impact each of the cyber reserve models
19 would have on the private sector, particularly during
20 and immediately after a major cyber incident.

21 (9) An evaluation of work conducted to date by
22 the Department of Defense in response to the 2014
23 Report of the Reserve Forces Policy Board on De-
24 partment of Defense Cyber Approach: Use of the

1 National Guard and Reserve in the Cyber Mission
2 Force.

3 **SEC. 1731. INTEGRATED CYBERSECURITY CENTER PLAN.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Home-
6 land Security, in coordination with the Secretary of De-
7 fense, the Attorney General, the Director of the Federal
8 Bureau of Investigation, and the Director of National In-
9 telligence, shall submit to the relevant congressional com-
10 mittees a report on Federal cybersecurity centers and the
11 potential for better coordination of Federal cybersecurity
12 efforts at an integrated cybersecurity center within the Cy-
13 bersecurity and Infrastructure Security Agency of the De-
14 partment of Homeland Security in furtherance of the
15 functions specified in section 2209 of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 659).

17 (b) CONTENTS.—To prepare the report required by
18 subsection (a), the Secretary of Homeland Security shall
19 aggregate information from components of the Depart-
20 ment of Homeland Security with information provided to
21 the Secretary of Homeland Security by the Secretary of
22 Defense, the Attorney General, the Director of the Federal
23 Bureau of Investigation, and the Director of National In-
24 telligence. Such aggregated information shall relate to the
25 following topics:

1 (1) Any challenges regarding capacity and
2 funding identified by the Secretary of Homeland Se-
3 curity, the Director of the Federal Bureau of Inves-
4 tigation, the Attorney General, the Secretary of De-
5 fense, and the Director of National Intelligence that
6 negatively impact coordination with the Cybersecu-
7 rity and Infrastructure Security Agency of the De-
8 partment of Homeland Security in furtherance of
9 the security and resilience of critical infrastructure.

10 (2) Distinct statutory authorities identified by
11 the Secretary of Homeland Security, the Attorney
12 General, the Director of the Federal Bureau of In-
13 vestigation, the Secretary of Defense, or the Direc-
14 tor of National Intelligence that should not be lever-
15 aged by an integrated cybersecurity center within
16 the Cybersecurity and Infrastructure Security Agen-
17 cy.

18 (3) Any challenges associated with effective
19 mission coordination and deconfliction between the
20 Cybersecurity and Infrastructure Security Agency of
21 the Department of Homeland Security and other
22 Federal agencies that could be addressed with the
23 creation of an integrated cybersecurity center within
24 the Cybersecurity and Infrastructure Security Agen-
25 cy.

1 (4) How capabilities or missions of existing
2 Federal cyber centers could benefit from greater in-
3 tegration or collocation to support cybersecurity col-
4 laboration with critical infrastructure at an inte-
5 grated cybersecurity center within the Cybersecurity
6 and Infrastructure Security Agency, including the
7 following Federal cyber centers:

8 (A) The National Security Agency's Cyber
9 Threat Operations Center.

10 (B) United States Cyber Command's Joint
11 Operations Center.

12 (C) Elements of the Office of the Director
13 of National Intelligence, as determined appro-
14 priate by the Director

15 (D) The Federal Bureau of Investigation's
16 National Cyber Investigative Joint Task Force.

17 (E) The Department of Defense's Defense
18 Cyber Crime Center.

19 (c) ELEMENTS.—The report required under sub-
20 section (a) shall—

21 (1) identify any challenges regarding the Cyber-
22 security and Infrastructure Security Agency's cur-
23 rent authorities, structure, resources, funding, abil-
24 ity to recruit and retain its workforce, or inter-
25 agency coordination that negatively impact the abil-

1 ity of the Agency to fulfill its role as the central co-
2 ordinator for critical infrastructure cybersecurity
3 and resilience pursuant to its authorities under the
4 Homeland Security Act of 2002, and information on
5 how establishing an integrated cybersecurity center
6 within the Cybersecurity and Infrastructure Security
7 Agency would address such challenges;

8 (2) identify any facility needs for the Cyberse-
9 curity and Infrastructure Security Agency to ade-
10 quately host personnel, maintain sensitive compart-
11 mented information facilities, and other resources to
12 serve as the primary coordinating body charged with
13 forging whole-of-government, public-private collabo-
14 ration in cybersecurity, pursuant to such authorities;

15 (3) identify any lessons from national-level ef-
16 forts by United States allies, such as the United
17 Kingdom's National Cyber Security Centre, to deter-
18 mine whether an integrated cybersecurity center
19 within the Cybersecurity and Infrastructure Security
20 Agency should be similarly organized into an unclas-
21 sified environment and a classified environment;

22 (4) recommend any changes to procedures and
23 criteria for increasing and expanding the participa-
24 tion and integration of public- and private-sector
25 personnel into Federal cyber defense and security ef-

1 forts, including continuing limitations or hurdles in
2 the security clearance program for private sector
3 partners and integrating private sector partners into
4 a Cybersecurity and Infrastructure Security Agency
5 integrated cyber center; and

6 (5) propose policies, programs, or practices that
7 could overcome challenges identified in the aggregated
8 information under subsection (b), including
9 the potential creation of an integrated cybersecurity
10 center within the Cybersecurity and Infrastructure
11 Security Agency, accompanied by legislative proposals,
12 as appropriate.

13 (d) PLAN.—Upon submitting the report pursuant to
14 subsection (a), the Secretary of Homeland Security, in coordination
15 with the Secretary of Defense, the Attorney General,
16 the Director of the Federal Bureau of Investigation,
17 and the Director of National Intelligence, may submit
18 to the relevant congressional committees a plan to establish
19 an integrated cybersecurity center within the Cybersecurity
20 and Infrastructure Security Agency, if appropriate, or to implement
21 other mechanisms for improving
22 cybersecurity coordination among the Federal cyber centers
23 specified in subsection (b)(4).

24 (e) PRIVACY REVIEW.—The Privacy Officers of the
25 Department of Homeland Security, the Department of

1 Defense, the Department of Justice, and the Federal Bu-
2 reau of Investigation, and the Director of National Intel-
3 ligence shall review and provide to the relevant congres-
4 sional committees comment, as appropriate, on each re-
5 port and legislative proposal submitted under this section.

6 (f) DEFINITION.—In this section, the term “relevant
7 congressional committees” means—

8 (1) in the House of Representatives—

9 (A) the Committee on Armed Services;

10 (B) the Committee on the Judiciary;

11 (C) the Permanent Select Committee on
12 Intelligence; and

13 (D) the Committee on Homeland Security;

14 and

15 (2) in the Senate—

16 (A) the Committee on Armed Services;

17 (B) the Committee on the Judiciary;

18 (C) the Select Committee on Intelligence;

19 and

20 (D) the Committee on Homeland Security

21 and Governmental Affairs.

1 **SEC. 1732. ASSESSMENT OF CYBER OPERATIONAL PLAN-**
2 **NING AND DECONFLICTION POLICIES AND**
3 **PROCESSES.**

4 (a) ASSESSMENT.—Not later than August 1, 2021,
5 the Principal Cyber Advisor of the Department of Defense
6 and the Commander of United States Cyber Command
7 shall jointly, in coordination with the Under Secretary of
8 Defense for Policy, the Under Secretary of Defense for
9 Intelligence and Security, and the Chairman of the Joint
10 Chiefs of Staff, conduct and complete an assessment on
11 the operational planning and deconfliction policies and
12 processes that govern cyber operations of the Department
13 of Defense.

14 (b) ELEMENTS.—The assessment required by sub-
15 section (a) shall include evaluations as to whether—

16 (1) the joint targeting cycle and relevant oper-
17 ational and targeting databases are suitable for the
18 conduct of timely and well-coordinated cyber oper-
19 ations;

20 (2) each of the policies and processes in effect
21 to facilitate technical, operational, and capability
22 deconfliction are appropriate for the conduct of
23 timely and effective cyber operations;

24 (3) intelligence gain-loss decisions made by
25 Cyber Command are sufficiently well-informed and
26 made in timely fashion;

1 (4) relevant intelligence data and products are
2 consistently available and distributed to relevant
3 planning and operational elements in Cyber Com-
4 mand;

5 (5) collection operations and priorities meet the
6 operational requirements of Cyber Command; and

7 (6) authorities relevant to intelligence, surveil-
8 lance, and reconnaissance and operational prepara-
9 tion of the environment are delegated to the appro-
10 priate level.

11 (c) BRIEFING.—Not later than September 1, 2021,
12 the Principal Cyber Advisor and the Commander of
13 United States Cyber Command shall provide to the Com-
14 mittee on Armed Services of the Senate and the Com-
15 mittee on Armed Services of the House of Representatives
16 a briefing on the findings of the assessment completed
17 under subsection (a), including discussion of planned pol-
18 icy and process changes, if any, relevant to cyber oper-
19 ations.

20 **SEC. 1733. PILOT PROGRAM ON CYBERSECURITY CAPA-**
21 **BILITY METRICS.**

22 (a) PILOT PROGRAM REQUIRED.—The Secretary of
23 Defense, acting through the Chief Information Officer of
24 the Department of Defense and the Commander of United
25 States Cyber Command, shall conduct a pilot program to

1 assess the feasibility and advisability of developing and
2 using speed-based metrics to measure the performance
3 and effectiveness of security operations centers and cyber
4 security service providers in the Department of Defense.

5 (b) REQUIREMENTS.—

6 (1) DEVELOPMENT OF METRICS.—(A) Not later
7 than July 1, 2021, the Chief Information Officer
8 and the Commander shall jointly develop metrics de-
9 scribed in subsection (a) to carry out the pilot pro-
10 gram under such subsection.

11 (B) The Chief Information Officer and the
12 Commander shall ensure that the metrics devel-
13 oped under subparagraph (A) are commensu-
14 rate with the representative timelines of nation-
15 state and non-nation-state actors when gaining
16 access to, and compromising, Department net-
17 works.

18 (2) USE OF METRICS.—(A) Not later than De-
19 cember 1, 2021, the Secretary shall, in carrying out
20 the pilot program required by subsection (a), begin
21 using the metrics developed under paragraph (1) of
22 this subsection to assess select security operations
23 centers and cyber security service providers, which
24 the Secretary shall select specifically for purposes of

1 the pilot program, for a period of not less than four
2 months.

3 (B) In carrying out the pilot program
4 under subsection (a), the Secretary shall evalu-
5 ate the effectiveness of operators, capabilities
6 available to operators, and operators' tactics,
7 techniques, and procedures.

8 (c) AUTHORITIES.—In carrying out the pilot program
9 under subsection (a), the Secretary may—

10 (1) assess select security operations centers and
11 cyber security service providers—

12 (A) over the course of their mission per-
13 formance; or

14 (B) in the testing and accreditation of cy-
15 bersecurity products and services on test net-
16 works designated pursuant to section 1658 of
17 the National Defense Authorization Act for Fis-
18 cal Year 2020 (Public Law 116–92); and

19 (2) assess select elements' use of security or-
20 chestration and response technologies, modern end-
21 point security technologies, Big Data Platform
22 instantiations, and technologies relevant to zero
23 trust architectures.

24 (d) BRIEFING.—

1 (1) IN GENERAL.—Not later than March 1,
2 2022, the Secretary shall brief the Committee on
3 Armed Services of the Senate and the Committee on
4 Armed Services of the House of Representatives on
5 the findings of the Secretary with respect to the
6 pilot program required by subsection (a).

7 (2) ELEMENTS.—The briefing provided under
8 paragraph (1) shall include the following:

9 (A) The pilot metrics developed under sub-
10 section (b)(1).

11 (B) The findings of the Secretary with re-
12 spect to the assessments carried out under sub-
13 section (b)(2).

14 (C) An analysis of the utility of speed-
15 based metrics in assessing security operations
16 centers and cyber security service providers.

17 (D) An analysis of the utility of the exten-
18 sion of the pilot metrics to or speed-based as-
19 sessment of the Cyber Mission Forces.

20 (E) An assessment of the technical and
21 procedural measures that would be necessary to
22 meet the speed-based metrics developed and ap-
23 plied in the pilot program.

1 **SEC. 1734. ASSESSMENT OF EFFECT OF INCONSISTENT TIM-**
2 **ING AND USE OF NETWORK ADDRESS TRANS-**
3 **LATION IN DEPARTMENT OF DEFENSE NET-**
4 **WORKS.**

5 (a) IN GENERAL.—Not later than March 1, 2021, the
6 Chief Information Officer of the Department of Defense
7 shall conduct comprehensive assessments as follows:

8 (1) TIMING VARIABILITY IN DEPARTMENT NET-
9 WORKS.—The Chief Information Officer shall char-
10 acterize—

11 (A) timing variability across Department
12 information technology and operational tech-
13 nology networks, appliances, devices, applica-
14 tions, and sensors that generate time-stamped
15 data and metadata used for cybersecurity pur-
16 poses;

17 (B) how timing variability affects current,
18 planned, and potential capabilities for detecting
19 network intrusions that rely on correlating
20 events and the sequence of events; and

21 (C) how to harmonize standard of timing
22 across Department networks.

23 (2) USE OF NETWORK ADDRESS TRANS-
24 LATION.—The Chief Information Officer shall char-
25 acterize—

1 (A) why and how the Department is using
2 Network Address Translation (NAT) and mul-
3 tiple layers and nesting of Network Address
4 Translation;

5 (B) how using Network Address Trans-
6 lation affects the ability to link malicious com-
7 munications detected at various network tiers to
8 specific endpoints or hosts to enable prompt ad-
9 ditional investigations, quarantine decisions,
10 and remediation activities; and

11 (C) what steps and associated cost and
12 schedule are necessary to eliminate the use of
13 Network Address Translation or to otherwise
14 provide transparency to network defenders, in-
15 cluding options to accelerate the transition from
16 Internet Protocol version 4 to Internet Protocol
17 version 6.

18 (b) RECOMMENDATION.—The Chief Information Of-
19 ficer and the Principal Cyber Advisor shall submit to the
20 Secretary of Defense a recommendation to address the as-
21 sessments conducted under subsection (a), including
22 whether and how to revise the cyber strategy of the De-
23 partment.

24 (c) BRIEFING.—Not later than April 1, 2021, the
25 Chief Information Officer shall brief the congressional de-

1 fense committees on the findings of the Chief Information
2 Officer with respect to the assessments conducted under
3 subsection (a) and the recommendation submitted under
4 subsection (b).

5 **SEC. 1735. INTEGRATION OF DEPARTMENT OF DEFENSE**
6 **USER ACTIVITY MONITORING AND CYBERSE-**
7 **CURITY.**

8 (a) INTEGRATION OF PLANS, CAPABILITIES, AND
9 SYSTEMS.—The Secretary of Defense shall integrate the
10 plans, capabilities, and systems for user activity moni-
11 toring, and the plans, capabilities, and systems for end-
12 point cybersecurity and the collection of metadata on net-
13 work activity for cybersecurity to enable mutual support
14 and information sharing.

15 (b) REQUIREMENTS.—In carrying out subsection (a),
16 the Secretary shall—

17 (1) consider using the Big Data Platform in-
18 stances that host cybersecurity metadata for storage
19 and analysis of all user activity monitoring data col-
20 lected across the Department of Defense Informa-
21 tion Network at all security classification levels;

22 (2) develop policies and procedures governing
23 access to user activity monitoring data or data de-
24 rived from user activity monitoring by cybersecurity
25 operators; and

1 (3) develop processes and capabilities for using
2 metadata on host and network activity for user ac-
3 tivity monitoring in support of the insider threat
4 mission.

5 (c) CONGRESSIONAL BRIEFING.—Not later than Oc-
6 tober 1, 2021, the Secretary shall provide a briefing to
7 the congressional defense committees on actions taken to
8 carry out this section.

9 **SEC. 1736. DEFENSE INDUSTRIAL BASE CYBERSECURITY**
10 **SENSOR ARCHITECTURE PLAN.**

11 (a) DEFENSE INDUSTRIAL BASE CYBERSECURITY
12 SENSOR ARCHITECTURE PROGRAM ASSESSMENT.—Not
13 later than 180 days after the date of the enactment of
14 this Act, the Principal Cyber Advisor of the Department
15 of Defense, in consultation with the Chief Information Of-
16 ficer of the Department, the Under Secretary of Defense
17 for Acquisition and Sustainment, the Under Secretary of
18 Defense for Intelligence and Security, and the Commander
19 of United States Cyber Command, shall complete an as-
20 sessment of the feasibility, suitability, and resourcing re-
21 quired to establish a Defense Industrial Base Cybersecu-
22 rity Sensor Architecture Program, responsible for deploy-
23 ing commercial-off-the-shelf solutions to remotely monitor
24 the public-facing internet attack surface of the defense in-
25 dustrial base.

1 (b) ELEMENTS.—The assessment required under
2 subsection (a) shall include the following:

3 (1) Definition of an architecture, concept of op-
4 erations, and governance structure that—

5 (A) will allow for the instrumentation and
6 collection of cybersecurity data on the public-
7 facing internet attack surfaces of defense indus-
8 trial base contractors in a manner that is com-
9 patible with the Department’s existing or future
10 capabilities for analysis, and instrumentation
11 and collection, as appropriate, of cybersecurity
12 data within the Department of Defense Infor-
13 mation Network;

14 (B) includes the expected scale, schedule,
15 and guiding principles of deployment;

16 (C) is consistent with the defense indus-
17 trial base cybersecurity policies and programs
18 of the Under Secretary of Defense for Acquisi-
19 tion and Sustainment and the Chief Informa-
20 tion Officer; and

21 (D) includes an acquisition strategy for
22 sensor capabilities that optimizes required capa-
23 bility, scalability, cost, and intelligence and cy-
24 bersecurity requirements.

1 (2) Roles and responsibilities of the persons re-
2 ferred to in subsection (a) in implementing and exe-
3 cuting the plan.

4 (c) CONSULTATION.—In conducting the assessment
5 required under subsection (a), the Principal Cyber Advisor
6 shall consult with and solicit recommendations from rep-
7 resentative industry stakeholders across the defense indus-
8 trial base regarding the elements described in subsection
9 (b) and potential stakeholder costs of compliance.

10 (d) BRIEFING.—Upon completion of the assessment
11 required under subsection (a), the Principal Cyber Advisor
12 shall provide a briefing to the Committee on Armed Serv-
13 ices of the Senate and the Committee on Armed Services
14 of the House of Representatives on the assessment.

15 **SEC. 1737. ASSESSMENT ON DEFENSE INDUSTRIAL BASE**
16 **PARTICIPATION IN A THREAT INFORMATION**
17 **SHARING PROGRAM.**

18 (a) DEFENSE INDUSTRIAL BASE THREAT INFORMA-
19 TION PROGRAM ASSESSMENT.—Not later than 270 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall complete an assessment of the feasibility,
22 suitability, and definition of, and resourcing required to
23 establish, a defense industrial base threat information
24 sharing program to collaborate and share threat informa-

1 tion with, and obtain threat information from, the defense
2 industrial base.

3 (b) ELEMENTS.—The assessment regarding the es-
4 tablishment of a defense industrial base threat informa-
5 tion sharing program under subsection (a) shall include
6 evaluation of the following:

7 (1) The feasibility and suitability of, and re-
8 quirements for, the establishment of a defense indus-
9 trial base threat information sharing program, in-
10 cluding cybersecurity incident reporting require-
11 ments applicable to the defense industrial base
12 that—

13 (A) extend beyond mandatory cybersecu-
14 rity incident reporting requirements as in effect
15 on the day before the date of the enactment of
16 this Act;

17 (B) set specific, consistent timeframes for
18 all categories of cybersecurity incident report-
19 ing;

20 (C) establish a single clearinghouse for all
21 mandatory cybersecurity incident reporting to
22 the Department of Defense, including incidents
23 involving covered unclassified information, and
24 classified information; and

1 (D) provide that, unless authorized or re-
2 quired by another provision of law or the ele-
3 ment of the defense industrial base making the
4 report consents, nonpublic information of which
5 the Department becomes aware only because of
6 a report provided pursuant to the program shall
7 be disseminated and used only for a cybersecu-
8 rity purpose (as such term is defined in section
9 102 of the Cybersecurity Information Sharing
10 Act of 2015 (6 U.S.C. 1501)) and in support
11 of national defense activities.

12 (2) A mechanism for developing a shared and
13 real-time picture of the threat environment.

14 (3) Options for joint, collaborative, and co-lo-
15 cated analytics.

16 (4) Possible investments in technology and ca-
17 pabilities to support automated detection and anal-
18 ysis across the defense industrial base.

19 (5) Coordinated information tipping, sharing,
20 and deconfliction, as necessary, with relevant Fed-
21 eral Government agencies with similar information
22 sharing programs.

23 (6) Processes for direct sharing of threat infor-
24 mation related to a specific defense industrial base
25 entity with such entity.

1 (7) Mechanisms for providing defense industrial
2 base entities with clearances for national security in-
3 formation access, as appropriate.

4 (8) Requirements to consent to queries of for-
5 eign intelligence collection databases related to a
6 specific defense industrial base entity as a condition
7 of participation in the threat information sharing
8 program.

9 (9) Recommendations with respect to threat in-
10 formation sharing program participation, including
11 the following:

12 (A) Incentives for defense industrial base
13 entities to participate in the threat information
14 sharing program.

15 (B) Mandating minimum levels of threat
16 information sharing program participation for
17 any entity that is part of the defense industrial
18 base.

19 (C) Procurement prohibitions on any de-
20 fense industrial base entity that are not in com-
21 pliance with the requirements of the threat in-
22 formation sharing program.

23 (D) Waiver authority and criteria.

1 (E) Adopting tiers of requirements for par-
2 ticipation within the threat information sharing
3 program based on—

4 (i) the role of and relative threats re-
5 lated to defense industrial base entities;
6 and

7 (ii) Cybersecurity Maturity Model
8 Certification level.

9 (10) Options to utilize an existing federally rec-
10 ognized information sharing program to satisfy the
11 requirement for a threat information sharing pro-
12 gram if—

13 (A) the existing program includes, or is
14 modified to include, two-way sharing of threat
15 information that is specifically relevant to the
16 defense industrial base; and

17 (B) such a program is coordinated with
18 other Federal Government agencies with exist-
19 ing information sharing programs where overlap
20 occurs.

21 (11) Methods to encourage participation of de-
22 fense industrial base entities in appropriate private
23 sector information sharing and analysis centers
24 (ISACs).

1 (12) Methods to coordinate collectively with de-
2 fense industrial base entities to consider methods for
3 mitigating compliance costs.

4 (13) The resources needed, governance roles
5 and structures required, and changes in regulation
6 or law needed for execution of a threat information
7 sharing program, as well as any other considerations
8 determined relevant by the Secretary.

9 (14) Identification of any barriers that would
10 prevent the establishment of a defense industrial
11 base threat information sharing program.

12 (c) CONSULTATION.—In conducting the assessment
13 required under subsection (a), the Secretary of Defense
14 shall consult with and solicit recommendations from rep-
15 resentative industry stakeholders across the defense indus-
16 trial base regarding the elements described in subsection
17 (b) and potential stakeholder costs of compliance.

18 (d) DETERMINATION AND BRIEFING.—Upon comple-
19 tion of the assessment required under subsection (a), the
20 Secretary of Defense shall make a determination regard-
21 ing the establishment by the end of fiscal year 2021 of
22 a defense industrial base threat information sharing pro-
23 gram and provide a briefing to the Committee on Armed
24 Services of the Senate and the Committee on Armed Serv-
25 ices of the House of Representatives on—

1 (1) the findings of the Secretary with respect to
2 such assessment and such determination; and

3 (2) such implementation plans as the Secretary
4 may have arising from such findings.

5 (e) IMPLEMENTATION.—If the Secretary of Defense
6 makes a positive determination pursuant to subsection (d)
7 of the feasibility and suitability of establishing a defense
8 industrial base threat information sharing program, the
9 Secretary shall establish such program. Not later than 180
10 days after a positive determination, the Secretary of De-
11 fense shall promulgate such rules and regulations as are
12 necessary to establish the defense industrial base threat
13 information sharing program under this section.

14 **SEC. 1738. ASSISTANCE FOR SMALL MANUFACTURERS IN**
15 **THE DEFENSE INDUSTRIAL SUPPLY CHAIN**
16 **ON MATTERS RELATING TO CYBERSECURITY.**

17 (a) IN GENERAL.—Subject to the availability of ap-
18 propriations, the Secretary of Defense, in consultation
19 with the Director of the National Institute of Standards
20 and Technology, may award financial assistance to a Cen-
21 ter for the purpose of providing cybersecurity services to
22 small manufacturers.

23 (b) CRITERIA.—If the Secretary carries out sub-
24 section (a), the Secretary, in consultation with the Direc-
25 tor, shall establish and publish on the grants.gov website,

1 or successor website, criteria for selecting recipients for
2 financial assistance under this section.

3 (c) USE OF FINANCIAL ASSISTANCE.—Financial as-
4 sistance under this section—

5 (1) shall be used by a Center to provide small
6 manufacturers with cybersecurity services, includ-
7 ing—

8 (A) compliance with the cybersecurity re-
9 quirements of the Department of Defense Sup-
10 plement to the Federal Acquisition Regulation,
11 including awareness, assessment, evaluation,
12 preparation, and implementation of cybersecu-
13 rity services; and

14 (B) achieving compliance with the Cyberse-
15 curity Maturity Model Certification framework
16 of the Department of Defense; and

17 (2) may be used by a Center to employ trained
18 personnel to deliver cybersecurity services to small
19 manufacturers.

20 (d) BIENNIAL REPORTS.—

21 (1) IN GENERAL.—Not less frequently than
22 once every two years, the Secretary shall submit to
23 the congressional defense committees, the Committee
24 on Commerce, Science, and Transportation of the
25 Senate, and the Committee on Science, Space, and

1 Technology of the House of Representatives a report
2 on financial assistance awarded under this section.

3 (2) CONTENTS.—To the extent practicable,
4 each report submitted under paragraph (1) shall in-
5 clude the following with respect to the years covered
6 by each such report:

7 (A) The number of small manufacturers
8 assisted.

9 (B) A description of the cybersecurity serv-
10 ices provided.

11 (C) A description of the cybersecurity mat-
12 ters addressed.

13 (D) An analysis of the operational effec-
14 tiveness and cost-effectiveness of such cyberse-
15 curity services.

16 (e) TERMINATION.—The authority of the Secretary
17 to award financial assistance under this section shall ter-
18minate on the date that is five years after the date of the
19 enactment of this section.

20 (f) DEFINITIONS.—In this section:

21 (1) CENTER.—The term “Center” has the
22 meaning given such term in section 25(a) of the Na-
23 tional Institute of Standards and Technology Act
24 (15 U.S.C. 278k(a)).

1 (2) SMALL MANUFACTURER.—The term “small
2 manufacturer” has the meaning given such term in
3 section 1644(g) of the John S. McCain National De-
4 fense Authorization Act for Fiscal Year 2019 (Pub-
5 lic Law 115–232; 10 U.S.C. 2224 note).

6 **SEC. 1739. ASSESSMENT ON DEFENSE INDUSTRIAL BASE**
7 **CYBERSECURITY THREAT HUNTING PRO-**
8 **GRAM.**

9 (a) ASSESSMENT REQUIRED.—Not later than 270
10 days after the date of the enactment of this Act, the Sec-
11 retary of Defense shall complete an assessment of the fea-
12 sibility, suitability, definition of, and resourcing required
13 to establish a defense industrial base cybersecurity threat
14 hunting program to actively identify cybersecurity threats
15 and vulnerabilities within the defense industrial base.

16 (b) ELEMENTS.—The assessment required under sec-
17 tion (a) shall include evaluation of the following:

18 (1) Existing defense industrial base cybersecu-
19 rity threat hunting policies and programs, including
20 the threat hunting elements at each level of the com-
21 pliance-based Cybersecurity Maturity Model Certifi-
22 cation program of the Department of Defense, in-
23 cluding requirements germane to continuous moni-
24 toring, discovery, and investigation of anomalous ac-
25 tivity indicative of a cybersecurity incident.

1 (2) The suitability of a continuous cybersecurity
2 threat hunting program, as a supplement to the
3 cyber hygiene requirements of the Cybersecurity Ma-
4 turity Model Certification, including consideration of
5 the following:

6 (A) Collection and analysis of metadata on
7 network activity to detect possible intrusions.

8 (B) Rapid investigation and remediation of
9 possible intrusions.

10 (C) Requirements for mitigating any
11 vulnerabilities identified pursuant to the cyber-
12 security threat hunting program.

13 (D) Mechanisms for the Department of
14 Defense to share with entities in the defense in-
15 dustrial base malicious code, indicators of com-
16 promise, and insights on the evolving threat
17 landscape.

18 (3) Recommendations with respect to cyberse-
19 curity threat hunting program participation of prime
20 contractors and subcontractors, including relating to
21 the following:

22 (A) Incentives for defense industrial base
23 entities to share with the Department of De-
24 fense threat and vulnerability information col-

1 lected pursuant to threat monitoring and hunt-
2 ing activities.

3 (B) Mandating minimum levels of program
4 participation for any defense industrial base en-
5 tity.

6 (C) Procurement prohibitions on any de-
7 fense industrial base entity that is not in com-
8 pliance with the requirements of the cybersecu-
9 rity threat hunting program.

10 (D) Waiver authority and criteria.

11 (E) Consideration of a tiered cybersecurity
12 threat hunting program that takes into account
13 the following:

14 (i) The cybersecurity maturity of de-
15 fense industrial base entities.

16 (ii) The roles of such entities.

17 (iii) Whether each such entity pos-
18 sesses classified information or controlled
19 unclassified information and covered de-
20 fense networks.

21 (iv) The covered defense information
22 to which each such entity has access as a
23 result of contracts with the Department of
24 Defense.

1 (4) Whether the continuous cybersecurity
2 threat-hunting program described in paragraph (2)
3 should be conducted by—

4 (A) qualified prime contractors or sub-
5 contractors;

6 (B) accredited third-party cybersecurity
7 vendors;

8 (C) with contractor consent—

9 (i) United States Cyber Command; or

10 (ii) a component of the Department of
11 Defense other than United States Cyber
12 Command;

13 (D) the deployment of network sensing
14 technologies capable of identifying and filtering
15 malicious network traffic; or

16 (E) a combination of the entities specified
17 in subparagraphs (A) through (D).

18 (5) The resources necessary, governance struc-
19 tures or changes in regulation or law needed, and re-
20 sponsibility for execution of a defense industrial base
21 cybersecurity threat hunting program, as well as any
22 other considerations determined relevant by the Sec-
23 retary.

24 (6) A timeline for establishing the defense in-
25 dustrial base cybersecurity threat hunting program

1 not later than two years after the date of the enact-
2 ment of this Act.

3 (7) Identification of any barriers that would
4 prevent such establishment.

5 (c) CONSULTATION.—In conducting the assessment
6 required under subsection (a), the Secretary of Defense
7 shall consult with and solicit recommendations from rep-
8 resentative industry stakeholders across the defense indus-
9 trial base regarding the elements described in subsection
10 (b) and potential stakeholder costs of compliance.

11 (d) DETERMINATION AND BRIEFING.—Upon comple-
12 tion of the assessment required under subsection (a), the
13 Secretary of Defense shall make a determination regard-
14 ing the establishment of a defense industrial base cyberse-
15 curity threat hunting program and provide a briefing to
16 the Committee on Armed Services of the Senate and the
17 Committee on Armed Services of the House of Represent-
18 atives on—

19 (1) the findings of the Secretary with respect to
20 such assessment and such determination; and

21 (2) such implementation plans as the Secretary
22 may have arising from such findings.

23 (e) IMPLEMENTATION.—If the Secretary of Defense
24 makes a positive determination pursuant to subsection (d)
25 of the feasibility and suitability of establishing a defense

1 industrial base threat cybersecurity threat hunting pro-
2 gram, the Secretary shall establish such program. Not
3 later than 180 days after a positive determination, the
4 Secretary of Defense shall promulgate such rules and reg-
5 ulations as are necessary to establish the defense indus-
6 trial base cybersecurity threat hunting program under this
7 section.

8 **SEC. 1740. DEFENSE DIGITAL SERVICE.**

9 (a) RELATIONSHIP WITH UNITED STATES DIGITAL
10 SERVICE.—Not later than 120 days after the date of the
11 enactment of this Act, the Secretary of Defense and the
12 Administrator of the United States Digital Service shall
13 establish a direct relationship between the Department of
14 Defense and the United States Digital Service to address
15 authorities, hiring processes, roles, and responsibilities of
16 the Defense Digital Service.

17 (b) CERTIFICATION.—Not later than 120 days after
18 the date of the enactment of this Act, the Secretary of
19 Defense and the Administrator of the United States Dig-
20 ital Service shall jointly certify to the congressional de-
21 fense committees, the Committee on Homeland Security
22 and Governmental Affairs of the Senate, and the Com-
23 mittee on Oversight and Reform of the House of Rep-
24 resentatives that the skills and qualifications of the De-
25 partment of Defense personnel assigned to and supporting

1 the core functions of the Defense Digital Service are con-
2 sistent with the skills and qualifications United States
3 Digital Service personnel.

4 (c) BRIEFING.—Not later than 150 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 and the Administrator of the United States Digital Service
7 shall provide to the Committee on Armed Services and the
8 Committee on Homeland Security and Governmental Af-
9 fairs of the Senate and the Committee on Armed Services
10 and the Committee on Oversight and Reform of the House
11 of Representatives a briefing on the relationship estab-
12 lished in subsection (a).

13 **SEC. 1741. MATTERS CONCERNING THE COLLEGE OF IN-**
14 **FORMATION AND CYBERSPACE AND LIMITA-**
15 **TION OF FUNDING FOR NATIONAL DEFENSE**
16 **UNIVERSITY.**

17 (a) PROHIBITIONS.—The Secretary of Defense may
18 not—

19 (1) eliminate, divest, downsize, reorganize, or
20 seek to reduce the number of students educated at
21 the College of Information and Cyberspace of the
22 National Defense University, or

23 (2) obligate or expend more than 60 percent of
24 the funds authorized to be appropriated by this Act

1 for fiscal year 2021 for the National Defense Uni-
2 versity,
3 until 60 days after the date on which the congressional
4 defense committees receive the report required by sub-
5 section (d).

6 (b) ASSESSMENT.—The Chairman of the Joint Chiefs
7 of Staff, in consultation with the Under Secretary of De-
8 fense for Policy, the Under Secretary of Defense for Per-
9 sonnel and Readiness, the Principal Cyber Advisor, the
10 Principal Information Operations Advisor of the Depart-
11 ment of Defense, the Chief Information Officer of the De-
12 partment, the Chief Financial Officer of the Department,
13 and the Commander of United States Cyber Command,
14 shall assess requirements for joint professional military
15 education and civilian leader education in the information
16 environment and cyberspace domain to support the De-
17 partment and other national security institutions of the
18 Federal Government.

19 (c) FURTHER ASSESSMENT, DETERMINATION, AND
20 REVIEW.—The Under Secretary of Defense for Policy, in
21 consultation with the Under Secretary of Defense for Per-
22 sonnel and Readiness, the Principal Cyber Advisor, the
23 Principal Information Operations Advisor of the Depart-
24 ment of Defense, the Chief Information Officer of the De-
25 partment, the Chief Financial Officer of the Department,

1 the Chairman of the Joint Chiefs of Staff, and the Com-
2 mander of United States Cyber Command, shall—

3 (1) determine whether the importance, chal-
4 lenges, and complexity of the modern information
5 environment and cyberspace domain warrant—

6 (A) a college at the National Defense Uni-
7 versity, a college independent of the National
8 Defense University whose leadership is respon-
9 sible to the Office of the Secretary of Defense,
10 or an independent public or private university;
11 and

12 (B) the provision of resources, services,
13 and capacity at levels that are the same as, or
14 decreased or enhanced in comparison to, those
15 resources, services, and capacity in place at the
16 College of Information and Cyberspace on Jan-
17 uary 1, 2019;

18 (2) review the plan proposed by the National
19 Defense University for eliminating the College of In-
20 formation and Cyberspace and reducing and restruc-
21 turing the information and cyberspace faculty,
22 course offerings, joint professional military education
23 and degree and certificate programs, and other serv-
24 ices provided by the College and the effects of such

1 changes on the military and civilian personnel re-
2 quirements of the cyber workforce;

3 (3) assess the changes made to the College of
4 Information and Cyberspace since January 1, 2019,
5 and the actions necessary to reverse those changes,
6 including relocating the College and its associated
7 budget, faculty, staff, students, and facilities outside
8 of the National Defense University; and

9 (4) determine the Department of Defense's
10 overall personnel requirement for cyber and informa-
11 tion educated military and civilian personnel.

12 (d) REPORT REQUIRED.—Not later than March 1,
13 2021, the Secretary shall present to the Committee on
14 Armed Services of the House of Representatives and the
15 Committee on Armed Services of the Senate a briefing,
16 and not later than May 1, 2021, the Secretary shall sub-
17 mit to such committees a report, on—

18 (1) the findings of the Secretary with respect to
19 the assessments, determinations, and reviews con-
20 ducted under subsections (b) and (c); and

21 (2) such recommendations as the Secretary may
22 have for higher education needs in the information
23 environment and cyberspace domain.

1 **SEC. 1742. DEPARTMENT OF DEFENSE CYBER HYGIENE**
2 **AND CYBERSECURITY MATURITY MODEL**
3 **CERTIFICATION FRAMEWORK.**

4 (a) CYBER SECURITY PRACTICES AND CAPABILITIES
5 IN THE DEPARTMENT OF DEFENSE.—

6 (1) IN GENERAL.—Not later than March 1,
7 2021, the Secretary of Defense, acting through the
8 Chief Information Officer of the Department of De-
9 fense and the Commander, Joint Forces Head-
10 quarters-Department of Defense Information Net-
11 work, shall assess each Department component
12 against the Cybersecurity Maturity Model Certifi-
13 cation (CMMC) framework and submit to the con-
14 gressional defense committees a report that identi-
15 fies each such component’s CMMC level and imple-
16 mentation of the cybersecurity practices and capa-
17 bilities required in each of the levels of the CMMC
18 framework. The report shall include, for each com-
19 ponent that does not achieve at least level 3 status
20 (referred to as “good cyber hygiene” in CMMC
21 Model ver. 1.02), a determination as to whether and
22 details as to how—

23 (A) such component will implement rel-
24 evant security measures to achieve a desired
25 CMMC or other appropriate capability and per-
26 formance threshold prior to March 1, 2022; and

1 (B) such component will mitigate potential
2 risks until such measures are implemented.

3 (2) COMPTROLLER GENERAL REPORT RE-
4 QUIRED.—Not later than 180 days after the submis-
5 sion of the report required under paragraph (1), the
6 Comptroller General of the United States shall con-
7 duct an independent review of the report and pro-
8 vide a briefing to the congressional defense commit-
9 tees on the findings of the review.

10 (b) BRIEFING ON IMPLEMENTATION OF CERTAIN CY-
11 BERSECURITY RECOMMENDATIONS.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall provide to the congressional de-
14 fense committees a briefing regarding the plans of the Sec-
15 retary to implement certain cybersecurity recommenda-
16 tions to ensure—

17 (1) the Chief Information Officer of the Depart-
18 ment of Defense takes appropriate steps to ensure
19 implementation of Department of Defense Cyberse-
20 curity Culture and Compliance Initiative (DC3I)
21 tasks;

22 (2) Department components develop plans with
23 scheduled completion dates to implement any re-
24 maining Cybersecurity Discipline Implementation

1 Plan (CDIP) tasks overseen by the Chief Informa-
2 tion Officer;

3 (3) the Deputy Secretary of Defense identifies
4 a Department component to oversee the implementa-
5 tion of any CDIP tasks not overseen by the Chief
6 Information Officer and reports on progress relating
7 to such implementation;

8 (4) Department components accurately monitor
9 and report information on the extent that users have
10 completed Cyber Awareness Challenge training, as
11 well as the number of users whose access to the De-
12 partment network was revoked because such users
13 have not completed such training;

14 (5) the Chief Information Officer ensures all
15 Department components, including Defense Ad-
16 vanced Research Projects Agency (DARPA), require
17 their users to take Cyber Awareness Challenge train-
18 ing; and

19 (6) the Chief Information Officer assesses the
20 extent to which senior leaders of the Department
21 have more complete information to make risk-based
22 decisions, and revise the recurring reports (or de-
23 velop a new report) accordingly, including informa-
24 tion relating to the Department's progress on imple-
25 menting—

1 (A) cybersecurity practices identified in
2 cyber hygiene initiatives; and

3 (B) cyber hygiene practices to protect De-
4 partment networks from key cyberattack tech-
5 niques.

6 (c) CYBERSECURITY MATURITY MODEL CERTIFI-
7 CATION FUNDING LIMITATION.—Of the funds authorized
8 to be appropriated by this Act for fiscal year 2021 for
9 implementation of the CMMC, not more than 60 percent
10 of such funds may be obligated or expended until the
11 Under Secretary of Defense for Acquisition and
12 Sustainment delivers to the congressional defense commit-
13 tees a plan for implementation of the CMMC via require-
14 ments in procurement contracts, developed in coordination
15 with the Principal Cyber Advisor and the Chief Informa-
16 tion Officer of the Department of Defense. The plan shall
17 include a timeline for pilot activities, a description of the
18 planned relationship between Department of Defense and
19 the auditing or accrediting bodies, a funding and activity
20 profile for the Defense Industrial Base Cybersecurity As-
21 sessment Center, and a description of efforts to ensure
22 that the service acquisition executives and service program
23 managers are equipped to implement the CMMC require-
24 ments and facilitate contractors' meeting relevant require-
25 ments.

1 **SEC. 1743. EXTENSION OF SUNSET FOR PILOT PROGRAM**
2 **ON REGIONAL CYBERSECURITY TRAINING**
3 **CENTER FOR THE ARMY NATIONAL GUARD.**

4 Section 1651(e) of the John S. McCain National De-
5 fense Authorization Act for Fiscal Year 2019 (Public Law
6 115–232; 32 U.S.C. 501 note) is amended by striking
7 “shall expire on the date that is two years after the date
8 of the enactment of this Act” and inserting “shall expire
9 on August 31, 2022”.

10 **SEC. 1744. NATIONAL CYBER EXERCISES.**

11 (a) REQUIREMENT.—Not later than December 31,
12 2023, the Secretary of Homeland Security, in coordination
13 with the Director of National Intelligence, the Attorney
14 General, and the Secretary of Defense, shall conduct an
15 exercise, which may be a tabletop exercise, to test the resil-
16 ience, response, and recovery of the United States to a
17 significant cyber incident impacting critical infrastructure.
18 The Secretary shall convene similar exercises not fewer
19 than three times, in consultation with such officials, until
20 2033.

21 (b) PLANNING AND PREPARATION.—The exercises
22 required under subsection (a) shall be prepared by—

23 (1) appropriate personnel from—

24 (A) the Department of Homeland Security;

25 (B) the Department of Defense; and

26 (C) the Department of Justice; and

1 (2) appropriate elements of the intelligence
2 community, identified by the Director of National
3 Intelligence.

4 (c) SUBMISSION TO CONGRESS.—For each fiscal year
5 in which an exercise is planned, the Secretary, in coordina-
6 tion with the Director of National Intelligence, the Attor-
7 ney General, and the Secretary of Defense, shall submit
8 to the appropriate congressional committees a plan for the
9 exercise not later than 180 days prior to the exercise.
10 Each such plan shall include information regarding the
11 goals of the exercise at issue, how the exercise is to be
12 carried out, where and when the exercise will take place,
13 how many individuals are expected to participate from
14 each Federal agency specified in subsection (b), and the
15 costs or other resources associated with the exercise.

16 (d) PARTICIPANTS.—

17 (1) FEDERAL GOVERNMENT PARTICIPANTS.—
18 Appropriate personnel from the following Federal
19 agencies shall participate in each exercise required
20 under subsection (a):

21 (A) The Department of Homeland Secu-
22 rity.

23 (B) The Department of Defense, as identi-
24 fied by the Secretary of Defense.

1 (C) Elements of the intelligence commu-
2 nity, as identified by the Director of National
3 Intelligence.

4 (D) The Department of Justice, as identi-
5 fied by the Attorney General.

6 (E) Sector-specific agencies, as determined
7 by the Secretary of Homeland Security.

8 (2) STATE AND LOCAL GOVERNMENTS.—The
9 Secretary shall invite representatives from State,
10 local, and Tribal governments to participate in each
11 exercise required under subsection (a) if the Sec-
12 retary determines such is appropriate.

13 (3) PRIVATE ENTITIES.—Depending on the na-
14 ture of an exercise being conducted under subsection
15 (a), the Secretary, in consultation with the senior
16 representative of the sector-specific agencies partici-
17 pating in such exercise in accordance with paragraph
18 (1)(E), shall invite the following individuals to par-
19 ticipate:

20 (A) Representatives from appropriate pri-
21 vate entities.

22 (B) Other individuals whom the Secretary
23 determines will best assist the United States in
24 preparing for, and defending against, a signifi-

1 cant cyber incident impacting critical infra-
2 structure.

3 (4) INTERNATIONAL PARTNERS.—Depending on
4 the nature of an exercise being conducted under sub-
5 section (a), the Secretary may, in coordination with
6 the Secretary of State, invite allies and partners of
7 the United States to participate in such exercise.

8 (e) OBSERVERS.—The Secretary may invite rep-
9 resentatives from the executive and legislative branches of
10 the Federal Government to observe an exercise required
11 under subsection (a).

12 (f) ELEMENTS.—Each exercise required under sub-
13 section (a) shall include the following elements:

14 (1) Exercising the orchestration of cybersecu-
15 rity response and the provision of cyber support to
16 Federal, State, local, and Tribal governments and
17 private entities, including the exercise of the com-
18 mand, control, and deconfliction of—

19 (A) operational responses through inter-
20 agency coordination processes and response
21 groups; and

22 (B) each Federal agency participating in
23 such exercise in accordance with subsection
24 (d)(1).

1 (2) Testing of the information sharing needs
2 and capabilities of exercise participants.

3 (3) Testing of the relevant policy, guidance, and
4 doctrine, including the National Cyber Incident Re-
5 sponse Plan of the Cybersecurity and Infrastructure
6 Security Agency of the Department of Homeland Se-
7 curity.

8 (4) Testing of the integration and interoper-
9 ability between the entities participating in the exer-
10 cise in accordance with subsection (d).

11 (5) Exercising the integration and interoper-
12 ability of the cybersecurity operation centers of the
13 Federal Government, as appropriate, in coordination
14 with appropriate cabinet level officials.

15 (g) BRIEFING.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date on which each exercise required under
18 subsection (a) is conducted, the Secretary shall pro-
19 vide to the appropriate congressional committees a
20 briefing on the exercise.

21 (2) CONTENTS.—Each briefing required under
22 paragraph (1) shall include—

23 (A) an assessment of the decision and re-
24 sponse gaps observed in the exercise at issue;

1 (B) proposed recommendations to improve
2 the resilience, response, and recovery of the
3 United States to a significant cyber attack
4 against critical infrastructure; and

5 (C) appropriate plans to address the rec-
6 ommendations proposed under subparagraph
7 (B).

8 (h) REPEAL.—Subsection (b) of section 1648 of the
9 National Defense Authorization Act for Fiscal Year 2016
10 (Public Law 114–92; 129 Stat. 1119) is repealed.

11 (i) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Armed Services of
16 the Senate;

17 (B) the Committee on Armed Services of
18 the House of Representatives;

19 (C) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 (D) the Committee on Homeland Security
22 of the House of Representatives;

23 (E) the Select Committee on Intelligence
24 of the Senate;

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1 (F) the Permanent Select Committee on
2 Intelligence of the House of Representatives;

3 (G) the Committee on the Judiciary of the
4 Senate;

5 (H) the Committee on the Judiciary of the
6 House of Representatives;

7 (I) the Committee on Commerce, Science,
8 and Transportation of the Senate;

9 (J) the Committee on Science, Space, and
10 Technology of the House of Representatives;

11 (K) the Committee on Foreign Relations of
12 the Senate; and

13 (L) the Committee on Foreign Affairs of
14 the House of Representatives.

15 (2) ELEMENT OF THE INTELLIGENCE COMMU-
16 NITY.—The term “element of the intelligence com-
17 munity” means an element specified or designated
18 under section 3 of the National Security Act of 1947
19 (50 U.S.C. 3003).

20 (3) PRIVATE ENTITY.—The term “private enti-
21 ty” has the meaning given the term in section 102
22 of the Cybersecurity Information Sharing Act of
23 2015 (6 U.S.C. 1501).

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Homeland Security.

1 (5) SECTOR-SPECIFIC AGENCY.—The term “sec-
2 tor-specific agency” has the meaning given the term
3 “Sector-Specific Agency” in section 2201 of the
4 Homeland Security Act of 2002 (6 U.S.C. 651).

5 (6) STATE.—The term “State” means any
6 State of the United States, the District of Columbia,
7 the Commonwealth of Puerto Rico, the Northern
8 Mariana Islands, the United States Virgin Islands,
9 Guam, American Samoa, and any other territory or
10 possession of the United States.

11 **SEC. 1745. CYBERSECURITY AND INFRASTRUCTURE SECU-**
12 **RITY AGENCY REVIEW.**

13 (a) DHS REVIEW.—

14 (1) IN GENERAL.—In order to strengthen the
15 Cybersecurity and Infrastructure Security Agency of
16 the Department of Homeland Security, the Sec-
17 retary of Homeland Security shall conduct a com-
18 prehensive review of the ability of the Agency to ful-
19 fill—

20 (A) the missions of the Agency; and

21 (B) the recommendations detailed in the
22 report issued by the Cyberspace Solarium Com-
23 mission under section 1652(k) of the John S.
24 McCain National Defense Authorization Act for
25 Fiscal Year 2019 (Public Law 115–232).

1 (2) ELEMENTS OF REVIEW.—The review con-
2 ducted under paragraph (1) shall include the fol-
3 lowing elements:

4 (A) An assessment of how additional budg-
5 et resources could be used by the Cybersecurity
6 and Infrastructure Security Agency for projects
7 and programs that—

8 (i) support the national risk manage-
9 ment mission;

10 (ii) support public and private-sector
11 cybersecurity;

12 (iii) promote public-private integra-
13 tion; and

14 (iv) provide situational awareness of
15 cybersecurity threats.

16 (B) A comprehensive force structure as-
17 sessment of the Cybersecurity and Infrastruc-
18 ture Security Agency, including—

19 (i) a determination of the appropriate
20 size and composition of personnel to ac-
21 complish the mission of the Agency, as well
22 as the recommendations detailed in the re-
23 port issued by the Cyberspace Solarium
24 Commission under section 1652(k) of the
25 John S. McCain National Defense Author-

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1 ization Act for Fiscal Year 2019 (Public
2 Law 115–232);

3 (ii) an assessment of whether existing
4 personnel are appropriately matched to the
5 prioritization of threats in the cyber do-
6 main and risks in critical infrastructure;

7 (iii) an assessment of whether the
8 Agency has the appropriate personnel and
9 resources to—

10 (I) perform risk assessments,
11 threat hunting, incident response to
12 support both private and public cyber-
13 security;

14 (II) carry out the responsibilities
15 of the Agency related to the security
16 of Federal information and Federal
17 information systems; and

18 (III) carry out the critical infra-
19 structure responsibilities of the Agen-
20 cy, including national risk manage-
21 ment; and

22 (iv) an assessment of whether current
23 structure, personnel, and resources of re-
24 gional field offices are sufficient in ful-

1 filling agency responsibilities and mission
2 requirements.

3 (3) SUBMISSION OF REVIEW.—Not later than
4 one year after the date of the enactment of this Act,
5 the Secretary of Homeland Security shall submit to
6 Congress a report detailing the results of the assess-
7 ments required under paragraph (1), including rec-
8 ommendations to address any identified gaps.

9 (b) GENERAL SERVICES ADMINISTRATION RE-
10 VIEW.—

11 (1) IN GENERAL.—The Administrator of the
12 General Services Administration shall—

13 (A) conduct a review of current Cybersecu-
14 rity and Infrastructure Security Agency facili-
15 ties and assess the suitability of such facilities
16 to fully support current and projected mission
17 requirements nationally and regionally; and

18 (B) make recommendations regarding re-
19 sources needed to procure or build a new facil-
20 ity or augment existing facilities to ensure suffi-
21 cient size and accommodations to fully support
22 current and projected mission requirements, in-
23 cluding the integration of personnel from the
24 private sector and other departments and agen-
25 cies.

1 (2) SUBMISSION OF REVIEW.—Not later than
2 one year after the date of the enactment of this Act,
3 the Administrator of the General Services Adminis-
4 tration shall submit the review required under sub-
5 section (a) to—

6 (A) the President;

7 (B) the Secretary of Homeland Security;
8 and

9 (C) the Committee on Homeland Security
10 and Governmental Affairs, the Committee on
11 Appropriations, and the Committee on Environ-
12 ment and Public Work of the Senate, and the
13 Committee on Homeland Security, the Com-
14 mittee on Appropriations, the Committee on
15 Oversight and Reform, and the Committee on
16 Transportation and Infrastructure of the House
17 of Representatives.

18 **SEC. 1746. REPORT ON ENABLING UNITED STATES CYBER**
19 **COMMAND RESOURCE ALLOCATION.**

20 (a) IN GENERAL.—Not later than April 15, 2021, the
21 Secretary of Defense shall submit to the congressional de-
22 fense committees a report detailing the actions the Sec-
23 retary will undertake to implement clauses (ii) and (iii)
24 of section 167b(d)(2) of title 10, United States Code, in-
25 cluding actions to ensure that the Commander of United

1 States Cyber Command has enhanced authority, direction,
2 and control of the Cyber Operations Forces and the equip-
3 ment budget that enables Cyber Operations Forces' oper-
4 ations and readiness, beginning with the budget to be sub-
5 mitted to Congress by the President under section 1105(a)
6 of title 31, United States Code, for fiscal year 2024, and
7 the budget justification materials for the Department of
8 Defense to be submitted to Congress in support of such
9 budget.

10 (b) ELEMENTS.—The report required by subsection
11 (a) shall address the following items:

12 (1) The procedures by which the Principal
13 Cyber Advisor (PCA) will exercise authority, direc-
14 tion, and oversight over the Commander of United
15 States Cyber Command, with respect to Cyber Oper-
16 ations Forces-peculiar equipment and resources.

17 (2) The procedures by which the Commander of
18 United States Cyber Command will—

19 (A) prepare and submit to the Secretary
20 program recommendations and budget pro-
21 posals for Cyber Operations Forces and for
22 other forces assigned to United States Cyber
23 Command; and

24 (B) exercise authority, direction, and con-
25 trol over the expenditure of funds for—

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1 (i) forces assigned to United States
2 Cyber Command; and

3 (ii) Cyber Operations Forces assigned
4 to other unified combatant commands.

5 (3) Recommendations for actions to enable the
6 Commander of United States Cyber Command to
7 execute the budget and acquisition responsibilities of
8 the Commander in excess of currently imposed limits
9 on the Cyber Operations Procurement Fund, includ-
10 ing potential increases in personnel to support the
11 Commander.

12 (4) The procedures by which the Secretary will
13 categorize and track funding obligated or expended
14 for Cyber Operations Forces-peculiar equipment and
15 capabilities.

16 (5) The methodology and criteria by which the
17 Secretary will characterize equipment as being Cyber
18 Operations Forces-peculiar.

19 **SEC. 1747. ENSURING CYBER RESILIENCY OF NUCLEAR**
20 **COMMAND AND CONTROL SYSTEM.**

21 (a) PLAN FOR IMPLEMENTATION OF FINDINGS AND
22 RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT
23 OF CYBER RESILIENCY OF NUCLEAR COMMAND AND
24 CONTROL SYSTEM.—Not later than October 1, 2021, the
25 Secretary of Defense shall submit to the congressional de-

1 fense committees a comprehensive plan, including a sched-
2 ule and resourcing plan, for the implementation of the
3 findings and recommendations included in the first report
4 submitted under section 499(c)(3) of title 10, United
5 States Code.

6 (b) CONCEPT OF OPERATIONS AND OVERSIGHT
7 MECHANISM FOR CYBER DEFENSE OF NUCLEAR COM-
8 MAND AND CONTROL SYSTEM.—Not later than October
9 1, 2021, the Secretary shall develop and establish—

10 (1) a concept of operations for defending the
11 nuclear command and control system against cyber
12 attacks, including specification of the—

13 (A) roles and responsibilities of relevant
14 entities within the Office of the Secretary, the
15 military services, combatant commands, the De-
16 fense Agencies, and the Department of Defense
17 Field Activities; and

18 (B) cybersecurity capabilities to be ac-
19 quired and employed and operational tactics,
20 techniques, and procedures, including cyber
21 protection team and sensor deployment strate-
22 gies, to be used to monitor, defend, and miti-
23 gate vulnerabilities in nuclear command and
24 control systems; and

1 (2) an oversight mechanism or governance
2 model for overseeing the implementation of the con-
3 cept of operations developed and established under
4 paragraph (1), related development, systems engi-
5 neering, and acquisition activities and programs, and
6 the plan required by subsection (a), including speci-
7 fication of the—

8 (A) roles and responsibilities of relevant
9 entities within the Office of the Secretary, the
10 military services, combatant commands, the De-
11 fense Agencies, and the Department of Defense
12 Field Activities in overseeing the defense of the
13 nuclear command and control system against
14 cyber attacks;

15 (B) responsibilities and authorities of the
16 Strategic Cybersecurity Program in overseeing
17 and, as appropriate, executing—

18 (i) vulnerability assessments; and

19 (ii) development, systems engineering,
20 and acquisition activities; and

21 (C) processes for coordination of activities,
22 policies, and programs relating to the cyberse-
23 curity and defense of the nuclear command and
24 control system.

1 **SEC. 1748. REQUIREMENTS FOR REVIEW OF AND LIMITA-**
2 **TIONS ON THE JOINT REGIONAL SECURITY**
3 **STACKS ACTIVITY.**

4 (a) INDEPENDENT REVIEW.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary
7 of Defense shall seek to enter into a contract with
8 a not-for-profit entity or federally-funded research
9 and development center independent of the Depart-
10 ment of Defense to conduct a review of the Joint
11 Regional Security Stacks program.

12 (2) MATTERS FOR INCLUSION.—The review
13 conducted under paragraph (1) shall include each of
14 the following:

15 (A) An assessment of the efficacy of the
16 Joint Regional Security Stacks program and
17 how such program has been managed and exe-
18 cuted.

19 (B) An analysis of the capabilities and per-
20 formance of the program as compared to alter-
21 native solutions utilizing commercial products
22 and services.

23 (C) An evaluation of the program's ability
24 to meet Department of Defense performance
25 metrics.

1 (D) An assessment of what measures
2 would be required for the program to meet fu-
3 ture to meet cost and schedule milestones, in-
4 cluding training requirements.

5 (b) BASELINE REVIEW.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the enactment of this Act, the Secretary
8 of Defense shall undertake a baseline review of the
9 Joint Regional Security Stacks program.

10 (2) ELEMENTS.—The baseline review under-
11 taken pursuant to paragraph (1) shall determine
12 whether the Joint Regional Security Stacks pro-
13 gram—

14 (A) should proceed as a program of record,
15 with modifications as specified in subsection (c),
16 for exclusively the Non-Classified Internet Pro-
17 tocol Network (NIPRNET) or for such network
18 and the Secret Internet Protocol Network
19 (SIPRNET); or

20 (B) should be phased out across the De-
21 partment of Defense with each of the Joint Re-
22 gional Security Stacks replaced through the in-
23 stitution of cost-effective and capable net-
24 working and cybersecurity technologies, archi-

1 tectures, and operational concepts within five
2 years of the date of the enactment of this Act.

3 (3) INCORPORATION.—The baseline review shall
4 incorporate the results of the review conducted
5 under subsection (a).

6 (c) PLAN TO TRANSITION TO PROGRAM OF
7 RECORD.—If the Secretary of Defense determines under
8 subsection (b) that the Joint Regional Security Stacks
9 program should proceed, not later than October 1, 2021,
10 the Secretary shall develop a plan to transition such pro-
11 gram to a program of record, governed by standard De-
12 partment of Defense acquisition program requirements
13 and practices, including the following:

14 (1) Baseline operational requirements docu-
15 mentation.

16 (2) An acquisition strategy and baseline.

17 (3) A program office and responsible program
18 manager, under the oversight of the Under Sec-
19 retary of Defense for Acquisition and Sustainment
20 and the Chief Information Officer of the Depart-
21 ment of Defense, responsible for pertinent doctrine,
22 organization, training, materiel, leadership and edu-
23 cation, personnel, facilities and policy matters, and
24 the development of effective tactics, techniques, and
25 procedures.

1 (4) Manning and training requirements docu-
2 mentation.

3 (5) Operational test planning.

4 (d) LIMITATIONS.—

5 (1) LIMITATION ON USE OF FUNDS.—None of
6 the funds authorized to be appropriated by this Act
7 may be used to field Joint Regional Security Stacks
8 on the Secret Internet Protocol Network in fiscal
9 year 2021.

10 (2) LIMITATION ON OPERATIONAL DEPLOY-
11 MENT.—The Secretary of Defense may not conduct
12 an operational deployment of Joint Regional Secu-
13 rity Stacks to the Secret Internet Protocol Network
14 in fiscal year 2021.

15 (e) SUBMISSION TO CONGRESS.—Not later than De-
16 cember 1, 2021, the Secretary shall submit to the congres-
17 sional defense committees—

18 (1) the findings of the Secretary with respect to
19 the baseline review conducted pursuant to subsection
20 (b);

21 (2) the plan developed under subsection (c), if
22 any; and

23 (3) a proposal for the replacement of Joint Re-
24 gional Security Stacks, if the Secretary determines
25 under subsection (b) that it should be replaced.

1 **SEC. 1749. IMPLEMENTATION OF INFORMATION OPER-**
2 **ATIONS MATTERS.**

3 (a) LIMITATION ON FUNDING.—Of the amounts au-
4 thorized to be appropriated for fiscal year 2021 by section
5 301 for operation and maintenance and available for the
6 Office of the Secretary of Defense for the travel of persons
7 as specified in the table in section 4301—

8 (1) not more than 25 percent shall be available
9 until the date on which the report required by sub-
10 section (h)(1) of section 1631 of the National De-
11 fense Authorization Act for Fiscal Year 2020 (Pub-
12 lic Law 116–92) is submitted to the Committee on
13 Armed Services of the Senate and the Committee on
14 Armed Services House of Representatives; and

15 (2) not more than 75 percent shall be available
16 until the date on which the strategy and posture re-
17 view required by subsection (g) of such section is
18 submitted to such committees.

19 (b) REQUIREMENTS OF STRATEGY AND POSTURE
20 REVIEW.—Paragraph (1) of section 1631(g) of the Na-
21 tional Defense Authorization Act for Fiscal Year 2020
22 (Public Law 116–92; 10 U.S.C. 397 note)—

23 (1) in subparagraph (D), by striking the semi-
24 colon;

25 (2) in subparagraph (E), by striking the period
26 and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(F) designate a Department of Defense
4 entity to develop, apply, and continually refine
5 an assessment capability for defining and meas-
6 uring the impact of Department information
7 operations, which entity shall be organization-
8 ally independent of Department components
9 performing or otherwise engaged in operational
10 support to Department information oper-
11 ations.”.

12 **SEC. 1750. REPORT ON USE OF ENCRYPTION BY DEPART-**
13 **MENT OF DEFENSE NATIONAL SECURITY SYS-**
14 **TEMS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall submit
17 to Congress a report detailing the mission need and effi-
18 cacy of full disk encryption across Non-classified Internet
19 Protocol Router Network (NIPRNet) and Secretary Inter-
20 net Protocol Router Network (SIPRNet) endpoint com-
21 puter systems. Such report shall cover matters relating to
22 cost, mission impact, and implementation timeline.

1 **SEC. 1751. GUIDANCE AND DIRECTION ON USE OF DIRECT**
2 **HIRING PROCESSES FOR ARTIFICIAL INTEL-**
3 **LIGENCE PROFESSIONALS AND OTHER DATA**
4 **SCIENCE AND SOFTWARE DEVELOPMENT**
5 **PERSONNEL.**

6 (a) GUIDANCE REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall review applicable Department of Defense
9 guidance and where beneficial issue new guidance to the
10 secretaries of the military departments and the heads of
11 the defense components on improved use of the direct hir-
12 ing processes for artificial intelligence professionals and
13 other data science and software development personnel.

14 (b) OBJECTIVE.—The objective of the guidance
15 issued under subsection (a) shall be to ensure that organi-
16 zational leaders assume greater responsibility for the re-
17 sults of civilian hiring of artificial intelligence profes-
18 sionals and other data science and software development
19 personnel.

20 (c) CONTENTS OF GUIDANCE.—At a minimum, the
21 guidance required by subsection (a) shall—

22 (1) instruct human resources professionals and
23 hiring authorities to utilize available direct hiring
24 authorities (including excepted service authorities)
25 for the hiring of artificial intelligence professionals

1 and other data science and software development
2 personnel, to the maximum extent practicable;

3 (2) instruct hiring authorities, when using di-
4 rect hiring authorities, to prioritize utilization of
5 panels of subject matter experts over human re-
6 sources professionals to assess applicant qualifica-
7 tions and determine which applicants are best quali-
8 fied for a position;

9 (3) authorize and encourage the use of
10 ePortfolio reviews to provide insight into the pre-
11 vious work of applicants as a tangible demonstration
12 of capabilities and contribute to the assessment of
13 applicant qualifications by subject matter experts;
14 and

15 (4) encourage the use of referral bonuses for re-
16 cruitment and hiring of highly qualified artificial in-
17 telligence professionals and other data science and
18 software development personnel in accordance with
19 volume 451 of Department of Defense Instruction
20 1400.25.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than one year
23 after the date on which the guidance is issued under
24 subsection (a), the Secretary shall submit to the
25 Committee on Armed Services of the Senate and the

1 Committee on Armed Services of the House of Rep-
2 resentatives a report on the guidance issued pursu-
3 ant to subsection (a).

4 (2) CONTENTS.—At a minimum, the report
5 submitted under paragraph (1) shall address the fol-
6 lowing:

7 (A) The objectives of the guidance and the
8 manner in which the guidance seeks to achieve
9 those objectives.

10 (B) The effect of the guidance on the hir-
11 ing process for artificial intelligence profes-
12 sionals and other data science and software de-
13 velopment personnel, including the effect on—

14 (i) hiring time;

15 (ii) the use of direct hiring authority;

16 (iii) the use of subject matter experts;

17 and

18 (iv) the quality of new hires, as as-
19 sessed by hiring managers and organiza-
20 tional leaders.

21 **SEC. 1752. NATIONAL CYBER DIRECTOR.**

22 (a) ESTABLISHMENT.—There is established, within
23 the Executive Office of the President, the Office of the
24 National Cyber Director (in this section referred to as the
25 “Office”).

1 (b) NATIONAL CYBER DIRECTOR.—

2 (1) IN GENERAL.—The Office shall be headed
3 by the National Cyber Director (in this section re-
4 ferred to as the “Director”) who shall be appointed
5 by the President, by and with the advice and consent
6 of the Senate.

7 (2) POSITION.—The Director shall hold office
8 at the pleasure of the President.

9 (3) PAY AND ALLOWANCES.—The Director shall
10 be entitled to receive the same pay and allowances
11 as are provided for level II of the Executive Schedule
12 under section 5313 of title 5, United States Code.

13 (c) DUTIES OF THE NATIONAL CYBER DIRECTOR.—

14 (1) IN GENERAL.—Subject to the authority, di-
15 rection, and control of the President, the Director
16 shall—

17 (A) serve as the principal advisor to the
18 President on cybersecurity policy and strategy
19 relating to the coordination of—

20 (i) information security and data pro-
21 tection;

22 (ii) programs and policies intended to
23 improve the cybersecurity posture of the
24 United States;

1 (iii) efforts to understand and deter
2 malicious cyber activity;

3 (iv) efforts to increase the security of
4 information and communications tech-
5 nology and services and to promote na-
6 tional supply chain risk management and
7 vendor security;

8 (v) diplomatic and other efforts to de-
9 velop norms and international consensus
10 around responsible state behavior in cyber-
11 space;

12 (vi) awareness and adoption of emerg-
13 ing technology that may enhance, aug-
14 ment, or degrade the cybersecurity posture
15 of the United States; and

16 (vii) such other cybersecurity matters
17 as the President considers appropriate;

18 (B) offer advice and consultation to the
19 National Security Council and its staff, the
20 Homeland Security Council and its staff, and
21 relevant Federal departments and agencies, for
22 their consideration, relating to the development
23 and coordination of national cyber policy and
24 strategy, including the National Cyber Strategy;

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1 (C) lead the coordination of implementa-
2 tion of national cyber policy and strategy, in-
3 cluding the National Cyber Strategy, by—

4 (i) in coordination with the heads of
5 relevant Federal departments or agencies,
6 monitoring and assessing the effectiveness,
7 including cost-effectiveness, of the imple-
8 mentation of such national cyber policy
9 and strategy by Federal departments and
10 agencies;

11 (ii) making recommendations, relevant
12 to changes in the organization, personnel,
13 and resource allocation and to policies of
14 Federal departments and agencies, to the
15 heads of relevant Federal departments and
16 agencies in order to implement such na-
17 tional cyber policy and strategy;

18 (iii) reviewing the annual budget pro-
19 posals for relevant Federal departments
20 and agencies and advising the heads of
21 such departments and agencies whether
22 such proposals are consistent with such na-
23 tional cyber policy and strategy;

24 (iv) continuously assessing and mak-
25 ing relevant recommendations to the Presi-

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1 dent on the appropriate level of integration
2 and interoperability across the Federal
3 cyber centers;

4 (v) coordinating with the Attorney
5 General, the Federal Chief Information Of-
6 ficer, the Director of the Office of Manage-
7 ment and Budget, the Director of National
8 Intelligence, and the Director of the Cyber-
9 security and Infrastructure Security Agen-
10 cy, on the streamlining of Federal policies
11 and guidelines, including with respect to
12 implementation of subchapter II of chapter
13 35 of title 44, United States Code, and, as
14 appropriate or applicable, regulations relat-
15 ing to cybersecurity;

16 (vi) reporting annually to the Presi-
17 dent, the Assistant to the President for
18 National Security Affairs, and Congress on
19 the state of the cybersecurity posture of
20 the United States, the effectiveness of such
21 national cyber policy and strategy, and the
22 status of the implementation of such na-
23 tional cyber policy and strategy by Federal
24 departments and agencies; and

1 (vii) such other activity as the Presi-
2 dent considers appropriate to further such
3 national cyber policy and strategy;

4 (D) lead coordination of the development
5 and ensuring implementation by the Federal
6 Government of integrated incident response to
7 cyberattacks and cyber campaigns of significant
8 consequence, including—

9 (i) ensuring and facilitating coordina-
10 tion among relevant Federal departments
11 and agencies in the development of inte-
12 grated operational plans, processes, and
13 playbooks, including for incident response,
14 that feature—

15 (I) clear lines of authority and
16 lines of effort across the Federal Gov-
17 ernment;

18 (II) authorities that have been
19 delegated to an appropriate level to
20 facilitate effective operational re-
21 sponses across the Federal Govern-
22 ment; and

23 (III) support for the integration
24 of defensive cyber plans and capabili-
25 ties with offensive cyber plans and ca-

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1 pabilities in a manner consistent with
2 improving the cybersecurity posture of
3 the United States;

4 (ii) ensuring the exercising of defen-
5 sive operational plans, processes, and play-
6 books for incident response;

7 (iii) ensuring the updating of defen-
8 sive operational plans, processes, and play-
9 books for incident response as needed to
10 keep them updated; and

11 (iv) reviewing and ensuring that de-
12 fensive operational plans, processes, and
13 playbooks improve coordination with rel-
14 evant private sector entities, as appro-
15 priate;

16 (E) preparing the response by the Federal
17 Government to cyberattacks and cyber cam-
18 paigns of significant consequence across Fed-
19 eral departments and agencies with responsibil-
20 ities pertaining to cybersecurity and with the
21 relevant private sector entities, including—

22 (i) developing for the approval of the
23 President, in coordination with the Assist-
24 ant to the President for National Security
25 Affairs and the heads of relevant Federal

1 departments and agencies, operational pri-
2 orities, requirements, and plans;

3 (ii) ensuring incident response is exe-
4 cuted consistent with the plans described
5 in clause (i); and

6 (iii) ensuring relevant Federal depart-
7 ment and agency consultation with rel-
8 evant private sector entities in incident re-
9 sponse;

10 (F) coordinate and consult with private
11 sector leaders on cybersecurity and emerging
12 technology issues in support of, and in coordi-
13 nation with, the Director of the Cybersecurity
14 and Infrastructure Security Agency, the Direc-
15 tor of National Intelligence, and the heads of
16 other Federal departments and agencies, as ap-
17 propriate;

18 (G) annually report to Congress on cyber-
19 security threats and issues facing the United
20 States, including any new or emerging tech-
21 nologies that may affect national security, eco-
22 nomic prosperity, or enforcing the rule of law;
23 and

24 (H) be responsible for such other functions
25 as the President may direct.

1 (2) DELEGATION OF AUTHORITY.—(A) The Di-
2 rector may—

3 (i) serve as the senior representative to any
4 organization that the President may establish
5 for the purpose of providing the President ad-
6 vice on cybersecurity;

7 (ii) subject to subparagraph (B), be in-
8 cluded as a participant in preparations for and,
9 when appropriate, the execution of domestic
10 and international summits and other inter-
11 national meetings at which cybersecurity is a
12 major topic;

13 (iii) delegate any of the Director's func-
14 tions, powers, and duties to such officers and
15 employees of the Office as the Director con-
16 siders appropriate; and

17 (iv) authorize such successive re-delega-
18 tions of such functions, powers, and duties to
19 such officers and employees of the Office as the
20 Director considers appropriate.

21 (B) In acting under subparagraph (A)(ii) in the
22 case of a summit or a meeting with an international
23 partner, the Director shall act in coordination with
24 the Secretary of State.

1 (d) ATTENDANCE AND PARTICIPATION IN NATIONAL
2 SECURITY COUNCIL MEETINGS.—Section 101(c)(2) of the
3 National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is
4 amended by striking “and the Chairman of the Joint
5 Chiefs of Staff” and inserting “the Chairman of the Joint
6 Chiefs of Staff, and the National Cyber Director”.

7 (e) POWERS OF THE DIRECTOR.—The Director may,
8 for the purposes of carrying out the functions of the Direc-
9 tor under this section—

10 (1) subject to the civil service and classification
11 laws, select, appoint, employ, and fix the compensa-
12 tion of such officers and employees as are necessary
13 and prescribe their duties, except that not more than
14 75 individuals may be employed without regard to
15 any provision of law regulating the employment or
16 compensation at rates not to exceed the basic rate
17 of basic pay payable for level IV of the Executive
18 Schedule under section 5315 of title 5, United
19 States Code;

20 (2) employ experts and consultants in accord-
21 ance with section 3109 of title 5, United States
22 Code, and compensate individuals so employed for
23 each day (including travel time) at rates not in ex-
24 cess of the maximum rate of basic pay for grade
25 GS–15 as provided in section 5332 of such title, and

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1 while such experts and consultants are so serving
2 away from their homes or regular place of business,
3 to pay such employees travel expenses and per diem
4 in lieu of subsistence at rates authorized by section
5 5703 of such title 5 for persons in Federal Govern-
6 ment service employed intermittently;

7 (3) promulgate such rules and regulations as
8 may be necessary to carry out the functions, powers,
9 and duties vested in the Director;

10 (4) utilize, with their consent, the services, per-
11 sonnel, and facilities of other Federal agencies;

12 (5) enter into and perform such contracts,
13 leases, cooperative agreements, or other transactions
14 as may be necessary in the conduct of the work of
15 the Office and on such terms as the Director may
16 determine appropriate, with any Federal agency, or
17 with any public or private person or entity;

18 (6) accept voluntary and uncompensated serv-
19 ices, notwithstanding the provisions of section 1342
20 of title 31, United States Code;

21 (7) adopt an official seal, which shall be judi-
22 cially noticed; and

23 (8) provide, where authorized by law, copies of
24 documents to persons at cost, except that any funds
25 so received shall be credited to, and be available for

1 use from, the account from which expenditures relat-
2 ing thereto were made.

3 (f) RULES OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed as—

5 (1) modifying any authority or responsibility,
6 including any operational authority or responsibility
7 of any head of a Federal department or agency;

8 (2) authorizing the Director or any person act-
9 ing under the authority of the Director to interfere
10 with or to direct a criminal or national security in-
11 vestigation, arrest, search, seizure, or disruption op-
12 eration;

13 (3) amending a legal restriction that was in ef-
14 fect on the day before the date of the enactment of
15 this Act that requires a law enforcement agency to
16 keep confidential information learned in the course
17 of a criminal or national security investigation;

18 (4) authorizing the Director or any person act-
19 ing under the authority of the Director to interfere
20 with or to direct a military operation;

21 (5) authorizing the Director or any person act-
22 ing under the authority of the Director to interfere
23 with or to direct any diplomatic or consular activity;

24 (6) authorizing the Director or any person act-
25 ing under the authority of the Director to interfere

1 with or to direct an intelligence activity, resource, or
2 operation; or

3 (7) authorizing the Director or any person act-
4 ing under the authority of the Director to modify
5 the classification of intelligence information.

6 (g) DEFINITIONS.—In this section:

7 (1) The term “cybersecurity posture” means
8 the ability to identify, to protect against, to detect,
9 to respond to, and to recover from an intrusion in
10 an information system the compromise of which
11 could constitute a cyber attack or cyber campaign of
12 significant consequence.

13 (2) The term “cyber attack and cyber campaign
14 of significant consequence” means an incident or se-
15 ries of incidents that has the purpose or effect of—

16 (A) causing a significant disruption to the
17 confidentiality, integrity, or availability of a
18 Federal information system;

19 (B) harming, or otherwise significantly
20 compromising the provision of service by, a
21 computer or network of computers that support
22 one or more entities in a critical infrastructure
23 sector;

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1 (C) significantly compromising the provi-
2 sion of services by one or more entities in a
3 critical infrastructure sector;

4 (D) causing a significant misappropriation
5 of funds or economic resources, trade secrets,
6 personal identifiers, or financial information for
7 commercial or competitive advantage or private
8 financial gain; or

9 (E) otherwise constituting a significant
10 threat to the national security, foreign policy, or
11 economic health or financial stability of the
12 United States.

13 (3) The term “incident” has the meaning given
14 such term in section 3552 of title 44, United States
15 Code.

16 (4) The term “incident response” means a gov-
17 ernment or private sector activity that detects, miti-
18 gates, or recovers from a cyber attack or cyber cam-
19 paign of significant consequence.

20 (5) The term “information security” has the
21 meaning given such term in section 3552 of title 44,
22 United States Code.

23 (6) The term “intelligence” has the meaning
24 given such term in section 3 of the National Security
25 Act of 1947 (50 U.S.C. 3003).

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1 **TITLE XVIII—TRANSFER AND RE-**
2 **ORGANIZATION OF DEFENSE**
3 **ACQUISITION STATUTES**

TITLE XVIII—TRANSFER AND REORGANIZATION OF DEFENSE
ACQUISITION STATUTES

Sec. 1801. Transfer and reorganization of defense acquisition statutes.

Subtitle A—Definitions

Sec. 1806. Definitions.
Sec. 1807. General matters.
Sec. 1808. Defense acquisition system.
Sec. 1809. Budgeting and appropriations.
Sec. 1810. Operational contract support.

Subtitle B—Acquisition Planning

Sec. 1811. Planning and solicitation generally.
Sec. 1812. Independent cost estimation and cost analysis.
Sec. 1813. Other provisions relating to planning and solicitation generally.

Subtitle C—Contracting Methods and Contract Types

Sec. 1816. Awarding of contracts.
Sec. 1817. Specific types of contracts.
Sec. 1818. Other matters relating to awarding of contracts.
Sec. 1819. Undefinitized contractual actions.
Sec. 1820. Task and delivery order contracts.
Sec. 1821. Acquisition of commercial products and commercial services.
Sec. 1822. Multiyear contracts.
Sec. 1823. Simplified acquisition procedures.
Sec. 1824. Rapid acquisition procedures.
Sec. 1825. Contracts for long-term lease or charter of vessels, aircraft, and
combat vehicles.

Subtitle D—General Contracting Provisions

Sec. 1831. Cost or pricing data.
Sec. 1832. Allowable costs.
Sec. 1833. Proprietary contractor data and rights in technical data.
Sec. 1834. Contract financing.
Sec. 1835. Contractor audits and accounting.
Sec. 1836. Claims and disputes.
Sec. 1837. Foreign acquisitions.
Sec. 1838. Socioeconomic programs.

Subtitle E—Research and Engineering

Sec. 1841. Research and engineering generally.
Sec. 1842. Innovation.
Sec. 1843. Department of Defense laboratories.
Sec. 1844. Research and development centers and facilities.
Sec. 1845. Test and evaluation.

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Subtitle F—Major Systems, Major Defense Acquisition Programs, and
Weapon Systems Development

- Sec. 1846. General matters.
- Sec. 1847. Major systems and major defense acquisition programs generally.
- Sec. 1848. Life-cycle and sustainment.
- Sec. 1849. Program status—selected acquisition reports.
- Sec. 1850. Cost growth—unit cost reports (Nunn-McCurdy).
- Sec. 1851. Weapon systems development and related matters.

Subtitle G—Other Special Categories of Contracting

- Sec. 1856. Acquisition of services generally.
- Sec. 1857. Acquisition of information technology.

Subtitle H—Contract Management

- Sec. 1861. Contract administration.
- Sec. 1862. Prohibitions and penalties.
- Sec. 1863. Contractor workforce.
- Sec. 1864. Other administrative matters.

Subtitle I—Defense Industrial Base

- Sec. 1866. Defense industrial base generally.
- Sec. 1867. Policies and planning.
- Sec. 1868. Development, application, and support of dual-use technologies.
- Sec. 1869. Manufacturing technology.
- Sec. 1870. Other technology base policies and programs.
- Sec. 1871. Small business programs.
- Sec. 1872. Procurement technical assistance cooperative agreement program.
- Sec. 1873. Loan guarantee programs.

Subtitle J—Other Matters

- Sec. 1876. Recodification of certain title 10 provisions relating to contract financing for certain Navy contracts.
- Sec. 1877. Recodification of title 10 statute on cadre of personnel who are intellectual property experts.
- Sec. 1878. Transfer of title 10 section relating to notification of Navy procurement production disruptions.
- Sec. 1879. Transfer of title 10 section relating to energy security.
- Sec. 1880. Part IV heading.
- Sec. 1881. Repeal of chapters 137, 139, 144, and 148.
- Sec. 1882. Revision of chapter 141.
- Sec. 1883. References.
- Sec. 1884. Savings provisions.
- Sec. 1885. Rule of construction.

1 SEC. 1801. TRANSFER AND REORGANIZATION OF DEFENSE
2 ACQUISITION STATUTES.

- 3 (a) ACTIVITIES.**—Not later than February 1, 2021,
4 the Secretary of Defense shall establish a process to en-

1 gage interested parties and experts from the public and
2 private sectors, as determined appropriate by the Sec-
3 retary, in a comprehensive review of this title and the
4 amendments made by this title.

5 (b) ASSESSMENT AND REPORT.—Not later than
6 March 15, 2021, the Secretary of Defense shall submit
7 to the congressional defense committees a report evalu-
8 ating this title and the amendments made by this title that
9 shall include the following elements:

10 (1) Specific recommendations for modifications
11 to the legislative text of this title and the amend-
12 ments made by this title, along with a list of con-
13 forming amendments to law required by this title
14 and the amendments made by this title.

15 (2) A summary of activities conducted pursuant
16 to the process established under subsection (a), in-
17 cluding an assessment of the effect of this title and
18 the amendments made by this title on related De-
19 partment of Defense activities, guidance, and inter-
20 agency coordination.

21 (3) An implementation plan for updating the
22 regulations and guidance relating to this title and
23 the amendments made by this title that contains the
24 following elements:

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1 (A) A description of how the plan will be
2 implemented.

3 (B) A schedule with milestones for the im-
4 plementation of the plan.

5 (C) A description of the assignment of
6 roles and responsibilities for the implementation
7 of the plan.

8 (D) A description of the resources required
9 to implement the plan.

10 (E) A description of how the plan will be
11 reviewed and assessed to monitor progress.

12 (4) Such other items as the Secretary considers
13 appropriate.

14 (d) ENACTMENT AND IMPLEMENTATION.—

15 (1) DELAYED ENACTMENT.—Except as specifi-
16 cally provided, this title and the amendments made
17 by this title shall take effect on January 1, 2022.

18 (2) DELAYED IMPLEMENTATION.—Not later
19 than January 1, 2023, the Secretary of Defense
20 shall take such action as necessary to revise or mod-
21 ify the Department of Defense Supplement to the
22 Federal Acquisition Regulation and other existing
23 authorities affected by the enactment of this title
24 and the amendments made by this title.

25 (3) APPLICABILITY.—

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1 (A) IN GENERAL.—The Secretary of De-
2 fense shall apply the law as in effect on Decem-
3 ber 31, 2021, with respect to contracts entered
4 into during the covered period.

5 (B) COVERED PERIOD DEFINED.—In this
6 paragraph, the term “covered period” means
7 the period beginning on January 1, 2022, and
8 ending on the earlier of—

9 (i) the date on which the Secretary of
10 Defense revises or modifies authorities
11 pursuant to paragraph (2); or

12 (ii) January 1, 2023.

13 **Subtitle A—Definitions**

14 **SEC. 1806. DEFINITIONS.**

15 (a) NEW CHAPTER.—

16 (1) NEW SUBCHAPTER.—Part V of subtitle A
17 of title 10, United States Code, as added by section
18 801 of the John S. McCain National Defense Au-
19 thorization Act for Fiscal Year 2019 (Public Law
20 115–232), is amended by striking chapter 201 and
21 inserting the following:

22 **“CHAPTER 201—DEFINITIONS**

“Subchapter	Sec.
“I. Definitions Relating to Defense Acquisition System Generally	3001
“II. Definitions Applicable to Procurement Generally	3011
“III. Definitions Relating to Major Systems and Major Defense Acqui- sition Programs	3041

1 “SUBCHAPTER I—DEFINITIONS RELATING TO
2 DEFENSE ACQUISITION SYSTEM GENERALLY

“Sec.

“3001. Defense acquisition system; element of the defense acquisition system.

“3002. Federal Acquisition Regulation.

“3003. Defense Federal Acquisition Regulation Supplement.

“3004. Head of an agency.

“3005. Service chief concerned.

“3006. Acquisition workforce.

3 **“§ 3001. Defense acquisition system; element of the**
4 **defense acquisition system**

5 **“§ 3002. Federal Acquisition Regulation**

6 **“§ 3003. Defense Federal Acquisition Regulation Sup-**
7 **plement**

8 “[Reserved].

9 **“§ 3004. Head of an agency**

10 **“§ 3005. Service chief concerned**

11 “[Reserved].

12 **“§ 3006. Acquisition workforce**

13 “For the definition of the term ‘acquisition work-
14 force’ for the purposes of this part, see section 101(a)(18)
15 of this title.”.

16 (2) TRANSFER OF SECTION 2545(2).—Paragraph
17 (2) of section 2545 of title 10, United States Code,
18 is transferred to section 3001 of such title, as added
19 by paragraph (1), inserted after the section heading,
20 redesignated as subsection (a), realigned 2 ems to
21 the left, and amended—

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1 (A) by striking “The term” and inserting
2 “DEFENSE ACQUISITION SYSTEM.—In this
3 part, the term”;

4 (B) by striking “means the” and inserting
5 “means—
6 “(1) the”;

7 (C) by striking “of Defense; the manage-
8 ment” and inserting “of Defense;
9 “(2) the management”; and

10 (D) by striking “of Defense; and the” and
11 inserting “of Defense; and
12 “(3) the”.

13 (3) TRANSFER OF SECTION 2545(3).—Paragraph
14 (3) of section 2545 of title 10, United States Code,
15 is transferred to section 3001 of such title, as added
16 by paragraph (1), inserted after subsection (a), as
17 transferred and redesignated by paragraph (2), re-
18 designated as subsection (b), realigned 2 ems to the
19 left, and amended—

20 (A) by striking “The term” and inserting
21 “ELEMENT OF THE DEFENSE ACQUISITION
22 SYSTEM.—In this part, the term”;

23 (B) by striking “organization that em-
24 ploys” and inserting “organization that—
25 “(1) employs”;

1 (C) by striking “workforce, carries out”
2 and inserting “workforce;
3 “(2) carries out”; and
4 (D) by striking “functions, and focuses”
5 and inserting “functions; and
6 “(3) focuses”.

7 (4) TRANSFER OF SECTION 2545(1).—Paragraph
8 (1) of section 2545 of title 10, United States Code,
9 is transferred to section 3001 of such title, as added
10 by paragraph (1), inserted after subsection (b), as
11 transferred and redesignated by paragraph (3), re-
12 designated as subsection (c), realigned 2 ems to the
13 left, and amended by striking “The term” and in-
14 serting “ACQUISITION.—In this section, the term”.

15 (5) TRANSFER OF SECTION 2302(6).—Paragraph
16 (6) of section 2302 of title 10, United States Code,
17 is transferred to section 3002 of such title, as added
18 by paragraph (1), inserted after the section heading,
19 realigned 2 ems to the left, and amended—

20 (A) by striking the paragraph designation;
21 and

22 (B) by striking “The term” and inserting
23 “In this part, the term”.

24 (6) TRANSFER OF SECTION 2302(1).—Paragraph
25 (1) of section 2302 of title 10, United States Code,

1 is transferred to section 3004 of such title, as added
2 by paragraph (1), inserted after the section heading,
3 realigned 2 ems to the left, and amended—

4 (A) by striking the paragraph designation;

5 and

6 (B) by striking “The term” and inserting

7 “In this part, the term”.

8 (b) NEW SUBCHAPTER II.—

9 (1) IN GENERAL.—Such chapter is further
10 amended by adding at the end the following new
11 subchapter:

12 “SUBCHAPTER II—DEFINITIONS APPLICABLE
13 TO PROCUREMENT GENERALLY

“Sec.

“3011. Definitions incorporated from title 41.

“3012. Competitive procedures.

“3013. Technical data.

“3014. Nontraditional defense contractor.

“3015. Simplified acquisition threshold.

“3016. Chapter 137 legacy provisions.

14 **“§ 3011. Definitions incorporated from title 41**

15 **“§ 3012. Competitive procedures**

16 **“§ 3013. Technical data**

17 **“§ 3014. Nontraditional defense contractor**

18 **“§ 3015. Simplified acquisition threshold”.**

19 (2) TRANSFER OF 2302(3).—Paragraph (3) of
20 section 2302 of such title is transferred to section
21 3011 of such title, as added by paragraph (1), in-

1 serted after the section heading, realigned 2 ems to
2 the left, and amended—

3 (A) by striking the paragraph designation;

4 (B) by striking “The following” and insert-
5 ing “In any chapter 137 legacy provision, the
6 following”; and

7 (C) by redesignating subparagraphs (A)
8 through (M) as paragraphs (1) through (13),
9 respectively.

10 (3) TRANSFER OF 2302(2).—Paragraph (2) of
11 section 2302 of such title is transferred to section
12 3012 of such title, as added by paragraph (1), in-
13 serted after the section heading, realigned 2 ems to
14 the left, and amended—

15 (A) by striking the paragraph designation;

16 (B) by striking “The term” and inserting
17 “In this part, the term”;

18 (C) by redesignating subparagraphs (A),
19 (B), (C), (D), and (E) as paragraphs (1), (2),
20 (3), (4), and (5), respectively; and

21 (D) by redesignating clauses (i) and (ii) of
22 paragraph (3), as so redesignated, as subpara-
23 graphs (A) and (B), respectively.

24 (4) TRANSFER OF 2302(4).—Paragraph (4) of
25 section 2302 of such title is transferred to section

1 3013 of such title, as added by paragraph (1), in-
2 serted after the section heading, realigned 2 ems to
3 the left, and amended—

4 (A) by striking the paragraph designation;
5 and

6 (B) by striking “The term” and inserting
7 “In any chapter 137 legacy provision, the
8 term”.

9 (5) TRANSFER OF 2302(9).—Paragraph (9) of
10 section 2302 of such title is transferred to section
11 3014 of such title, as added by paragraph (1), in-
12 serted after the section heading, realigned 2 ems to
13 the left, and amended—

14 (A) by striking the paragraph designation;

15 (B) by striking “The term” and inserting
16 “In this part, the term”; and

17 (C) by striking “section 2371(a) or 2371b”
18 and inserting “section 4002(a) or 4003”.

19 (6) TRANSFER OF 2302(7) & (8).—Paragraphs
20 (7) and (8) of section 2302 of such title are trans-
21 ferred to section 3015 of such title, as added by
22 paragraph (1), and redesignated as paragraphs (1)
23 and (2), respectively, and such section is further
24 amended by inserting before paragraph (1), as so re-
25 designated, the following:

1 “In this part:”.

2 (7) CHAPTER 137 LEGACY PROVISIONS DE-
3 FINED.—Subchapter II of such chapter, as added by
4 paragraph (1), is further amended by adding at the
5 following new section:

6 **“§ 3016. Chapter 137 legacy provisions**

7 “In this part, the term ‘chapter 137 legacy provi-
8 sions’ means the following sections of this title: sections
9 3002, 3004, 3011–3015, 3041, 3063–3069, 3134, 3151–
10 3157, 3201–3208, 3221–3227, 3241, 3243, 3249, 3252,
11 3301–3309, 3321–3323, 3344, 3345, 3371–3375, 3377,
12 3401, 3403, 3405, 3406, 3501–3511, 3531–3535, 3571,
13 3572, 3573, 3701–3708, 3741–3750, 3761, 3771–3775,
14 3781–3786, 3791, 3794, 3801–3807, 3841, 3842, 3847,
15 3881, 3901, 3902, 4202(b), 4324, 4325, 4501, 4502,
16 4505, 4506, 4507, 4576, 4657, 4660, 4751, 4752, and
17 8751.”.

18 (c) NEW SUBCHAPTER III.—

19 (1) IN GENERAL.—Such chapter is further
20 amended by adding after subchapter II, as added by
21 subsection (b), the following new subchapter:

22 “SUBCHAPTER III—DEFINITIONS RELATING TO
23 MAJOR SYSTEMS AND MAJOR DEFENSE AC-
24 QUISSION PROGRAMS

“Sec.

“3041. Major system.

“3042. Major defense acquisition program.

1 **“§ 3041. Major system**

2 **“§ 3042. Major defense acquisition program**

3 “For the definition of the term ‘major defense acqui-
4 sition program’ for purposes of this part, see section 4201
5 of this title.”.

6 (2) TRANSFER OF 2302(5).—Paragraph (5) of
7 section 2302 of such title is transferred to section
8 3041 of such title, as added by paragraph (1), in-
9 serted after the section heading, realigned 2 ems to
10 the left, redesignated as subsection (a), and amend-
11 ed—

12 (A) by striking “The term” and inserting
13 “IN GENERAL.—In this part (other than in sec-
14 tions 4292(e) and 4321), the term”;

15 (B) by designating the third sentence as
16 subsection (b);

17 (C) in subsection (b), as so designated—

18 (i) by inserting “SYSTEM CONSID-
19 ERED TO BE A MAJOR SYSTEM.—” before
20 “A system shall be”; and

21 (ii) by striking “system if (A)” and all
22 that follows and inserting “system if—

23 “(1) the conditions of subsection (c) or (d), as
24 applicable, are satisfied; or

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1 “(2) the system is designated a ‘major system’
2 by the head of the agency responsible for the sys-
3 tem.”.

4 (3) TRANSFER OF 2302D(A) AND (B).—Sub-
5 sections (a) and (b) of section 2302d of such title
6 are transferred to section 3041 of such title, as
7 amended by paragraph (2), inserted after subsection
8 (b), as designated by paragraph (2)(B), redesignated
9 as subsections (c) and (d), respectively, and amend-
10 ed—

11 (A) by striking “section 2302(5) of this
12 title” in both subsections and inserting “sub-
13 section (b)”;

14 (B) in subsection (c), as so redesignated—

15 (i) by striking “SYSTEMS.—For pur-
16 poses of” and inserting “SYSTEMS.—

17 “(1) IN GENERAL.—For purposes of”;

18 (ii) by redesignating paragraphs (1)
19 and (2) as subparagraphs (A) and (B), re-
20 spectively; and

21 (iii) by adding at the end the fol-
22 lowing new paragraph:

23 “(2) ADJUSTMENT AUTHORITY.—Authority for
24 the Secretary of Defense to adjust amounts and the

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1 base fiscal year in effect under this subsection is
2 provided in section 4202(b) of this title.”.

3 (d) CONFORMING REPEAL.—Section 2302 of title 10,
4 United States Code, is repealed.

5 (e) CONFORMING CROSS-REFERENCE AMEND-
6 MENTS.—

7 (1) HEAD OF AN AGENCY.—The following pro-
8 visions of law are amended by striking “section
9 2302(1)” and inserting “section 3004”:

10 (A) Section 2218(k)(4) of title 10, United
11 States Code.

12 (B) Section 2646(c)(1) of title 10, United
13 States Code.

14 (2) MAJOR SYSTEM.—The following provisions
15 of law are amended by striking “section 2302(5)”
16 and inserting “section 3041”:

17 (A) Section 933(e)(1)(A) of the National
18 Defense Authorization Act for Fiscal Year 2013
19 (Public Law 112–239; 10 U.S.C. 2224 note).

20 (B) Section 932(b)(1) of the Ike Skelton
21 National Defense Authorization Act for Fiscal
22 Year 2011 (Public Law 111–383; 10 U.S.C.
23 2224 note).

24 (C) Section 254(f)(1) of the Duncan Hun-
25 ter National Defense Authorization Act for Fis-

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1 cal Year 2009 (Public Law 110–417; 10 U.S.C.
2 2302 note).

3 (D) Section 812(k) of the John Warner
4 National Defense Authorization Act for Fiscal
5 Year 2007 (Public Law 109–364; 10 U.S.C.
6 2302 note).

7 (E) Section 4471(f)(1) of the National De-
8 fense Authorization Act for Fiscal Year 1993
9 (Public Law 102–484; 10 U.S.C. 2501 note).

10 (3) NONTRADITIONAL DEFENSE CON-
11 TRACTOR.—The following provisions of law are
12 amended by striking “section 2302(9)” or “section
13 2302”, as the case may be, and inserting “section
14 3014”:

15 (A) Section 1110(b)(2) of the National De-
16 fense Authorization Act for Fiscal Year 2016
17 (Public Law 114–92; 10 U.S.C. 1701 note).

18 (B) Section 217(e)(2)(D) of the National
19 Defense Authorization Act for Fiscal Year 2016
20 (Public Law 114–92; 10 U.S.C. 2222 note).

21 (C) Section 843(c)(4) of the John S.
22 McCain National Defense Authorization Act for
23 Fiscal Year 2019 (Public Law 115–232; 10
24 U.S.C. 2302 note).

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1 (D) Section 884(e)(1) of the National De-
2 fense Authorization Act for Fiscal Year 2017
3 (Public Law 114–328; 10 U.S.C. 2302 note).

4 (E) Section 866(e)(3) of the Ike Skelton
5 National Defense Authorization Act for Fiscal
6 Year 2011 (Public Law 111–383; 10 U.S.C.
7 2302 note).

8 (F) Section 831(o)(2)(H)(i) of the Na-
9 tional Defense Authorization Act for Fiscal
10 Year 1991 (Public Law 101–510; 10 U.S.C.
11 2302 note).

12 (4) SIGNIFICANT NONMAJOR DEFENSE ACQUISI-
13 TION PROGRAM.—Section 1737(a)(3) of title 10,
14 United States Code, is amended by striking “section
15 2302(5)(A)” both places it appears and inserting
16 “section 3041(b)(1)”.

17 (5) SIMPLIFIED ACQUISITION THRESHOLD.—
18 Section 801(f)(4) of the National Defense Author-
19 ization Act for Fiscal Year 2008 (Public Law 110–
20 181; 10 U.S.C. 2304 note) is amended by striking
21 “section 2302(7)” and inserting “section 3015(a)”:

22 **SEC. 1807. GENERAL MATTERS.**

23 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
24 United States Code, as added by section 801 of the John
25 S. McCain National Defense Authorization Act for Fiscal

1 Year 2019 (Public Law 115–232), is amended by striking
2 chapter 203 and inserting the following:

3 **“CHAPTER 203—GENERAL MATTERS**

“Sec.

“3061. **[Reserved]**.

“3062. Regulations.

“3063. Covered agencies.

“3064. Applicability chapter 137 legacy provisions.

“3065. Assignment and delegation of procurement functions and responsibilities:
delegation within agency.

“3066. Assignment and delegation of procurement functions and responsibilities:
procurements for or with other agencies.

“3067. Approval required for military department termination or reduction in
participation in joint acquisition programs.

“3068. Inapplicability of certain laws.

“3069. Buy-to-budget acquisition: end items.

“3070. Limitation on acquisition of excess supplies.

“3071. **[Reserved]**.

“3072. Comptroller General assessment of acquisition programs and initia-
tives.”.

4 (b) SECTION 2202 OF TITLE 10 (PARTIAL).—

5 (1) IN GENERAL.—Chapter 203 of title 10,
6 United States Code, as amended by subsection (a),
7 is amended by inserting after the table of sections
8 the following new sections:

9 **“§ 3062. Regulations**

10 “The Secretary of Defense shall prescribe regulations
11 governing the performance within the Department of De-
12 fense of the procurement functions, and related functions,
13 of the Department of Defense.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 2202 of title 10, United States
16 Code, is amended by striking “procurement,”.

1 (B) The heading of such section, and the
2 item relating to such section in the table of sec-
3 tions at the beginning of chapter 131 of such
4 title, are amended by striking the third word
5 and the comma following that word.

6 (c) SECTION 2303 OF TITLE 10.—

7 (1) IN GENERAL.—Chapter 203 of title 10,
8 United States Code, is amended by adding after sec-
9 tion 3062, as added by subsection (b), the following
10 new sections:

11 **“§ 3063. Covered agencies**

12 “For purposes of any provision of law referring to
13 this section, the agencies named in this section are the
14 following:

15 **“§ 3064. Applicability of chapter 137 legacy provi-
16 sions”.**

17 (2) TRANSFER OF LIST OF COVERED AGEN-
18 CIES.—Paragraphs (1) through (6) of section
19 2303(a) of title 10, United States Code, are trans-
20 ferred to the end of section 3063 of such title, as
21 added by paragraph (1).

22 (3) TRANSFER OF APPLICABILITY PROVI-
23 SIONS.—Subsection (a) (as amended by paragraph
24 (2)) and subsection (b) of section 2303 of such title
25 are transferred to section 3064 of such title, as

1983

1 added by paragraph (1), inserted after the section
2 heading, and amended—

3 (A) in subsection (a)—

4 (i) by striking “This chapter” and in-
5 serting “GENERAL APPLICABILITY.—Any
6 provision of this part that is a chapter 137
7 legacy provision;”

8 (ii) by striking “of the following agen-
9 cies” and inserting “by any of the agencies
10 named in section 3063 of this title”; and

11 (iii) by striking the colon after
12 “funds” and inserting a period; and

13 (B) in subsection (b), by striking “The
14 provisions of this chapter” and inserting “AP-
15 PPLICABILITY TO CONTRACTS FOR INSTALLA-
16 TION OR ALTERATION.—The provisions of this
17 part that are chapter 137 legacy provisions”.

18 (4) CONFORMING REPEAL.—Section 2303 of
19 title 10, United States Code, is repealed.

20 (d) TRANSFER OF SECTION 2311 OF TITLE 10.—

21 (1) TRANSFER.—Section 2311 of title 10,
22 United States Code, is transferred to chapter 203 of
23 such title, inserted after section 3064, as added by
24 subsection (c), and redesignated as section 3065.

1 (2) DIVISION INTO THREE SECTIONS.—The text
2 transferred and redesignated by paragraph (1) is
3 amended—

4 (A) by inserting after subsection (a) the
5 following new section heading:

6 **“§ 3066. Assignment and delegation of procurement**
7 **functions and responsibilities: procure-**
8 **ments for or with other agencies”;**

9 (B) by inserting after subsection (b) the
10 following new section heading:

11 **“§ 3067. Approval required for military department**
12 **termination or reduction in participation**
13 **in joint acquisition programs”;**

14 (C) in section 3065, as so redesignated—

15 (i) by striking “(a) IN GENERAL.—”;

16 and

17 (ii) by striking “under this chapter”

18 and inserting “under any provision of this
19 part that is a chapter 137 legacy provi-
20 sion”;

21 (D) in section 3066, as so designated—

22 (i) by striking “(b) PROCUREMENTS
23 FOR OR WITH OTHER AGENCIES.—Subject
24 to subsection (a)” and inserting “Subject
25 to section 3065 of this title”;

1 (ii) by striking “covered by this chap-
2 ter” and inserting “covered by any provi-
3 sion of this part that is a chapter 137 leg-
4 acy provision”; and

5 (iii) by striking “section 2303” and
6 inserting “section 3063”; and

7 (E) in section 3067, as so designated—

8 (i) by redesignating subsection (c) as
9 subsection (a);

10 (ii) by striking “(1)”;

11 (iii) by redesignating paragraph (2) as
12 subsection (b) and inserting “REQUIRED
13 CONTENT OF REGULATIONS.—” before
14 “The regulations”; and

15 (iv) by redesignating subparagraphs
16 (A) and (B) as paragraphs (1) and (2), re-
17 spectively.

18 (3) CONFORMING AMENDMENT.—The heading
19 of section 3065, as transferred and redesignated by
20 paragraph (1), is amended to read as follows:

21 **“§ 3065. Assignment and delegation of procurement**
22 **functions and responsibilities: delegation**
23 **within agency”.**

24 (e) TRANSFER AND CONSOLIDATION OF SECTIONS
25 2314 & 2315 OF TITLE 10.—

1 (1) NEW SECTION.—Chapter 203 of title 10,
2 United States Code, is amended by adding after sec-
3 tion 3067, as designated by subsection (d), the fol-
4 lowing new section:

5 **“§ 3068. Inapplicability of certain laws”.**

6 (2) TRANSFER OF SECTION 2314.—The text of
7 section 2314 of such title is transferred to section
8 3068, as added by paragraph (1), inserted after the
9 section heading, designated as subsection (a), and
10 amended—

11 (A) by inserting “LAWS INAPPLICABLE TO
12 AGENCIES NAMED IN SECTION 3063.—” before
13 “Sections”; and

14 (B) by striking “section 2303” and insert-
15 ing “section 3063 of this title”.

16 (3) TRANSFER OF SECTION 2315.—The text of
17 section 2315 of such title is transferred to section
18 3068, as added by paragraph (1), inserted after sub-
19 section (a), as transferred and designated by para-
20 graph (2), designated as subsection (b), and amend-
21 ed by inserting “LAWS INAPPLICABLE TO PROCURE-
22 MENT OF AUTOMATIC DATA PROCESSING EQUIP-
23 MENT AND SERVICES FOR CERTAIN DEFENSE PUR-
24 POSES.—” before “Sections”.

1 (4) CONFORMING REPEALS.—Sections 2314
2 and 2315 of title 10, United States Code, are re-
3 pealed.

4 (f) TRANSFER OF SECTION 2308.—Section 2308 of
5 title 10, United States Code, is transferred to chapter 203
6 of such title, inserted after section 3068, as added by sub-
7 section (e), redesignated as section 3069, and amended
8 by striking “section 2304” in subsection (b)(2) and insert-
9 ing “sections 3201 through 3205”.

10 (g) TRANSFER OF SECTIONS 2213 AND 2229B.—

11 (1) TRANSFER.—Sections 2213 and 2229b of
12 such title are transferred to chapter 203 of such
13 title, inserted after section 3069, as transferred and
14 redesignated by subsection (f), and redesignated as
15 sections 3070 and 3072, respectively.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 131 of such title
18 is amended by striking the items relating to section
19 2213 and 2229b.

20 **SEC. 1808. DEFENSE ACQUISITION SYSTEM.**

21 (a) TRANSFER OF CHAPTER 149.—

22 (1) TRANSFER OF CHAPTER.—Chapter 149 of
23 title 10, United States Code, is transferred to part
24 V of subtitle A of that title, as added by section 801
25 of the John S. McCain National Defense Authoriza-

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1 tion Act for Fiscal Year 2019 (Public Law 115–
2 232), inserted in place of chapter 205 as enacted by
3 that section, and redesignated as chapter 205.

4 (2) REDESIGNATION OF SECTIONS.—Sections in
5 chapter 205 of title 10, United States Code, as
6 transferred and redesignated by paragraph (1), are
7 redesignated as follows:

Old Section No.	New Section No.
2545	3101
2546	3103
2546a	3102
2547	3104
2548	3105

8 (3) REVISION OF ORDER OF SECTIONS.—

9 (A) Section 3102 of such title, as redesign-
10 nated by paragraph (2), is transferred within
11 such section so as to appear after section 3101,
12 as so redesignated.

13 (B) The items in the table of sections at
14 the beginning of such chapter, as transferred by
15 paragraph (1), are amended to conform to the
16 redesignations made by paragraph (2) and the
17 transfer made by subparagraph (A).

18 (4) TABLES OF CHAPTERS.—The tables of
19 chapters at the beginning of subtitle A, and at the
20 beginning of part IV of subtitle A, of title 10,

1 United States Code, are amended by striking the
2 item relating to chapter 149.

3 (b) AMENDMENTS TO TRANSFERRED SECTIONS.—

4 (1) SECTION 3101.—Section 3101 of title 10,
5 United States Code, as redesignated by subsection
6 (a)(2), is amended—

7 (A) by striking “chapter:

8 “(1) The” and

9 inserting “chapter, the”; and

10 (B) by striking paragraphs (2), (3), and
11 (4).

12 (2) SECTION 3104.—Section 3104 of title 10,
13 United States Code, as redesignated by subsection
14 (a)(2), is amended—

15 (A) in subsection (b)(1), by striking “sec-
16 tion 2448a(a)” and inserting “section
17 4271(a)”;

18 (B) in subsection (b)(2)(B), by striking
19 “section 2366a” and inserting “section 4251”;

20 (C) in subsection (b)(2)(C), by striking
21 “section 2366b” and inserting “section 4252”;
22 and

23 (D) in subsection (d)(3), by striking “sec-
24 tion 2446a(b)(5)” and inserting “section
25 4401(b)(5)”.

1 (3) SECTION 3105.—Section 3105 of title 10,
2 United States Code, as redesignated by subsection
3 (a)(2), is amended in subsection (b)(2)(B)(i) by
4 striking “section 2306a” and inserting “sections
5 3701 through 3708”.

6 (c) DIVISION OF CURRENT 2548 INTO TWO SEC-
7 TIONS.—

8 (1) NEW SECTION.—Such chapter is further
9 amended—

10 (A) by inserting after subsection (c) of
11 such section 3105, as redesignated by sub-
12 section (a)(2), the following new section head-
13 ing:

14 **“§ 3106. Elements of the defense acquisition system:
15 performance goals”; and**

16 (B) by redesignating subsections (d) and
17 (e) as subsections (a) and (b), respectively.

18 (2) CONFORMING AMENDMENT TO NEW 3105
19 HEADING.—The heading of such section 3105 is
20 amended to read as follows:

21 **“§ 3105. Elements of the defense acquisition system:
22 performance assessments”.**

23 (3) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 205 of such title,
25 as amended by subsection (a)(3), is further amended

1 by striking the item relating to section 3105 and in-
2 serting the following new items:

“3105. Elements of the defense acquisition system: performance assessments.
“3106. Elements of the defense acquisition system: performance goals”.

3 (d) CROSS-REFERENCE AMENDMENTS.—

4 (1) Section 129a(c)(3) of title 10, United
5 States Code, is amended by striking “section 2545”
6 and inserting “section 3001”.

7 (2) Section 1701a of such title is amended by
8 striking “chapter 149” and inserting “chapter 205”.

9 **SEC. 1809. BUDGETING AND APPROPRIATIONS.**

10 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
11 United States Code, as added by section 801 of the John
12 S. McCain National Defense Authorization Act for Fiscal
13 Year 2019 (Public Law 115–232), is amended by striking
14 chapter 207 and inserting the following:

15 **“CHAPTER 207—BUDGETING AND**
16 **APPROPRIATIONS**

“Sec.

“3131. Availability of appropriations.

“3132. Availability of appropriations for procurement of technical military
equipment and supplies.

“3133. Contracts for periods crossing fiscal years: severable service contracts;
leases of real or personal property.

“3134. Allocation of appropriations.

“3135. Comparable budgeting for common procurement weapon systems.

“3136. Defense Modernization Account.

“3137. Procurement of contract services: specification of amounts requested in
budget.

“3138. Obligations for contract services: reporting in budget object classes.”.

17 (b) TRANSFER OF SECTION 2351.—Section 2351 of
18 title 10, United States Code, is transferred to chapter 207

1 of such title, as amended by subsection (a), inserted after
2 the table of sections, and redesignated as section 3131.

3 (c) TRANSFER OF SECTION 2395.—Section 2395 of
4 title 10, United States Code, is transferred to chapter 207
5 of such title, as amended by subsection (a), inserted after
6 section 3131, as transferred and redesignated by sub-
7 section (b), and redesignated as section 3132.

8 (d) TRANSFER OF SECTION 2410A.—Section 2410a
9 of title 10, United States Code, is transferred to chapter
10 207 of such title, as amended by subsection (a), inserted
11 after section 3132, as transferred and redesignated by
12 subsection (c), and redesignated as section 3133.

13 (e) TRANSFER OF SECTION 2309.—

14 (1) TRANSFER.—Section 2309 of title 10,
15 United States Code, is transferred to chapter 207 of
16 such title, as amended by subsection (a), added after
17 section 3133, as transferred and redesignated by
18 subsection (d), and redesignated as section 3134.

19 (2) AMENDMENTS.—Such section is amended—

20 (A) in subsection (a), by striking “named
21 in section 2303” and inserting “named in sec-
22 tion 3063”; and

23 (B) by adding at the end the following new
24 subsection:

1 “(c) For purposes of sections 3064 and 3066 of this
2 title, this section shall be deemed to be a section of chapter
3 137 of this title.”.

4 (f) TRANSFER OF SECTION 2217.—

5 (1) TRANSFER.—Section 2217 of title 10,
6 United States Code, is transferred to chapter 207 of
7 such title, as amended by subsection (a), added after
8 section 3134, as transferred and redesignated by
9 subsection (e), and redesignated as section 3135.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 131 of such title
12 is amended by striking the item relating to section
13 2217.

14 (g) TRANSFER OF SECTION 2216.—

15 (1) TRANSFER.—Section 2216 of title 10,
16 United States Code, is transferred to chapter 207 of
17 such title, as amended by subsection (a), added after
18 section 3135, as transferred and redesignated by
19 subsection (f), and redesignated as section 3136.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 131 of such title
22 is amended by striking the item relating to section
23 2216.

24 (h) TRANSFER OF SECTION 235.—

1 (1) TRANSFER.—Section 235 of title 10, United
2 States Code, is transferred to chapter 207 of such
3 title, as amended by subsection (a), added after sec-
4 tion 3136, as transferred and redesignated by sub-
5 section (g), and redesignated as section 3137.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 9 of such title is
8 amended by striking the item relating to section
9 235.

10 (i) TRANSFER OF SECTION 2212.—

11 (1) TRANSFER.—Section 2212 of title 10,
12 United States Code, is transferred to chapter 207 of
13 such title, as amended by subsection (a), added after
14 section 3137, as transferred and redesignated by
15 subsection (h), and redesignated as section 3138.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 131 of such title
18 is amended by striking the item relating to section
19 2212.

20 **SEC. 1810. OPERATIONAL CONTRACT SUPPORT.**

21 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
22 United States Code, as added by section 801 of the John
23 S. McCain National Defense Authorization Act for Fiscal
24 Year 2019 (Public Law 115–232), is amended by striking
25 chapter 209 and inserting the following:

1995

1 **“CHAPTER 209—OPERATIONAL CONTRACT**
2 **SUPPORT**

“Subchapter	Sec.
“I. Joint Policies on Requirements Definition, Contingency Program Management, and Contingency Contracting	3151
“II. Other Provisions Relating to Operational Contract Support	3171

3 **“SUBCHAPTER I—JOINT POLICIES ON RE-**
4 **QUIREMENTS DEFINITION, CONTINGENCY**
5 **PROGRAM MANAGEMENT, AND CONTIN-**
6 **GENCY CONTRACTING**

“Sec.
“3151. Joint policy requirement.
“3152. Requirements definition matters covered.
“3153. Contingency program management matters covered.
“3154. Contingency contracting matters covered.
“3155. Training for personnel outside acquisition workforce.
“3156. Mission readiness exercises.
“3157. Definitions; applicability.

7 **“§ 3151. Joint policy requirement**

8 **“§ 3152. Requirements definition matters covered**

9 **“§ 3153. Contingency program management matters**
10 **covered**

11 **“§ 3154. Contingency contracting matters covered**

12 **“§ 3155. Training for personnel outside acquisition**
13 **workforce**

14 **“§ 3156. Mission readiness exercises**

15 **“§ 3157. Definitions; applicability**

16 “In this subchapter:”.

17 (b) TRANSFER OF SECTION 2333.—Provisions of sec-
18 tion 2333 of title 10, United States Code, are transferred

1 to chapter 209 of such title, as amended by subsection
2 (a), as follows:

3 (1) SUBSECTION (A).—Subsection (a) of such
4 section 2333 is transferred to such chapter, inserted
5 after the heading for section 3151, and amended by
6 striking the subsection designation and subsection
7 heading.

8 (2) SUBSECTION (B).—Subsection (b) of such
9 section 2333 is transferred to such chapter, inserted
10 after the heading for section 3152, and amended—

11 (A) by striking the subsection designation
12 and subsection heading; and

13 (B) by striking “subsection (a)” and in-
14 serting “section 3151 of this title”.

15 (3) SUBSECTION (C).—Subsection (c) of such
16 section 2333 is transferred to such chapter, inserted
17 after the heading for section 3153, and amended—

18 (A) by striking the subsection designation
19 and subsection heading; and

20 (B) by striking “subsection (a)” and in-
21 serting “section 3151 of this title”.

22 (4) SUBSECTION (D).—Subsection (d) of such
23 section 2333 is transferred to section 3154 of such
24 chapter, as added by subsection (a), inserted after

1997

1 the section heading, redesignated as subsection (a),
2 and amended—

3 (A) by striking “CONTINGENCY CON-
4 TRACTING MATTERS COVERED.—(1)” and in-
5 serting “IN GENERAL.—”;

6 (B) by redesignating paragraph (2) as sub-
7 section (b) and inserting “INTERAGENCY
8 PLANS.—” in that subsection before “To the
9 extent”;

10 (C) by striking “subsection (a)” both
11 places it appears and inserting “section 3151 of
12 this title”; and

13 (D) in subsection (a), as so redesignated—

14 (i) by redesignating subparagraphs
15 (A) through (F) as paragraphs (1) through
16 (6), respectively; and

17 (ii) by redesignating clauses (i)
18 through (iv) of paragraph (4) (as so redesi-
19 gnated) as subparagraphs (A) through
20 (D), respectively.

21 (5) SUBSECTION (E).—Subsection (e) (other
22 than paragraph (3)) of such section 2333 is trans-
23 ferred to section 3155 of such chapter, as added by
24 subsection (a), inserted after the section heading, re-
25 designated as subsection (a), and amended—

1998

1 (A) by striking “TRAINING FOR PER-
2 SONNEL OUTSIDE ACQUISITION WORKFORCE.—
3 (1)” and inserting “REQUIRED TRAINING.—”;

4 (B) by striking “subsection (a)” and in-
5 serting “section 3151 of this title”; and

6 (C) by redesignating paragraph (2) as sub-
7 section (b) and in that subsection—

8 (i) by striking “Training under para-
9 graph (1)” and inserting “SCOPE OF
10 TRAINING.—Training under subsection
11 (a)”; and

12 (ii) by striking “referred to in that
13 paragraph” and all that follows and insert-
14 ing “referred to in that subsection—

15 “(1) understand the scope and scale of con-
16 tractor support they will experience in contingency
17 operations; and

18 “(2) are prepared for their roles and respon-
19 sibilities with regard to—

20 “(A) requirements definition;

21 “(B) program management (including con-
22 tractor oversight); and

23 “(C) contingency contracting.”.

24 (6) SUBSECTION (E)(3).—Paragraph (3) of such
25 subsection (e) is transferred to such chapter, in-

1999

1 serted after the heading for section 3156, and
2 amended—

3 (A) by striking the paragraph designation;
4 and

5 (B) by inserting “required by section 3151
6 of this title” after “The joint policy”.

7 (7) SUBSECTION (F).—Paragraphs (6), (5), (2),
8 and (1) of subsection (f) of such section are trans-
9 ferred (in that order) to section 3157 of such chap-
10 ter, inserted at the end, and redesignated as para-
11 graphs (1) through (4), respectively.

12 (c) CROSS REFERENCE AMENDMENT.—Paragraph
13 (4)(B) of subsection (a) of section 3154 of title 10, United
14 States Code, as transferred and redesignated by sub-
15 section (b)(3), is amended by striking “section 2304” and
16 inserting “sections 3201 through 3205”.

17 (d) ADDITIONAL PROVISIONS RELATING TO OPER-
18 ATIONAL CONTRACT SUPPORT.—Chapter 209 of title 10,
19 United States Code, is amended by adding at the end the
20 following new subchapter:

21 “SUBCHAPTER II—OTHER PROVISIONS RELAT-
22 ING TO OPERATIONAL CONTRACT SUPPORT

“Sec.

“3171. Contracts for property or services in support of a contingency operation:
competition and review.

“3172. Operational contract support: chain of authority and responsibility with-
in Department of Defense.

1 **“§ 3171. Contracts for property or services in support**
2 **of a contingency operation: competition**
3 **and review**

4 “[Reserved].

5 **“§ 3172. Operational contract support: chain of au-**
6 **thority and responsibility within Depart-**
7 **ment of Defense**

8 “[Reserved].”.

9 Subtitle B—Acquisition Planning

10 SEC. 1811. PLANNING AND SOLICITATION GENERALLY.

(a) TABLES OF CHAPTERS AMENDMENT.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of Public Law 115–232), of title 10, United States Code, are amended by striking the items relating to chapters 221 and 223 and inserting the following:

“221.	Planning and Solicitation Generally	3201
“222.	Independent Cost Estimation and Cost Analysis	3221
“223.	Other Provisions Relating to Planning and Solicitation Generally	3241
“225.	Planning and Solicitation Relating to Particular Items or Services	3271”

(b) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapters 221 and 223 and inserting the following:

1 **“CHAPTER 221—PLANNING AND**
2 **SOLICITATION GENERALLY**

“Sec.

“3201. Full and open competition.

“3202. **[Reserved]**.

“3203. Exclusion of particular source or restriction of solicitation to small business concerns.

“3204. Use of procedures other than competitive procedures.

“3205. Simplified procedures for small purchases.

“3206. Planning and solicitation requirements.

“3207. Assessment before contract for acquisition of supplies is entered into.

“3208. Planning for future competition in contracts for major systems.”.

3 (c) SECTION 2304 (PARTIAL).—

4 (1) SECTION HEADING.—Chapter 221 of title
5 10, United States Code, as amended by subsection
6 (b), is amended by adding after the table of sections
7 the following new section:

8 **“§ 3201. Full and open competition”.**

9 (2) TRANSFER OF SUBSECTION (A) OF SECTION
10 2304.—Subsection (a) of section 2304 of title 10,
11 United States Code, is transferred to section 3201
12 of such title, as added by paragraph (1), inserted
13 after the section heading, and amended—

14 (A) by redesignating paragraph (2) as sub-
15 section (b);

16 (B) by striking “(1) Except as provided in
17 subsections (b), (c), and (g),” and inserting “IN
18 GENERAL.—Except as provided in sections
19 3203, 3204(a), and 3205 of this title,”;

2002

1 (C) by redesignating subparagraphs (A)
2 and (B) as paragraphs (1) and (2), respectively;
3 (D) in paragraph (1), as so redesignated,
4 by striking “this chapter” and inserting “this
5 section and sections 3069, 3203, 3204, 3205,
6 3403, 3405, 3406, 3901 4501, and 4502 of this
7 title”; and

8 (E) in subsection (b), as redesignated by
9 subparagraph (A)—

10 (i) by inserting “DETERMINATION OF
11 APPROPRIATE COMPETITIVE PROCE-
12 DURES.—” before “In determining”;

13 (ii) by redesignating subparagraphs
14 (A) and (B) as paragraphs (1) and (2), re-
15 spectively;

16 (iii) in paragraph (1), as so redesign-
17 ated, by redesignating clauses (i), (ii),
18 (iii), and (iv) as subparagraphs (A), (B),
19 (C), and (D), respectively; and

20 (iv) in paragraph (2), as so redesign-
21 ated, by striking “clause (A)” and insert-
22 ing “paragraph (1)”.

23 (3) TRANSFER OF SUBSECTION (J) OF SECTION
24 2304.—Subsection (j) of such section 2304 is trans-
25 ferred to such section 3201, inserted after sub-

1 section (b), as transferred and redesignated by para-
2 graph (2), redesignated as subsection (c), and
3 amended by inserting “EFFICIENT FULFILLMENT
4 OF GOVERNMENT REQUIREMENTS.—” before “The
5 Federal”.

6 (4) TRANSFER OF SUBSECTION (H) OF SECTION
7 2304.—Subsection (h) of such section 2304 is trans-
8 ferred to such section 3201, inserted after sub-
9 section (c), as transferred and redesignated by para-
10 graph (3), redesignated as subsection (d), and
11 amended by inserting “CERTAIN PURCHASES OR
12 CONTRACTS TO BE TREATED AS IF MADE WITH
13 SEALED-BID PROCEDURES.—” before “For the pur-
14 poses”.

15 (5) TRANSFER OF SUBSECTION (K) OF SECTION
16 2304.—Subsection (k) of such section 2304 is trans-
17 ferred to such section 3201, inserted after sub-
18 section (d), as transferred and redesignated by para-
19 graph (4), redesignated as subsection (e), and
20 amended—

21 (A) by striking the subsection designation
22 and all that follows through “section 2303(a)”
23 in paragraph (1) and inserting the following:
24 “(e) NEW CONTRACTS AND MERIT-BASED SELEC-
25 TION PROCEDURES.—

1 “(1) CONGRESSIONAL POLICY.—It is the policy
2 of Congress that an agency named in section 3063”;

3 (B) by moving paragraphs (2), (3), and (4)
4 two ems to the right;

5 (C) by switching paragraphs (2) and (3)
6 and redesignating them accordingly;

7 (D) in paragraph (2), as so redesignated
8 by subparagraph (C), by inserting “NEW CON-
9 TRACT DESCRIBED.—” before “For purposes
10 of”;

11 (E) in paragraph (3), as so redesignated
12 by subparagraph (C), by inserting “PROVISION
13 OF LAW DESCRIBED.—” before “A provision
14 of”; and

15 (F) in paragraph (4)—

16 (i) by inserting “EXCEPTION.—” be-
17 fore “This subsection”; and

18 (ii) by striking “section 2303(a)” and
19 inserting “section 3063”.

20 (d) SECTION 2304 (PARTIAL).—

21 (1) SECTION HEADINGS.—Chapter 221 of title
22 10, United States Code, as amended by subsection
23 (b), is amended by adding after section 3201, as
24 added by subsection (c), the following new sections:

- 1 **“§ 3203. Exclusion of particular source or restriction**
2 **of solicitation to small business concerns**
3 **“§ 3204. Use of procedures other than competitive**
4 **procedures**
5 **“§ 3205. Simplified procedures for small purchases”.**

6 (2) TRANSFER OF SUBSECTION (B) OF SECTION
7 2304.—Subsection (b) of section 2304 of title 10,
8 United States Code, is transferred to section 3203
9 of such title, as added by paragraph (1), inserted
10 after the section heading, redesignated as subsection
11 (a), and amended—

12 (A) by striking the subsection designation
13 and all that follows through “may provide for”
14 the first place it appears and inserting the fol-
15 lowing:

16 “(a) EXCLUSION OF PARTICULAR SOURCE.—

17 “(1) CRITERIA FOR EXCLUSION.—The head of
18 an agency may provide for”;

19 (B) by striking “covered by this chapter”
20 in the matter preceding subparagraph (A) and
21 inserting “covered by chapter 137 legacy provi-
22 sions”;

23 (C) by indenting subparagraphs (A)
24 through (F) of paragraph (1) four ems from
25 the left margin;

2006

1 (D) by redesignating paragraph (2) as sub-
2 section (b) and in that subsection—

3 (i) inserting “EXCLUSION OF OTHER
4 THAN SMALL BUSINESS CONCERNS.—”
5 before “The head of”; and

6 (ii) striking “this section” and insert-
7 ing “chapter 137 legacy provisions”;

8 (E) by redesignating paragraph (3) as sub-
9 section (c) and in that subsection—

10 (i) inserting “INAPPLICABILITY OF
11 JUSTIFICATION AND APPROVAL REQUIRE-
12 MENTS.—” before “A contract”; and

13 (ii) striking “subsection (f)(1)” and
14 inserting “section 3204(e)(1) of this title”;
15 and

16 (F) by transferring paragraph (4) to the
17 end of subsection (a), as so redesignated, redes-
18 ignating such paragraph as paragraph (2), in-
19 denting such paragraph two ems from the left
20 margin, and inserting “DETERMINATION FOR
21 CLASS DISALLOWED.—” before “A determina-
22 tion”.

23 (3) TRANSFER OF SUBSECTION (C) OF SECTION
24 2304.—Subsection (c) of section 2304 of title 10,
25 United States Code, is transferred to section 3204

2007

1 of such title, as added by paragraph (1), inserted
2 after the section heading, redesignated as subsection
3 (a), and amended—

4 (A) by inserting “WHEN PROCEDURES
5 OTHER THAN COMPETITIVE PROCEDURES MAY
6 BE USED.—” before “The head of an agency
7 may use”;

8 (B) in paragraph (3)—

9 (i) by striking “in order (A) to main-
10 tain” and inserting “in order—
11 “(A) to maintain”;

12 (ii) by striking “industrial mobiliza-
13 tion, (B) to establish” and inserting “in-
14 dustrial mobilization—
15 “(B) to establish”;

16 (iv) by striking “development center,
17 or (C) to procure” and inserting “develop-
18 ment center—
19 “(C) to procure”;

20 (C) in paragraph (5), by striking “sub-
21 section (k)” and inserting “section 3201(e) of
22 this title”; and

23 (D) in paragraph (7), by inserting “(who
24 may not delegate the authority under this para-
25 graph)” after “the head of the agency”.

1 (4) TRANSFER OF SUBSECTION (D) OF SECTION
2 2304.—Subsection (d) of section 2304 of title 10,
3 United States Code, is transferred to section 3204
4 of such title, as added by paragraph (1), inserted
5 after subsection (a), as transferred and redesignated
6 by paragraph (3), redesignated as subsection (b),
7 and amended—

8 (A) by striking “(1) For the purposes” and
9 inserting “PROPERTY OR SERVICES CONSID-
10 ERED TO BE AVAILABLE FROM ONLY ONE
11 SOURCE.—For the purposes”;

12 (B) by striking “subsection (c)(1)” and in-
13 serting “subsection (a)(1)”;

14 (C) by striking paragraph (2); and

15 (D) by redesignating paragraph (3) as sub-
16 section (c) and in that subsection—

17 (i) by striking “(A) The contract pe-
18 riod” and inserting “PROPERTY OR SERV-
19 ICES NEEDED WITH UNUSUAL AND COM-
20 PELLING URGENCY.—

21 “(1) ALLOWABLE CONTRACT PERIOD.—The
22 contract period”;

23 (ii) by redesignating subparagraph
24 (B) as paragraph (2), indenting that para-
25 graph two ems from the left margin, and

2009

1 striking “this paragraph” and inserting
2 “APPLICABILITY OF ALLOWABLE CON-
3 TRACT PERIOD.—This subsection”; and

4 (iii) in paragraph (1), as designated
5 by clause (i)—

6 (I) by striking “subparagraph
7 (B)” and “subsection (c)(2)” and in-
8 serting “paragraph (2)” and “sub-
9 section (a)(2)”, respectively; and

10 (II) by redesignating clauses (i)
11 and (ii) as subparagraphs (A) and
12 (B), respectively, redesignating sub-
13 clauses (I) and (II) of such subpara-
14 graph (A) as clauses (i) and (ii), re-
15 spectively, and moving such subpara-
16 graphs two ems to the right.

17 (5) TRANSFER OF SUBSECTION (E) OF SECTION
18 2304.—Subsection (e) of section 2304 of title 10,
19 United States Code, is transferred to section 3204
20 of such title, as added by subparagraph (A), inserted
21 after subsection (c), as transferred and redesignated
22 by subparagraph (D), redesignated as subsection
23 (d), and amended—

24 (A) by inserting “OFFER REQUESTS TO
25 POTENTIAL SOURCES.—The head of”; and

1 (B) by striking “subsection (c)(2) or
2 (c)(6)” and inserting “paragraph (2) or (6) of
3 subsection (a)”.

4 (6) TRANSFER OF SUBSECTION (F) OF SECTION
5 2304.—Subsection (f) of section 2304 of title 10,
6 United States Code, is transferred to section 3204
7 of such title, as added by paragraph (1), inserted
8 after subsection (d), as transferred and redesignated
9 by paragraph (5), redesignated as subsection (e),
10 and amended—

11 (A) by striking “(1) Except as provided in
12 paragraph (2) and paragraph (6)” and insert-
13 ing “JUSTIFICATION FOR USE OF PROCEDURES
14 OTHER THAN COMPETITIVE PROCEDURES.—”

15 “(1) PREREQUISITES FOR AWARDED CON-
16 TRACT.—Except as provided in paragraphs (3), (4),
17 and (7),”;

18 (B) by moving subparagraphs (A), (B),
19 and (C) of paragraph (1) two ems to the right;

20 (C) by switching paragraphs (2) and (3)
21 and redesignating those paragraphs accord-
22 ingly;

23 (D) in paragraph (2), as so redesignated,
24 by inserting “ELEMENTS OF JUSTIFICATION.—
25 ” before “The justification”;

2011

1 (E) in paragraph (3), as so redesignated—

2 (i) by inserting “JUSTIFICATION AND
3 APPROVAL ALLOWED AFTER CONTRACT
4 AWARDED.—” before “In the case of”; and

5 (ii) by striking “subsection (c)(2)” in
6 the first sentence and inserting “subsection
7 (a)(2)”;

8 (F) by redesignating paragraphs (4), (5),
9 and (6) as paragraphs (5), (6), and (7), respec-
10 tively;

11 (G) by designating the second sentence of
12 paragraph (3), as redesignated by subpara-
13 graph (C), as paragraph (4) and in that para-
14 graph—

15 (i) by inserting “JUSTIFICATION AND
16 APPROVAL NOT REQUIRED.—” before “The
17 justification and approval”;

18 (ii) in subparagraph (C), by striking
19 “subsection (c)(7)” and inserting “sub-
20 section (a)(7)”;

21 (iii) in subparagraph (E), by striking
22 “subsection (c)(4)” and inserting “sub-
23 section (a)(4)”;

24 (H) in paragraph (5), as redesignated by
25 subparagraph (F)—

1 (i) by redesignating subparagraphs
2 (A) and (B) as clauses (i) and (ii), respec-
3 tively, and moving those clauses two ems
4 to the right;

5 (ii) by striking “In no case” and in-
6 serting “RESTRICTIONS ON AGENCIES.—
7 “(A) In no case”;

8 (iii) in subparagraph (A)(ii), as so re-
9 designated, by striking “this chapter” and
10 inserting “chapter 137 legacy provisions”;
11 and

12 (iv) by designating the sentence begin-
13 ning “The restriction contained” as sub-
14 paragraph (B) and by striking “clause
15 (B)” in that sentence and inserting “sub-
16 paragraph (A)(ii)”;

17 (I) in paragraph (6), as redesignated by
18 subparagraph (F), by striking “(A) The author-
19 ity” and inserting “LIMITATION ON DELEGA-
20 TIONS OF AUTHORITY UNDER PARAGRAPH
21 (1)(B).—(A) The authority”;

22 (J) in paragraph (7), as redesignated by
23 subparagraph (F), by inserting “JUSTIFICA-
24 TION AND APPROVAL NOT REQUIRED FOR

1 PHASE III SBIR AWARD.—” before “The jus-
2 tification”; and

3 (K) by moving such paragraphs (2)
4 through (7) two ems to the right.

5 (7) TRANSFER OF SUBSECTION (L) OF SECTION
6 2304.—Subsection (l) of section 2304 of title 10,
7 United States Code, is transferred to section 3204
8 of such title, as added by paragraph (1), inserted
9 after subsection (e), as transferred and redesignated
10 by paragraph (6), redesignated as subsection (f),
11 and amended—

12 (A) by striking “(1)(A) Except as provided
13 in” and inserting “PUBLIC AVAILABILITY OF
14 JUSTIFICATION AND APPROVAL REQUIRED FOR
15 USING PROCEDURES OTHER THAN COMPETI-
16 TIVE PROCEDURES.—

17 “(1) TIME REQUIREMENT.—

18 “(A) WITHIN 14 DAYS AFTER CONTRACT
19 AWARD.—Except as provided in”;

20 (B) in paragraph (1)(A), by striking “sub-
21 section (c)” and “subsection (f)(1)” and insert-
22 ing “subsection (a)” and “subsection (e)(1)”,
23 respectively;

2014

1 (C) by indenting subparagraph (B) of
2 paragraph (1) four ems from the left margin
3 and in that subparagraph—

4 (i) by inserting “WITHIN 30 DAYS
5 AFTER CONTRACT AWARD.—” before “In
6 the case of”; and

7 (ii) by striking “subsection (c)(2)”
8 and inserting “subsection (a)(2)”;

9 (D) by indenting paragraphs (2) and (3)
10 two ems from the left margin;

11 (E) in paragraph (2), by inserting “AVAIL-
12 ABILITY ON WEBSITES.—” before “The docu-
13 ments”; and

14 (F) in paragraph (3), by inserting “EX-
15 CEPTION.—” before “This subsection”.

16 (8) TRANSFER OF SUBSECTION (I) OF SECTION
17 2304.—Subsection (i) of section 2304 of title 10,
18 United States Code, is transferred to section 3204
19 of such title, as added by paragraph (1), inserted
20 after subsection (f), as transferred and redesignated
21 by paragraph (7), redesignated as subsection (g),
22 and amended—

23 (A) by striking “(1) The Secretary” and
24 inserting “REGULATIONS WITH RESPECT TO
25 NEGOTIATION OF PRICES.—”

2015

1 “(1) The Secretary”;

2 (B) in paragraph (1), by striking “, as de-
3 fined in section 2302(2) of this title”; and

4 (C) by moving paragraphs (2) and (3) two
5 ems to the right.

6 (9) TRANSFER OF SUBSECTION (G) OF SECTION
7 2304.—Subsection (g) of section 2304 of title 10,
8 United States Code, is transferred to section 3205
9 of such title, as added by paragraph (1), inserted
10 after the section heading, redesignated as subsection
11 (a), and amended—

12 (A) by striking “(1) in order to” and in-
13 serting “AUTHORIZATION.—In order to”;

14 (B) by redesignating paragraphs (2), (3),
15 and (4) as subsections (b), (c), and (d), respec-
16 tively;

17 (C) by redesignating subparagraphs (A)
18 and (B) in subsection (a) as paragraphs (1)
19 and (2), respectively;

20 (D) in subsection (b), as redesignated by
21 subparagraph (B)—

22 (i) by inserting “PROHIBITION ON DI-
23 VIDING CONTRACTS.—” before “A pro-
24 posed”; and

2016

1 (ii) by striking “paragraph (1)” and
2 inserting “subsection (a)”;

3 (E) in subsection (c), as redesignated by
4 subparagraph (B), by inserting “PROMOTION
5 OF COMPETITION.—” before “In using”; and

6 (F) in subsection (d), as redesignated by
7 subparagraph (B), by inserting “COMPLIANCE
8 WITH SPECIAL REQUIREMENTS OF FEDERAL
9 ACQUISITION REGULATION.—” before “The
10 head of”.

11 (e) SECTION 2305(A).—

12 (1) IN GENERAL.—Such chapter is further
13 amended by adding at the end the following new sec-
14 tion:

15 **“§ 3206. Planning and solicitation requirements”.**

16 (2) TRANSFER OF SUBSECTION (A) OF SECTION
17 2305.—Subsection (a) of section 2305 of title 10,
18 United States Code, is transferred to section 3206
19 of such title, as added by paragraph (1), and in-
20 serted after the section heading, and paragraphs (2),
21 (3), (4), and (5) thereof are redesignated as sub-
22 sections (b), (c), (d), and (e), respectively.

23 (3) REVISIONS TO SUBSECTION (A).—Sub-
24 section (a) of such section 3206, as transferred by
25 paragraph (2), is amended—

2017

- 1 (A) by redesignating subparagraphs (B)
2 and (C) as paragraphs (2) and (3), respectively;
3 (B) in paragraph (2), as so redesignated—
4 (i) by inserting “REQUIREMENTS OF
5 SPECIFICATIONS.—” before “Each solicita-
6 tion”;
7 (ii) by striking “under this chapter”
8 after “Each solicitation” and inserting
9 “under chapter 137 legacy provisions”;
10 (iii) by redesignating clauses (i) and
11 (ii) as subparagraphs (A) and (B), respec-
12 tively; and
13 (iv) in subparagraph (A), as so redesi-
14 gnated, by striking “of this chapter” and
15 inserting “of chapter 137 legacy provi-
16 sions”;
17 (C) in paragraph (3), as so redesignated—
18 (i) by inserting “TYPES OF SPECI-
19 FICATIONS.—” before “For the purposes”;
20 and
21 (ii) by redesignating clauses (i), (ii),
22 and (ii) as subparagraphs (A), (B), and
23 (C), respectively;
24 (D) by moving such paragraphs (2) and
25 (3) two ems to the right; and

1 (E) in paragraph (1)—

2 (i) by striking “(1)(A) In preparing
3 for” and inserting “PLANNING AND SPECI-
4 FICATIONS.—

5 “(1) PREPARING FOR PROCUREMENT.—In pre-
6 paring for”;

7 (ii) by redesignating clauses (i), (ii),
8 and (ii) as subparagraphs (A), (B), and
9 (C), respectively; and

10 (iii) by moving such subparagraphs
11 two ems to the right.

12 (4) REVISIONS TO SUBSECTION (B).—Sub-
13 section (b) of such section 3206, as redesignated by
14 paragraph (2), is amended—

15 (A) in the matter preceding subparagraph
16 (A)—

17 (i) by inserting “CONTENTS OF SOLIC-
18 ITATION.—” before “In addition to”; and

19 (ii) by striking “paragraph (1)” and
20 inserting “subsection (a)”;

21 (B) by redesignating subparagraphs (A)
22 and (B) as paragraphs (1) and (2), respectively;

23 (C) by redesignating clauses (i) and (ii) of
24 paragraphs (1) and (2) (as so redesignated) as
25 subparagraphs (A) and (B), respectively; and

1 (D) in subparagraphs (A) and (B) of such
2 paragraph (2), as so redesignated, by redesign-
3 nating subclauses (I) and (II) as clauses (i) and
4 (ii), respectively.

5 (5) REVISIONS TO SUBSECTION (C).—Sub-
6 section (c) of such section 3206, as redesignated by
7 paragraph (2), is amended—

8 (A) by striking “(A) In prescribing the”
9 and inserting “EVALUATION FACTORS.—
10 “(1) IN GENERAL.—In prescribing the”;

11 (B) by redesignating subparagraphs (B),
12 (C), (D), and (E) as paragraphs (2), (3), (4),
13 and (5), respectively, and moving those para-
14 graphs two ems to the right;

15 (C) in paragraph (1), as designated by
16 subparagraph (A)—

17 (i) by redesignating clauses (i), (ii),
18 and (iii) as subparagraphs (A), (B), and
19 (C), respectively, and moving those para-
20 graphs two ems to the right;

21 (ii) by redesignating subclauses (I),
22 (II), and (III) of subparagraph (C) (as so
23 redesignated) as clauses (i), (ii), and (iii),
24 respectively; and

2020

1 (iii) by striking “subparagraph (C)”
2 both places it appears and inserting “para-
3 graph (3)”;

4 (D) in paragraph (2), as redesignated by
5 subparagraph (B)—

6 (i) by inserting “RESTRICTION ON IM-
7 PLEMENTING REGULATIONS.—” before
8 “The regulations implementing”; and

9 (ii) by striking “clause (iii) of sub-
10 paragraph (A)” and inserting “paragraph
11 (1)(C)”;

12 (E) in paragraph (3), as redesignated by
13 subparagraph (B)—

14 (i) by inserting “EXCEPTIONS FOR
15 CERTAIN MULTIPLE TASK OR DELIVERY
16 ORDER CONTRACTS.—” before “If the head
17 of”;

18 (ii) by striking “section
19 2304a(d)(1)(B)” and inserting “section
20 3403(d)(1)(B)”;

21 (iii) by redesignating clauses (i) and
22 (ii) as subparagraphs (A) and (B), respec-
23 tively;

24 (iv) in subparagraph (A), as so redes-
25 ignated, by striking “clause (ii) of subpara-

2021

1 graph (A)” and inserting “paragraph
2 (1)(B)” and

3 (v) in subparagraph (B), as so redes-
4 ignated—

5 (I) by striking “clause (i)” in the
6 matter preceding subclause (I) and in-
7 serting “subparagraph (A)”;

8 (II) by redesignating subclauses
9 (I) and (II) as clauses (i) and (ii), re-
10 spectively;

11 (III) in clause (i), as so redesign-
12 nated, by striking “clause (iii) of sub-
13 paragraph (A)” and inserting “para-
14 graph (1)(C)”;

15 (IV) in clause (ii), as so redesign-
16 nated, by striking “section 2304c(b)”
17 and inserting “section 3406(c)”;

18 (F) in paragraph (4), as redesignated by
19 subparagraph (B)—

20 (i) by inserting “DEFINITION.—” be-
21 fore “In subparagraph”;

22 (ii) by striking “subparagraph (C)”
23 and inserting “paragraph (3)”;

2022

1 (iii) by redesignating clauses (i), (ii),
2 and (iii) as subparagraphs (A), (B), and
3 (C), respectively; and

4 (G) in paragraph (5), as redesignated by
5 subparagraph (B), by striking “Subparagraph
6 (C)” and inserting “EXCLUSION OF APPLICA-
7 BILITY TO CERTAIN CONTRACTS.—Paragraph
8 (3)”.

9 (6) REVISIONS TO SUBSECTION (D).—Sub-
10 section (d) of such section 3206, as redesignated by
11 paragraph (2), is amended—

12 (A) by inserting “ADDITIONAL INFORMA-
13 TION IN SOLICITATION.—” before “Nothing
14 in”;

15 (B) by striking “this subsection” and in-
16 serting “this section”; and

17 (C) by redesignating subparagraphs (A)
18 and (B) as paragraphs (1) and (2), respectively.

19 (7) REVISION TO SUBSECTION (E).—Subsection
20 (e) of such section 3206, as redesignated by para-
21 graph (2), is amended by inserting “LIMITATION ON
22 EVALUATION OF PURCHASE OPTIONS.—” before
23 “The head of”.

24 (f) SECTION 2305(C).—

1 (1) SECTION HEADING.—Such chapter is fur-
2 ther amended by adding at the end the following
3 new section:

4 **“§ 3207. Assessment before contract for acquisition of**
5 **supplies is entered into”.**

6 (2) TRANSFER OF SUBSECTION (C) OF SECTION
7 2305.—Subsection (c) of section 2305 of title 10,
8 United States Code, is transferred to section 3207
9 of such title, as added by paragraph (1), inserted
10 after the section heading, and amended by striking
11 the subsection designation.

12 (g) SECTION 2305(D).—

13 (1) SECTION HEADING.—Such chapter is fur-
14 ther amended by adding at the end the following
15 new section:

16 **“§ 3208. Planning for future competition in contracts**
17 **for major systems”.**

18 (2) TRANSFER OF SUBSECTION (D) OF SECTION
19 2305.—Subsection (d) of section 2305 of title 10,
20 United States Code, is transferred to section 3208
21 of such title, as added by paragraph (1), inserted
22 after the section heading, and redesignated as sub-
23 section (a), and paragraphs (2), (3), and (4) thereof
24 are redesignated as subsections (b), (c), and (d), re-
25 spectively.

1 (3) REVISIONS TO SUBSECTION (A).—Sub-
2 section (a) of such section 3208, as transferred and
3 redesignated by paragraph (2), is amended—

4 (A) by striking “(1)(A) The Secretary”
5 and inserting “DEVELOPMENT CONTRACT.—

6 “(1) DETERMINING WHETHER PROPOSALS ARE
7 NECESSARY.—The Secretary”;

8 (B) by striking “subparagraph (B)” in the
9 first sentence and inserting “paragraph (2)”;

10 (C) by redesignating subparagraph (B) as
11 paragraph (2) and clauses (i) and (ii) thereof as
12 subparagraphs (A) and (B), respectively; and

13 (D) in paragraph (2), as so redesignated—

14 (i) by inserting “CONTENTS OF PRO-
15 POSALS.—” before “Proposals referred to”;

16 and

17 (ii) by striking “subparagraph (A)”
18 and inserting “paragraph (1)”.

19 (4) REVISIONS TO SUBSECTION (B).—Sub-
20 section (b) of such section 3208, as redesignated by
21 paragraph (2), is amended—

22 (A) by striking “(A) The Secretary” and
23 inserting “PRODUCTION CONTRACT.—

24 “(1) DETERMINING WHETHER PROPOSALS ARE
25 NECESSARY.—The Secretary”;

1 (B) by striking “subparagraph (B)” in the
2 first sentence and inserting “paragraph (2)”;

3 (C) by redesignating subparagraph (B) as
4 paragraph (2) and clauses (i) and (ii) thereof as
5 subparagraphs (A) and (B), respectively; and

6 (D) in paragraph (2), as so redesignated—

7 (i) by inserting “CONTENTS OF PRO-
8 POSALS.—” before “Proposals referred to”;
9 and

10 (ii) by striking “subparagraph (A)”
11 and inserting “paragraph (1)”.

12 (5) REVISIONS TO SUBSECTION (C).—Sub-
13 section (c) of such section 3208, as redesignated by
14 paragraph (2), is amended—

15 (A) by inserting “CONSIDERATION OF
16 FACTORS AS OBJECTIVES IN NEGOTIATIONS.—
17 ” before “If the head of”; and

18 (B) by striking “paragraphs (1) and (2)”
19 and inserting “subsections (a) and (b)”.

20 (6) REVISIONS TO SUBSECTION (D).—Sub-
21 section (d) of such section 3208, as redesignated by
22 paragraph (2), is amended—

23 (A) by striking “(A) Whenever the head
24 of” and inserting “ITEMS DEVELOPED EXCLU-
25 SIVELY AT PRIVATE EXPENSE.—

1 “(1) LIMITATION.—Whenever the head of”;

2 (B) by redesignating subparagraph (B) as
3 paragraph (2), inserting “EVALUATION.—” be-
4 fore “In considering”, and indenting that para-
5 graph two ems from the left margin;

6 (C) by redesignating clauses (i) and (ii) of
7 paragraph (1) as subparagraphs (A) and (B),
8 respectively, and indenting those subparagraphs
9 four ems from the left margin; and

10 (D) by striking “paragraph (1)(B) or
11 (2)(B)” both places it appears and inserting
12 “subsection (a)(2) or (b)(2)”.

13 **SEC. 1812. INDEPENDENT COST ESTIMATION AND COST**
14 **ANALYSIS.**

15 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
16 United States Code, as added by section 801 of the John
17 S. McCain National Defense Authorization Act for Fiscal
18 Year 2019 (Public Law 115–232), is amended by insert-
19 ing after chapter 221, as added by the preceding section,
20 the following new chapter:

21 **“CHAPTER 222—INDEPENDENT COST**
22 **ESTIMATION AND COST ANALYSIS**

“3221. Director of Cost Assessment and Program Evaluation.

“3222. Independent cost estimate required before approval.

“3223. Director: review of cost estimates, cost analyses, and records of the mili-
tary departments and Defense Agencies.

“3224. Director: participation, concurrence, and approval in cost estimation.

“3225. Discussion of risk in cost estimates.

“3226. Estimates for program baseline and analyses and targets for contract negotiation purposes.

“3227. Guidelines and collection method for acquisition of cost data.

1 **“§ 3221. Director of Cost Assessment and Program**

2 **Evaluation**

3 **“§ 3222. Independent cost estimate required before**

4 **approval**

5 **“§ 3223. Director: review of cost estimates, cost anal-**

6 **yses, and records of the military depart-**

7 **ments and Defense Agencies**

8 **“§ 3224. Director: participation, concurrence, and ap-**

9 **proval in cost estimation**

10 **“§ 3225. Discussion of risk in cost estimates**

11 **“§ 3226. Estimates for program baseline and analyses**

12 **and targets for contract negotiation pur-**

13 **poses**

14 **“§ 3227. Guidelines and collection method for acquisi-**

15 **tion of cost data”.**

16 (b) TRANSFER OF SUBSECTIONS (A) AND (H) OF
17 SECTION 2334 TO SECTION 3221.—

18 (1) TRANSFER OF SUBSECTION (A) OF SECTION
19 2334.—Subsection (a) of section 2334 of title 10,
20 United States Code, is transferred to section 3221
21 of such title, as added by subsection (a), inserted
22 after the section heading, and amended by design-
23 nating the second sentence as subsection (b).

1 (2) REVISIONS TO NEW SUBSECTION (B).—Sub-
2 section (b) of such section 3221, as designated by
3 paragraph (1), is amended—

4 (A) by striking “In carrying out that re-
5 sponsibility,” and inserting “FUNCTIONS.—In
6 carrying out the responsibility of the Director
7 under subsection (a),”;

8 (B) in paragraph (2)—

9 (i) by striking “provide guidance” and
10 all that follows through “Defense Agen-
11 cies”; and

12 (ii) by striking “of this title;” and in-
13 serting “of this title, provide guidance to
14 and consult with—

15 “(A) the Secretary of Defense;

16 “(B) the Under Secretary of Defense for
17 Acquisition and Sustainment;

18 “(C) the Under Secretary of Defense
19 (Comptroller);

20 “(D) the Secretaries of the military de-
21 partments; and

22 “(E) the heads of the Defense Agencies;”;

23 (C) in paragraph (6)(A)—

1 (i) in clause (i), by striking “section
2 2366a or 2366b” and inserting “section
3 4251 or 4252”; and

4 (ii) in clause (iii), by striking “section
5 2433a” and inserting “section 4376”; and

6 (D) in paragraph (8), by striking “section
7 2432(c)(1)” and inserting “section 4353(a)”.

8 (3) TRANSFER OF SUBSECTION (H) OF SECTION
9 2334.—Subsection (h) of section 2334 of title 10,
10 United States Code, is transferred to such section
11 3221, inserted after subsection (b), as designated by
12 paragraph (2), and redesignated as subsection (c).

13 (c) TRANSFER OF SUBSECTION (B) OF SECTION
14 2334.—

15 (1) TRANSFER.—Subsection (b) of section 2334
16 of title 10, United States Code, is transferred to sec-
17 tion 3222 of such title, as added by subsection (a),
18 inserted after the section heading, and redesignated
19 as subsection (a).

20 (2) REVISIONS.—Such section 3222 is amend-
21 ed—

22 (A) by striking “INDEPENDENT COST ES-
23 TIMATE REQUIRED BEFORE APPROVAL.—(1) A
24 milestone” and inserting “REQUIREMENT.— A
25 milestone”;

1 (B) by redesignating paragraph (2) as sub-
2 section (b);

3 (C) in subsection (b), as so redesignated—

4 (i) by inserting “REGULATIONS.—”
5 before “The regulations”; and

6 (ii) by striking “subsection (a)” and
7 inserting “section 3221 of this title”; and
8 (D) in subsections (a) and (b), as so redesi-
9 gnated, by redesignating subparagraphs (A)
10 and (B) as paragraphs (1) and (2), respectively.

11 (d) TRANSFER OF SUBSECTION (C) OF SECTION
12 2334.—Subsection (c) of section 2334 of title 10, United
13 States Code, is transferred to section 3223 of such title,
14 as added by subsection (a), inserted after the section head-
15 ing, and amended by striking the subsection designation
16 and subsection heading.

17 (e) TRANSFER OF SUBSECTION (D) OF SECTION
18 2334.—

19 (1) TRANSFER.—Subsection (d) of section 2334
20 of title 10, United States Code, is transferred to sec-
21 tion 3224 of such title, as added by subsection (a),
22 and inserted after the section heading.

23 (2) REVISIONS.—Such section 3224 is amend-
24 ed—

1 (A) by striking the subsection designation
2 and subsection heading; and

3 (B) in paragraph (3), by striking “sub-
4 section (a)(6)” and inserting “section
5 3221(b)(6) of this title”.

6 (f) TRANSFER OF SUBSECTION (E) OF SECTION
7 2334.—

8 (1) TRANSFER.—Subsection (e) of section 2334
9 of title 10, United States Code, is transferred to sec-
10 tion 3225 of such title, as added by subsection (a),
11 and inserted after the section heading.

12 (2) REVISIONS.—Such section 3225 is amend-
13 ed—

14 (A) by striking the subsection designation
15 and subsection heading;

16 (B) in paragraph (3)(A), by striking “sub-
17 section (a)(6)” and inserting “section
18 3221(b)(6) of this title”; and

19 (C) in paragraph (3)(B), by striking “sec-
20 tion 2432” and inserting “sections 4351
21 through 4358”.

22 (g) TRANSFER OF SUBSECTION (F) OF SECTION
23 2334.—

24 (1) TRANSFER.—Subsection (f) of section 2334
25 of title 10, United States Code, is transferred to sec-

1 tion 3226 of such title, as added by subsection (a),
2 inserted after the section heading, and redesignated
3 as subsection (a).

4 (2) REVISIONS.—Such section 3226 is amend-
5 ed—

6 (A) by striking “ESTIMATES FOR” and all
7 that follows through “(1) The policies,” and in-
8 serting “COST ESTIMATES DEVELOPED FOR
9 SPECIFIED PURPOSES NOT TO BE USED FOR
10 CONTRACT NEGOTIATIONS OR OBLIGATION OF
11 FUNDS.—The policies,”;

12 (B) in subsection (a), as so redesignated—

13 (i) by striking “subsection (a)” and
14 inserting “section 3221 of this title”; and

15 (ii) by striking “subsection (a)(6)”
16 and inserting “subsection (b)(6) of such
17 section”;

18 (C) by redesignating paragraph (2) as sub-
19 section (b) and inserting “COST ESTIMATES
20 DEVELOPED FOR SPECIFIED PURPOSES NOT
21 TO BE USED FOR CONTRACT NEGOTIATIONS
22 OR OBLIGATION OF FUNDS.—” before “The
23 Under”;

24 (D) by redesignating paragraph (3) as sub-
25 section (c) and in that subsection—

1 (i) by striking the first three words
2 and inserting “PROGRAM MANAGER AND
3 CONTRACTING OFFICER.—The program
4 manager”; and

5 (ii) by striking “paragraph (1)” and
6 “paragraph (2)” and inserting “subsection
7 (a)” and “subsection (b)”, respectively;
8 and

9 (E) by redesignating paragraph (4) as sub-
10 section (d) and in that subsection—

11 (i) by striking “Funds that are” and
12 inserting “AVAILABILITY OF EXCESS
13 FUNDS.—”

14 “(1) Funds that are”;

15 (ii) in paragraph (1), as designated by
16 clause (i), by striking “subsection (a)(6)”
17 and “paragraph (2)” and inserting “sec-
18 tion 3221(b)(6) of this title” and “sub-
19 section (b)”, respectively;

20 (iii) by redesignating paragraph (5) as
21 paragraph (2) and moving that paragraph
22 two ems to the right; and

23 (iv) in paragraph (2), as so redesign-
24 nated—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “para-
3 graph (4)” and inserting “paragraph
4 (1)”;

5 (II) in subparagraph (A)(i), by
6 striking “paragraph (2)” and insert-
7 ing “subsection (b)”;

8 (III) in subparagraph (A)(ii), by
9 striking “section 2308” and inserting
10 “section 3069”.

11 (h) TRANSFER OF SUBSECTION (G) OF SECTION
12 2334.—

13 (1) TRANSFER.—Subsection (g) of section 2334
14 of title 10, United States Code, is transferred to sec-
15 tion 3227 of such title, as added by subsection (a),
16 inserted after the section heading, and redesignated
17 as subsection (a).

18 (2) REVISIONS.—Section 3227, as amended by
19 paragraph (1), is further amended—

20 (A) by striking “Guidelines and” and all
21 that follows through “(1) The Director of” and
22 inserting “DIRECTOR OF CAPE TO DEVELOP
23 GUIDELINES AND COLLECTION METHOD.—The
24 Director of”;

1 (B) by redesignating paragraph (2) as sub-
2 section (b) and in that subsection—

3 (i) by inserting “APPLICABILITY TO
4 ACQUISITION PROGRAMS IN AMOUNT
5 GREATER THAN SPECIFIED THRESH-
6 OLD.—” before “The program manager”;
7 and

8 (ii) by striking “paragraph (1)” and
9 inserting “subsection (a)”; and

10 (C) by redesignating paragraph (3) as sub-
11 section (c) and in that subsection—

12 (i) by inserting “LIMITATION ON
13 WAIVER AUTHORITY.—” before “The re-
14 quirement”; and

15 (ii) by striking “paragraph (1)” and
16 inserting “subsection (a)”.

17 **SEC. 1813. OTHER PROVISIONS RELATING TO PLANNING**
18 **AND SOLICITATION GENERALLY.**

19 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
20 United States Code, as added by section 801 of the John
21 S. McCain National Defense Authorization Act for Fiscal
22 Year 2019 (Public Law 115–232), is amended by insert-
23 ing after chapter 222, as added by the preceding section,
24 the following new chapter:

1 **“CHAPTER 223—OTHER PROVISIONS RE-**
2 **LATING TO PLANNING AND SOLICITA-**
3 **TION GENERALLY**

“Sec.

“3241. Design-build selection procedures.

“3242. Supplies: economic order quantities.

“3243. Encouragement of new competitors: qualification requirement.

“3244. [Reserved].

“3245. [Reserved].

“3246. [Reserved].

“3247. Contracts: regulations for bids.

“3248. Matters relating to reverse auctions.

“3249. Advocates for competition.

“3250. [Reserved].

“3251. [Reserved].

“3252. Requirements for information relating to supply chain risk.”.

4 (b) TRANSFER OF SECTION 2305A OF TITLE 10.—

5 Section 2305a of title 10, United States Code, is trans-

6 ferred to chapter 223 of such title, as added by subsection

7 (a), inserted after the table of sections at the beginning,

8 redesignated as section 3241, and amended as follows:

9 (1) SUBSECTION (B).—Subsection (b) is amend-

10 ed—

11 (A) by redesignating paragraphs (1)

12 through (6) as subparagraphs (A) through (F),

13 respectively, and moving those subparagraphs

14 two ems to the right; and

15 (B) in the matter preceding subparagraph

16 (A), as so redesignated—

17 (i) by striking “or work when the con-

18 tracting officer” and inserting “or work

19 when—

1 “(1) the contracting officer”;

2 (ii) by striking “such contract, design
3 work” and inserting “such contract;

4 “(2) design work”;

5 (iii) by striking “such contract, the of-
6 feror” and inserting “such contract;

7 “(3) the offeror”; and

8 (iv) by striking “the offer, and the
9 contracting officer” and inserting “the
10 offer; and

11 “(4) the contracting officer”.

12 (2) SUBSECTION (C).—Subsection (c) is amend-
13 ed—

14 (A) in paragraph (1), by inserting “DE-
15 VELOPMENT OF SCOPE OF WORK STATE-
16 MENT.—” before “The agency develops”;

17 (B) in paragraph (2), by inserting “SOLIC-
18 ITATION OF PHASE-ONE PROPOSALS.—” before
19 “The contracting officer”;

20 (C) in paragraph (3)—

21 (i) by striking “The evaluation fac-
22 tors” and inserting “EVALUATION FAC-
23 TORS.—”

24 “(A) EVALUATION FACTORS TO BE
25 USED.—The evaluation factors”;

1 (ii) by designating the second and
2 third sentences as subparagraphs (B) and
3 (C), respectively;

4 (iii) in subparagraph (A), as des-
5 ignated by clause (i)—

6 (I) by striking “and include spe-
7 cialized experience” and inserting
8 “and include—
9 “(i) specialized experience”;

10 (II) by striking “technical com-
11 petence, capability” and inserting
12 “technical competence;
13 “(ii) capability”;

14 (III) by striking “to perform,
15 past performance” and inserting “to
16 perform;
17 “(iii) past performance”; and

18 (IV) by striking “the team) and
19 other appropriate” and inserting “the
20 team); and
21 “(iv) other appropriate”;

22 (iv) in subparagraph (B), as designated by
23 clause (ii), by inserting “RELATIVE IMPOR-
24 TANCE OF EVALUATION FACTORS AND SUBFAC-
25 TORS.—” before “Each solicitation”;

1 (v) in subparagraph (C), as designated by
2 clause (ii), by inserting “EVALUATION OF PRO-
3 POSALS.—” before “The agency”;

4 (D) in paragraph (4)—

5 (i) by striking “The contracting offi-
6 cer” and inserting “SELECTION BY CON-
7 TRACTING OFFICER.—”

8 “(A) NUMBER OF OFFERORS SELECTED
9 AND WHAT IS TO BE EVALUATED.—The con-
10 tracting officer”;

11 (ii) by redesignating subparagraphs
12 (A) and (B) as clauses (i) and (ii), respec-
13 tively;

14 (iii) in clause (ii), as so redesignated,
15 by striking “paragraphs (2), (3), and (4)
16 of section 2305(a)” and inserting “sub-
17 sections (b), (c), and (d) of section 3206”;

18 (iv) by designating the last sentence
19 in that paragraph as subparagraph (B)
20 and indenting that subparagraph two ems
21 from the left margin; and

22 (v) in subparagraph (B), as redesign-
23 ated by clause (iv), by striking “subpara-
24 graphs (A) and (B)” and inserting

1 “clauses (i) and (ii) of subparagraph (A)”;
2 and
3 (E) in paragraph (5)—
4 (i) by inserting “AWARDING OF CON-
5 TRACT.—” before “The agency”; and
6 (ii) by striking “section 2305(b)(4)”
7 and inserting “section 3303”.

8 (c) TRANSFER OF SECTION 2384A OF TITLE 10.—
9 Section 2384a of such title is transferred to chapter 223
10 of such title, inserted after section 3241, as transferred
11 and redesignated by subsection (b), redesignated as sec-
12 tion 3242, and amended as follows:

13 (1) SUBSECTION (A).—Subsection (a) is amend-
14 ed—

15 (A) by striking “(1) An agency” and in-
16 serting “QUANTITY TO PROCURE.—”
17 “(1) An agency”;

18 (B) by striking “section 2303(a)” and in-
19 serting “section 3063”;

20 (C) by striking “quantity as (A) will result
21 in” and inserting “quantity as—

22 “(A) will result in”;

23 (D) by striking “where practicable, and
24 (B) does not” “where practicable; and

25 “(B) does not”; and

1 (E) by indenting paragraph (2) two ems
2 from the left margin.

3 (2) SUBSECTION (B).—Subsection (b) is amend-
4 ed by inserting “OPINION OF OFFEROR WITH RE-
5 SPECT TO QUANTITY TO BE PROCURED.—” before
6 “Each solicitation for”.

7 (d) TRANSFER OF SECTION 2319 OF TITLE 10.—
8 Section 2319 of such title is transferred to chapter 223
9 of such title, inserted after section 3242, as transferred
10 and redesignated by subsection (c), redesignated as sec-
11 tion 3243, and amended as follows:

12 (1) SECTION HEADING.—The heading of such
13 section is amended to read as follows:

14 “§ 3243. Encouragement of new competitors: quali-
15 fication requirement”.

16 (2) SUBSECTION (A).—Subsection (a) is amend-
17 ed by inserting “QUALIFICATION REQUIREMENT DE-
18 FINED.—” before “In this section”.

19 (3) SUBSECTION (B).—Subsection (b) is amend-
20 ed—

21 (A) by inserting “ACTIONS BEFORE ES-
22 TABLISHING QUALIFICATION REQUIREMENT.—
23 ” before “Except as provided”; and

24 (B) in paragraph (5), by striking “clause
25 (4)” and inserting “paragraph (4)”.

1 (4) SUBSECTION (C).—Subsection (c) is amend-
2 ed—

3 (A) by striking “(1) Subsection (b) of this
4 section” and inserting “APPLICABILITY, WAIV-
5 ER AUTHORITY, AND REFERRAL OF OFFERS.—
6 “(1) APPLICABILITY.—Subsection (b)”;

7 (B) by indenting paragraphs (2) through
8 (6) two ems from the left margin;

9 (C) in paragraph (2)—

10 (i) by striking “(A) Except as pro-
11 vided in subparagraph (B),” and inserting
12 “WAIVER AUTHORITY.—

13 “(A) SUBMISSION OF DETERMINATION OF
14 UNREASONABLENESS.—Except as provided in
15 subparagraph (C),”;

16 (ii) by redesignating subparagraph
17 (B) as subparagraph (C);

18 (iii) by designating the second sen-
19 tence of subparagraph (A) as subpara-
20 graph (B);

21 (iv) in subparagraph (B), as so des-
22 ignated, by inserting “AUTHORITY TO
23 GRANT WAIVER.—” before “After consid-
24 ering”; and

1 (v) in subparagraph (C), as redesign-
2 nated by clause (ii), by inserting “INAPPLI-
3 CABILITY TO QUALIFIED PRODUCTS
4 LIST.—” before “The waiver”;

5 (D) in paragraph (3), by inserting “SUB-
6 MISSION AND CONSIDERATION OF OFFER NOT
7 TO BE DENIED IN CERTAIN CASES.—” before
8 “A potential offeror”;

9 (E) in paragraph (4), by inserting “RE-
10 FERRAL TO SMALL BUSINESS ADMINISTRA-
11 TION.—” before “Nothing contained in this”;

12 (F) in paragraph (5), by inserting “DELAY
13 OF PROCUREMENT NOT REQUIRED.—” before
14 “The head of”; and

15 (G) in paragraph (6), by inserting “RE-
16 QUIREMENTS BEFORE ENFORCEMENT OF CER-
17 TAIN LISTS.—” before “The requirements of”.

18 (5) SUBSECTION (D).—Subsection (d) is amend-
19 ed—

20 (A) by striking “(1) If the number of” and
21 inserting “FEWER THAN 2 ACTUAL MANUFAC-
22 TURERS.—

23 “(1) SOLICITATION AND TESTING OF ADDI-
24 TIONAL SOURCES OR PRODUCTS.—If the number
25 of”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3), indenting that paragraph two
3 ems from the left margin, and inserting “CER-
4 TIFICATION REQUIRED.—” before “The head
5 of”;

6 (C) in paragraph (1)(B)—

7 (i) by inserting “subject to paragraph
8 (2),” before “bear the cost of”; and

9 (ii) by striking “that requirement, but
10 such costs may be borne” and inserting
11 “that requirement.”;

12 (D) by designating as paragraph (2) the
13 text of paragraph (1)(B), as so amended, that
14 begins “only if the head of the agency”;

15 (E) in paragraph (2), as designated by
16 subparagraph (D), by inserting “CERTIFI-
17 CATION WHEN AGENCY MAY BEAR COST.—Costs
18 may be borne under paragraph (1)(B)” before
19 “only if”; and

20 (F) by moving subparagraphs (A) and (B)
21 of paragraph (1) (as amended) two ems to the
22 right.

23 (6) SUBSECTION (E).—Subsection (e) is amend-
24 ed by inserting “EXAMINATION AND REVALIDATION

1 OF QUALIFICATION REQUIREMENT.—” before
2 “Within seven years”.

3 (7) SUBSECTION (F).—Subsection (f) is amend-
4 ed by inserting “RESTRICTION ON ENFORCE-
5 MENT.—” before “Except in an”.

6 (e) TRANSFER OF SECTION 2381.—Section 2381 of
7 title 10, United States Code, is transferred to chapter 223
8 of such title, as added by this section, inserted after sec-
9 tion 3243, as transferred and redesignated by subsection
10 (d), and redesignated as section 3247.

11 (f) TRANSFER OF SECTION 2318.—Section 2318 of
12 title 10, United States Code, is transferred to chapter 223
13 of such title, as added by this section, inserted after sec-
14 tion 3247, as transferred and redesignated by subsection
15 (e), redesignated as section 3249, and amended by strik-
16 ing “section 2303(a)” and inserting “section 3063”.

17 (g) TRANSFER OF SECTION 2339A.—Section 2339a
18 of such title is transferred to chapter 223 of such title,
19 inserted after section 3249, as added by subsection (f),
20 redesignated as section 3252, and amended—

21 (1) in subsection (b)(3)(A), by striking “section
22 2304(f)(3)” and inserting “section 3204(e)(2)”;

23 (2) in subsection (e)(2)(A), by striking “section
24 2319” and inserting “section 3243”; and

25 (3) in subsection (e)(3)—

1 (A) in subparagraph (A), by striking “sec-
2 tion 2305(a)(1)(C)(ii)” and “section
3 2305(a)(2)(A)” and inserting “section
4 3206(a)(3)(B)” and “section 3206(b)(1)”, re-
5 spectively; and

6 (B) in subparagraph (B), by striking “sec-
7 tion 2304c(d)(3)” and inserting “section
8 3406(d)(3)”.

9 (h) PLACEHOLDER FOR CHAPTER FOR PROVISIONS
10 RELATING TO PLANNING AND SOLICITATIONS RELATING
11 TO PARTICULAR ITEMS OR SERVICES.—Part V of subtitle
12 A of title 10, United States Code, as added by section
13 801 of the John S. McCain National Defense Authoriza-
14 tion Act for Fiscal Year 2019 (Public Law 115–232), is
15 amended by inserting after chapter 223, as added by this
16 section, the following new chapter:

17 **“CHAPTER 225—PLANNING AND SOLICITA-**
18 **TION RELATING TO PARTICULAR**
19 **ITEMS OR SERVICES**

“Sec.
“3271. [Reserved].”.

20 **Subtitle C—Contracting Methods**
21 **and Contract Types**

22 **SEC. 1816. AWARDING OF CONTRACTS.**

23 (a) TABLES OF CHAPTERS AMENDMENTS.—The ta-
24 bles of chapters at the beginning of subtitle A, and at the

1 beginning of part V of subtitle A (as added by section 801
2 of Public Law 115–232), of title 10, United States Code,
3 are amended by striking the items relating to chapters 241
4 and 243 and inserting the following:

“241. Awarding of Contracts 3301
“242. Specific Types of Contracts 3321
“243. Other Matters Relating to Awarding and Types of Contracts 3341
“244. Undefined Contractual Actions 3371”.

5 (b) NEW CHAPTER.—Part V of subtitle A of title 10,
6 United States Code, as added by section 801 of the John
7 S. McCain National Defense Authorization Act for Fiscal
8 Year 2019 (Public Law 115–232), is amended by striking
9 chapters 241 and 243 and inserting the following:

10 **“CHAPTER 241—AWARDING OF**
11 **CONTRACTS**

“Sec.
“3301. Basis of award and rejection.
“3302. Sealed bids.
“3303. Competitive proposals.
“3304. Post-award debriefings.
“3305. Pre-award debriefings.
“3306. Encouragement of alternative dispute resolution.
“3307. Antitrust violations.
“3308. Protests.
“3309. Prohibition on release of contractor proposals.”.

12 (c) TRANSFER OF SUBSECTION (B) OF SECTION
13 2305.—

14 (1) TRANSFER.—Subsection (b) of section 2305
15 of title 10, United States Code, is transferred to
16 chapter 241 of such title, as amended by subsection
17 (b), inserted after the table of sections, and amended
18 by striking the subsection designation.

1 (2) INSERTION OF SECTION HEADINGS.—Such
2 chapter is further amended—

3 (A) by inserting before paragraph (1) the
4 following:

5 **“§ 3301. Basis of award and rejection”;**

6 (B) by inserting before paragraph (3) the
7 following:

8 **“§ 3302. Sealed bids”;**

9 (C) by inserting before paragraph (4) the
10 following:

11 **“§ 3303. Competitive proposals”;**

12 (D) by inserting before paragraph (5) the
13 following:

14 **“§ 3304. Post-award debriefings”;**

15 (E) by inserting before paragraph (6) the
16 following:

17 **“§ 3305. Pre-award debriefings”;**

18 (F) by inserting before paragraph (8) the
19 following:

20 **“§ 3306. Encouragement of alternative dispute resolu-**
21 **tion”; and**

22 (G) by inserting before paragraph (9) the
23 following:

1 **“§ 3307. Antitrust violations”.**

2 (3) AMENDMENTS TO NEW 3301.—Section 3301
3 of such title, as designated by paragraph (2), is
4 amended—

5 (A) by redesignating paragraphs (1) and
6 (2) as subsections (a) and (b), respectively;

7 (B) in subsection (a), as so redesignated,
8 by inserting “AWARD.—” before “The head of”;
9 and

10 (C) in subsection (b), as so redesignated,
11 by inserting “REJECTION.—” before “All sealed
12 bids”.

13 (4) AMENDMENTS TO NEW 3302.—Section 3302
14 of such title, as designated by paragraph (2), is
15 amended—

16 (A) by redesignating paragraph (3) as sub-
17 section (a);

18 (B) by designating the second and third
19 sentences as subsections (b) and (c), respec-
20 tively;

21 (C) in subsection (a), as so redesignated,
22 by inserting “OPENING OF BIDS.—” before
23 “Sealed bids shall be”;

24 (D) in subsection (b), as so designated—

1 (i) by inserting “CRITERIA FOR
2 AWARDING CONTRACT.—” before “The
3 head of the agency”;

4 (ii) by striking “paragraph (1)” and
5 inserting “section 3301(a) of this title”;
6 and

7 (iii) by striking “paragraph (2)” and
8 inserting “section 3301(b) of this title”;
9 and

10 (E) in subsection (c), as so designated, by
11 inserting “NOTICE OF AWARD.—” before “The
12 award of”.

13 (5) AMENDMENTS TO NEW 3303.—Section 3303
14 of such title, as designated by paragraph (2), is
15 amended—

16 (A) by striking the paragraph designation;

17 (B) redesignating subparagraphs (A), (B),
18 and (C) as subsections (a), (b), and (c), respec-
19 tively;

20 (C) by designating the second sentence of
21 subsection (c), as so redesignated, as subsection
22 (d);

23 (D) in subsection (a), as so redesignated—

24 (i) by inserting “EVALUATION AND
25 AWARD.—” before “The head of”;

1 (ii) by striking “paragraph (1)” and
2 inserting “section 3301(a) of this title”;
3 and

4 (iii) by redesignating clauses (i) and
5 (ii) as paragraphs (1) and (2), respectively;
6 (E) in subsection (b), as so redesignated—

7 (i) by inserting “LIMIT ON NUMBER
8 OF PROPOSALS.—” before “If the con-
9 tracting officer”; and

10 (ii) by striking “subparagraph (A)(i)”
11 and inserting “subsection (a)(1)”;
12 (F) in subsection (c), as so redesignated—

13 (i) by inserting “CRITERIA FOR
14 AWARDING CONTRACT.—” before “Except
15 as provided in”; and

16 (ii) by striking “paragraph (2)” and
17 inserting “section 3301(b) of this title”;
18 and

19 (G) in subsection (d), as so designated—

20 (i) by inserting “NOTICE OF
21 AWARD.—” before “The head of”; and

22 (ii) by striking “This subparagraph”
23 and inserting “This subsection”.

1 (6) AMENDMENTS TO NEW 3304.—Section 3304
2 of such title, as designated by paragraph (2), is
3 amended—

4 (A) by striking the paragraph designation;

5 (B) by redesignating subparagraphs (A),
6 (B), (D), (E), and (F) as subsections (a), (c),
7 (d), (e), and (f), respectively;

8 (C) by designating the second sentence of
9 subsection (a), as so redesignated, as subsection
10 (b);

11 (D) by redesignating subparagraph (C) as
12 paragraph (2);

13 (E) in subsection (a), as so redesignated,
14 by inserting “REQUEST FOR DEBRIEFING.—”
15 before “When a”;

16 (F) in subsection (b), as designated by
17 subparagraph (C), by inserting “WHEN DE-
18 BRIEFING TO BE CONDUCTED.—” before “The
19 head of”;

20 (G) in subsection (c), as so redesignated by
21 subparagraph (B)—

22 (i) by inserting “INFORMATION TO BE
23 PROVIDED.—(1)” before “The debriefing
24 shall include”;

1 (ii) by redesignating clauses (i)
2 through (vii) as subparagraphs (A)
3 through (G), respectively; and

4 (iii) in paragraph (2), as redesignated
5 by subparagraph (D), by striking “sub-
6 paragraph (B)(vii)” and inserting “para-
7 graph (1)(G)”;

8 (H) in subsection (d), as so redesignated,
9 by inserting “INFORMATION NOT TO BE IN-
10 CLUDED.—” before “The debriefing”;

11 (I) in subsection (e), as so redesignated—

12 (i) by inserting “INCLUSION OF
13 STATEMENT IN SOLICITATION.—” before
14 “Each solicitation”; and

15 (ii) by striking “subparagraph (B)”
16 and inserting “subsection (c)”;

17 (J) in subsection (f), as so redesignated—

18 (i) by inserting “AFTER SUCCESSFUL
19 PROTEST.—” before “If, within one year”;
20 and

21 (ii) by redesignating clauses (i) and
22 (ii) as paragraphs (1) and (2), respectively;
23 and

24 (K) by adding at the end a new subsection
25 (g) with the same heading and text as sub-

1 section (f) of section 3305 of such title, as
2 amended by paragraph (7)(J).

3 (7) AMENDMENTS TO NEW 3305.—Section 3305
4 of such title, as designated by paragraph (2), is
5 amended—

6 (A) by striking “(6)”;

7 (B) by redesignating paragraph (7) as sub-
8 section (f);

9 (C) redesignating subparagraphs (A), (B),
10 (C), and (D) as subsections (a), (c), (d), and
11 (e), respectively;

12 (D) by designating the second sentence of
13 subsection (a), as so redesignated, as subsection
14 (b);

15 (E) in subsection (a), as so redesignated,
16 by inserting “REQUEST FOR DEBRIEFING.—”
17 before “When the”;

18 (F) in subsection (b), as designated by
19 subparagraph (D), by inserting “WHEN DE-
20 BRIEFING TO BE CONDUCTED.—” before “The
21 contracting officer”;

22 (G) in subsection (c), as so redesignated—

23 (i) by inserting “PRECONDITION FOR
24 POST-AWARD DEBRIEFING.—” before
25 “The contracting officer”;

1 (ii) by striking “paragraph (5)” and
2 inserting “section 3304 of this title” ; and
3 (iii) by striking “subparagraph (A)”
4 and inserting “subsections (a) and (b)”;
5 (H) in subsection (d), as so redesignated—
6 (i) by inserting “INFORMATION TO BE
7 PROVIDED.—” before “The debriefing”;
8 (ii) by striking “subparagraph (A)”
9 and inserting “subsections (a) and (b)”;
10 and
11 (iii) by redesignating clauses (i), (ii),
12 and (iii) as paragraphs (1), (2), and (3),
13 respectively;
14 (I) in subsection (e), as so redesignated—
15 (i) by inserting “INFORMATION NOT
16 TO BE DISCLOSED.—” before “The de-
17 briefing”; and
18 (ii) by striking “subparagraph (A)”
19 and inserting “subsections (a) and (b)”;
20 and
21 (J) in subsection (f), as redesignated by
22 subparagraph (B)—
23 (i) by inserting “SUMMARY TO BE IN-
24 CLUDED IN FILE.—” before “The con-
25 tracting officer”; and

1 (ii) by striking “under paragraph (5)
2 or (6)” and inserting “this section”.

3 (8) AMENDMENT TO NEW 3306.—Section 3306
4 of such title, as designated by paragraph (2), is
5 amended by striking the paragraph designation.

6 (9) AMENDMENT TO NEW 3307.—Section 3307
7 of such title, as designated by paragraph (2), is
8 amended by striking the paragraph designation.

9 (d) NEW SECTIONS.—Such chapter is further amend-
10 ed by adding at the end the following new sections:

11 **“§ 3308. Protests**

12 **“§ 3309. Prohibition on release of contractor pro-**
13 **posals”.**

14 (e) TRANSFER OF SUBSECTIONS (E) AND (F) OF SEC-
15 TION 2305.—

16 (1) TRANSFER.—Subsections (e) and (f) of sec-
17 tion 2305 of title 10, United States Code, are trans-
18 ferred to section 3308 of such title, as added by sub-
19 section (d), inserted after the section heading, and
20 redesignated as subsections (a) and (b), respectively.

21 (2) AMENDMENT TO NEW 3308(A).—Subsection
22 (a) of such section 3308, as redesignated by para-
23 graph (1), is amended—

24 (A) by striking “FILE.—(1) If, in the” and
25 inserting “FILE.—

1 “(1) ESTABLISHMENT AND ACCESS.—If, in
2 the”;

3 (B) in paragraph (2), by inserting “RE-
4 DACTED INFORMATION.—” before “Information
5 exempt”; and

6 (C) by realigning paragraph (2) 2 ems to
7 the right.

8 (f) TRANSFER OF SUBSECTION (G) OF SECTION
9 2305.—

10 (1) TRANSFER AND INTERNAL REDESIGNA-
11 TIONS.—Subsection (g) of section 2305 of title 10,
12 United States Code, is transferred to section 3309
13 of such title, as added by subsection (d), inserted
14 after the section heading, and amended—

15 (A) by striking the subsection designation
16 and heading;

17 (B) by redesignating paragraphs (1), (2),
18 and (3) as subsections (b), (c), and (a), respec-
19 tively; and

20 (C) by transferring subsection (a), as so
21 redesignated, within that section so as to ap-
22 pear before subsection (b), as so redesignated.

23 (2) AMENDMENT TO NEW 3309(A).—Subsection
24 (a) of such section 3309, as redesignated and trans-
25 ferred by paragraph (1), is amended by striking “In

1 this subsection,” and inserting “DEFINITION.—In
2 this section,”.

3 (3) AMENDMENTS TO NEW 3309(B).—Subsection
4 (b) of such section 3309, as redesignated by para-
5 graph (1), is amended—

6 (A) by inserting “PROHIBITION.—” before
7 “Except as provided in”;

8 (B) by striking “paragraph (2),” and in-
9 serting “subsection (c),”; and

10 (C) by striking “section 2303” and insert-
11 ing “section 3063”.

12 (4) AMENDMENTS TO NEW 3309(C).—Subsection
13 (c) of such section 3309, as redesignated by para-
14 graph (1), is amended by striking “Paragraph (1)”
15 and inserting “INAPPLICABILITY.—Subsection (b)”.

16 **SEC. 1817. SPECIFIC TYPES OF CONTRACTS.**

17 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
18 United States Code, as added by section 801 of the John
19 S. McCain National Defense Authorization Act for Fiscal
20 Year 2019 (Public Law 115–232), is amended by insert-
21 ing after chapter 241, as added by the preceding section,
22 the following new chapter:

23 **“CHAPTER 242—SPECIFIC TYPES OF**
24 **CONTRACTS**

“Sec.

“3321. Contracts awarded using procedures other than sealed-bid procedures.

“3322. Cost contracts.

“3323. Cost-plus contracting prohibited for military construction and military family housing projects.

“3324. Preference for fixed-price contracts.

1 **“§ 3321. Contracts awarded using procedures other**

2 **than sealed-bid procedures**

3 **“§ 3322. Cost contracts**

4 **“§ 3323. Cost-plus contracting prohibited for military**

5 **construction and military family housing**

6 **projects**

7 **“§ 3324. Preference for fixed-price contracts**

8 **“[Reserved].”.**

9 (b) TRANSFER OF SUBSECTIONS (A) AND (B) OF SEC-
10 TION 2306.—Subsections (a) and (b) of section 2306 of
11 title 10, United States Code, are transferred to section
12 3321 of such title, as added by subsection (a), and in-
13 serted after the section heading.

14 (c) TRANSFER OF FIRST SENTENCE OF SUBSECTION
15 (A).—The first sentence of such subsection (a) is further
16 transferred to section 3322 of such title, as added by sub-
17 section (a), inserted after the section heading, and des-
18 ignated as subsection (a).

19 (d) AMENDMENTS TO NEW 3321.—

20 (1) NEW 3321(A).—Subsection (a) of such sec-
21 tion 3321 (as amended by subsection (c)) is amend-
22 ed—

23 (A) by inserting “AUTHORIZED TYPES.—”
24 before “Subject to”;

1 (B) by striking “the preceding sentence”
2 and inserting “section 3322(a) of this title”;

3 (C) by striking “this section” and inserting
4 “this chapter”; and

5 (D) by striking “under this chapter” and
6 inserting “under chapter 137 legacy provi-
7 sions”.

8 (2) NEW 3321(B).—Subsection (b) of such sec-
9 tion 3321 is amended—

10 (A) by striking “Each contract awarded”
11 and inserting “REQUIRED WARRANTY.—
12 “(1) CONTENT.—Each contract awarded”;

13 (B) by striking “under this chapter” and
14 inserting “under chapter 137 legacy provi-
15 sions”;

16 (C) by striking “maintained by him” and
17 inserting “maintained by the contractor”;

18 (D) by designating the second and third
19 sentences as paragraphs (2) and (3), respec-
20 tively, and realigning those paragraphs 2 ems
21 to the right;

22 (E) in paragraph (2), as so designated—

23 (i) by inserting “REMEDY FOR
24 BREAKING WARRANTY.—” before “If a
25 contractor”; and

1 (ii) by striking “the United States
2 may annul the contract without liability or
3 may deduct” and inserting “the United
4 States—

5 “(A) may annul the contract without liabil-
6 ity; or

7 “(B) may deduct”; and

8 (F) in paragraph (3), as so designated—

9 (i) by inserting “INAPPLICABILITY TO
10 CERTAIN CONTRACTS.—” before “This
11 subsection”;

12 (ii) by striking “does not apply to a
13 contract that is for an amount not greater
14 than the simplified acquisition threshold or
15 to a contract” and inserting “does not
16 apply—

17 “(A) to a contract that is for an amount
18 not greater than the simplified acquisition
19 threshold; or

20 “(B) to a contract”.

21 (e) TRANSFER OF SUBSECTIONS (D) AND (E) OF SEC-
22 TION 2306.—Subsections (d) and (e) of section 2306 of
23 title 10, United States Code, are transferred to section
24 3322 of such title, as amended by subsections (b) and (c),

1 inserted at the end, and redesignated as subsections (b)
2 and (c), respectively.

3 (f) AMENDMENTS TO NEW 3322.—

4 (1) NEW 3322(A).—Subsection (a) of such sec-
5 tion 3322, as transferred and designated by sub-
6 section (c), is amended by inserting “COST-PLUS-A-
7 PERCENTAGE-OF-COST SYSTEM OF CONTRACTING
8 PROHIBITED.—” before “The cost-plus-a-percent-
9 age-of-cost system”.

10 (2) NEW 3322(B).—Subsection (b) of such sec-
11 tion 3322, as transferred and redesignated by sub-
12 section (e), is amended by inserting “COST-PLUS-A-
13 FIXED-FEE CONTRACTS.—” before “The fee for per-
14 forming a cost-plus-a-fixed-fee contract for experi-
15 mental”.

16 (3) NEW 3322(C).—Subsection (c) of such sec-
17 tion 3322, as transferred and redesignated by sub-
18 section (e), is amended—

19 (A) by striking “(1) Except as” and insert-
20 ing “ADVANCE NOTICE OF CERTAIN SUB-
21 CONTRACTS.—

22 “(1) IN GENERAL.—Except as”; and

23 (B) in paragraph (2)—

24 (i) by inserting “EXCEPTION.—” be-
25 fore “Paragraph (1)”; and

1 (ii) by realigning that paragraph 2
2 ems to the right.

3 (g) TRANSFER OF SUBSECTION (C) OF SECTION
4 2306.—

5 (1) TRANSFER.—Subsection (c) of section 2306
6 of title 10, United States Code, is transferred to sec-
7 tion 3323 of such title, as added by subsection (a),
8 inserted after the section heading, redesignated as
9 subsection (a), and amended by designating the sec-
10 ond sentence as subsection (b).

11 (2) AMENDMENT TO NEW 3323(A).—Subsection
12 (a) of such section 3323, as so transferred and re-
13 designated, is amended by inserting “PROHIBI-
14 TION.—” before “A contract entered into”.

15 (3) AMENDMENTS TO NEW 3323(B).—Subsection
16 (b) of such section 3323, as designated by para-
17 graph (1), is amended—

18 (A) by striking “This” and inserting “AP-
19 PLICABILITY.—The”;

20 (B) by striking “prohibition is in addition
21 to the prohibition specified in subsection (a)”
22 and inserting “prohibition specified in sub-
23 section (a)—

24 “(1) is in addition to the prohibition specified
25 in section 3322(a) of this title”; and

1 (C) by striking “system of contracting and
2 applies notwithstanding” and inserting “system
3 of contracting; and
4 “(2) applies notwithstanding.”.

5 (h) CROSS-REFERENCE AMENDMENT.—Section 2343
6 of title 10, United States Code, is amended by striking
7 “2306(a), 2306(b), 2306(e)” and inserting “3351,
8 3352(a), 3352(c)”.

9 **SEC. 1818. OTHER MATTERS RELATING TO AWARDING OF**
10 **CONTRACTS.**

11 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
12 United States Code, as added by section 801 of the John
13 S. McCain National Defense Authorization Act for Fiscal
14 Year 2019 (Public Law 115–232), is amended by insert-
15 ing after chapter 242, as added by the preceding section,
16 the following new chapter:

17 **“CHAPTER 243—OTHER MATTERS**
18 **RELATING TO AWARDING OF CONTRACTS**

“Sec.

“3341. [Reserved].

“3342. [Reserved].

“3343. [Reserved].

“3344. Disclosure of identity of contractor.

“3345. Contract authority for advanced development of initial or additional pro-
to-type units.”.

19 (b) TRANSFER OF SECTION 2316.—Section 2316 of
20 title 10, United States Code, is transferred to chapter 243
21 of such title, as added by subsection (a), inserted after
22 the table of sections, and redesignated as section 3344.”.

1 (c) TRANSFER OF SECTION 2302E.—Section 2302e
2 of title 10, United States Code, is transferred to chapter
3 243 of such title, inserted after section 3344, as trans-
4 ferred and redesignated by subsection (b), redesignated as
5 section 3345, and amended in subsection (a) by striking
6 “section 2302(2)(B)” and inserting “section 3012(2)”.

7 **SEC. 1819. UNDEFINITIZED CONTRACTUAL ACTIONS.**

8 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
9 United States Code, as added by section 801 of the John
10 S. McCain National Defense Authorization Act for Fiscal
11 Year 2019 (Public Law 115–232), is amended by insert-
12 ing after chapter 243, as added by the preceding section,
13 the following new chapter:

14 **“CHAPTER 244—UNDEFINITIZED**
15 **CONTRACTUAL ACTIONS**

“Sec.

“3371. Undefinitized contractual actions: required description of anticipated ef-
fect on military department requirements if use of
undefinitized contractual action results in delay.

“3372. Undefinitized contractual actions: requirements and limitations relating
to definitization of contractual terms, specifications, and price.

“3373. Undefinitized contractual actions: limitation on inclusion of non-urgent
requirements and on modification of scope.

“3374. Undefinitized contractual actions: allowable profit.

“3375. Undefinitized contractual actions: time limit.

“3376. **[Reserved]**.

“3377. Inapplicability to Coast Guard and National Aeronautics and Space Ad-
ministration; definitions.

1 **“§ 3371. Undefined contractual actions: required**
2 **description of anticipated effect on mili-**
3 **tary department requirements if use of**
4 **undefined contractual action results**
5 **in delay**

6 **“§ 3372. Undefined contractual actions: require-**
7 **ments and limitations relating to**
8 **definitization of contractual terms, speci-**
9 **fications, and price**

10 **“§ 3373. Undefined contractual actions: limitation**
11 **on inclusion of non-urgent requirements**
12 **and on modification of scope**

13 **“§ 3374. Undefined contractual actions: allowable**
14 **profit**

15 **“§ 3375. Undefined contractual actions: time limit**

16 **“§ 3377. Inapplicability to Coast Guard and National**
17 **Aeronautics and Space Administration;**
18 **definitions”.**

19 (b) TRANSFER OF SUBSECTION (A) OF SECTION
20 2326.—Subsection (a) of section 2326 of title 10, United
21 States Code, is transferred to section 3371 of such title,
22 as added by subsection (a), inserted after the section head-
23 ing, and amended by striking the subsection designation
24 and subsection heading.

25 (c) TRANSFER OF SUBSECTIONS (B), (C), AND (H) OF
26 SECTION 2326.—

1 (1) TRANSFER.—Subsections (b), (c), and (h)
2 of section 2326 of title 10, United States Code, are
3 transferred to section 3372 of such title, as added
4 by subsection (a), inserted (in that order) after the
5 section heading, and redesignated as subsections (a),
6 (b), and (c), respectively.

7 (2) AMENDMENTS TO NEW 3372(A).—Subsection
8 (a) of such section 3372, as transferred and redesign-
9 nated by paragraph (1), is amended—

10 (A) by striking “LIMITATIONS ON OBLIGA-
11 TION OF FUNDS.—(1) A contracting officer”
12 and inserting “CONTRACTUAL ACTION TO PRO-
13 VIDE TIME FOR DEFINITIZATION OF CONTRAC-
14 TUAL TERMS, SPECIFICATIONS, AND PRICE;
15 LIMITATIONS ON OBLIGATION OF FUNDS.—

16 “(1) TERMS FOR TIME FOR DEFINITIZATION TO
17 BE INCLUDED IN CONTRACTUAL ACTION.—A con-
18 tracting officer”;

19 (B) by redesignating paragraphs (2) and
20 (3) as subparagraphs (A) and (B), respectively,
21 and realigning those subparagraphs 4 ems to
22 the right;

23 (C) by inserting before subparagraph (A),
24 as so redesignated and realigned, the following:

1 “(2) LIMITATION ON OBLIGATION OF FUNDS
2 BEFORE DEFINITIZATION.—”;

3 (D) in such subparagraph (A), as so redes-
4 ignated, by striking “Except as provided in
5 paragraph (3),” and inserting “50 PERCENT
6 LIMITATION.—Except as provided in subpara-
7 graph (B),”;

8 (E) in such subparagraph (B), as so redes-
9 ignated and realigned—

10 (i) by inserting “75 PERCENT LIMITA-
11 TION WHEN CONTRACTOR SUBMITS QUALI-
12 FYING PROPOSAL.—” before “If a con-
13 tractor”; and

14 (ii) by striking “subsection (h)” and
15 inserting “section 3377(b) of this title”;

16 (F) by redesignating paragraph (4) as
17 paragraph (3) and inserting “WAIVER AUTHOR-
18 ITY.—” in that paragraph before “The head
19 of”; and

20 (G) by redesignating paragraph (5) as
21 paragraph (4) and inserting “INAPPLICABILITY
22 WITH RESPECT TO PURCHASE OF INITIAL
23 SPARES.—” in that paragraph before “This
24 subsection does not”.

1 (3) AMENDMENT TO NEW 3372(B).—Subsection
2 (b) of such section 3372, as transferred and redesign-
3 nated by paragraph (1), is amended by striking
4 “subsection (b)(1)” and inserting “subsection
5 (a)(1)”.

6 (4) AMENDMENTS TO NEW 3372(C).—Subsection
7 (c) of such section 3372, as transferred and redesign-
8 nated by paragraph (1), is amended—

9 (A) by striking “CONTRACTS.—(1) Except
10 as provided in” and inserting “CONTRACTS.—

11 “(1) 180-DAY REQUIREMENT.—Except as pro-
12 vided in”;

13 (B) by striking “subsection (b)(1)(A)” and
14 inserting “subsection (a)(1)(A)”;

15 (C) by realigning paragraph (2) 2 ems to
16 the right; and

17 (D) in paragraph (2)—

18 (i) by inserting “WAIVER AUTHOR-
19 ITY.—” before “The requirement”; and

20 (ii) by striking “subsection (b)(4)”
21 and inserting “subsection (a)(3)”.

22 (d) TRANSFER OF SUBSECTIONS (D) AND (E) OF
23 SECTION 2326.—Subsections (d) and (e) of section 2326
24 of title 10, United States Code, are transferred to section
25 3373 of such title, as added by subsection (a), inserted

1 after the section heading, and redesignated as subsections
2 (a) and (b), respectively.

3 (e) TRANSFER OF SUBSECTION (F) OF SECTION
4 2326.—

5 (1) TRANSFER.—Subsection (f) of section 2326
6 of title 10, United States Code, is transferred to sec-
7 tion 3374 of such title, as added by subsection (a),
8 inserted after the section heading, and amended—

9 (A) by striking the subsection designation
10 and subsection heading; and

11 (B) by redesignating paragraphs (1) and
12 (2) as subsections (a) and (b), respectively.

13 (2) AMENDMENTS TO NEW 3374(A).—Subsection
14 (a) of such section 3374, as so transferred and re-
15 designated, is amended—

16 (A) by inserting “ALLOWED PROFIT TO
17 REFLECT CERTAIN REDUCED COST RISKS OF
18 CONTRACTOR.—” before “The head of an agen-
19 cy”; and

20 (B) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively.

22 (3) AMENDMENT TO NEW 3374(B).—Subsection
23 (b) of such section 3374, as so transferred and re-
24 designated, is amended by inserting “DATE AS OF

1 WHICH CONTRACTOR COST RISK TO BE DETER-
2 MINED.—” before “If a contractor”.

3 (f) TRANSFER OF SUBSECTION (G) OF SECTION
4 2326.—Subsection (g) of section 2326 of title 10, United
5 States Code, is transferred to section 3375 of such title,
6 as added by subsection (a), inserted after the section head-
7 ing, and amended by striking the subsection designation
8 and subsection heading.

9 (g) TRANSFER OF SUBSECTIONS (I) AND (J) OF SEC-
10 TION 2326.—Subsections (i) and (j) of section 2326 of
11 title 10, United States Code, are transferred to section
12 3377 of such title, as added by subsection (a), inserted
13 after the section heading, redesignated as subsections (a)
14 and (b), respectively, and amended by striking “section”
15 in each such subsection and inserting “chapter”.

16 **SEC. 1820. TASK AND DELIVERY ORDER CONTRACTS.**

17 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
18 United States Code, as added by section 801 of the John
19 S. McCain National Defense Authorization Act for Fiscal
20 Year 2019 (Public Law 115–232), is amended by striking
21 chapter 245 and inserting the following:

22 **“CHAPTER 245—TASK AND DELIVERY**
23 **ORDER CONTRACTS (MULTIPLE**
24 **AWARD CONTRACTS)**

“Sec.

“3401. Task and delivery order contracts: definitions.

“3402. [Reserved].

“3403. Task and delivery order contracts: general authority.

“3404. Guidance on use of task and delivery order contracts.

“3405. Task order contracts: advisory and assistance services.

“3406. Task and delivery order contracts: orders.”.

1 (b) TRANSFER OF SECTION 2304D.—

2 (1) TRANSFER.—Section 2304d of title 10,
3 United States Code, is transferred to chapter 245 of
4 such title, as amended by subsection (a), inserted
5 after the table of sections, redesignated as section
6 3401, and amended by striking “In sections 2304a,
7 2304b, and 2304c of this title” and inserting “In
8 this chapter”.

9 (2) ORDER OF DEFINITION PARAGRAPHS.—
10 Paragraphs (1) and (2) of such section 3401, as so
11 transferred and redesignated, are reversed in order
12 and redesignated accordingly.

13 (3) AMENDMENTS TO NEW 3401(1).—Paragraph
14 (1) of such section, as so redesignated, is amend-
15 ed—

16 (A) by inserting “DELIVERY ORDER CON-
17 TRACT.—” before “The term”;

18 (B) by striking “for property that does
19 not” and inserting “for property—

20 “(A) that does not”; and

21 (C) by striking “quantity) and that pro-
22 vides for” and inserting “quantity); and

23 “(B) that provides for”.

1 (4) AMENDMENTS TO NEW 3401(2).—Paragraph
2 (2) of such section, as so redesignated, is amend-
3 ed—

4 (A) by inserting “TASK ORDER CON-
5 TRACT.—” before “The term”;

6 (B) by striking “for services that does not”
7 and inserting “for services—

8 “(A) that does not”; and

9 (C) by striking “quantity) and that pro-
10 vides for” and inserting “quantity); and

11 “(B) that provides for”.

12 (c) TRANSFER OF SECTION 2304A.—

13 (1) TRANSFER.—Section 2304a of title 10,
14 United States Code, is transferred to chapter 245 of
15 such title, as amended by subsection (a), inserted
16 after section 3401, as transferred and redesignated
17 by subsection (b), and redesignated as section 3403.

18 (2) AMENDMENTS TO NEW 3403(A).—Subsection
19 (a) of such section, as so redesignated, is amended—

20 (A) by striking “section 2304c” and insert-
21 ing “section 3406”; and

22 (B) by striking “section 2304d” and in-
23 serting “section 3401”.

24 (3) AMENDMENTS TO NEW 3403(C).—Subsection
25 (c) of such section, as so redesignated, is amended—

1 (A) by striking “section only if an excep-
2 tion” and inserting “only if—
3 “(1) an exception”;

4 (B) by striking “subsection (c) of section
5 2304” and inserting “subsection (a) of section
6 3204”;

7 (C) by striking “the contract and the use
8 of such” and inserting “the contract; and
9 “(2) the use of such”; and

10 (D) by striking “subsection (f)” and in-
11 serting “subsection (e)”.

12 (4) AMENDMENTS TO NEW 3403(D).—Subsection
13 (d) of such section, as so redesignated, is amend-
14 ed—

15 (A) by striking “CONTRACT AWARDS.—(1)
16 The head of an agency” and inserting “CON-
17 TRACT AWARDS.—

18 “(1) EXERCISE OF AUTHORITY.—The head of
19 an agency”.

20 (B) in paragraph (2)—

21 (i) by inserting “DETERMINATION
22 NOT REQUIRED.—” before “No determina-
23 tion”; and

24 (ii) by striking “section 2304(b)” and
25 inserting “section 3203”;

1 (C) in paragraph (3)—

2 (i) by striking “(A) Except as” and
3 inserting “WHEN SINGLE SOURCE
4 AWARDS FOR TASK OR DELIVERY ORDER
5 CONTRACTS EXCEEDING \$100,000,000
6 ARE ALLOWED.—(A) Except as”; and

7 (ii) in subparagraph (B), by striking
8 “section 2304(c)” and inserting “section
9 3204(a)”; and

10 (D) in paragraph (4), by inserting “REGU-
11 LATIONS.—” before “The regulations”.

12 (5) AMENDMENTS TO NEW 3403(G).—Subsection
13 (g) of such section, as so redesignated, is amended
14 by striking “section 2304b” and inserting “section
15 3405”.

16 (d) TRANSFER OF SECTION 2304B.—

17 (1) TRANSFER.—Section 2304b of title 10,
18 United States Code, is transferred to chapter 245 of
19 such title, as amended by subsection (a), inserted
20 after section 3403, as transferred and redesignated
21 by subsection (c), and redesignated as section 3405.

22 (2) INTERNAL REDESIGNATIONS.—Subsections
23 (a), (b), (c), (d), (e), (f), (g), (h), and (i) of such
24 section are redesignated as subsections (b), (c), (d),
25 (e), (f), (g), (h), (i), and (a), respectively, and sub-

1 section (a), as so redesignated, is transferred to the
2 beginning of such section so as to appear after the
3 section heading.

4 (3) AMENDMENTS TO NEW 3405(B).—Subsection
5 (b) of such section, as so redesignated, is amended—

6 (A) by striking “section 2304c” and insert-
7 ing “section 3406”; and

8 (B) by striking “section 2304d” and in-
9 serting “section 3401”.

10 (4) AMENDMENTS TO NEW 3405(E).—Subsection
11 (e) of such section, as so redesignated, is amended—

12 (A) by striking “AND CONTRACT.—(1) The
13 solicitation” and inserting “AND CONTRACT.—
14 “(1) SOLICITATION.—The solicitation”;

15 (B) by striking “section 2304a(b)” and in-
16 serting “3403(b)”; and

17 (C) by realigning paragraph (2) 2 ems to
18 the right and inserting “CONTRACT.—” in that
19 paragraph before “A task order”.

20 (5) AMENDMENTS TO NEW 3405(F).—Subsection
21 (f) of such section, as so redesignated, is amended—

22 (A) by striking “MULTIPLE AWARDS.—(1)
23 The head of an agency” and inserting “MUL-
24 TIPLE AWARDS.—

1 “(1) AUTHORITY TO MAKE MULTIPLE
2 AWARDS.—The head of an agency”.

3 (B) by realigning paragraphs (2) and (3)
4 2 ems to the right;

5 (C) by inserting “CONTENT OF SOLICITA-
6 TION.—” in paragraph (2) before “If, in the
7 case of”; and

8 (D) by inserting “NONAPPLICATION.—” in
9 paragraph (3) before “Paragraph (2) does not”.

10 (6) AMENDMENTS TO NEW 3405(G).—Subsection
11 (g) of such section, as so redesignated, is amended—

12 (A) by striking “CONTRACT MODIFICA-
13 TIONS.—(1) A task order may not” and insert-
14 ing “CONTRACT MODIFICATIONS.—

15 “(1) INCREASE IN SCOPE, PERIOD, OR MAX-
16 IMUM VALUE OF CONTRACT ONLY BY MODIFICATION
17 OF CONTRACT.—A task order may not”.

18 (B) by realigning paragraphs (2) and (3)
19 2 ems to the right;

20 (C) in paragraph (2)—

21 (i) by inserting “USE OF COMPETI-
22 TIVE PROCEDURES.—” before “Unless use
23 of”;

1 (ii) by striking “subsection (c) of sec-
2 tion 2304” and inserting “subsection (a)
3 of section 3204”; and

4 (iii) by striking “subsection (f)” and
5 inserting “subsection (e)”; and

6 (D) in paragraph (3), by inserting “No-
7 TICE.—” before “Notice regarding”.

8 (7) AMENDMENTS TO NEW 3405(H).—Subsection
9 (h) of such section, as so redesignated, is amend-
10 ed—

11 (A) by striking “CONTRACT EXTEN-
12 SIONS.—(1) Notwithstanding the limitation”
13 and inserting “CONTRACT EXTENSIONS.—

14 “(1) WHEN CONTRACT MAY BE EXTENDED.—
15 Notwithstanding the limitation”;

16 (B) in paragraph (1), by striking “sub-
17 section (b)” and “subsection (e)” and inserting
18 “subsection (c)” and “subsection (f)”, respec-
19 tively; and

20 (C) by realigning paragraph (2) 2 ems to
21 the right and inserting “LIMIT OF ONE EXTEN-
22 SION.—” in that paragraph before “A task
23 order contract”.

24 (e) TRANSFER OF SECTION 2304C.—

1 (1) TRANSFER.—Section 2304c of title 10,
2 United States Code, is transferred to chapter 245 of
3 such title, as amended by subsection (a), inserted
4 after section 3405, as transferred and redesignated
5 by subsection (d), and redesignated as section 3406.

6 (2) INTERNAL REDESIGNATIONS.—Subsections
7 (a), (b), (c), (e), (f), and (g) of such section are re-
8 designated as subsections (b), (c), (e), (f), (g), and
9 (a), respectively, subsection (a), as so redesignated,
10 is transferred to the beginning of such section so as
11 to appear after the section heading, and subsection
12 (e), as so redesignated, is transferred within such
13 section so as to appear after subsection (d).

14 (3) AMENDMENTS TO NEW 3406(A).—Subsection
15 (a) of such section, as so transferred and redesign-
16 ated, is amended by striking “sections 2304a and
17 2304b” and inserting “sections 3403 and 3405”.

18 (4) AMENDMENT TO NEW 3406(B).—Paragraph
19 (2) of subsection (b) of such section, as so trans-
20 ferred and redesignated, is amended—

21 (A) by striking “subsection (b)” and in-
22 serting “subsection (c)”; and

23 (B) by striking “section 2304(f)” and in-
24 serting “section 3204(e)”.

1 (5) AMENDMENTS TO NEW 3406(C).—Subsection
2 (c) of such section, as so transferred and redesign-
3 nated, is amended—

4 (A) by striking “section 2304a(d)(1) or
5 2304b(c)” and inserting “section 3403(d)(1)(B)
6 or 3405(f)”; and

7 (B) by striking “section 2304(c)” in para-
8 graph (5) and inserting “section 3204(a)”.

9 (6) AMENDMENTS TO NEW 3406(D).—Subsection
10 (d) of such section is amended—

11 (A) by striking “subsection (b)” and in-
12 serting “subsection (c)”; and

13 (B) by striking “section 2305(b)(5)” in
14 paragraph (5) and inserting “section 3304”.

15 (7) AMENDMENTS TO NEW 3406(G).—Subsection
16 (g) of such section is amended—

17 (A) by striking “OMBUDSMAN.—Each head
18 of an agency” and inserting “OMBUDSMAN.—

19 “(1) APPOINTMENT OR DESIGNATION AND RE-
20 SPONSIBILITIES.—Each head of an agency”.

21 (B) by striking “section 2304a(d)(1)(B) or
22 2304b(e)” and inserting “section 3403(d)(1)(B)
23 or 3405(f)”; and

24 (C) by striking “subsection (b)” and in-
25 serting “subsection (c)”; and

1 (D) by designating the second sentence as
2 paragraph (2) and inserting “WHO IS ELIGI-
3 BLE.—” in that paragraph before “The task
4 and delivery order”.

5 **SEC. 1821. ACQUISITION OF COMMERCIAL PRODUCTS AND**
6 **COMMERCIAL SERVICES.**

7 (a) TRANSFER OF CHAPTER 140.—

8 (1) TRANSFER OF CHAPTER.—Chapter 140 of
9 title 10, United States Code, is transferred to part
10 V of subtitle A of that title 10, as added by section
11 801 of the John S. McCain National Defense Au-
12 thorization Act for Fiscal Year 2019 (Public Law
13 115–232), inserted in place of chapter 247 as en-
14 acted by that section, and redesignated as chapter
15 247.

16 (2) REDESIGNATION OF SECTIONS.—Sections in
17 chapter 247 of title 10, United States Code, as
18 transferred and redesignated by paragraph (1), are
19 redesignated as follows:

Old Section No.	New Section No.
2375	3452
2376	3451
2377	3453
2379	3455
2380	3456
2380a	3457

1 (3) TABLE OF SECTIONS.—The items in the
2 table of sections at the beginning of such chapter
3 are amended to conform to the redesignations made
4 by paragraph (2).

5 (4) TABLES OF CHAPTERS.—The tables of
6 chapters at the beginning of subtitle A, and at the
7 beginning of part IV of subtitle A, of title 10,
8 United States Code, are amended by striking the
9 item relating to chapter 140.

10 (b) AMENDMENTS TO TRANSFERRED SECTIONS.—

11 (1) SECTION 3451.—

12 (A) Section 3451 of title 10, United States
13 Code, as redesignated by subsection (a)(2), is
14 transferred within chapter 247 of such title so
15 as to appear after the table of sections at the
16 beginning of such chapter (and before section
17 3452 as so redesignated).

18 (B) The table of sections at the beginning
19 of such chapter is amended to conform to the
20 transfer made by subparagraph (A).

21 (2) SECTION 3452.—Section 3452 of such title,
22 as redesignated by subsection (a)(2), is amended by
23 striking “section 2533a” and “section 2533b” in
24 subsection (e)(2) and inserting “section 4862” and
25 “section 4863”, respectively.

1 (3) SECTION 3453.—Section 3453 of such title,
2 as redesignated by subsection (a)(2), is amended by
3 striking “section 2379” in subsection (d)(1) and in-
4 serting “section 3455”.

5 (4) SECTION 3455.—Section 3455 of such title,
6 as redesignated by subsection (a)(2), is amended by
7 striking “section 2306a” in subsection (c)(1) and in-
8 serting “chapter 271”.

9 (5) SECTION 3456.—Section 3456 of such title,
10 as redesignated by subsection (a)(2), is amended by
11 striking “section 2306a(b)(4)(B)” in subsection
12 (b)(2)(B)(i) and inserting “section 3703(d)(2)”.

13 (6) SECTION 3457.—Section 3457 of such title,
14 as redesignated by subsection (a)(2), is amended—

15 (A) by striking “section 2376(1)” in sub-
16 sections (a) and (b) and inserting “section
17 3451(1)”; and

18 (B) by striking “section 2302(9)” in sub-
19 sections (a) and (b) and inserting “section
20 3014”.

21 (7) SECTION INCORPORATED INTO SECTION
22 3457.—Such chapter is further amended—

23 (A) by striking the heading of the final
24 section of such chapter, as transferred by sub-
25 section (a);

1 (B) in the text following such heading, by
 2 striking “Notwithstanding section 2376(1)”
 3 and inserting “(c) COMMINGLED ITEMS PUR-
 4 CHASED BY CONTRACTORS.—Notwithstanding
 5 section 3451(1)”; and

6 (C) in the table of sections at the begin-
 7 ning of the chapter, by striking the final item.

8 **SEC. 1822. MULTIYEAR CONTRACTS.**

9 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
 10 United States Code, as added by section 801 of the John
 11 S. McCain National Defense Authorization Act for Fiscal
 12 Year 2019 (Public Law 115–232), is amended by striking
 13 chapter 249 and inserting the following:

14 **“CHAPTER 249—MULTIYEAR CONTRACTS**

“Subchapter Sec.

“I. Multiyear Contracts for Acquisition of Property 3501

“II. Multiyear Contracts for Acquisition of Services 3531

“III. Other Authorities Relating to Multiyear Contracts 3551

15 **“SUBCHAPTER I—MULTIYEAR CONTRACTS FOR**

16 **ACQUISITION OF PROPERTY**

“Sec.

“3501. Multiyear contracts for acquisition of property: authority; definitions.

“3502. Multiyear contracts for acquisition of property: regulations.

“3503. Multiyear contracts for acquisition of property: contract cancellation or
 termination.

“3504. Multiyear contracts for acquisition of property: participation by sub-
 contractors, vendors, and suppliers.

“3505. Multiyear contracts for acquisition of property: protection of existing au-
 thority.

“3506. Department of Defense contracts: acquisition of weapon systems.

“3507. Department of Defense contracts: defense acquisitions specifically au-
 thorized by law.

“3508. Department of Defense contracts: notice to congressional committees be-
 fore taking certain actions.

- “3509. Department of Defense contracts: multiyear contracts with value in excess of \$500,000,000.
- “3510. Department of Defense contracts: additional matters with respect to multiyear defense contracts.
- “3511. Increased funding and reprogramming requests.

1 **“§ 3501. Multiyear contracts for acquisition of prop-**
2 **erty: authority; definitions**

3 **“§ 3502. Multiyear contracts for acquisition of prop-**
4 **erty: regulations**

5 **“§ 3503. Multiyear contracts for acquisition of prop-**
6 **erty: contract cancellation or termination**

7 **“§ 3504. Multiyear contracts for acquisition of prop-**
8 **erty: participation by subcontractors,**
9 **vendors, and suppliers**

10 **“§ 3505. Multiyear contracts for acquisition of prop-**
11 **erty: protection of existing authority**

12 **“§ 3506. Department of defense contracts: acquisition**
13 **of weapon systems**

14 **“§ 3507. Department of defense contracts: defense ac-**
15 **quisitions specifically authorized by law**

16 **“§ 3508. Department of defense contracts: notice to**
17 **congressional committees before taking**
18 **certain actions**

19 **“§ 3509. Department of defense contracts: multiyear**
20 **contracts with value in excess of**
21 **\$500,000,000**

22 **“§ 3510. Department of defense contracts: additional**
23 **matters with respect to multiyear defense**
24 **contracts**

25 **“§ 3511. Increased funding and reprogramming re-**
26 **quests”.**

1 (b) TRANSFER OF SUBSECTION (A) OF SECTION
2 2306B.—

3 (1) TRANSFER.—Subsection (a) of section
4 2306b of title 10, United States Code, is transferred
5 to section 3501 of such title, as added by subsection
6 (a), and inserted after the section heading.

7 (2) CONFORMING CROSS-REFERENCE AMEND-
8 MENT.—Paragraph (7) of such subsection (a), as so
9 transferred, is amended by striking “subparagraphs
10 (C) through (F) of subsection (i)(3)” and inserting
11 “paragraphs (3) through (6) of section 3507(c) of
12 this title”.

13 (c) TRANSFER OF SUBSECTION (K) OF SECTION
14 2306B.—

15 (1) TRANSFER.—Subsection (k) of section
16 2306b of title 10, United States Code, is transferred
17 to section 3501 of such title, as added by subsection
18 (a), and inserted after subsection (a), as transferred
19 by subsection (b), and redesignated as subsection
20 (b).

21 (2) CONFORMING AMENDMENT.—Such sub-
22 section (b), as so transferred and redesignated, is
23 amended by striking “this section” and inserting
24 “this subchapter”.

1 (d) TRANSFER OF SUBSECTION (B) OF SECTION
2 2306B.—

3 (1) TRANSFER AND INTERNAL REDESIGNA-
4 TIONS.—Subsection (b) of section 2306b of title 10,
5 United States Code, is transferred to section 3502
6 of such title, as added by subsection (a), inserted
7 after the section heading, and amended—

8 (A) by striking the subsection designation
9 and heading; and

10 (B) by redesignating paragraphs (1) and
11 (2) as subsections (a) and (b), respectively.

12 (2) AMENDMENTS TO NEW 3502(A).—Subsection
13 (a) of such section, as so redesignated, is amended—

14 (A) by inserting “REQUIREMENT.—” be-
15 fore “Each official named”;

16 (B) by striking “paragraph (2)” and in-
17 serting “subsection (b)”;

18 (C) by striking “subsection (a)” and in-
19 serting “section 3501 of this title”.

20 (3) AMENDMENTS TO NEW 3502(B).—Subsection
21 (b) of such section, as so redesignated, is amended—

22 (A) by striking “(A) The Secretary of De-
23 fense” and inserting “OFFICIALS SPECIFIED TO
24 PRESCRIBE REGULATIONS.—

1 “(1) DEPARTMENT OF DEFENSE.—The Sec-
2 retary of Defense”;

3 (B) by redesignating subparagraphs (B)
4 and (C) as paragraphs (2) and (3), respectively,
5 and realigning those paragraphs 2 ems to the
6 right;

7 (C) in paragraph (2), as so redesignated,
8 by inserting “COAST GUARD.—” before “The
9 Secretary of Homeland”; and

10 (D) in paragraph (3), as so redesignated,
11 by inserting “NASA.—” before “The Adminis-
12 trator of”.

13 (e) TRANSFER OF SUBSECTIONS (C), (F), AND (G) OF
14 SECTION 2306B.—

15 (1) TRANSFER.—Subsections (c), (f), and (g) of
16 section 2306b of title 10, United States Code, are
17 transferred to section 3503 of such title, as added
18 by subsection (a), inserted (in that order) after the
19 section heading, and redesignated as subsections (a),
20 (b), and (c), respectively.

21 (2) AMENDMENT TO NEW 3503(A).—Subsection
22 (a) of such section 3503, as transferred and redesign-
23 nated by paragraph (1), is amended by inserting
24 “under section 3502 of this title” after “The regula-
25 tions”.

1 (3) AMENDMENT TO NEW 3503(B).—Subsection
2 (b) of such section 3503, as transferred and redesign-
3 nated by paragraph (1), is amended by striking
4 “under this section” and inserting “under this sub-
5 chapter”.

6 (4) AMENDMENTS TO NEW 3503(C).—Subsection
7 (c) of such section 3503, as transferred and redesign-
8 nated by paragraph (1), is amended—

9 (A) by striking “CEILINGS EXCEEDING”
10 and all that follows through “Before any” and
11 inserting “CEILINGS EXCEEDING
12 \$100,000,000.—
13 “(1) Before any”;

14 (B) by realigning paragraph (2) 2 ems to
15 the right:

16 (C) by striking “subsection (a)” in para-
17 graphs (1) and (2) and inserting “section
18 3501(a) of this title”; and

19 (D) in paragraph (2), by striking “re-
20 quired by” and all that follows through “give
21 written” and inserting “required by section
22 3507(c) of this title, give written”.

23 (f) TRANSFER OF SUBSECTION (D) OF SECTION
24 2306B.—

1 (1) TRANSFER.—Subsection (d) of section
2 2306b of title 10, United States Code, is transferred
3 to section 3504 of such title, as added by subsection
4 (a), inserted after the section heading, and amended
5 by striking the subsection designation and heading.

6 (2) AMENDMENTS TO NEW 3504.—Such section
7 is further amended—

8 (A) by inserting “under section 3502 of
9 this title” after “the regulations”; and

10 (B) in paragraph (1), by striking “sub-
11 section (a)” and inserting “section 3501(a) of
12 this title”.

13 (g) TRANSFER OF SUBSECTION (E) OF SECTION
14 2306B.—

15 (1) TRANSFER.—Subsection (e) of section
16 2306b of title 10, United States Code, is transferred
17 to section 3505 of such title, as added by subsection
18 (a), inserted after the section heading, and amended
19 by striking the subsection designation and heading.

20 (2) AMENDMENTS TO NEW 3505.—Such section
21 is further amended—

22 (A) by inserting “under section 3502 of
23 this title” after “The regulations”;

24 (B) by striking “this section” both places
25 it appears and inserting “this subchapter”; and

1 (C) in paragraph (1), by striking “such a
2 contract” and inserting “a contract under sec-
3 tion 3501(a) of this title”.

4 (h) TRANSFER OF SUBSECTION (H) OF SECTION
5 2306B.—

6 (1) TRANSFER.—Subsection (h) of section
7 2306b of title 10, United States Code, is transferred
8 to section 3506 of such title, as added by subsection
9 (a), inserted after the section heading, and amended
10 by striking the subsection designation and heading.

11 (2) AMENDMENTS TO NEW 3506.—Such section
12 is further amended—

13 (A) by striking “subsection (a)” and in-
14 serting “section 3501(a) of this title”; and

15 (B) by striking “this section” and insert-
16 ing “this subchapter”.

17 (i) TRANSFER OF SUBSECTION (I) OF SECTION
18 2306B.—

19 (1) TRANSFER.—Subsection (i) of section
20 2306b of title 10, United States Code, is transferred
21 to section 3507 of such title, as added by subsection
22 (a), inserted after the section heading, and amended
23 by striking the subsection designation and heading.

24 (2) INTERNAL REDESIGNATIONS AND TRANS-
25 FERS.—Paragraphs (1), (2), (3), (4), (5), (6), and

1 (7) of such section 3507 are redesignated as sub-
2 sections (a), (b), (c), (f), (g), (d), and (e), respec-
3 tively, and subsections (d) and (e), as so redesign-
4 ated, are transferred within that section so as to
5 appear after subsection (c), as so redesignated.

6 (3) AMENDMENTS TO NEW 3507(A).—Subsection
7 (a) of such section, as so redesignated, is amended—

8 (A) by inserting “LIMITATION.—” before
9 “In the case of”; and

10 (B) by striking “this section” and insert-
11 ing “this subchapter”.

12 (4) AMENDMENTS TO NEW 3507(B).—Subsection
13 (b) of such section, as redesignated by paragraph
14 (2), is amended—

15 (A) by inserting “MATTERS TO BE IN-
16 CLUDED IN REQUEST FOR AUTHORIZATION.—”
17 before “In submitting”;

18 (B) by striking “this section” and insert-
19 ing “this subchapter”;

20 (C) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively;

22 (D) in paragraph (1), as so redesignated,
23 by striking “subsection (a)” and inserting “sec-
24 tion 3501(a) of this title”; and

1 (E) in paragraph (2), as so redesignated,
2 by striking “subparagraph (A)” and inserting
3 “paragraph (1)”.

4 (5) AMENDMENTS TO NEW 3507(C).—Subsection
5 (c) of such section, as redesignated by paragraph
6 (2), is amended—

7 (A) by inserting “REQUIRED CERTIFI-
8 CATION.—” before “A multiyear contract”;

9 (B) by striking “this section” and insert-
10 ing “this subchapter”;

11 (C) by redesignating subparagraphs (A)
12 through (G) as paragraphs (1) through (7), re-
13 spectively;

14 (D) in paragraph (1), as so redesignated,
15 by striking “subsection (a)” and inserting “sec-
16 tion 3501(a) of this title”;

17 (E) in paragraph (2), as so redesignated,
18 by striking “section” and all that follows
19 through “of this title” and inserting “section
20 3226(b) of this title”; and

21 (F) in paragraph (3), as so redesignated,
22 by striking “section 2433(d)” and inserting
23 “section 4374”.

1 (6) AMENDMENTS TO NEW 3507(D).—Subsection
2 (d) of such section, as redesignated and transferred
3 by paragraph (2), is amended—

4 (A) by inserting “AUTHORITY WHEN ONE
5 OR MORE CONDITIONS NOT MET.—” before
6 “The Secretary may”;

7 (B) by striking “paragraph (3)” and in-
8 serting “subsection (c)”;

9 (C) by striking “not met, if the Secretary
10 determines that” and inserting “not met, if—
11 “(1) the Secretary determines that”; and

12 (D) by striking “of Defense and the Sec-
13 retary provides” and inserting “of Defense; and
14 “(2) the Secretary provides”.

15 (7) AMENDMENTS TO NEW 3507(E).—Subsection
16 (e) of such section, as redesignated and transferred
17 by paragraph (2), is amended—

18 (A) by inserting “LIMITATION ON DELE-
19 GATION.—” before “The Secretary may not”;

20 (B) by striking “paragraph (3)” and in-
21 serting “subsection (c)”;

22 (C) by striking “paragraph (6)” and in-
23 serting “subsection (d)”.

1 (8) AMENDMENTS TO NEW 3507(F).—Subsection
2 (f) of such section, as redesignated by paragraph
3 (2), is amended—

4 (A) by inserting “REQUESTS FOR RELIEF
5 FROM SPECIFIED COST SAVINGS.—” before “If
6 for any”; and

7 (B) by striking “this section” and insert-
8 ing “this subchapter”.

9 (9) AMENDMENTS TO NEW 3507(G).—Subsection
10 (g) of such section, as redesignated by paragraph
11 (2), is amended—

12 (A) by striking “(A) The Secretary may”
13 and inserting “PROCUREMENT OF COMPLETE
14 AND USABLE END ITEMS.—

15 “(1) IN GENERAL.—The Secretary may”;

16 (B) by redesignating subparagraph (B) as
17 paragraph (2); and

18 (C) in paragraph (2), as so redesignated—

19 (i) by realigning the paragraph 2 ems
20 to the right; and

21 (ii) by inserting “LONG-LEAD
22 ITEMS.—” before “The Secretary may”.

23 (j) TRANSFER OF SUBSECTION (L) OF SECTION
24 2306B.—

1 (1) TRANSFER TO NEW SECTIONS 3508, 3509,
2 AND 3510.—

3 (A) TRANSFERS OF CERTAIN PARAGRAPHS
4 OF 2306B TO NEW 3509.—

5 (i) Paragraph (3) of subsection (l) of
6 section 2306b of title 10, United States
7 Code, is transferred to section 3509 of
8 such title, as added by subsection (a), in-
9 serted after the section heading, and redes-
10 ignated as subsection (a).

11 (ii) Such section 3509 is further
12 amended by adding at the end the fol-
13 lowing:

14 “(b) REPORT REQUIRED BEFORE ENTERING INTO
15 CONTRACT ABOVE THRESHOLD.—”.

16 (iii) Paragraph (5) of subsection (l) of
17 such section 2306b is transferred to sec-
18 tion 3509 of such title, as added by sub-
19 section (a), inserted at the end of sub-
20 section (b), as added by clause (ii), and re-
21 designated as paragraph (1).

22 (iv) Paragraphs (4) and (9) of sub-
23 section (l) of such section 2306b are trans-
24 ferred to section 3509 of such title, as
25 added by subsection (a), inserted (in that

1 order) after paragraph (1) of subsection
2 (b), as transferred and redesignated by
3 clause (iii), and redesignated as para-
4 graphs (2) and (3), respectively.

5 (B) TRANSFER OF CERTAIN PARAGRAPHS
6 OF 2306B TO NEW 3510.—Paragraphs (2) and
7 (7) of subsection (1) of such section 2306b are
8 transferred to section 3510 of such title, as
9 added by subsection (a), inserted after the sec-
10 tion heading, and redesignated as subsection
11 (b) and (c), respectively.

12 (C) TRANSFER OF REMAINING PARA-
13 GRAPHS OF 2306B TO NEW 3508.—Subsection (1)
14 of such section 2306b (as amended by subpara-
15 graphs (A) and (B)) is transferred to section
16 3508 of such title, as added by subsection (a),
17 inserted after the section heading, and amend-
18 ed—

19 (i) by striking the subsection designa-
20 tion and subsection heading; and

21 (ii) by redesignating paragraphs (1),
22 (6), and (8) as subsections (a), (b), and
23 (c), respectively.

1 (2) AMENDMENTS TO NEW 3508(A).—Subsection
2 (a) of such section 3508, as transferred and redesign-
3 nated by paragraph (1)(C), is amended—

4 (A) by striking “(A) The head of an agen-
5 cy” and inserting “NOTICE BEFORE AWARD OF
6 CERTAIN CONTRACTS.—

7 “(1) REQUIRED NOTICE.—The head of an agen-
8 cy”;

9 (B) by striking “subparagraph (B)” and
10 inserting “paragraph (2)”;

11 (C) by redesignating subparagraph (B) as
12 paragraph (2) and realigning that paragraph 2
13 ems to the right; and

14 (D) in paragraph (2), as so redesignated—

15 (i) by striking “subparagraph (A)”
16 and inserting “COVERED CONTRACTS.—
17 Paragraph (1)”;

18 (ii) by redesignating clauses (i) and
19 (ii) as subparagraphs (A) and (B), respec-
20 tively; and

21 (iii) by redesignating subclauses (I)
22 and (II) of subparagraph (A), as so redesi-
23 gnated, as clauses (i) and (ii), respectively.

24 (3) AMENDMENT TO NEW 3508(B).—Subsection
25 (b) of such section 3508, as transferred and redesign-

1 nated by paragraph (1)(C), is amended by inserting
2 “NOTICE BEFORE TERMINATING MULTIYEAR PRO-
3 CUREMENT CONTRACT.—” before “The head of”.

4 (4) AMENDMENTS TO NEW 3508(C).—Subsection
5 (c) of such section 3508, as transferred and redesign-
6 dated by paragraph (1)(C), is amended by striking
7 “This subsection does not” and inserting “INAPPLI-
8 CABILITY TO NOAA AND COAST GUARD.—This sec-
9 tion and sections 3509 and 3510 of this title do
10 not”.

11 (5) AMENDMENT TO NEW 3509(A).—Subsection
12 (a) of such section 3509, as transferred and redesign-
13 dated by paragraph (1)(A)(i), is amended by insert-
14 ing “LIMITATION.—” before “The head of”.

15 (6) AMENDMENTS TO NEW 3509(B).—Subsection
16 (b) of such section 3509, as designated and amended
17 by clauses (ii), (iii), and (iv) of paragraph (1)(A), is
18 amended—

19 (A) in paragraph (1)—

20 (i) by inserting “IN GENERAL.—” be-
21 fore “The head of”; and

22 (ii) by striking “paragraph (4)” and
23 inserting “paragraph (2)”;

24 (B) in paragraph (2), by striking “Each
25 report required by paragraph (5)” and inserting

1 “MATTER TO BE INCLUDED IN REPORT.—Each
2 report required by paragraph (1)”; and

3 (C) in paragraph (3), by inserting “DEFI-
4 NITIONS.—” before “In this”.

5 (7) AMENDMENT TO NEW 3510(B).—Subsection
6 (b) of such section 3510, as transferred and redesign-
7 nated by paragraph (1)(B), is amended by inserting
8 “FUNDING FOR ECONOMIC ORDER QUANTITY AD-
9 VANCE PROCUREMENT.—” before “The head of”.

10 (8) AMENDMENT TO NEW 3510(C).—Subsection
11 (c) of such section 3510, as transferred and redesign-
12 nated by paragraph (1)(B), is amended by inserting
13 “USE OF PRESENT VALUE ANALYSIS.—” before
14 “The execution of”.

15 (k) TRANSFER OF SUBSECTION (J) OF SECTION
16 2306B TO NEW 3510.—Subsection (j) of section 2306b
17 of title 10, United States Code, is transferred to section
18 3510 of such title, as added by subsection (a), inserted
19 after the section heading, redesignated as subsection (a),
20 and amended by striking the first word of the subsection
21 heading.

22 (l) TRANSFER OF SUBSECTION (M) OF SECTION
23 2306B TO NEW 3511.—Subsection (m) of section 2306b
24 of title 10, United States Code, is transferred to section

1 3511 of such title, as added by subsection (a), inserted
2 after the section heading, and amended—

3 (1) by striking the subsection designation and
4 subsection heading;

5 (2) by striking “this section” and inserting
6 “this subchapter”; and

7 (3) by striking “subsection (i)” and inserting
8 “section 3507 of this title”.

9 (m) NEW SUBCHAPTER.—Chapter 249 of title 10,
10 United States Code, as amended by subsection (a), is
11 amended by adding at the end the following new sub-
12 chapter:

13 “SUBCHAPTER II—MULTIYEAR CONTRACTS
14 FOR ACQUISITION OF SERVICES

“Sec.

“3531. Multiyear contracts for acquisition of services: authority; definitions.

“3532. Multiyear contracts for acquisition of services: applicable principles.

“3533. Multiyear contracts for acquisition of services: contract cancellation or
termination.

“3534. Multiyear contracts for acquisition of services: contracts with value above
\$500,000,000 to be specifically authorized by law.

“3535. Multiyear contracts for acquisition of services: notice to congressional
committees before taking certain actions.

1 **“§ 3531. Multiyear contracts for acquisition of serv-**

2 **ices: authority; definitions**

3 **“§ 3532. Multiyear contracts for acquisition of serv-**

4 **ices: applicable principles**

5 **“§ 3533. Multiyear contracts for acquisition of serv-**

6 **ices: contract cancellation or termination**

7 **“§ 3534. Multiyear contracts for acquisition of serv-**

8 **ices: contracts with value above**

9 **\$500,000,000 to be specifically authorized**

10 **by law**

11 **“§ 3535. Multiyear contracts for acquisition of serv-**

12 **ices: notice to congressional committees**

13 **before taking certain actions”.**

14 (n) TRANSFER OF SUBSECTIONS (A), (B), (F), AND

15 (H) OF SECTION 2306C.—

16 (1) TRANSFER.—Subsections (a), (b), (f), and

17 (h) of section 2306c of title 10, United States Code,

18 are transferred to section 3531 of such title, as

19 added by subsection (n), and inserted (in that order)

20 after the section heading, and subsections (f) and

21 (h) are redesignated as subsections (c) and (d), re-

22 spectively.

23 (2) AMENDMENT TO NEW 3531(A).—Subsection

24 (a) of such section 3531, as so transferred, is

25 amended by striking “subsections (d) and (e)” and

26 inserting “sections 3533 and 3534 of this title”.

1 (3) AMENDMENT TO NEW 3531(C) & (D).—Sub-
2 sections (c) and (d) of such section 3531, as so
3 transferred and redesignated, are each amended by
4 striking “this section” and inserting “this sub-
5 chapter”.

6 (o) TRANSFER OF SUBSECTION (C) OF SECTION
7 2306C.—Subsection (c) of section 2306c of title 10,
8 United States Code, is transferred to section 3532 of such
9 title, as added by subsection (m), inserted after the section
10 heading, and amended—

11 (1) by striking the subsection designation and
12 subsection heading; and

13 (2) by striking “this section” and inserting
14 “this subchapter”.

15 (p) TRANSFER OF SUBSECTION (E) OF SECTION
16 2306C.—Subsection (e) of section 2306c of title 10,
17 United States Code, is transferred to section 3533 of such
18 title, as added by subsection (m), inserted after the section
19 heading, and redesignated as subsection (a).

20 (q) TRANSFER OF PARAGRAPHS (4) & (5) OF SUB-
21 SECTION (D) OF SECTION 2306C.—

22 (1) INSERTION OF SUBSECTION (B) DESIGNA-
23 TION.—Such section 3533 is further amended by
24 adding at the end the following:

1 “(b) CONTRACT CANCELLATION CEILINGS EXCEED-
2 ING \$100,000,000.—”.

3 (2) TRANSFER AND REDESIGNATION OF PARA-
4 GRAPHS.—Paragraphs (4) and (5) of subsection (d)
5 of section 2306c of title 10, United States Code, are
6 transferred to such section 3533 of such title, in-
7 serted at the end of subsection (b), as added by
8 paragraph (1), and redesignated as paragraphs (1)
9 and (2), respectively.

10 (3) AMENDMENT TO NEW 3533(B)(1).—Para-
11 graph (1) of such subsection (b), as so transferred
12 and redesignated, is amended by striking “sub-
13 section (a)” and inserting “sections 3531(a) of this
14 title”.

15 (4) AMENDMENT TO NEW 3533(B)(2).—Para-
16 graph (2) of such subsection (b), as so transferred
17 and redesignated, is amended—

18 (A) by striking “subsection (a)” and in-
19 serting “sections 3531(a) of this title”; and

20 (B) by striking “paragraph (4)” and in-
21 serting “paragraph (1)”.

22 (r) TRANSFER OF PARAGRAPH (2) OF SUBSECTION
23 (D) OF SECTION 2306C.—Paragraph (2) of subsection (d)
24 of such section 2306c is transferred to section 3534 of

1 such title, as added by subsection (m), inserted after the
2 section heading, and amended—

3 (1) by striking the paragraph designation; and

4 (2) by striking “this section” and inserting
5 “this subchapter”.

6 (s) TRANSFER OF REMAINDER OF SUBSECTION (D)
7 OF SECTION 2306C.—

8 (1) TRANSFER.—Subsection (d) of such section
9 2306c (as amended by subsections (r) and (s)) is
10 transferred to section 3535 of such title, as added
11 by subsection (m), inserted after the section head-
12 ing, and amended—

13 (A) by striking the subsection designation
14 and subsection heading; and

15 (B) by redesignating paragraphs (1) and
16 (3) as subsections (a) and (b), respectively.

17 (2) AMENDMENTS TO NEW 3535(A).—Subsection
18 (a) of such section 3535, as so transferred and re-
19 designated, is amended—

20 (A) by inserting “NOTICE BEFORE AWARD
21 OF CERTAIN CONTRACTS.—” before “The head
22 of an agency”; and

23 (B) by striking “this section” and insert-
24 ing “this subchapter”.

1 (3) AMENDMENT TO NEW 3535(B).—Subsection
2 (b) of such section 3535, as so transferred and re-
3 designated, is amended by inserting “NOTICE BE-
4 FORE TERMINATING MULTIYEAR PROCUREMENT
5 CONTRACT FOR SERVICES.—” before “The head of
6 an agency”.

7 (t) OTHER AUTHORITIES.—

8 (1) NEW SUBCHAPTER.—Chapter 249 of title
9 10, United States Code, as amended by this section,
10 is further amended by adding at the end the fol-
11 lowing new subchapter:

12 “SUBCHAPTER III—OTHER AUTHORITIES
13 RELATING TO MULTIYEAR CONTRACTS

“Sec.

“3551. Multiyear procurement authority: purchase of dinitrogen tetroxide, hy-
drazine, and hydrazine-related products.”.

14 (2) TRANSFER OF SECTION 24100.—Section
15 2410o of title 10, United States Code, is transferred
16 to subchapter III of chapter 249 of such title, as
17 added by paragraph (1), inserted after the table of
18 sections, and redesignated as section 3551.

19 **SEC. 1823. SIMPLIFIED ACQUISITION PROCEDURES.**

20 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
21 United States Code, as added by section 801 of the John
22 S. McCain National Defense Authorization Act for Fiscal
23 Year 2019 (Public Law 115–232), is amended by striking
24 chapter 251 and inserting the following:

1 **“CHAPTER 251—SIMPLIFIED ACQUISITION**
2 **PROCEDURES**

“Sec.

“3571. Simplified acquisition threshold.

“3572. Implementation of simplified acquisition procedures.

“3573. Micro-purchase threshold.”.

3 (b) TRANSFER OF SECTIONS.—Section 2302a,
4 2302b, and 2338 of title 10, United States Code, are
5 transferred to chapter 251 of such title, as amended by
6 subsection (a), inserted (in that order) after the table of
7 sections, and redesignated as sections 3571, 3572, and
8 3573, respectively.

9 (c) CONFORMING CROSS-REFERENCE AMEND-
10 MENTS.—

11 (1) Section 3571 of such title, as so transferred
12 and redesignated, is amended by striking “section
13 2303” in subsection (a) and inserting “section
14 3063”.

15 (2) Section 3572 of such title, as so transferred
16 and redesignated, is amended by striking “section
17 2303(a)” and inserting “section 3063”.

18 **SEC. 1824. RAPID ACQUISITION PROCEDURES.**

19 (a) REVISED CHAPTER OUTLINE.—Part V of subtitle
20 A of title 10, United States Code, as added by section
21 801 of the John S. McCain National Defense Authoriza-
22 tion Act for Fiscal Year 2019 (Public Law 115–232), is

1 amended by striking chapter 253 and inserting the fol-
 2 lowing:

3 **“CHAPTER 253—RAPID ACQUISITION**
 4 **PROCEDURES**

“Subchapter	Sec.
“I. [Reserved]	3601
“II. [Reserved]	3611”.

5 (b) CLERICAL AMENDMENTS.—The tables of chap-
 6 ters at the beginning of subtitle A, and at the beginning
 7 of part V of subtitle A, of title 10, United States Code,
 8 are amended by striking the item relating to chapter 253
 9 and inserting the following new item:

“253. Rapid Acquisition Procedures 3601”.

10 **SEC. 1825. CONTRACTS FOR LONG-TERM LEASE OR CHAR-**
 11 **TER OF VESSELS, AIRCRAFT, AND COMBAT**
 12 **VEHICLES.**

13 (a) NEW CHAPTERS.—Part V of subtitle A of title
 14 10, United States Code, as added by section 801 of the
 15 John S. McCain National Defense Authorization Act for
 16 Fiscal Year 2019 (Public Law 115–232), is amended by
 17 inserting after chapter 255 the following new chapters:

18 **“CHAPTER 257—CONTRACTS FOR LONG-**
 19 **TERM LEASE OR CHARTER OF VES-**
 20 **SELS, AIRCRAFT, AND COMBAT VEHI-**
 21 **CLES**

“Sec.
 “3671. Requirement for authorization by law of certain contracts relating to ves-
 sels, aircraft, and combat vehicles.

- “3672. Requirement of specific authorization by law for appropriation, and for obligation and expenditure, of funds for certain contracts relating to aircraft, naval vessels, and combat vehicles.
- “3673. Limitation on indemnification.
- “3674. Long-term lease or charter defined; substantial termination liability.
- “3675. Capital lease or lease-purchase treated as an acquisition.
- “3676. Guidelines.
- “3677. Contracts for lease or use of vessels for a term of greater than two years but less than five years: prior notice to congressional committees.
- “3678. Contracts with terms of 18 months or more: limitation.

1 **“§ 3671. Requirement for authorization by law of cer-**
2 **tain contracts relating to vessels, aircraft,**
3 **and combat vehicles**

4 **“§ 3672. Requirement of specific authorization by law**
5 **for appropriation, and for obligation and**
6 **expenditure, of funds for certain con-**
7 **tracts relating to aircraft, naval vessels,**
8 **and combat vehicles**

9 **“§ 3673. Limitation on indemnification**

10 **“§ 3674. Long-term lease or charter defined; substan-**
11 **tial termination liability**

12 **“§ 3675. Capital lease or lease-purchase treated as an**
13 **acquisition**

14 **“§ 3676. Guidelines**

15 **“§ 3677. Contracts for lease or use of vessels for a**
16 **term of greater than two years but less**
17 **than five years: prior notice to congres-**
18 **sional committees**

19 **“§ 3678. Contracts with terms of 18 months or more:**
20 **limitation**

21 **“CHAPTER 258—OTHER TYPES OF CON-**
22 **TRACTS USED FOR PROCUREMENTS**
23 **FOR PARTICULAR PURPOSES**

“Sec.

“3681. Leasing of commercial vehicles and equipment.

1 **“§ 3681. Leasing of commercial vehicles and equip-**
2 **ment”.**

3 (b) TRANSFER OF SUBSECTIONS (A) AND (B) OF SEC-
4 TION 2401.—Subsections (a) and (b) of section 2401 of
5 title 10, United States Code, are transferred to section
6 3671 of such title, as added by subsection (a), and in-
7 serted after the section heading.

8 (c) TRANSFER OF SUBSECTION (C)(2) OF SECTION
9 2401.—Paragraph (2) of subsection (c) of such section
10 2401 is transferred to section 3673 of such title, as added
11 by subsection (a), inserted after the section heading, and
12 amended—

13 (1) by striking the paragraph designation;

14 (2) by striking “this section” and inserting
15 “this chapter”; and

16 (3) by redesignating subparagraphs (A) and
17 (B) as paragraphs (1) and (2), respectively.

18 (d) TRANSFER OF SUBSECTION (C)(1) OF SECTION
19 2401.—Subsection (c) of such section 2401 (as amended
20 by subsection (c)), is transferred to section 3672 of such
21 title, as added by subsection (a), inserted after the section
22 heading, redesignated as subsection (a), and amended—

23 (1) by striking “(1) Funds may not” and in-
24 serting “LIMITATION.—Funds may not”; and

25 (2) by redesignating subparagraphs (A) and
26 (B) as paragraphs (1) and (2), respectively.

1 (e) TRANSFER OF SUBSECTION (E) OF SECTION
2 2401.—Subsection (e) of section 2401 of such title, is
3 transferred to section 3672 of such title, as added by sub-
4 section (a), inserted after subsection (a), as transferred
5 and redesignated by subsection (d), redesignated as sub-
6 section (b), and amended—

7 (1) by striking “(1) Whenever a request” and
8 inserting “MATTER TO BE SUBMITTED TO CON-
9 GRESS.—(1) Whenever a request”;

10 (2) in paragraph (2), by striking “subsection
11 (g)” and inserting “section 3676 of this title”; and

12 (3) in paragraph (3), by striking “this section”
13 and inserting “this chapter”.

14 (f) TRANSFER OF SUBSECTION (D) OF SECTION
15 2401.—

16 (1) TRANSFER.—Subsection (d) of section 2401
17 of such title is transferred to section 3674 of such
18 title, as added by subsection (a), inserted after the
19 section heading, and amended—

20 (A) by striking the subsection designation;
21 and

22 (B) by redesignating paragraphs (1) and
23 (2) as subsections (a) and (b), respectively.

1 (2) AMENDMENTS TO NEW 3674(A).—Subsection
2 (a) of such section 3674, as so redesignated, is
3 amended—

4 (A) by striking “(A) In this section” and
5 inserting “LONG-TERM LEASE OR CHARTER.—
6 “(1) GENERAL RULE.—

7 “(A) In this chapter”;

8 (B) by striking “subparagraph (B)” and
9 inserting “paragraph (2)”; and

10 (C) by redesignating subparagraph (B) as
11 paragraph (2);

12 (D) by designating the sentence after
13 clause (ii) of subparagraph (A) as subpara-
14 graph (B); and

15 (E) in paragraph (2), as redesignated by
16 subparagraph (C)—

17 (i) by striking “In the case of” and
18 inserting “SPECIAL RULE.—

19 “(A) In the case of”; and

20 (ii) by designating the sentence after
21 clause (ii) of subparagraph (A) as subpara-
22 graph (B).

23 (3) AMENDMENTS TO NEW 3674(B).—Subsection
24 (b) of such section 3674, as so redesignated, is
25 amended—

1 (A) by inserting “SUBSTANTIAL TERMIN-
2 NATION LIABILITY.—” before “For the pur-
3 poses of”;

4 (B) by striking “this section” and insert-
5 ing “this chapter”;

6 (C) by redesignating subparagraphs (A)
7 and (B) as paragraphs (1) and (2), respectively;
8 and

9 (D) in paragraph (2), as so redesignated,
10 by redesignating clauses (i) and (ii) as subpara-
11 graphs (A) and (B), respectively.

12 (g) TRANSFER OF SUBSECTION (F) OF SECTION
13 2401.—

14 (1) TRANSFER.—Subsection (f) of section 2401
15 of such title is transferred to section 3675 of such
16 title, as added by subsection (a), inserted after the
17 section heading, and amended—

18 (A) by striking the subsection designation;
19 and

20 (B) by redesignating paragraphs (1) and
21 (2) as subsections (a) and (b), respectively.

22 (2) AMENDMENTS TO NEW 3675(A).—Subsection
23 (a) of such section 3675, as so redesignated, is
24 amended—

1 (A) inserting “IN GENERAL.—” before “If
2 a lease or charter”;

3 (B) by striking “this section” and insert-
4 ing “this chapter”; and

5 (C) by redesignating subparagraphs (A)
6 and (B) as paragraphs (1) and (2), respectively.

7 (3) AMENDMENTS TO NEW 3675(B).—Subsection
8 (b) of such section 3675, as so redesignated, is
9 amended by striking “In this subsection” and insert-
10 ing “DEFINITIONS.—In this section”.

11 (h) TRANSFER OF SUBSECTION (G) OF SECTION
12 2401.—Subsection (g) of section 2401 of such title is
13 transferred to section 3676 of such title, as added by sub-
14 section (a), inserted after the section heading, and amend-
15 ed by striking the subsection designation.

16 (i) TRANSFER OF SUBSECTION (H) OF SECTION
17 2401.—Subsection (h) of section 2401 of such title is
18 transferred to section 3677 of such title, as added by sub-
19 section (a), inserted after the section heading, and amend-
20 ed by striking the subsection designation.

21 (j) TRANSFER OF SUBSECTION (B) OF SECTION
22 2401A.—Subsection (b) of section 2401a of such title is
23 transferred to section 3678 of such title, as added by sub-
24 section (a), inserted after the section heading, and amend-

1 ed by striking the subsection designation and subsection
2 heading.

3 (k) TRANSFER OF SUBSECTION (A) OF SECTION
4 2401A.—Subsection (a) of section 2401a of such title is
5 transferred to section 3681 of such title, as added by sub-
6 section (a), inserted after the section heading, and amend-
7 ed by striking the subsection designation and subsection
8 heading.

9 (l) TABLES OF CHAPTERS AMENDMENTS.—The ta-
10 bles of chapters at the beginning of subtitle A, and at the
11 beginning of part V of subtitle A, of title 10, United States
12 Code, are amended by inserting after the item relating to
13 chapter 255 the following new items:

“257. Contracts for Long-Term Lease or Charter of Vessels, Aircraft, and Com-
bat”.

14 **Subtitle D—General Contracting** 15 **Provisions**

16 **SEC. 1831. COST OR PRICING DATA.**

17 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
18 United States Code, as added by section 801 of the John
19 S. McCain National Defense Authorization Act for Fiscal
20 Year 2019 (Public Law 115–232), is amended by striking
21 chapter 271 and inserting the following:

22 **“CHAPTER 271—TRUTHFUL COST OR** 23 **PRICING DATA (TRUTH IN NEGOTIATIONS)**

“Sec.

“3701. Definitions.

“3702. Required cost or pricing data and certification.

“3703. Exceptions.

“3704. Cost or pricing data on below-threshold contracts.

“3705. Submission of other information.

“3706. Price reductions for defective cost or pricing data.

“3707. Interest and penalties for certain overpayments.

“3708. Right to examine contractor records.

1 **“§ 3701. Definitions**

2 **“§ 3702. Required cost or pricing data and certifi-**
3 **cation**

4 **“§ 3703. Exceptions**

5 **“§ 3704. Cost or pricing data on below-threshold con-**
6 **tracts**

7 **“§ 3705. Submission of other information**

8 **“§ 3706. Price reductions for defective cost or pricing**
9 **data**

10 **“§ 3707. Interest and penalties for certain overpay-**
11 **ments**

12 **“§ 3708. Right to examine contractor records”.**

13 (b) TRANSFER OF SUBSECTION (H) OF SECTION
14 2306A.—Subsection (h) of section 2306a of title 10,
15 United States Code, is transferred to section 3701 of such
16 title, as added by subsection (a), inserted after the section
17 heading, redesignated as subsection (a), and amended—

18 (1) by striking “this section” and inserting
19 “this chapter”; and

20 (2) in paragraph (1), by striking “subsection
21 (e)(1)(B)” and inserting “section 3706(a)(2) of this
22 title”.

1 (c) TRANSFER OF SUBSECTION (A) OF SECTION
2 2306A.—

3 (1) TRANSFER.—Subsection (a) of section
4 2306a of title 10, United States Code, is transferred
5 to section 3702 of such title, as added by subsection
6 (a), inserted after the section heading, and amended
7 by redesignating paragraphs (2) through (7) as sub-
8 sections (b) through (g), respectively.

9 (2) CONFORMING INTERNAL REDESIGNATIONS
10 AND INSERTION OF HEADINGS IN NEW 3702(A).—
11 Such subsection (a), as so transferred and amended,
12 is amended—

13 (A) by striking “REQUIRED COST OR
14 PRICING DATA AND CERTIFICATION.—(1) the
15 head of” and inserting “WHEN REQUIRED.—
16 The head of”;

17 (B) by redesignating subparagraphs (A),
18 (B), (C), and (D) as paragraphs (1), (2), (3),
19 and (4), respectively;

20 (C) in paragraph (1), as so redesignated—

21 (i) by inserting “OFFEROR FOR PRIME
22 CONTRACT.—” before “An offeror”; and

23 (ii) by redesignating clauses (i) and
24 (ii) as subparagraphs (A) and (B), respec-
25 tively;

1 (D) in paragraph (2), as so redesignated—

2 (i) by inserting “CONTRACTOR.—” be-
3 fore “The contractor”;

4 (ii) by redesignating clauses (i), (ii),
5 and (iii) as subparagraphs (A), (B), and
6 (C), respectively;

7 (iii) in subparagraph (A), as so redesi-
8 gnated, by striking “subparagraph (A)(i)”
9 and inserting “paragraph (1)(A)”;

10 (iv) in subparagraph (B), as so redesi-
11 gnated, by striking “paragraph (6)” and
12 inserting “subsection (f)”;

13 (v) in subparagraph (C), as so redesi-
14 gnated, by striking “clause (i) or (ii)” and
15 inserting “subparagraph (A) or (B)”;

16 (E) in paragraph (3), as so redesignated—

17 (i) by inserting “OFFEROR FOR SUB-
18 CONTRACT.—” before “An offeror”;

19 (ii) by redesignating clauses (i), (ii),
20 and (iii) as subparagraphs (A), (B), and
21 (C), respectively;

22 (iii) in subparagraph (A), as so redesi-
23 gnated, by striking “subparagraph (A)(i)”
24 and inserting “paragraph (1)(A)”;

1 (iv) in subparagraph (B), as so rededesignated,
2 by striking “paragraph (6)” and
3 inserting “subsection (f)”; and

4 (v) in subparagraph (C), as so rededesignated,
5 by striking “clause (i) or (ii)” and
6 inserting “subparagraph (A) or (B)”; and
7 (F) in paragraph (4), as so redesignated—

8 (i) by inserting “SUBCONTRACTOR.—”
9 before “The subcontractor”;

10 (ii) by redesignating clauses (i) and
11 (ii) as subparagraphs (A) and (B), respec-
12 tively;

13 (iii) in the matter preceding subpara-
14 graph (A), as so redesignated, by striking
15 “subparagraph (C)” and inserting “para-
16 graph (3)”;

17 (iv) in subparagraph (A), as so rededesignated,
18 by striking “subparagraph (C)(i)”
19 and inserting “paragraph (3)(A)”; and

20 (v) in subparagraph (B), as so rededesignated,
21 by striking “subparagraph
22 (C)(iii)” and inserting “paragraph (3)(C)”.

23 (3) CONFORMING AMENDMENTS IN NEW SEC-
24 TION 3702(A) TO REFERENCES TO CHAPTER 137.—

25 Such subsection (a) is further amended by striking

1 “a prime contract under this chapter” each place it
2 appears and inserting “a prime contract under a
3 chapter 137 legacy provision”.

4 (4) CONFORMING INTERNAL REDESIGNATIONS
5 AND INSERTION OF HEADING IN NEW 3702(B).—Sub-
6 section (b) of section 3702, as transferred and re-
7 designated by paragraph (1), is amended—

8 (A) by inserting “CERTIFICATION.—” be-
9 fore “A person required”;

10 (B) by striking “paragraph (1)” and in-
11 serting “subsection (a)”; and

12 (C) by striking “subsection (c)” and in-
13 serting “section 3704 of this title”.

14 (5) CONFORMING INTERNAL REDESIGNATIONS
15 AND INSERTION OF HEADING IN NEW 3702(C).—Sub-
16 section (c) of section 3702, as transferred and red-
17 igned by paragraph (1), is amended—

18 (A) by inserting “To WHOM SUB-
19 MITTED.—” before “Cost or pricing data”;

20 (B) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively;
22 and

23 (C) in the matter preceding paragraph (1),
24 as so redesignated—

1 (i) by striking “paragraph (1) (or
2 under subsection (c))” and inserting “sub-
3 section (a) (or under section 3704 of this
4 title)”; and

5 (ii) by striking “paragraph (2)” and
6 inserting “subsection (b)”.

7 (6) CONFORMING INTERNAL REDESIGNATIONS
8 AND INSERTION OF HEADING IN NEW 3702(D).—Sub-
9 section (d) of section 3702, as transferred and re-
10 designated by paragraph (1), is amended—

11 (A) by inserting “APPLICABILITY OF
12 CHAPTER.—” before “Except as provided
13 under”; and

14 (B) by striking “subsection (b)” and in-
15 serting “section 3703 of this title”.

16 (7) CONFORMING INTERNAL REDESIGNATIONS
17 AND INSERTION OF HEADING IN NEW 3702(E).—Sub-
18 section (e) of section 3702, as transferred and red-
19 igned by paragraph (1), is amended—

20 (A) by inserting “SUBCONTRACTS NOT AF-
21 FECTED BY WAIVER.—” before “A waiver of”;

22 (B) by striking “subsection (b)(1)(C)” and
23 inserting “section 3703(a)(3) of this title”;

24 (C) by striking “paragraph (1)(C)” and in-
25 serting “subsection (a)(3)”; and

1 (D) by striking “that paragraph” and in-
2 serting “that subsection”.

3 (8) CONFORMING INTERNAL REDESIGNATIONS
4 AND INSERTION OF HEADING IN NEW 3702(F).—Sub-
5 section (f) of section 3702, as transferred and reded-
6 icated by paragraph (1), is amended—

7 (A) by inserting “MODIFICATIONS TO
8 PRIOR CONTRACTS.—” before “Upon the re-
9 quest of”;

10 (B) by striking “paragraph (1)” and in-
11 serting “subsection (a)”;

12 (C) by striking “that paragraph” and in-
13 serting “that subsection”; and

14 (D) by striking “subparagraphs (B)(ii) and
15 (C)(ii) of paragraph (1)” and inserting “para-
16 graphs (2)(B) and (3)(B) of subsection (a)”.

17 (9) CONFORMING INTERNAL REDESIGNATIONS
18 AND INSERTION OF HEADING IN NEW 3702(G).—Sub-
19 section (g) of section 3702, as transferred and re-
20 designated by paragraph (1), is amended—

21 (A) by inserting “ADJUSTMENT OF
22 AMOUNTS.—” before “Effective on”; and

23 (B) by striking “paragraph (1)” and in-
24 serting “subsection (a)”.

1 (d) TRANSFER OF SUBSECTION (B) OF SECTION
2 2306A.—

3 (1) TRANSFER.—Subsection (b) of section
4 2306a of title 10, United States Code, is transferred
5 to section 3703 of such title, as added by subsection
6 (a), inserted after the section heading, and amend-
7 ed—

8 (A) by striking the subsection designation
9 and subsection heading; and

10 (B) by redesignating paragraphs (1)
11 through (6) as subsections (a) through (f), re-
12 spectively, and realigning those subsections
13 flush to the left margin.

14 (2) CONFORMING INTERNAL REDESIGNATIONS
15 IN NEW 3703(A).—Subsection (a) of such section
16 3703, as so transferred and redesignated by para-
17 graph (1), is amended—

18 (A) by redesignating subparagraphs (A),
19 (B), (C), and (D) as paragraphs (1), (2), (3),
20 and (4), respectively;

21 (B) in the matter preceding paragraph (1),
22 as so redesignated, by striking “under sub-
23 section (a)” and inserting “under section 3702
24 of this title”;

1 (C) in paragraph (1), as so redesignated,
2 by redesignating clauses (i) and (ii) as subpara-
3 graphs (A) and (B), respectively; and

4 (D) in paragraph (3), as so redesignated,
5 by striking “this section” and inserting “this
6 chapter”; and

7 (E) in paragraph (4), as so redesignated,
8 by redesignating clauses (i) and (ii) as subpara-
9 graphs (A) and (B), respectively.

10 (3) CONFORMING INTERNAL REDESIGNATIONS
11 IN NEW 3703(B).—Subsection (b) of such section
12 3703, as so transferred and redesignated by para-
13 graph (1), is amended—

14 (A) by redesignating subparagraphs (A)
15 and (B) as paragraphs (1) and (2), respectively;

16 (B) in the matter preceding paragraph (1),
17 as so redesignated—

18 (i) by striking “paragraph (1)(A) or
19 (1)(B)” and inserting “paragraph (1) or
20 (2) of subsection (a)”; and

21 (ii) by striking “subsection (a)” and
22 inserting “section 3702 of this title”; and

23 (C) in paragraph (1), as so redesignated,
24 by striking “paragraph (1)(A) or (1)(B)” and

1 inserting “paragraph (1) or (2) of subsection
2 (a)”.

3 (4) CONFORMING INTERNAL REDESIGNATIONS
4 IN NEW 3703(C).—Subsection (c) of such section
5 3703, as so transferred and redesignated by para-
6 graph (1), is amended—

7 (A) by redesignating subparagraphs (A),
8 (B), and (C) as paragraphs (1), (2), and (3),
9 respectively;

10 (B) in paragraph (1), as so redesignated—

11 (i) by striking “paragraph (1)(B)”
12 and inserting “subsection (a)(2)”;

13 (ii) by striking “subsection
14 (a)(1)(A)(i)” and inserting “section
15 3702(a)(1)(A) of this title”; and

16 (iii) by striking “subsection (a)(7)”
17 and inserting “section 3702(g) of this
18 title”;

19 (C) in paragraph (2), as so redesignated,
20 by striking “this paragraph” and inserting
21 “this subsection”; and

22 (D) in paragraph (3), as so redesignated—

23 (i) by redesignating clauses (i) and

24 (ii) as subparagraphs (A) and (B), respec-

25 tively;

1 (ii) in the matter preceding subpara-
2 graph (A), as so redesignated, by striking
3 “subparagraph (A)” and inserting “para-
4 graph (1)”; and

5 (ii) in subparagraph (A), as so redes-
6 ignated, by striking “subparagraph (A) or
7 (C) of paragraph (1)” and inserting “para-
8 graph (1) or (3) of subsection (a)”.

9 (5) CONFORMING INTERNAL REDESIGNATIONS
10 IN NEW 3703(D).—Subsection (d) of such section
11 3703, as so transferred and redesignated by para-
12 graph (1), is amended—

13 (A) by redesignating subparagraphs (A),
14 (B), and (C) as paragraphs (1), (2), and (3),
15 respectively;

16 (B) in paragraph (1), as so redesignated,
17 by striking “paragraph (1)(B)” and inserting
18 “subsection (a)(2)”;

19 (C) in paragraph (2), as so redesignated,
20 by striking “subparagraph (A)” and inserting
21 “paragraph (1)”; and

22 (D) in paragraph (3), as so redesignated—

23 (i) by redesignating clauses (i) and
24 (ii) as subparagraphs (A) and (B), respec-
25 tively; and

1 (ii) in the matter preceding subpara-
2 graph (A), as so redesignated, by striking
3 “subparagraph (B)” and inserting “para-
4 graph (2)”.

5 (6) CONFORMING INTERNAL REDESIGNATIONS
6 IN NEW 3703(F).—Subsection (f) of such section
7 3703, as so transferred and redesignated by para-
8 graph (1), is amended—

9 (A) by striking “subsection (a)” and in-
10 serting “section 3702 of this title”; and

11 (B) by striking “paragraph (1)(A)” and
12 inserting “subsection (a)(1)”.

13 (e) TRANSFER OF SUBSECTION (C) OF SECTION
14 2306A.—

15 (1) TRANSFER.—Subsection (c) of section
16 2306a of title 10, United States Code, is transferred
17 to section 3704 of such title, as added by subsection
18 (a), inserted after the section heading, and amend-
19 ed—

20 (A) by striking the subsection designation
21 and subsection heading; and

22 (B) by redesignating paragraphs (1), (2),
23 and (3) as subsections (a), (b), and (c), respec-
24 tively, and realigning those subsections flush to
25 the left margin.

1 (2) CONFORMING INTERNAL REDESIGNATIONS
2 IN NEW 3704(A).—Subsection (a) of such section
3 3704, as so transferred and redesignated, is amend-
4 ed—

5 (A) by striking “paragraph (2)” and in-
6 serting “subsection (b)”;

7 (B) by striking “subsection (a)” and in-
8 serting “section 3702 of this title”; and

9 (C) by striking “under this subsection”
10 and inserting “under this section”.

11 (3) CONFORMING INTERNAL REDESIGNATIONS
12 IN NEW 3704(B).—Subsection (b) of such section
13 3704, as so transferred and redesignated, is amend-
14 ed—

15 (A) by striking “under this paragraph”
16 and inserting “under this subsection”; and

17 (B) by striking “subparagraph (A) or (B)”
18 of subsection (b)(1)” and inserting “paragraph
19 (1) or (2) of section 3703(a) of this title”.

20 (4) CONFORMING INTERNAL REDESIGNATIONS
21 IN NEW 3704(C).—Subsection (c) of such section
22 3704, as so transferred and redesignated, is amend-
23 ed by striking “under this paragraph” and inserting
24 “under this subsection”.

1 (f) TRANSFER OF SUBSECTION (D) OF SECTION
2 2306A.—

3 (1) TRANSFER.—Subsection (d) of section
4 2306a of title 10, United States Code, is transferred
5 to section 3705 of such title, as added by subsection
6 (a), inserted after the section heading, and amend-
7 ed—

8 (A) by striking the subsection designation
9 and subsection heading; and

10 (B) by redesignating paragraphs (1), (2),
11 and (3) as subsections (a), (b), and (c), respec-
12 tively, and realigning those subsections flush to
13 the left margin.

14 (2) CONFORMING INTERNAL REDESIGNATIONS
15 IN NEW 3705(A).—Subsection (a) of such section
16 3705, as so transferred and redesignated, is amend-
17 ed—

18 (A) by striking “under this section” and
19 inserting “under this chapter”; and

20 (A) by striking “subsection (b)(1)(A)” and
21 inserting “section 3703(a)(1) of this title”.

22 (3) CONFORMING INTERNAL REDESIGNATIONS
23 IN NEW 3705(B).—Subsection (b) of such section
24 3705, as so transferred and redesignated, is amend-
25 ed—

1 (A) by redesignating subparagraphs (A)
2 and (B) as paragraphs (1) and (2), respectively;
3 (B) in paragraph (1), as so redesignated—
4 (i) by redesignating clauses (i)
5 through (vi) as subparagraphs (A) through
6 (F), respectively; and
7 (ii) in the matter preceding subpara-
8 graph (A), as so redesignated, by striking
9 “paragraph (1)” and inserting “subsection
10 (a)”;
11 (C) in paragraph (2), as so redesignated—
12 (i) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively; and
15 (ii) in subparagraph (A), as so redес-
16 igned, by striking “subparagraph (A)”
17 and inserting “paragraph (1)”.

18 (4) CONFORMING INTERNAL REDESIGNATIONS
19 IN NEW 3705(C).—Subsection (c) of such section
20 3705, as so transferred and redesignated, is amend-
21 ed—

22 (A) by redesignating subparagraphs (A),
23 (B), and (C) as paragraphs (1), (2), and (3),
24 respectively; and

1 (B) in the matter preceding paragraph (1),
2 as so redesignated, by striking “under para-
3 graph (1)” and inserting “under subsection
4 (a)”.

5 (g) TRANSFER OF SUBSECTION (E) OF SECTION
6 2306A.—

7 (1) TRANSFER.—Subsection (e) of section
8 2306a of title 10, United States Code, is transferred
9 to section 3706 of such title, as added by subsection
10 (a), inserted after the section heading, and amend-
11 ed—

12 (A) by striking the subsection designation
13 and subsection heading; and

14 (B) by redesignating paragraphs (1), (2),
15 (3), and (4) as subsections (a), (b), (c), and
16 (d), respectively.

17 (2) CONFORMING INTERNAL REDESIGNATIONS
18 IN NEW 3706(A).—Subsection (a) of such section
19 3706, as so transferred and redesignated, is amend-
20 ed—

21 (A) by striking “(A) A prime contract”
22 and inserting “PROVISION REQUIRING ADJUST-
23 MENT.—

24 “(1) IN GENERAL.—A prime contract”;

1 (B) by striking “subsection (a)(2)” and in-
2 serting “section 3702(b) of this title”;

3 (C) by redesignating subparagraph (B) as
4 paragraph (2);

5 (D) by inserting “WHAT CONSTITUTES DE-
6 FECTIVE COST OR PRICING DATA.—” before
7 “For the purposes”; and

8 (E) by striking “of this section” and in-
9 serting “of this chapter”.

10 (3) CONFORMING INTERNAL REDESIGNATIONS
11 IN NEW 3706(B).—Subsection (b) of such section
12 3706, as so transferred and redesignated, is amend-
13 ed—

14 (A) by inserting “VALID DEFENSE.—” be-
15 fore “In determining for”; and

16 (B) by striking “paragraph (1)” and in-
17 serting “subsection (a)”.

18 (4) CONFORMING INTERNAL REDESIGNATIONS
19 IN NEW 3706(C).—Subsection (c) of such section
20 3706, as so transferred and redesignated, is amend-
21 ed—

22 (A) by inserting “INVALID DEFENSES.—”
23 before “It is not”;

24 (B) by striking “paragraph (1)” and in-
25 serting “subsection (a)”;

1 (C) by redesignating subparagraphs (A),
2 (B), (C), and (D) as paragraphs (1), (2), (3),
3 and (4), respectively;

4 (D) in paragraph (1), as so redesignated,
5 by redesignating clauses (i) and (ii) as subpara-
6 graphs (A) and (B), respectively; and

7 (E) in paragraph (4), as so redesignated,
8 by striking “subsection (a)(2)” and inserting
9 “section 3702(b) of this title”.

10 (5) CONFORMING INTERNAL REDESIGNATIONS
11 IN NEW 3706(D).—Subsection (d) of such section
12 3706, as so transferred and redesignated, is amend-
13 ed—

14 (A) by striking “(A) A contractor shall”
15 and inserting “OFFSETS.—
16 “(1) WHEN ALLOWED.—A contractor shall”;

17 (B) by striking “paragraph (1)” and in-
18 serting “subsection (a)”;

19 (C) by redesignating subparagraph (B) as
20 paragraph (2);

21 (D) in paragraph (1), as designated by
22 subparagraph (A), by redesignating clauses (i)
23 and (ii) as subparagraphs (A) and (B), respec-
24 tively;

1 (E) in subparagraph (B), as so redesign-
2 nated by subparagraph (D)—

3 (i) by striking “paragraph (1)(B)”
4 and inserting “subsection (a)(2)”; and

5 (ii) by striking “subsection (a)(3)”
6 and inserting “section 3702(c) of this
7 title”; and

8 (F) in paragraph (2), as redesignated by
9 subparagraph (C)—

10 (i) by striking “subparagraph (A)”
11 and inserting “paragraph (1)”; and

12 (ii) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively;

15 (iii) in subparagraph (A), as so redes-
16 ignated, by striking “subsection (a)(2)”
17 and inserting “section 3702(b) of this
18 title”; and

19 (iv) in subparagraph (B), as so redes-
20 ignated—

21 (I) by striking “subparagraph
22 (A)(ii)” and inserting “paragraph
23 (1)(B)”; and

1 (II) by striking “paragraph
2 (1)(B)” and inserting “subsection
3 (a)(2)”.

4 (h) TRANSFER OF SUBSECTION (F) OF SECTION
5 2306A.—

6 (1) TRANSFER.—Subsection (f) of section
7 2306a of title 10, United States Code, is transferred
8 to section 3707 of such title, as added by subsection
9 (a), inserted after the section heading, redesignated
10 as subsection (a), and amended by redesignating
11 paragraph (2) as subsection (b).

12 (2) CONFORMING INTERNAL REDESIGNATIONS
13 IN NEW 3707(A).—Subsection (a) of such section
14 3706, as so transferred and redesignated, is amend-
15 ed—

16 (A) by striking “INTEREST AND PEN-
17 ALTIES FOR CERTAIN OVERPAYMENTS.—(1)”
18 and inserting “IN GENERAL.—”

19 (B) by striking “this section” and insert-
20 ing “this chapter”;

21 (C) by redesignating subparagraphs (A)
22 and (B) as paragraphs (1) and (2), respectively;
23 and

1 (D) in paragraph (1), as so redesignated,
2 by redesignating clauses (i) and (ii) as subpara-
3 graphs (A) and (B), respectively.

4 (3) CONFORMING INTERNAL REDESIGNATIONS
5 IN NEW 3707(B).—Subsection (b) of such section
6 3706, as so transferred and redesignated, is amend-
7 ed—

8 (A) by inserting “LIABILITY NOT AF-
9 FECTED BY REFUSAL TO SUBMIT CERTIFI-
10 CATION.—” before “Any liability”;

11 (B) by striking “this subsection” and in-
12 serting “this section”; and

13 (C) by striking “subsection (a)(2)” and in-
14 serting “section 3702(b) of this title”.

15 (i) TRANSFER OF SUBSECTION (G) OF SECTION
16 2306A.—Subsection (g) of section 2306a of title 10,
17 United States Code, is transferred to section 3708 of such
18 title, as added by subsection (a), inserted after the section
19 heading, and amended—

20 (1) by striking the subsection redesignation and
21 subsection heading;

22 (2) by striking “this section” and inserting
23 “this chapter”; and

24 (3) by striking “section 2313(a)(2)” and insert-
25 ing “section 3841(b)(2)”.

1 (j) CONFORMING CROSS-REFERENCE AMEND-
2 MENTS.—

3 (1) Section 1608(b) of the National Defense
4 Authorization Act for Fiscal Year 2016 (Public Law
5 114–92; 10 U.S.C. 2273 note) is amended by strik-
6 ing “section 2306a” and inserting “chapter 271”.

7 (2) Section 866(b)(4) of the Ike Skelton Na-
8 tional Defense Authorization Act for Fiscal Year
9 2011 (Public Law 111–383; 10 U.S.C. 2302 note)
10 is amended—

11 (A) in subparagraph (A), by striking “sec-
12 tion 2306a” and inserting “chapter 271”; and

13 (B) in subparagraph (B), by striking “sec-
14 tion 2306a(d)” and inserting “section 3705”.

15 (3) Section 2343 of title 10, United States
16 Code, is amended by striking “2306a, and 2313”
17 and inserting “3701–3708, and 3841”.

18 (4) Section 2379(c)(1) of title 10, United
19 States Code, is amended by striking “section 2306a”
20 and inserting “sections 3701–3708”.

21 (5) Section 2380(b)(2)(B)(i) of title 10, United
22 States Code, is amended by striking “section
23 2306a(b)(4)(B)” and inserting “section
24 3703(d)(2)”.

1 (6) Section 9511a(d) of title 10, United States
2 Code, is amended by striking “section 2306a” and
3 inserting “chapter 271”.

4 (7) Section 890(a)(2) of the John S. McCain
5 National Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 2306a note)
7 is amended by striking “section 2306a” and insert-
8 ing “of chapter 271”.

9 (k) CHAPTER FOR ADDITIONAL COST OR PRICING
10 PROVISIONS.—Such Part V is further amended by insert-
11 ing after chapter 271, as added by subsection (a), the fol-
12 lowing new chapter:

13 **“CHAPTER 272—OTHER PROVISIONS**
14 **RELATING TO COST OR PRICING DATA**

“Sec.

“3721. Evaluating the reasonableness of price: guidance and training.

“3722. Grants of exceptions to cost or pricing data certification requirements
and waivers of cost accounting standards.

“3723. Streamlining awards for innovative technology projects: pilot program.

“3724. Risk-based contracting for smaller contract actions under Truth in Ne-
gotiations Act: pilot program.

15 **“§ 3721. Evaluating the reasonableness of price: guid-**
16 **ance and training**

17 **“[Reserved].**

18 **“§ 3722. Grants of exceptions to cost or pricing data**
19 **certification requirements and waivers of**
20 **cost accounting standards**

21 **“[Reserved].**

1 **“§ 3723. Streamlining awards for innovative tech-**
 2 **nology projects: pilot program**

3 “**[Reserved]**.”

4 **“§ 3724. Risk-based contracting for smaller contract**
 5 **actions under truth in negotiations act:**
 6 **pilot program**

7 “**[Reserved]**.”

8 (l) TABLES OF CHAPTERS AMENDMENTS.—The ta-
 9 bles of chapters at the beginning of subtitle A, and at the
 10 beginning of part V of subtitle A (as added by section 801
 11 of Public Law 115–232), of title 10, United States Code,
 12 are amended by striking the item relating to chapter 271
 13 and inserting the following:

“271. Truthful Cost or Pricing Data (Truth in Negotiations) 3701
 “272. Other Provisions Relating to Cost or Pricing Data 3721”.

14 **SEC. 1832. ALLOWABLE COSTS.**

15 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
 16 United States Code, as added by section 801 of the John
 17 S. McCain National Defense Authorization Act for Fiscal
 18 Year 2019 (Public Law 115–232), is amended by striking
 19 chapter 273 and inserting the following:”.

20 **“CHAPTER 273—ALLOWABLE COSTS**

“Subchapter Sec.

“I. General 3741

“II. Other Allowable Cost Provisions 3761

21 **“SUBCHAPTER I—GENERAL**

“Sec.

“3741. Definitions.

“3742. Adjustment of threshold amount of covered contract.

“3743. Effect of submission of unallowable costs.

“3744. Specific costs not allowable.

“3745. Required regulations.

“3746. Applicability of regulations to subcontractors.

“3747. Contractor certification.

“3748. Penalties for submission of cost known as not allowable.

“3749. Burden of proof on contractor.

“3750. Proceeding costs not allowable.

1 **“§ 3741. Definitions**

2 “In this subchapter:

3 **“§ 3742. Adjustment of threshold amount of covered**
4 **contract**

5 **“§ 3743. Effect of submission of unallowable costs**

6 **“§ 3744. Specific costs not allowable**

7 **“§ 3745. Required regulations**

8 **“§ 3746. Applicability of regulations to subcontractors**

9 **“§ 3747. Contractor certification**

10 **“§ 3748. Penalties for submission of cost known as**
11 **not allowable**

12 **“§ 3749. Burden of proof on contractor**

13 **“§ 3750. Proceeding costs not allowable”.**

14 (b) TRANSFER OF DEFINITION PARAGRAPHS FROM
15 SUBSECTION (L) OF SECTION 2324.—

16 (1) Paragraph (4) of section 2324(l) of title 10,
17 United States Code, is transferred to section 3741
18 of such title, as added by subsection (a), inserted at
19 the end, redesignated as paragraph (1), and amend-
20 ed by inserting “COMPENSATION.—” before “The
21 term”.

1 (2) Subparagraph (A) of paragraph (1) of such
2 section 2324(l) is transferred to section 3741 of
3 such title, as added by subsection (a), inserted after
4 paragraph (1), as transferred and redesignated by
5 paragraph (1), redesignated as paragraph (2), and
6 amended by inserting “COVERED CONTRACT.—” be-
7 fore “The term”.

8 (3)(A) Paragraphs (6), (2), and (3) of such sec-
9 tion 2324(l) are transferred to section 3741 of such
10 title, as added by subsection (a), inserted (in that
11 order) after paragraph (2), as transferred and redesi-
12 gnated by paragraph (2), and redesignated as para-
13 graphs (3), (4), and (5), respectively.

14 (B) The paragraphs transferred and redesign-
15 ated by subparagraph (A) are amended—

16 (i) by inserting “FISCAL YEAR.—” before
17 “The term” in paragraph (3), as so redesign-
18 nated;

19 (ii) by inserting “HEAD OF THE AGEN-
20 CY.—” before “The term” in paragraph (4), as
21 so redesignated; and

22 (iii) by inserting “AGENCY.—” before
23 “The term” in paragraph (5), as so redesign-
24 nated.

1 (4) Subparagraph (B) of paragraph (1) of such
2 section 2324(l) is transferred to section 3742 of
3 such title, as added by subsection (a), inserted after
4 the section heading, and amended—

5 (A) by realigning the text 2 ems to the
6 left;

7 (B) by striking the subparagraph designa-
8 tion; and

9 (C) by striking “subparagraph (A)” and
10 inserting “section 3741(2) of this title”.

11 (c) TRANSFER OF SUBSECTIONS (A)-(D) OF SECTION
12 2324.—

13 (1) TRANSFER.—Subsections (a), (b), (c), and
14 (d) of section 2324 of title 10, United States Code,
15 are transferred to section 3743 of such title, as
16 added by subsection (a), and inserted after the sec-
17 tion heading.

18 (2) AMENDMENTS TO NEW 3743(B).—Such sub-
19 section (b) is amended—

20 (A) by striking “PRINCIPLE.—(1) If the”
21 and inserting “PRINCIPLE.—

22 “(1) If the”; and

23 (B) by realigning paragraph (2) 2 ems to
24 the right and inserting “COST DETERMINED TO

1 BE UNALLOWABLE BEFORE PROPOSAL SUB-
2 MITTED.—” before “If the”.

3 (d) TRANSFER OF SUBSECTION (E) OF SECTION
4 2324.—

5 (1) TRANSFER.—Subsection (e) of section 2324
6 of title 10, United States Code, is transferred to sec-
7 tion 3744 of such title, as added by subsection (a),
8 inserted after the section heading, and amended—

9 (A) by striking the subsection designation
10 and subsection heading;

11 (B) by redesignating paragraphs (1), (2),
12 (3), and (4) as subsections (a), (d), (b), and
13 (c), respectively; and

14 (C) by transferring subsection (d), as so
15 redesignated, to the end of such section, after
16 subsection (c), as so redesignated.

17 (2) AMENDMENTS TO NEW 3744(A).—Subsection
18 (a) of such section, as so redesignated, is amended—

19 (A) by inserting “SPECIFIC COSTS.—” be-
20 fore “The following costs”;

21 (B) by redesignating subparagraphs (A)
22 through (Q) as paragraphs (1) through (17),
23 respectively (including redesignating both sub-
24 paragraphs (P) as paragraph (16));

1 (C) in paragraph (15), as so redesignated,
2 by striking “subsection (k)” and inserting “sec-
3 tion 3750 of this title”; and

4 (D) in paragraph (17), as so redesignated,
5 by striking “subsection (k)(2)” and inserting
6 “section 3750(c) of this title”.

7 (3) AMENDMENTS TO NEW 3744(B).—Subsection
8 (b) of such section, as so redesignated, is amended—
9 (A) by striking “(A) Pursuant to” and in-
10 serting “WAIVER OF SEVERANCE PAY RE-
11 STRICTIONS FOR FOREIGN NATIONALS.—

12 “(1) HEAD OF AN AGENCY DETERMINATION.—
13 Pursuant to”;

14 (B) by redesignating subparagraphs (B)
15 and (C) as paragraphs (2) and (3), respectively;

16 (C) in paragraph (1), as designated by
17 subparagraph (A)—

18 (i) by striking “paragraph (2)” and
19 inserting “subsection (d)”;

20 (ii) by striking “paragraphs (1)(M)
21 and (1)(N)” and inserting “subsections
22 (a)(13) and (a)(14)”;

23 (iii) by redesignating clauses (i), (ii),
24 and (iii) as subparagraphs (A), (B), and
25 (C), respectively;

1 (D) in paragraph (2), as so redesignated
2 by subparagraph (B)—

3 (i) by realigning that paragraph 2
4 ems to the right;

5 (ii) by inserting “SOLICITATION TO
6 INCLUDE STATEMENT ABOUT WAIVER.—”
7 before “The head of”;

8 (iii) by redesignating clauses (i) and
9 (ii) as subparagraphs (A) and (B), respec-
10 tively; and

11 (iv) in subparagraph (A), as so redes-
12 igned, by striking “subparagraph (A)”
13 and inserting “paragraph (1)”; and

14 (E) in paragraph (3), as so redesignated
15 by subparagraph (B)—

16 (i) by realigning that paragraph 2
17 ems to the right;

18 (ii) by inserting “DETERMINATION TO
19 BE MADE BEFORE CONTRACT AWARDED.—”
20 before “The head of”; and

21 (iii) by striking “subparagraph (A)”
22 and inserting “paragraph (1)”.

23 (4) AMENDMENTS TO NEW 3744(C).—Subsection
24 (c) of such section, as so redesignated, is amended—

1 (A) by inserting “ESTABLISHMENT OF
2 DEFINITIONS, EXCLUSIONS, LIMITATIONS, AND
3 QUALIFICATIONS.—” before “The provisions
4 of”; and

5 (B) by striking “this section” and insert-
6 ing “this subchapter”.

7 (5) AMENDMENTS TO NEW 3744(D).—Subsection
8 (d) of such section, as so redesignated and trans-
9 ferred, is amended—

10 (A) by striking “(A) The Secretary” and
11 inserting “SPECIFIC COSTS UNDER MILITARY
12 BANKING CONTRACTS RELATING TO FOREIGN
13 NATIONALS.—

14 “(1) AUTHORITY.—The Secretary”;

15 (B) by redesignating subparagraphs (B)
16 and (C) as paragraphs (2) and (3), respectively,
17 and realigning those paragraph 2 ems to the
18 right;

19 (C) in paragraph (1), as designated by
20 subparagraph (A), by striking “paragraphs
21 (1)(M) and (1)(N)” and inserting “subsections
22 (a)(13) and (a)(14)”;

23 (D) in paragraph (2), as so redesignated
24 by subparagraph (B)—

1 (i) by inserting “DEFINITIONS.—” be-
2 fore “In”;

3 (ii) by striking “subparagraph (A)”
4 and inserting “paragraph (1)”;

5 (iii) by redesignating clauses (i) and
6 (ii) as subparagraphs (A) and (B), respec-
7 tively;

8 (iv) in subparagraph (A), as so redes-
9 ignated, by inserting “MILITARY BANKING
10 CONTRACT.—” before “The term”; and

11 (v) in subparagraph (B), as so redes-
12 ignated, by inserting “MANDATED FOR-
13 EIGN NATIONAL SEVERANCE PAY.—” be-
14 fore “The term”; and

15 (E) in paragraph (3), as so redesignated
16 by subparagraph (B)—

17 (i) by inserting “EXCEPTION FOR
18 FOREIGN-OWNED FINANCIAL INSTITU-
19 TIONS.—” after the paragraph designation;
20 and

21 (ii) by striking “Subparagraph (A)”
22 and inserting “Paragraph (1)”.

23 (e) TRANSFER OF SUBSECTION (F) OF SECTION
24 2324.—

1 (1) TRANSFER.—Subsection (f) of section 2324
2 of title 10, United States Code, is transferred to sec-
3 tion 3745 of such title, as added by subsection (a),
4 inserted after the section heading, and amended—

5 (A) by striking the subsection designation
6 and subsection heading;

7 (B) by redesignating paragraph (1) as sub-
8 section (a);

9 (C) by designating the third sentence of
10 such subsection as subsection (b);

11 (D) by redesignating paragraph (2) as sub-
12 section (c); and

13 (E) by redesignating paragraphs (3) and
14 (4) as paragraphs (2) and (3), respectively, and
15 realigning those paragraphs 2 ems to the right.

16 (2) AMENDMENT TO NEW 3745(A).—Subsection
17 (a) of such section, as so redesignated, is amended
18 by inserting “IN GENERAL.—” before “The Fed-
19 eral”.

20 (3) AMENDMENTS TO NEW 3745(B).—Subsection
21 (b) of such section, as so designated by paragraph
22 (1)(C), is amended—

23 (A) by inserting “SPECIFIC ITEMS.—” be-
24 fore “The regulations”; and

1 (B) by redesignating subparagraphs (A)
2 through (Q) as paragraphs (1) through (17),
3 respectively.

4 (4) AMENDMENTS TO NEW 3745(C).—Subsection
5 (c) of such section, as so redesignated by paragraph
6 (1)(D), is amended—

7 (A) by striking “The Federal” and insert-
8 ing “ADDITIONAL REQUIREMENTS.—

9 “(1) WHEN QUESTIONED COSTS MAY BE RE-
10 SOLVED.—The Federal”;

11 (B) in paragraph (2), as so redesignated
12 by paragraph (1)(E), by inserting “PRESENCE
13 OF CONTRACT AUDITOR.—” before “The Fed-
14 eral”; and

15 (C) in paragraph (3), as so redesignated
16 by paragraph (1)(E), by inserting “SETTLE-
17 MENT TO REFLECT AMOUNT OF INDIVIDUAL
18 QUESTIONED COSTS.—” before “The Federal”.

19 (e) TRANSFER OF SUBSECTION (G) OF SECTION
20 2324.—Subsection (g) of section 2324 of title 10, United
21 States Code, is transferred to section 3746 of such title,
22 as added by subsection (a), inserted after the section head-
23 ing, and amended—

24 (1) by striking the subsection designation and
25 subsection heading; and

1 (2) by striking “subsections (e) and (f)(1)” and
2 inserting “sections 3744 and 3745(a) and (b) of this
3 title”.

4 (f) TRANSFER OF SUBSECTION (H) OF SECTION
5 2324.—

6 (1) TRANSFER.—Subsection (h) of section 2324
7 of title 10, United States Code, is transferred to sec-
8 tion 3747 of such title, as added by subsection (a),
9 inserted after the section heading, and amended—

10 (A) by striking the subsection designation
11 and subsection heading; and

12 (B) by redesignating paragraphs (1) and
13 (2) as subsections (a) and (b), respectively.

14 (2) AMENDMENT TO NEW 3747(A).—Subsection
15 (a) of such section, as so redesignated, is amended
16 by inserting “CONTENT AND FORM.—” before “A
17 proposal”.

18 (3) AMENDMENTS TO NEW 3747(B).—Subsection
19 (b) of such section, as so redesignated, is amended—

20 (A) by inserting “WAIVER.—” before “The
21 head”;

22 (B) by striking “paragraph (1)” and in-
23 serting “subsection (a)”; and

24 (C) by redesignating subparagraphs (A)
25 and (B) as paragraphs (1) and (2), respectively.

1 (g) TRANSFER OF SUBSECTION (I) OF SECTION
2 2324.—Subsection (i) of section 2324 of title 10, United
3 States Code, is transferred to section 3748 of such title,
4 as added by subsection (a), inserted after the section head-
5 ing, and amended by striking the subsection designation
6 and subsection heading.

7 (h) TRANSFER OF SUBSECTION (J) OF SECTION
8 2324.—Subsection (j) of section 2324 of title 10, United
9 States Code, is transferred to section 3749 of such title,
10 as added by subsection (a), inserted after the section head-
11 ing, and amended by striking the subsection designation
12 and subsection heading.

13 (i) TRANSFER OF SUBSECTION (K) OF SECTION
14 2324.—

15 (1) TRANSFER OF PARAGRAPH (6) OF 2324(K).—

16 (A) TRANSFER.—Paragraph (6) of Sub-
17 section (k) of section 2324 of title 10, United
18 States Code, is transferred to section 3750 of
19 such title, as added by subsection (a), inserted
20 after the section heading, redesignated as sub-
21 section (a), and amended by striking “In this
22 subsection” and inserting “DEFINITIONS.—In
23 this section”.

24 (B) REDESIGNATION OF SUBPARA-
25 GRAPHS.—Such subsection (a), as so trans-

1 ferred and redesignated, is further amended by
2 redesignating subparagraphs (A), (B), and (C)
3 as paragraphs (3), (1), and (2), respectively,
4 and transferring paragraph (3), as so redesign-
5 ated to the end of such subsection so as to ap-
6 pear after paragraph (2), as so redesignated.

7 (C) AMENDMENTS TO NEW 3750(A)(1).—
8 Paragraph (1) of such subsection, as so redesign-
9 ated, is amended—

10 (i) by inserting “COSTS.—” before
11 “The term”;

12 (ii) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively; and

15 (iii) in subparagraph (B), as so redesi-
16 gnated, by redesignating subclauses (I),
17 (II), (III), and (IV) as clauses (i), (ii),
18 (iii), and (iv), respectively.

19 (D) AMENDMENT TO NEW 3750(A)(2).—
20 Paragraph (2) of such subsection, as so redesign-
21 ated, is amended by inserting “PENALTY.—”
22 before “The term”.

23 (E) AMENDMENT TO NEW 3750(A)(3).—
24 Paragraph (3) of such subsection, as so redesign-

1 nated and transferred, is amended by inserting
2 “PROCEEDINGS.—” before “The term”.

3 (2) TRANSFER OF PARAGRAPHS (1)-(5) OF
4 2324(K).—Subsection (k) of section 2324 of title 10,
5 United States Code (other than the portion trans-
6 ferred by paragraph (1)), is transferred to section
7 3750 of such title, as added by subsection (a), in-
8 serted after subsection (a), as transferred and redes-
9 igned by paragraph (1), and amended by striking
10 the subsection designation and heading and by re-
11 designating paragraphs (1), (2), (3), (4), and (5) as
12 subsections (b), (c), (d), (e), and (f), respectively.

13 (3) AMENDMENTS TO NEW 3750(B).—Subsection
14 (b) of such section, as so transferred and redesign-
15 nated, is amended—

16 (A) by inserting “IN GENERAL.—” before
17 “Except as”;

18 (B) by striking “this subsection” and in-
19 serting “this section”;

20 (C) by striking “section 2409” and insert-
21 ing “section 4701”;

22 (D) by striking “if the proceeding (A) re-
23 lates to” and inserting “if the proceeding—
24 “(1) relates to”;

1 (E) by striking “in subparagraphs (A)
2 through (C) of section 2409(a)(1)” and insert-
3 ing “in section 4701(a)(1)”;

4 (F) by striking “this title, and (B) results
5 in” and inserting “this title; and
6 “(2) results in”; and

7 (G) by striking “paragraph (2)” and in-
8 serting “subsection (c)”.

9 (4) AMENDMENTS TO NEW 3750(C).—Subsection
10 (c) of such section, as so transferred and redesign-
11 nated, is amended—

12 (A) by inserting “COVERED DISPOSI-
13 TIONS.—” before “A disposition”;

14 (B) by striking “paragraph (1)(B)” and
15 inserting “subsection (b)(2)”;

16 (C) by striking “paragraph (1)” each place
17 it appears and inserting “subsection (b)”;

18 (D) by redesignating subparagraphs (A),
19 (B), (C), (D), and (E) as paragraphs (1), (2),
20 (3), (4), and (5), respectively;

21 (E) in paragraph (3), as so redesignated,
22 by striking “section 2409” and inserting “sec-
23 tion 4701”;

24 (F) in paragraph (4), as so redesignated,
25 by redesignating clauses (i), (ii), and (iii) as

1 subparagraphs (A), (B), and (C), respectively;
2 and

3 (G) in paragraph (5), as so redesignated,
4 by striking “subparagraph (A), (B), (C), or
5 (D)” and inserting “paragraphs (1), (2), (3), or
6 (4)”.

7 (5) AMENDMENTS TO NEW 3750(D).—Subsection
8 (d) of such section, as so transferred and redesign-
9 nated, is amended—

10 (A) by inserting “COSTS ALLOWED BY
11 SETTLEMENT AGREEMENT IN PROCEEDING
12 COMMENCED BY UNITED STATES.—” before
13 “In the case of”;

14 (B) by striking “paragraph (1)” and in-
15 serting “subsection (b)”; and

16 (C) by striking “such paragraph” and in-
17 serting “such subsection”.

18 (6) AMENDMENTS TO NEW 3750(E).—Subsection
19 (e) of such section, as so transferred and redesign-
20 nated, is amended—

21 (A) By inserting “COSTS SPECIFICALLY
22 AUTHORIZED IN PROCEEDING COMMENCED BY
23 STATE.—” before “In the case of”;

24 (B) by striking “paragraph (1)” and in-
25 serting “subsection (b)”; and

1 (C) by striking “(A)” and “(B)” and in-
2 serting “(1)” and “(2)”, respectively.

3 (7) AMENDMENTS TO NEW 3750(F).—Subsection
4 (f) of such section, as so transferred and redesign-
5 nated, is amended—

6 (A) by striking “(A) Except as provided
7 in” and inserting “OTHER ALLOWABLE
8 COSTS.—

9 “(1) IN GENERAL.—Except as provided in”;

10 (B) by redesignating subparagraphs (B)
11 and (C) as paragraphs (2) and (3), respectively,
12 and realigning those paragraphs 2 ems to the
13 right;

14 (C) in paragraph (1), as designated by
15 subparagraph (A)—

16 (i) by striking “subparagraph (C)”
17 and inserting “paragraph (3)”;

18 (ii) by striking “paragraph (1)” and
19 inserting “subsection (b)”;

20 (iii) by striking “subparagraph (B)”
21 and inserting “paragraph (2)”;

22 (D) in paragraph (2), as redesignated by
23 subparagraph (B)—

1 (i) by striking “(i) The amount of”
2 and inserting “AMOUNT OF ALLOWABLE
3 COSTS.—

4 “(A) MAXIMUM AMOUNT ALLOWED.—The
5 amount of”;

6 (ii) by redesignating clause (ii) as
7 subparagraph (B);

8 (iii) in subparagraph (A), as des-
9 ignated by clause (i), by striking “subpara-
10 graph (A)” and inserting “paragraph (1)”;
11 and

12 (iv) in subparagraph (B), as redesign-
13 nated by clause (ii)—

14 (I) by inserting “CONTENT OF
15 REGULATIONS.—” before “Regula-
16 tions issued”;

17 (II) by striking “clause (i)” and
18 inserting “subparagraph (A)”;

19 (III) by striking “consideration
20 of the complexity of” and inserting
21 “consideration of—

22 “(i) the complexity of”;

23 (IV) by striking “procurement
24 litigation, generally accepted” and in-
25 serting “procurement litigation;

1 “(ii) generally accepted”; and

2 (E) by striking “as a party and such
3 other” and inserting “as a party; and

4 “(iii) such other”; and

5 (F) in paragraph (3), as redesignated by
6 subparagraph (B)—

7 (i) by inserting “WHEN OTHERWISE
8 ALLOWABLE COSTS ARE NOT ALLOW-
9 ABLE.—” before “In the case of”;

10 (ii) by striking “subparagraph (A)”
11 and inserting “paragraph (1)”;

12 (iii) by striking “under this para-
13 graph” and inserting “under this sub-
14 section”;

15 (iv) by striking “not allowable if (i)
16 such proceeding” and inserting “not allow-
17 able if—

18 “(A) such proceeding”; and

19 (v) by striking “proceeding, and (ii)
20 the costs” and inserting “proceeding; and
21 “(B) the costs”.

22 (j) ADDITIONAL ALLOWABLE COST PROVISIONS.—

23 (1) IN GENERAL.—Chapter 273 of title 10,
24 United States Code, as added by subsection (a), is

1 amended by adding at the end the following new
2 subchapter:

3 **“Subchapter II—Other Allowable Cost**
4 **Provisions**

“Sec.

“3761. Restructuring costs.

“3762. Independent research and development costs: allowable costs.

“3763. Bid and proposal costs: allowable costs.

“3764. Excessive pass-through charges.

“3765. Institutions of higher education: reimbursement of indirect costs under
Department of Defense contracts.”.

5 (2) TRANSFER OF SECTIONS ON RESTRUC-
6 TURING COSTS, ALLOWABILITY OF INDEPENDENT
7 RESEARCH AND DEVELOPMENT COSTS, AND ALLOW-
8 ABILITY OF BID AND PROPOSAL COSTS.—Sections
9 2325, 2372, and 2372a of title 10, United States
10 Code, are transferred to subchapter II of chapter
11 273 of such title, as added by paragraph (1), in-
12 serted (in that order) after the table of sections, and
13 redesignated as sections 3761, 3762, and 3763, re-
14 spectively.

15 (3) AMENDMENTS TO NEW 3761.—Section 3761
16 of title 10, United States Code, as so transferred
17 and redesignated, is amended—

18 (A) by redesignating subsection (b) as sub-
19 section (c);

20 (B) in subsection (a)—

21 (i) by striking “(1)” before “The Sec-
22 retary”; and

1 (ii) by striking “section 2324 of this
2 title” and inserting “subchapter I”:

3 (C) by redesignating paragraph (2) as sub-
4 section (b);

5 (D) in subsection (b), as so redesignated—

6 (i) by inserting “LIMITATION ON DEL-
7 EGATION.—” before “The Secretary may
8 not”; and

9 (ii) by striking “paragraph (1)” and
10 inserting “subsection (a)”; and

11 (E) in each of such subsections (a) and
12 (b), by redesignating subparagraphs (A) and
13 (B) as paragraphs (1) and (2), respectively.

14 (4) AMENDMENTS TO NEW 3763.—Section 3763
15 of such title, as so transferred and redesignated by
16 paragraph (2), is amended by striking “section
17 2324(l)” in subsection (b) and inserting “section
18 3741”.

19 **SEC. 1833. PROPRIETARY CONTRACTOR DATA AND RIGHTS**
20 **IN TECHNICAL DATA.**

21 (a) NEW CHAPTER.—

22 (1) IN GENERAL.—Part V of subtitle A of title
23 10, United States Code, as added by section 801 of
24 the John S. McCain National Defense Authorization
25 Act for Fiscal Year 2019 (Public Law 115–232), is

1 amended by striking chapter 275 and inserting the
2 following:

3 **“CHAPTER 275—PROPRIETARY CON-**
4 **TRACTOR DATA AND RIGHTS IN TECH-**
5 **NICAL DATA**

“Subchapter Sec.

“I. Rights in Technical Data 3771

“II. Validation of Proprietary Data Restrictions 3781

“III. Other Provisions Relating to Proprietary Contractor Data and
Rights in Technical Data 3791

6 **“SUBCHAPTER I—RIGHTS IN TECHNICAL DATA**

“Sec.

“3771. Rights in technical data: regulations.

“3772. Rights in technical data: provisions required in contracts.

“3773. Domestic business concerns: programs for replenishment parts.

“3774. Major weapon systems and subsystems: long-term technical data needs.

“3775. Definitions.

7 **“§ 3771. Rights in technical data: regulations**

8 **“§ 3772. Rights in technical data: provisions required**
9 **in contracts**

10 **“§ 3773. Domestic business concerns: programs for re-**
11 **plenishment parts**

12 **“§ 3774. Major weapon systems and subsystems: long-**
13 **term technical data needs**

14 **“§ 3775. Definitions”.**

15 (2) TABLES OF CHAPTERS AMENDMENTS.—The
16 tables of chapters at the beginning of subtitle A, and
17 at the beginning of part V of subtitle A, of title 10,
18 United States Code, are amended by striking the

1 item relating to chapter 275 and inserting the fol-
2 lowing new item:

“275. Proprietary Contractor Data and Rights in Technical Data 3771”.

3 (b) TRANSFER OF SUBSECTION (A) OF SECTION
4 2320.—

5 (1) TRANSFER.—Subsection (a) of section 2320
6 of title 10, United States Code, is transferred to sec-
7 tion 3771 of such title, as added by subsection (a),
8 inserted after the section heading, and amended by
9 redesignating paragraphs (2) and (3) as subsections
10 (b) and (c), respectively.

11 (2) INTERNAL REDESIGNATIONS AND INSER-
12 TION OF HEADINGS IN NEW 3771(A).—Subsection (a)
13 of such section, as so transferred and amended, is
14 amended—

15 (A) by striking “(1) The Secretary of” and
16 inserting “REGULATIONS REQUIRED.—

17 “(1) IN GENERAL.—The Secretary of”; and

18 (B) by designating the third sentence as
19 paragraph (2) and in that paragraph—

20 (i) by striking “Such regulations may
21 not” and inserting “OTHER RIGHTS NOT
22 IMPAIRED.—Regulations prescribed under
23 paragraph (1) may not”;

24 (ii) by striking “impair any right of
25 the” and inserting “impair—

1 “(A) any right of the”; and

2 (iii) by striking “by law” and all that
3 follows through “the right of a contractor”
4 and inserting “by law; or
5 “(B) the right of a contractor”.

6 (3) INTERNAL REDESIGNATIONS AND INSER-
7 TION OF HEADINGS IN NEW 3771(B).—Subsection (b)
8 of such section, as so transferred and redesignated,
9 is amended—

10 (A) by striking “Such regulations” and in-
11 serting “REQUIRED PROVISIONS.—Regulations
12 prescribed under subsection (a)”;

13 (B) by redesignating subparagraphs (A)
14 through (I) as paragraphs (1) through (9), re-
15 spectively;

16 (C) in paragraph (1), as so redesignated,
17 by redesignating clauses (i) and (ii) as subpara-
18 graphs (A) and (B), respectively;

19 (D) in paragraph (2), as so redesignated,
20 by striking “subparagraphs (C), (D), and (G)”
21 and inserting “paragraphs (3), (4), and (7)”;

22 (E) in paragraph (3), as so redesignated—

23 (i) by striking “SUBPARAGRAPH (B).—
24 Subparagraph (B) does not” and inserting

1 “PARAGRAPH (2).—Paragraph (2) does
2 not”; and

3 (ii) by redesignating clauses (i), (ii),
4 (iii), and (iv) as subparagraphs (A), (B),
5 (C), and (D), respectively;

6 (F) in paragraph (4), as so redesignated—

7 (i) by striking “SUBPARAGRAPH (B).—
8 Notwithstanding subparagraph (B)” and
9 inserting “PARAGRAPH(2).— Notwith-
10 standing paragraph (2)”;

11 (ii) by redesignating clauses (i), (ii),
12 and (iii) as subparagraphs (A), (B), and
13 (C), respectively; and

14 (iii) in subparagraph (A), as so redesi-
15 gnated, by redesignating subclauses (I),
16 (II), and (III) as clauses (i), (ii), and (iii),
17 respectively;

18 (G) in paragraph (5), as so redesignated—

19 (i) by striking “MIXED FUNDING.—
20 Except as provided in subparagraphs (F)
21 and (G),” and inserting “MIXED FUND-
22 ING.—

23 “(A) IN GENERAL.—Except as provided in
24 paragraphs (6) and (7),”; and

1 (ii) by designating the second sentence
2 as subparagraph (B), realigning that sub-
3 paragraph 2 ems to the right, and insert-
4 ing “FACTORS TO BE CONSIDERED.—” be-
5 fore “The establishment of”;

6 (H) in paragraph (6), as so redesignated,
7 by striking “subparagraph (E)” and inserting
8 “paragraph (5)”;

9 (I) in paragraph (7), as so redesignated—

10 (i) by striking “MIXED FUNDING.—
11 Notwithstanding subparagraphs (B) and
12 (E)” and inserting “MIXED FUNDING.—
13 “(A) Notwithstanding paragraphs (2) and
14 (5)”;

15 (ii) by striking “section 2446a” and
16 inserting “section 4401”; and

17 (iii) by designating the second and
18 third sentences as subparagraphs (B) and
19 (C), respectively;

20 (J) in paragraph (8), as so redesignated—

21 (i) by inserting “LIMITATIONS ON RE-
22 QUIREMENTS RELATED TO CONTRACTOR
23 OR SUBCONTRACTOR RIGHTS IN TECH-
24 NICAL DATA.—” before “A contractor or
25 subcontractor”;

1 (ii) by redesignating clauses (i) and
2 (ii) as subparagraphs (A) and (B), respec-
3 tively;

4 (iii) in subparagraph (A), as so redes-
5 igned, by redesignating subclauses (I),
6 (II), and (III) as clauses (i), (ii), and (iii),
7 respectively;

8 (iv) in clause (i), as so redesignated,
9 by striking “subparagraph (A)” and insert-
10 ing “paragraph (1)”;

11 (v) in clause (ii), as so redesignated,
12 by striking “subparagraph (C)” and insert-
13 ing “paragraph (3)”;

14 (vi) in clause (iii), as so redesignated,
15 by striking “subparagraph (D)” and in-
16 serting “paragraph (4)”;

17 (vii) in subparagraph (B), as so redes-
18 igned, by striking “subparagraph (B)”
19 and inserting “paragraph (2)”;

20 (K) in paragraph (9), as so redesignated—

21 (i) by inserting “ACTIONS AUTHOR-
22 IZED IF NECESSARY TO DEVELOP ALTER-
23 NATIVE SOURCES OF SUPPLY AND MANU-
24 FACTURE.—” before “The Secretary of
25 Defense”;

1 (ii) by redesignating clauses (i), (ii),
2 and (ii) as subparagraphs (A), (B), and
3 (C), respectively;

4 (iii) in subparagraph (A), as so redes-
5 ignated, by striking “subparagraph (C) or
6 (D)” and inserting “paragraph (3) or (4)”;
7 and

8 (iv) in subparagraph (B), as so redes-
9 ignated, by striking “this section” and in-
10 sserting “this subchapter”.

11 (4) INTERNAL REDESIGNATIONS AND INSER-
12 TION OF HEADINGS IN NEW 3771(C).—Subsection (c)
13 of such section, as so transferred and redesignated,
14 is amended—

15 (A) by inserting “SECRETARY OF DE-
16 FENSE TO DEFINE TERMS.—” before “The
17 Secretary of”;

18 (B) by striking “paragraph (1)” and in-
19 sserting “subsection (a)”;

20 (C) by striking “the Secretary shall speci-
21 fy” and inserting “the Secretary—
22 “(1) shall specify”;

23 (D) by striking “treated and shall specify”
24 and inserting “treated; and
25 “(2) shall specify”; and

1 (E) by striking “this paragraph” and in-
2 serting “this subsection”.

3 (c) TRANSFER OF SUBSECTIONS (B) AND (C) OF SEC-
4 TION 2320.—

5 (1) TRANSFER.—Subsections (b) and (c) of sec-
6 tion 2320 of title 10, United States Code, are trans-
7 ferred to section 3772 of such title, as added by sub-
8 section (a), inserted after the section heading, and
9 redesignated as subsections (a) and (b), respectively.

10 (2) INTERNAL REDESIGNATIONS AND INSER-
11 TION OF HEADINGS IN NEW 3772(A).—Subsection (a)
12 of such section, as so transferred and redesignated,
13 is amended—

14 (A) by inserting “CONTRACT PROVISIONS
15 RELATING TO TECHNICAL DATA.—” before
16 “Regulations prescribed under”;

17 (B) by striking “subsection (a)” and in-
18 serting “section 3771 of this title”;

19 (C) by striking “section 2303” and insert-
20 ing “section 3063”;

21 (D) in paragraph (1), by striking “section
22 2321(f)” and inserting “section 3784”;

23 (E) in paragraph (6)—

24 (i) by striking “the contractor to re-
25 vise” and inserting “the contractor—

1 “(A) to revise”; and

2 (ii) by striking “the contract and to

3 deliver” and inserting “the contract; and

4 “(B) to deliver”;

5 (F) in paragraph (7)—

6 (i) by striking “is found to be” and

7 inserting “is found—

8 “(A) to be”; and

9 (ii) by striking “or inadequate or to

10 not” and inserting “or inadequate; or

11 “(B) to not”;

12 (G) in paragraph (9)(B)(ii), by striking

13 “subparagraphs (D)(i)(II), (F), and (G) of sub-

14 section (a)(2)” and inserting “paragraphs

15 (4)(A)(ii), (6), and (7) of section 3771(b) of

16 this title”; and

17 (H) in paragraph (10), by striking “section

18 2321(d)” and inserting “section 3782”.

19 (3) INTERNAL REDESIGNATIONS IN NEW

20 3772(B).—Subsection (b) of such section, as so trans-

21 ferred and redesignated, is amended—

22 (A) by striking “in this section or in sec-

23 tion 2305(a)” and inserting “in this subchapter

24 or in section 3208”; and

1 (B) in paragraph (2), by striking “sub-
2 section (a)” and inserting “section 3771 of this
3 title”.

4 (d) TRANSFER OF SUBSECTION (D) OF SECTION
5 2320.—Subsection (d) of section 2320 of title 10, United
6 States Code, is transferred to section 3773 of such title,
7 as added by subsection (a), inserted after the section head-
8 ing, and amended—

9 (1) by striking the subsection designation; and
10 (2) by striking “this subsection” and inserting
11 “this section”.

12 (e) TRANSFER OF SUBSECTION (E) AND (F) OF SEC-
13 TION 2320.—

14 (1) TRANSFER.—Subsections (e) and (f) of sec-
15 tion 2320 of title 10, United States Code, are trans-
16 ferred to section 3774 of such title, as added by sub-
17 section (a), inserted after the section heading, and
18 redesigned as subsections (a) and (c), respectively.

19 (2) DESIGNATION OF NEW 3774(B).—The third
20 sentence of subsection (a) of such section, as so
21 transferred and redesignated, is designated as sub-
22 section (b).

23 (3) AMENDMENTS TO NEW 3774(A).—Subsection
24 (a) of such section, as so amended, is further
25 amended—

1 (A) by striking “The Secretary of Defense
2 shall require” and inserting “ASSESSMENTS
3 AND ACQUISITIONS STRATEGIES.—

4 “(1) The Secretary of Defense shall require”;

5 (B) by designating the second sentence as
6 paragraph (2);

7 (C) in paragraph (1), as designated by
8 subparagraph (A)—

9 (i) by striking “to assess the long-
10 term” and inserting “to—

11 “(A) assess the long-term”; and

12 (ii) by striking “systems and sub-
13 systems and establish” and inserting “sys-
14 tems and subsystems; and

15 “(B) establish”; and

16 (D) in paragraph (2), as designated by
17 subparagraph (B)—

18 (i) by striking “may include the devel-
19 opment” and inserting “may include—

20 “(A) the development”; and

21 (ii) by striking “Department of De-
22 fense or competition for” and inserting

23 “Department of Defense; or

24 “(B) competition for”.

1 (4) AMENDMENTS TO NEW 3774(B).—Subsection
2 (b) of such section, as designated by paragraph (2),
3 is amended—

4 (A) by inserting “REQUIREMENTS RELAT-
5 ING TO ASSESSMENTS AND ACQUISITION
6 STRATEGIES.—” before “Assessments and cor-
7 responding”; and

8 (B) by striking “developed under” and all
9 that follows through “with respect to” and in-
10 sserting “developed under subsection (a) with re-
11 spect to”.

12 (5) AMENDMENTS TO NEW 3774(C).—Subsection
13 (c) of such section, as redesignated by paragraph
14 (1), is amended—

15 (A) by striking “LICENSES.—The Sec-
16 retary” and inserting “LICENSES.—
17 “(1) The Secretary”;

18 (B) by designating the second sentence as
19 paragraph (2); and

20 (C) in paragraph (2), as so designated, by
21 striking “subsection (e)” and inserting “sub-
22 section (a)”.

23 (f) TRANSFER OF SUBSECTION (G) AND (H) OF SEC-
24 TION 2320.—

1 (1) TRANSFER.—Subsections (g) and (h) of
2 section 2320 of title 10, United States Code, are
3 transferred to section 3775 of such title, as added
4 by subsection (a), inserted after the section heading,
5 and redesigned as subsections (a) and (b), respec-
6 tively.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Such subsections (a) and (b), as so
9 transferred and redesignated, are each amended
10 by striking “In this section,” and inserting “In
11 this subchapter,”.

12 (B) Such subsection (b) is amended by
13 striking “section 2446a” and inserting “section
14 4401”.

15 (g) NEW SUBCHAPTER.—Chapter 275 of title 10,
16 United States Code, as added by subsection (a), is amend-
17 ed by adding at the end the following new subchapter:

18 “SUBCHAPTER II—VALIDATION OF
19 PROPRIETARY DATA RESTRICTIONS

“Sec.

“3781. Technical data: contractor justification for restrictions; review of restric-
tions.

“3782. Technical data: challenges to contractor restrictions.

“3783. Technical data: time for contractors to submit justifications.

“3784. Technical data under contracts for commercial items: presumption of de-
velopment exclusively at private expense.

“3785. Technical data: decision by contracting officer; claims; rights and liabil-
ity upon final disposition.

“3786. Use or release restriction: definition.

1 **“§ 3781. Technical data: contractor justification for**
2 **restrictions; review of restrictions**

3 **“§ 3782. Technical data: challenges to contractor re-**
4 **strictions**

5 **“§ 3783. Technical data: time for contractors to sub-**
6 **mit justifications**

7 **“§ 3784. Technical data under contracts for commer-**
8 **cial items: presumption of development**
9 **exclusively at private expense**

10 **“§ 3785. Technical data: decision by contracting offi-**
11 **cer; claims; rights and liability upon final**
12 **disposition**

13 **“§ 3786. Use or release restriction: definition”.**

14 (h) TRANSFER OF SUBSECTIONS (A), (B), AND (C) OF
15 SECTION 2321.—

16 (1) TRANSFER.—Subsections (a), (b), and (c)
17 of section 2321 of title 10, United States Code, are
18 transferred to section 3781 of such title, as added
19 by subsection (g), and inserted after the section
20 heading.

21 (2) CONFORMING AMENDMENTS TO NEW
22 3781(A).—Subsection (a) of such section, as so trans-
23 ferred, is amended by striking “CONTRACTS COV-
24 ERED BY SECTION.—This section” and inserting
25 “CONTRACTS COVERED BY SUBCHAPTER.—This
26 subchapter”.

1 (3) CONFORMING AMENDMENTS TO NEW
2 3781(B).—Subsection (b) of such section, as so trans-
3 ferred, is amended—

4 (A) by striking “this section” and inserting
5 “this subchapter”; and

6 (B) by striking “(as defined” and all that
7 follows through “asserted” and inserting “(as
8 defined in section 3786 of this title) asserted”.

9 (4) CONFORMING AMENDMENTS TO NEW
10 3781(C).—Subsection (c) of such section, as so trans-
11 ferred, is amended—

12 (A) by striking “RESTRICTIONS.—(1) The
13 Secretary” and inserting “RESTRICTIONS.—
14 “(1) The Secretary”;

15 (B) in paragraph (1), by striking “this sec-
16 tion” and inserting “this subchapter”; and

17 (C) by realigning paragraph (2) 2 ems to
18 the right.

19 (i) TRANSFER OF SUBSECTION (D) OF SECTION
20 2321.—

21 (1) TRANSFER.—Subsection (d) of section 2321
22 of title 10, United States Code, is transferred to sec-
23 tion 3782 of such title, as added by subsection (g),
24 inserted after the section heading, and amended—

1 (A) by striking the subsection designation
2 and subsection heading; and

3 (B) by redesignating paragraphs (1), (2),
4 (3), and (4) as subsections (a), (b), (c), and
5 (d), respectively.

6 (2) CONFORMING AMENDMENTS TO NEW
7 3782(A).—Subsection (a) of such section 3782, as so
8 transferred and redesignated, is amended—

9 (A) by inserting “CHALLENGES BY SEC-
10 RETARY OF DEFENSE.—” before “The Sec-
11 retary of Defense”;

12 (B) by striking “this section” and insert-
13 ing “this subchapter”; and

14 (C) by redesignating subparagraphs (A)
15 and (B) as paragraphs (1) and (2), respectively.

16 (3) CONFORMING AMENDMENTS TO NEW
17 3782(B).—Subsection (b) of such section 3782, as so
18 transferred and redesignated, is amended—

19 (A) by striking “(A) A challenge” and in-
20 serting “TIME LIMIT FOR CHALLENGES; EX-
21 CEPTIONS.—

22 “(1) A challenge”;

23 (B) by redesignating subparagraph (B) as
24 paragraph (2) and realigning that paragraph 2
25 ems to the right;

1 (C) in paragraph (1), as designated by
2 subparagraph (A)—

3 (i) by striking “paragraph (1)” and
4 inserting “subsection (a)”;

5 (ii) by striking “subparagraph (B)”
6 and inserting “paragraph (2)”;

7 (iii) by redesignating clauses (i), (ii),
8 (iii), and (iv) as subparagraphs (A), (B),
9 (C), and (D), respectively; and

10 (D) in paragraph (2), as redesignated by
11 subparagraph (B)—

12 (i) by striking “subparagraph (A)”
13 and inserting “paragraph (1)”;

14 (ii) by redesignating clauses (i) and
15 (ii) as subparagraphs (A) and (B), respec-
16 tively.

17 (4) CONFORMING AMENDMENTS TO NEW
18 3782(C).—Subsection (c) of such section 3782, as so
19 transferred and redesignated, is amended—

20 (A) by inserting “WRITTEN NOTICE TO
21 CONTRACTOR OR SUBCONTRACTOR.—” before
22 “If the Secretary”;

23 (B) by striking “paragraph (1)” and in-
24 serting “subsection (a)”;

1 (C) by redesignating subparagraphs (A),
2 (B), and (C) as paragraphs (1), (2), and (3),
3 respectively; and

4 (D) in paragraph (3), as so redesignated,
5 by striking “paragraph (4)” and inserting “sub-
6 section (d)”.

7 (5) CONFORMING AMENDMENTS TO NEW
8 3782(D).—Subsection (d) of such section 3782, as so
9 transferred and redesignated, is amended—

10 (A) by inserting “JUSTIFICATION.—” be-
11 fore “It is a justification”;

12 (B) by striking “paragraph (1)” and in-
13 serting “subsection (a)”;

14 (C) by redesignating subparagraphs (A)
15 and (B) as paragraphs (1) and (2), respectively;
16 and

17 (D) in paragraph (1), as so redesignated,
18 by striking “this subsection” and inserting
19 “this section”.

20 (j) TRANSFER OF SUBSECTION (E) OF SECTION
21 2321.—

22 (1) TRANSFER.—Subsection (e) of section 2321
23 of title 10, United States Code, is transferred to sec-
24 tion 3783 of such title, as added by subsection (g),
25 inserted after the section heading, and amended by

1 striking the subsection designation and subsection
2 heading.

3 (2) DESIGNATION OF NEW SUBSECTIONS (A)
4 AND (B).—Such section, as so transferred and
5 amended, is further amended—

6 (A) by designating the first sentence as
7 subsection (a) and inserting “ADDITIONAL
8 TIME TO SUBMIT JUSTIFICATIONS.—” before
9 “If a contractor”; and

10 (B) by designating the second sentence as
11 subsection (b) and inserting “MULTIPLE CHAL-
12 Lenges; SCHEDULE OF RESPONSES.—” before
13 “If a party”.

14 (k) TRANSFER OF SUBSECTION (F) OF SECTION
15 2321.—Subsection (f) of section 2321 of title 10, United
16 States Code, is transferred to section 3784 of such title,
17 as added by subsection (g), inserted after the section head-
18 ing, and amended—

19 (1) by striking the subsection designation and
20 subsection heading; and

21 (2) by striking “subsection (d)(3)” and insert-
22 ing “section 3782(c) of this title”.

23 (l) TRANSFER OF SUBSECTIONS (G), (H), AND (I) OF
24 SECTION 2321.—

1 (1) TRANSFER.—Subsections (g), (h), and (i) of
2 section 2321 of title 10, United States Code, are
3 transferred to section 3785 of such title, as added
4 by subsection (g), inserted after the section heading,
5 and redesignated as subsections (a), (b), and (c), re-
6 spectively.

7 (2) CONFORMING AMENDMENTS TO NEW
8 3785(A).—Subsection (a) of such section, as so trans-
9 ferred and redesignated, is amended—

10 (A) by striking “subsection (d)(3)” both
11 places it appears and inserting “section 3782(c)
12 of this title”;

13 (B) by striking “OFFICER.—(1) Upon fail-
14 ure” and inserting “OFFICER.—
15 “(1) Upon failure”; and

16 (C) by realigning paragraph (2) 2 ems to
17 the right.

18 (3) CONFORMING AMENDMENTS TO NEW
19 3785(C).—Subsection (c) of such section 3786, as so
20 transferred and redesignated, is amended—

21 (A) by striking “DISPOSITION.—(1) If,
22 upon final” and inserting “DISPOSITION.—
23 “(1) If, upon final”; and

24 (B) by realigning paragraph (2) 2 ems to
25 the right.

1 (m) TRANSFER OF SUBSECTION (J) OF SECTION
2 2321.—Subsection (j) of section 2321 of title 10, United
3 States Code, is transferred to section 3786 of such title,
4 as added by subsection (g), inserted after the section head-
5 ing, and amended—

6 (1) by striking the subsection designation and
7 subsection heading; and

8 (2) by striking “In this section” and inserting
9 “In this subchapter”.

10 (n) NEW SUBCHAPTER.—Chapter 275 of title 10,
11 United States Code, as added by subsection (a), is amend-
12 ed by adding after subchapter II, as added by subsections
13 (g), the following new subchapter:

14 “SUBCHAPTER III—OTHER PROVISIONS RELAT-
15 ING TO PROPRIETARY CONTRACTOR DATA
16 AND RIGHTS IN TECHNICAL DATA

“Sec.

“3791. Management of intellectual property matters within the Department of
Defense.

“3792. Technical data rights: non-FAR agreements.

“3793. Copyrights, patents, designs, etc.; acquisition.

“3794. Release of technical data under Freedom of Information Act: recovery
of costs.

17 “§ 3791. Management of intellectual property matters
18 within the department of defense

19 “(b) CADRE OF INTELLECTUAL PROPERTY EX-
20 PERTS.—For a provision requiring establishment of a
21 cadre of personnel who are experts in intellectual property
22 matters, see section 1707 of this title.”.

1 (o) TRANSFERS.—

2 (1) TRANSFER OF SECTION 2322(A).—Sub-
3 section (a) of section 2322 of title 10, United States
4 Code, is transferred to section 3791 of such title, as
5 added by subsection (n), and inserted after the sec-
6 tion heading.

7 (2) TRANSFER OF SECTIONS 2386 AND 2328.—
8 Section 2386 and 2328 of such title are transferred
9 to subchapter III of chapter 275 of such title, as
10 added by subsection (n), inserted (in that order)
11 after section 3791, and redesignated as section 3793
12 and 3794, respectively.

13 (p) CROSS REFERENCE AMENDMENTS.—Section
14 8687(a) of title 10, United States Code, is amended by
15 striking “section 2320” each place it appears and insert-
16 ing “subchapter I of chapter 275”.

17 **SEC. 1834. CONTRACT FINANCING.**

18 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
19 United States Code, as added by section 801 of the John
20 S. McCain National Defense Authorization Act for Fiscal
21 Year 2019 (Public Law 115–232), is amended by striking
22 chapter 277 and inserting the following:

23 **“CHAPTER 277—CONTRACT FINANCING**

“Sec.

“3801. Authority of agency.

“3802. Payment.

“3803. Security for advance payments.

“3804. Conditions for progress payments.

“3805. Payments for commercial products and commercial services.

“3806. Action in case of fraud.

“3807. Vesting of title in the United States.

1 **“§ 3801. Authority of agency**

2 **“§ 3802. Payment**

3 **“§ 3803. Security for advance payments**

4 **“§ 3804. Conditions for progress payments**

5 **“§ 3805. Payments for commercial products and com-**
6 **mercial services**

7 **“§ 3806. Action in case of fraud**

8 **“§ 3807. Vesting of title in the United States”.**

9 (b) TRANSFER OF SUBSECTION (A) OF SECTION
10 2307.—

11 (1) TRANSFER.—Subsection (a) of section 2307
12 of title 10, United States Code, is transferred to sec-
13 tion 3801 of such title, as added by subsection (a),
14 inserted after the section heading, and amended—

15 (A) by striking “(1)” before “The head
16 of”; and

17 (B) by redesignating paragraph (2) as sub-
18 section (b).

19 (2) CONFORMING AMENDMENTS TO NEW
20 3801(A).—Such subsection (a), as so transferred and
21 amended, is further amended by redesignating sub-
22 paragraphs (A) and (B) as paragraphs (1) and (2),
23 respectively.

1 (3) CONFORMING AMENDMENTS TO NEW
2 3801(B).—Subsection (b) of such section 3801, as re-
3 designated by paragraph (1)(B), is amended—

4 (A) by striking “(A) For a prime” and in-
5 serting “PAYMENT DATES FOR CONTRACTORS
6 THAT ARE SMALL BUSINESS CONCERNS.—

7 “(1) PRIME CONTRACTORS.—For a prime”;

8 (B) by redesignating subparagraph (B) as
9 paragraph (2); and

10 (C) in paragraph (2), as so redesignated—

11 (i) by inserting “SUBCONTRACTORS.—
12 ” before “For a prime”; and

13 (ii) by redesignating clauses (i) and
14 (ii) as subparagraphs (A) and (B), respec-
15 tively.

16 (c) TRANSFER OF SUBSECTIONS (B) AND (C) OF SEC-
17 TION 2307.—

18 (1) TRANSFER.—Subsections (b) and (c) of sec-
19 tion 2307 of title 10, United States Code, are trans-
20 ferred to section 3802 of such title, as added by sub-
21 section (a), inserted after the section heading, and
22 redesignated as subsections (a) and (d), respectively.

23 (2) FURTHER INTERNAL REDESIGNATION
24 AMENDMENTS TO NEW 3802.—Such section 3802, as
25 so amended, is further amended

1 (A) in subsection (a), by striking “(1)” be-
2 fore “Whenever possible”;

3 (B) by redesignating paragraph (2) of sub-
4 section (a) as subsection (b);

5 (C) by transferring paragraph (3) of such
6 subsection to the end of the section and redesign-
7 ating such paragraph as subsection (e);

8 (D) by redesignating paragraph (4) of sub-
9 section (a) as subsection (c); and

10 (E) by redesignating subparagraphs (A),
11 (B), and (C) of subsection (a) as paragraphs
12 (1), (2), and (3), respectively.

13 (3) CONFORMING AMENDMENT TO NEW
14 3802(A).—Subsection (a) of such section is further
15 amended by striking “subsection (a)” and inserting
16 “section 3801 of this title”.

17 (4) CONFORMING AMENDMENTS TO NEW
18 3802(B).—Subsection (b) of such section, as so redes-
19 ignated, is amended—

20 (A) by inserting “Basis for performance-
21 based payments.—” before “Performance-based
22 payments”; and

23 (B) by striking “paragraph (1)” and in-
24 serting “subsection (a)”.

1 (5) CONFORMING AMENDMENTS TO NEW
2 3802(C).—Subsection (c) of such section, as so redes-
3 ignated, is amended—

4 (A) by striking “(A) In order to” and in-
5 serting “CONTRACTOR ACCOUNTING SYS-
6 TEMS.—

7 “(1) In order to”; and

8 (B) by redesignating subparagraph (B) as
9 paragraph (2), realigning that paragraph 2 ems
10 to the right, and striking “this section” therein
11 and inserting “this chapter”.

12 (6) CONFORMING AMENDMENT TO NEW
13 3802(D).—Subsection (d) of such section, as redesign-
14 ated by paragraph (1), is amended by striking
15 “subsection (a)” and inserting “section 3801 of this
16 title”.

17 (7) CONFORMING AMENDMENT TO NEW
18 3802(E).—Subsection (e) of such section, as trans-
19 ferred and redesignated by paragraph (2)(C), is
20 amended by inserting “ELIGIBILITY OF NONTRADI-
21 TIONAL DEFENSE CONTRACTORS.—” before “The
22 Secretary of”.

23 (d) TRANSFER OF SUBSECTION (D) OF SECTION
24 2307.—Subsection (d) of section 2307 of title 10, United
25 States Code, is transferred to section 3803 of such title,

1 as added by subsection (a), inserted after the section head-
2 ing, and amended—

3 (1) by striking the subsection designation and
4 subsection heading; and

5 (2) by striking “subsection (a)” and inserting
6 “section 3801 of this title”.

7 (e) TRANSFER OF SUBSECTION (E) OF SECTION
8 2307.—

9 (1) TRANSFER.—Subsection (e) of section 2307
10 of title 10, United States Code, is transferred to sec-
11 tion 3804 of such title, as added by subsection (a),
12 inserted after the section heading, and amended—

13 (A) by striking the subsection designation
14 and subsection heading; and

15 (B) by redesignating paragraphs (1), (2),
16 and (3) as subsections (a), (b), and (c), respec-
17 tively.

18 (2) CONFORMING AMENDMENT TO NEW
19 3804(A).—Subsection (a) of such section 3804, as so
20 transferred and redesignated, is amended by insert-
21 ing “PAYMENT COMMENSURATE WITH WORK.—”
22 before “The Secretary of Defense”.

23 (3) CONFORMING AMENDMENTS TO NEW
24 3804(B).—Subsection (b) of such section 3804, as so
25 transferred and redesignated, is amended—

1 (A) by inserting “LIMITATION.—” before
2 “The Secretary”; and

3 (B) by striking “paragraph (1)” and in-
4 serting “subsection (a)”.

5 (4) CONFORMING AMENDMENTS TO NEW
6 3804(C).—Subsection (c) of such section 3804, as so
7 transferred and redesignated, is amended—

8 (A) by inserting “APPLICABILITY.—” be-
9 fore “This”; and

10 (B) by striking “subsection” and inserting
11 “section”.

12 (f) TRANSFER OF SUBSECTION (F) OF SECTION
13 2307.—

14 (1) TRANSFER.—Subsection (f) of section 2307
15 of title 10, United States Code, is transferred to sec-
16 tion 3805 of such title, as added by subsection (a),
17 inserted after the section heading, and amended—

18 (A) by striking the subsection designation
19 and subsection heading; and

20 (B) by redesignating paragraphs (1), (2),
21 and (3) as subsections (a), (c), and (d), respec-
22 tively.

23 (2) FURTHER INTERNAL REDESIGNATION
24 AMENDMENTS TO NEW 3805.—Such section 3805, as

1 so amended, is further amended by designating the
2 second sentence of subsection (a) as subsection (b).

3 (4) CONFORMING AMENDMENTS TO NEW
4 3805(A).—Subsection (a) of such section, as so trans-
5 ferred and redesignated, is amended—

6 (A) by inserting “TERMS AND CONDITIONS
7 FOR PAYMENTS.—” before “Payments under”;
8 and

9 (B) by striking “subsection (a)” and in-
10 serting “section 3801 of this title”.

11 (4) CONFORMING AMENDMENT TO NEW
12 3805(B).—Subsection (b) of such section, as des-
13 ignated by paragraph (2), is amended by inserting
14 “SECURITY FOR PAYMENTS.—” before “The head of
15 the agency”.

16 (5) CONFORMING AMENDMENTS TO NEW
17 3805(C).—Subsection (c) of such section, as so trans-
18 ferred and redesignated, is amended—

19 (A) by inserting “LIMITATION ON AD-
20 VANCE PAYMENTS.—” before “Advance pay-
21 ments”; and

22 (B) by striking “subsection (a)” and in-
23 serting “section 3801 of this title”.

1 (6) CONFORMING AMENDMENTS TO NEW
2 3805(D).—Subsection (d) of such section, as so trans-
3 ferred and redesignated, is amended—

4 (A) by inserting “NONAPPLICATION OF
5 CERTAIN CONDITIONS.—” before “The condi-
6 tions of”;

7 (B) by striking “subsections (d) and (e)”
8 and inserting “sections 3803 and 3804 of this
9 title”; and

10 (C) by striking “paragraphs (1) and (2)”
11 and inserting “this section”.

12 (g) TRANSFER OF SUBSECTION (I) OF SECTION
13 2307.—

14 (1) TRANSFER.—Subsection (i) of section 2307
15 of title 10, United States Code, is transferred to sec-
16 tion 3806 of such title, as added by subsection (a),
17 inserted after the section heading, and amended by
18 striking the subsection designation and subsection
19 heading.

20 (2) FURTHER INTERNAL REDESIGNATION
21 AMENDMENTS TO NEW 3806.—Such section 3806, as
22 so amended, is further amended—

23 (A) by redesignating paragraphs (1)
24 through (9) as subsections (b) through (j), re-
25 spectively; and

1 (B) by transferring paragraph (10) to the
2 beginning of such section so as to appear before
3 subsection (b), as redesignated by subparagraph
4 (A), and redesignating that paragraph as sub-
5 section (a).

6 (3) CONFORMING AMENDMENTS TO NEW
7 3806(A).—Subsection (a) of such section, as trans-
8 ferred and redesignated by paragraph (2)(B), is
9 amended—

10 (A) by inserting “REMEDY COORDINATION
11 OFFICIAL DEFINED.—” before “In this”; and

12 (B) by striking “this subsection” and in-
13 serting “this section”.

14 (4) CONFORMING AMENDMENT TO NEW
15 3806(B).—Subsection (b) of such section, as trans-
16 ferred and redesignated by paragraphs (1) and
17 (2)(A), is amended by inserting “RECOMMENDATION
18 TO REDUCE OR SUSPEND PAYMENTS.—” before “In
19 any case”.

20 (5) CONFORMING AMENDMENTS TO NEW
21 3806(C).—Subsection (c) of such section, as trans-
22 ferred and redesignated by paragraphs (1) and
23 (2)(A), is amended—

1 (A) by inserting “REDUCTION OR SUSPEN-
2 SION OF PAYMENTS.—” before “The head of”;
3 and

4 (B) by striking “paragraph (1)” and in-
5 serting “subsection (b)”.

6 (6) CONFORMING AMENDMENTS TO NEW
7 3806(D).—Subsection (d) of such section, as trans-
8 ferred and redesignated by paragraphs (1) and
9 (2)(A), is amended—

10 (A) by inserting “EXTENT OF REDUCTION
11 OR SUSPENSION.—” before “The extent of”;
12 and

13 (B) by striking “paragraph (2)” and in-
14 serting “subsection (c)”.

15 (7) CONFORMING AMENDMENTS TO NEW
16 3806(E).—Subsection (e) of such section, as trans-
17 ferred and redesignated by paragraphs (1) and
18 (2)(A), is amended—

19 (A) by inserting “WRITTEN JUSTIFICA-
20 TION.—” before “A written”; and

21 (B) by striking “paragraph (2)” and in-
22 serting “subsection (c)”.

23 (8) CONFORMING AMENDMENTS TO NEW
24 3806(F).—Subsection (f) of such section, as trans-

1 ferred and redesignated by paragraphs (1) and
2 (2)(A), is amended—

3 (A) by inserting “NOTICE.—” before “The
4 head of an agency shall”; and

5 (B) by striking “paragraph (2)” and in-
6 serting “subsection (c)”.

7 (9) CONFORMING AMENDMENTS TO NEW
8 3806(G).—Subsection (g) of such section, as trans-
9 ferred and redesignated by paragraphs (1) and
10 (2)(A), is amended—

11 (A) by inserting “REVIEW.—” before “Not
12 later than”;

13 (B) by striking “paragraph (2)” and in-
14 serting “subsection (c)”; and

15 (C) by redesignating subparagraphs (A)
16 and (B) as paragraphs (1) and (2), respectively.

17 (10) CONFORMING AMENDMENTS TO NEW
18 3806(H).—Subsection (h) of such section, as trans-
19 ferred and redesignated by paragraphs (1) and
20 (2)(A), is amended—

21 (A) by inserting “ANNUAL REPORT.—” be-
22 fore “The head of”; and

23 (B) by striking “paragraph (2)” and in-
24 serting “subsection (c)”.

1 (11) REORDERING AND REDESIGNATION FOR
2 TITLE 41 CONSISTENCY.—Subsections (i) and (j) of
3 such section, as transferred and redesignated by
4 paragraphs (1) and (2)(A), are reversed in order
5 and are redesignated accordingly.

6 (12) CONFORMING AMENDMENTS TO NEW
7 3806(I).—Subsection (i) of such section, as trans-
8 ferred and redesignated by paragraphs (1), (2)(A),
9 and (11), is amended—

10 (A) by inserting “RESTRICTION ON DELE-
11 GATION.—” before “The head of”; and

12 (B) by striking “this subsection” and in-
13 serting “this section”.

14 (13) CONFORMING AMENDMENTS TO NEW
15 3806(J).—Subsection (j) of such section, as trans-
16 ferred and redesignated by paragraphs (1), (2)(A),
17 and (11), is amended—

18 (A) by inserting “INAPPLICABILITY TO
19 COAST GUARD.—” before “This”;

20 (B) by striking “subsection applies” and
21 inserting “section applies”; and

22 (C) by striking “section 2303(a)” and in-
23 serting “section 3063”.

24 (h) TRANSFER OF SUBSECTION (H) OF SECTION
25 2307.—Subsection (h) of section 2307 of title 10, United

1 States Code, is transferred to section 3807 of such title,
2 as added by subsection (a), inserted after the section head-
3 ing, and amended—

4 (1) by striking the subsection designation and
5 subsection heading; and

6 (2) by striking “subsection (a)(1)” and insert-
7 ing “section 3801(1) of this title”.

8 **SEC. 1835. CONTRACTOR AUDITS AND ACCOUNTING.**

9 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
10 United States Code, as added by section 801 of the John
11 S. McCain National Defense Authorization Act for Fiscal
12 Year 2019 (Public Law 115–232), is amended by striking
13 chapter 279 and inserting the following:

14 **“CHAPTER 279—CONTRACTOR AUDITS**
15 **AND ACCOUNTING**

“Sec.

“3841. Examination of records of contractor.

“3842. Performance of incurred cost audits.

“3843. Contractor internal audit reports: Department of Defense access to, use
of, and safeguards and protections for.

“3844. Contractor business systems.

“3845. Contractor inventory accounting systems: standards.

“3846. Defense Contract Audit Agency: legal resources and expertise.

“3847. Defense Contract Audit Agency: annual report.

“3848. Defense audit agencies: Small Business Ombudsmen.

16 **“§ 3841. Examination of records of contractor”.**

17 (b) TRANSFER OF SECTION 2313.—

18 (1) TRANSFER OF SUBSECTIONS (A) THROUGH
19 (H).—Subsections (a) through (h) of section 2313 of
20 title 10, United States Code, are transferred to sec-

1 tion 3841 of such title, as added by subsection (a),
2 inserted after the section heading, and redesignated
3 as subsections (b) through (i), respectively.

4 (2) TRANSFER OF SUBSECTION (I).—Subsection
5 (i) of section 2313 of such title is transferred to sec-
6 tion 3841 of such title, as amended by paragraph
7 (1), inserted before subsection (b), as transferred
8 and redesignated by paragraph (1), and redesign-
9 nated as subsection (a).

10 (3) CONFORMING AMENDMENTS TO NEW
11 3841(B).—Subsection (b) of such section 3841, as re-
12 designated by paragraph (1), is amended—

13 (A) by striking “AGENCY AUTHORITY.—

14 (1) The head of” and inserting “AGENCY AU-
15 THORITY.—

16 “(1) The head of”;

17 (B) in paragraph (1)(A), by striking
18 “made by that agency under this chapter” and
19 inserting “made by that agency under a chapter
20 137 legacy provision”;

21 (C) by realigning paragraph (2) 2 ems to
22 the right; and

23 (D) in paragraph (2), by striking “section
24 2306a” and inserting “chapter 271”.

1 (4) CONFORMING AMENDMENTS TO NEW
2 3841(C).—Subsection (c) of such section 3841, as re-
3 designated by paragraph (1), is amended—

4 (A) by striking “AUTHORITY.—(1) The Di-
5 rector of” and inserting “AUTHORITY.—

6 “(1) AUTHORITY TO REQUIRE THE PRODUC-
7 TION OF RECORDS.—The Director of”;

8 (B) in paragraph (1), by striking “sub-
9 section (a)” and inserting “subsection (b)”;

10 (C) by realigning paragraphs (2) and (3) 2
11 ems to the right;

12 (D) in paragraph (2), by inserting “EN-
13 FORCEMENT OF SUBPOENA.—” before “Any
14 such subpoena”; and

15 (E) in paragraph (3), by inserting “AU-
16 THORITY NOT DELEGABLE.—” before “The au-
17 thority provided by”.

18 (5) CONFORMING AMENDMENTS TO NEW
19 3841(D).—Subsection (d) of such section 3841, as re-
20 designated by paragraph (1), is amended—

21 (A) by striking “AUTHORITY.—(1) Except
22 as” and inserting “AUTHORITY.—

23 “(1) IN GENERAL.—Except as”;

24 (B) by realigning paragraphs (2) and (3)
25 2 ems to the right;

1 (C) in paragraph (2), by inserting “EX-
2 CEPTION FOR FOREIGN CONTRACTOR OR SUB-
3 CONTRACTOR.—” before “Paragraph (1) does
4 not apply”; and

5 (D) in paragraph (3), by inserting “ADDI-
6 TIONAL RECORDS NOT REQUIRED.—” before
7 “Paragraph (1) may not”.

8 (6) CONFORMING AMENDMENTS TO NEW
9 3841(F).—Subsection (f) of such section 3841, as re-
10 designated by paragraph (1), is amended—

11 (A) by striking “subsection (a)” and in-
12 serting “subsection (b)”; and

13 (B) by striking “subsection (c)” and in-
14 serting “subsection (d)”.

15 (c) TRANSFER OF TITLE 10 SECTIONS.—Sections
16 2313b, 2410b, 2313a, and 204 of title 10, United States
17 Code, are transferred to chapter 279 of such title, as
18 added by subsection (a), inserted (in that order) after sec-
19 tion 3841, as amended by subsection (b), and redesignated
20 as sections 3842, 3845, 3847, and 3848, respectively.

21 (d) AMENDMENTS TO TRANSFERRED SECTIONS.—

22 (1) Section 3842 of such title, as so transferred
23 and redesignated, is amended by striking “section
24 2313a” in subsection (g)(5) and inserting “section
25 3847”.

(2) Section 3845 of such title, as so transferred and redesignated, is amended by striking “(as defined in section 103 of title 41)” in subsection (c).

(3) Section 3847 of such title, as so transferred and redesignated, is amended by striking “section 2313b” in subsection (d)(1) and inserting “section 3842”.

8 (4) The heading of section 3848 of such title,
9 as so transferred and redesignated, is amended to
10 read as follows:

11 **“§ 3848. Defense audit agencies: Small Business Om-**
12 **budsmen”.**

(e) **PLACEHOLDER SECTIONS.**—Chapter 279 of such title, as added and amended by this section, is further amended—

(1) by inserting after section 3842, as transferred and redesignated by subsection (c), the following:

19 **“§ 3843. Contractor internal audit reports: Depart-**
20 **ment of Defense access to, use of, and**
21 **safeguards and protections for**

22 “[Reserved.]”

23 “§ 3844. Contractor business systems

24 “[Reserved.]”; and

1 (2) by inserting after section 3845, as trans-
2 ferred and redesignated by subsection (c), the fol-
3 lowing:

4 **“§ 3846. Defense Contract Audit Agency: legal re-**
5 **sources and expertise**

6 **“[Reserved.]”.**

7 **SEC. 1836. CLAIMS AND DISPUTES.**

8 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
9 United States Code, as added by section 801 of the John
10 S. McCain National Defense Authorization Act for Fiscal
11 Year 2019 (Public Law 115–232), is amended by striking
12 chapter 281 and inserting the following:

13 **“CHAPTER 281—CLAIMS AND DISPUTES**

“Sec.

“3861. Research and development contracts: indemnification provisions.

“3862. Requests for equitable adjustment or other relief: certification.

“3863. Retention of amounts collected from contractor during the pendency of
contract dispute.”.

14 (b) TRANSFER OF SECTIONS.—Sections 2354, 2410,
15 and 2410m of title 10, United States Code, are trans-
16 ferred to chapter 281 of such title, as added by subsection
17 (a), inserted (in that order) after the table of sections,
18 and redesignated as sections 3861, 3862, and 3863, re-
19 spectively.

20 (c) HEADING AMENDMENT.—The heading of section
21 3861 of title 10, United States Code, as so transferred
22 and redesignated, is amended to read as follows:

1 **“§ 3861. Research and development contracts: indem-**
2 **nification provisions”.**

3 **SEC. 1837. FOREIGN ACQUISITIONS.**

4 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
5 United States Code, as added by section 801 of the John
6 S. McCain National Defense Authorization Act for Fiscal
7 Year 2019 (Public Law 115–232), is amended by striking
8 chapter 283 and inserting the following:

9 **“CHAPTER 283—FOREIGN ACQUISITIONS**

“Subchapter Sec.

“I. General 3881

“II. Prohibition on Contracting with the Enemy 3891

10 **“SUBCHAPTER I—GENERAL**

“Sec.

“3881. Contracts: consideration of national security objectives.”.

11 (b) TRANSFER OF SECTION 2327.—

12 (1) TRANSFER.—Section 2327 of title 10,
13 United States Code, is transferred to chapter 283 of
14 such title, as added by subsection (a), inserted after
15 the table of sections at the beginning of subchapter
16 I, and redesignated as section 3881.

17 (2) APPLICABILITY OF DEFINITIONS.—Such
18 section is amended in subsection (f)(2) by striking
19 “This section does not” and inserting “The provi-
20 sions of section 3011 of this title apply in this sec-
21 tion, except that this section does not”.

1 (c) FUTURE CODIFICATION OF SECTIONS 841-843 OF
2 FY2015 NDAA.—Chapter 283 of title 10, United States
3 Code, is further amended by adding at the end the fol-
4 lowing:

5 **“Subchapter II—Prohibition on Contracting**
6 **With the Enemy**

“Sec.
“3891. [Reserved].
“3892. [Reserved].
“3893. [Reserved].”.

7 **SEC. 1838. SOCIOECONOMIC PROGRAMS.**

8 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
9 United States Code, as added by section 801 of the John
10 S. McCain National Defense Authorization Act for Fiscal
11 Year 2019 (Public Law 115–232), is amended by striking
12 chapter 287 and inserting the following:

13 **“CHAPTER 287—SOCIOECONOMIC**
14 **PROGRAMS**

“Sec.
“3901. Contracts: prohibition on competition between Department of Defense
and small businesses.
“3902. Credit for Indian contracting in meeting certain subcontracting goals for
small disadvantaged businesses.
“3903. Subcontracting plans: credit for certain purchases.
“3904. Research and educational programs and activities: historically black col-
leges and universities and minority-serving institutions of higher
education.
“3905. Products of Federal Prison Industries: procedural requirements.”.

15 (b) TRANSFER OF SECTIONS.—Section 2304e,
16 2323a, 2410d, 2362, and 2410n of such title are trans-
17 ferred to chapter 285 of such title, as added by subsection
18 (a), inserted (in that order) after the table of sections,

1 and redesignated as section 3901, 3902, 3903, 3904, and
2 3905, respectively.

3 **Subtitle E—Research and**
4 **Engineering**

5 **SEC. 1841. RESEARCH AND ENGINEERING GENERALLY.**

6 (a) SWITCHING OF SUBPARTS E AND F.—

7 (1) NEW SUBPART E.—Part V of subtitle A of
8 title 10, United States Code, as added by section
9 801 of the John S. McCain National Defense Au-
10 thorization Act for Fiscal Year 2019 (Public Law
11 115–232), is amended—

12 (A) by striking subparts E and F; and

13 (B) by inserting after subpart D the fol-
14 lowing new subpart E:

15 **“Subpart E—Research and Engineering**

16 **“CHAPTER 301— RESEARCH AND**
17 **ENGINEERING GENERALLY**

“Sec.

“4001. Research and development projects.

“4002. Research projects: transactions other than contracts and grants.

“4003. Authority of the Department of Defense to carry out certain prototype
projects.

“4004. Procurement for experimental purposes.

“4005. [Reserved].

“4006. [Reserved].

“4007. Science and technology programs to be conducted so as to foster the
transition of science and technology to higher levels of re-
search, development, test, and evaluation.

“4008. Merit-based award of grants for research and development.

“4009. Technology protection features activities.

“4010. [Reserved].

“4011. [Reserved].

“4012. [Reserved].

“4013. [Reserved].

“4014. Coordination and communication of defense research activities and technology domain awareness.

“4015. Award of grants and contracts to colleges and universities: requirement of competition.”.

1 (2) TABLES OF CHAPTERS.—The tables of
2 chapters at the beginning of subtitle A, and at the
3 beginning of part V of subtitle A, of title 10, United
4 States Code, are amended by striking the items re-
5 lating to subparts E and F and inserting the fol-
6 lowing:

7 **“Subpart E—Research and Engineering**

“301. Research and Engineering Generally

“303. Innovation

“305. Department of Defense Laboratories

“307. Research and Development Centers and Facilities

“309. Test and Evaluation”.

8 (b) TRANSFER OF TITLE 10 SECTIONS TO NEW
9 CHAPTER 301.—

10 (1) TRANSFERS.—Sections 2358, 2371, 2371b
11 and 2373 of title 10, United States Code, are trans-
12 ferred to chapter 301 of such title, as added by sub-
13 section (a), inserted (in that order) after the table
14 of sections, and redesignated as sections 4001, 4002,
15 4003, and 4004, respectively.

16 (2) CONFORMING CROSS-REFERENCE AMEND-
17 MENTS.—

18 (A) Section 4001 of such title, as trans-
19 ferred and redesignated by paragraph (1), is
20 amended—

1 (i) in subsection (b)(5), by striking
2 “sections 2371 or 2371b” and inserting
3 “sections 4002 or 4003”;

4 (ii) in subsection (b)(6), by striking
5 “section 2373” and inserting “sections
6 4004”; and

7 (iii) in subsection (d), by striking
8 “sections 2371 and 2371a” and inserting
9 “sections 4002 and 4143”.

10 (B) Section 4002 of such title, as so trans-
11 ferred and redesignated, is amended by striking
12 “section 2358” each place it appears and in-
13 serting “section 4001”.

14 (C) Section 4003 of such title, as so trans-
15 ferred and redesignated, is amended by striking
16 “section 2371” in subsections (a)(1), (b)(1),
17 and (c)(3)(A) and inserting “section 4002”.

18 (c) TRANSFER OF ADDITIONAL TITLE 10 SECTIONS
19 TO NEW CHAPTER.—Sections 2359, 2374, 2357, and
20 2361 of title 10, United States Code, are transferred to
21 chapter 301 of such title, as added by subsection (a),
22 added (in that order) after section 4004, as transferred
23 and redesignated by subsection (b), and redesignated as
24 sections 4007, 4008, 4009, and 4015, respectively.

25 (d) TRANSFER OF SECTION 2364(A).—

1 (1) TRANSFER.—The heading and subsection
2 (a) of section 2364 of title 10, United States Code,
3 are transferred to chapter 301 of such title, as so
4 amended, inserted after section 4009, as transferred
5 and redesignated by subsection (c), and redesignated
6 as section 4014.

7 (2) PRESERVATION OF DEFINITION.—Section
8 4014, as redesignated by paragraph (1), is amended
9 by adding at the end the following new subsection:
10 “(b) DEFENSE RESEARCH FACILITY DEFINED.—In
11 this section, the term ‘Defense research facility’ has the
12 meaning given that term by section 4142(b) of this title.”.

13 (e) ADDITIONAL CONFORMING CROSS-REFERENCE
14 AMENDMENTS.—

15 (1) Sections 1746(d)(1) and 2165(f)(1) of title
16 10, United States Code, are amended by striking
17 “section 2358” and inserting “section 4001”.

18 (2) Section 218(b)(1) of the National Defense
19 Authorization Act for Fiscal Year 2016 (Public Law
20 114–92; 10 U.S.C. 2501 note) is amended by strik-
21 ing “section 2371b” and inserting “section 4003”.

22 **SEC. 1842. INNOVATION.**

23 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
24 United States Code, as added by section 801 of the John
25 S. McCain National Defense Authorization Act for Fiscal

1 Year 2019 (Public Law 115–232), is amended by insert-
2 ing after chapter 301, as added by the preceding section,
3 the following new chapter:

4 **“CHAPTER 303—INNOVATION**

“Sec.

“4061. Defense Research and Development Rapid Innovation Program.

“4062. Defense Acquisition Challenge Program.

“4063. Extramural acquisition innovation and research activities.

“4064. Joint reserve detachment of the Defense Innovation Unit.

“4065. Prizes for advanced technology achievements.

“4066. Global Research Watch Program.”.

5 (b) TRANSFER OF TITLE 10 SECTIONS.—Sections
6 2359a, 2359b, 2361a, 2358b, 2374a, and 2365 of title
7 10, United States Code, are transferred to chapter 303
8 of such title, as added by subsection (a), inserted (in that
9 order) after the table of sections, and redesignated as sec-
10 tions 4061, 4062, 4063, 4064, 4065, and 4066, respec-
11 tively.

12 (c) CONFORMING CROSS-REFERENCE AMEND-
13 MENTS.—

14 (1) Section 1089(a) of the National Defense
15 Authorization Act for Fiscal Year 2018 (Public Law
16 115–91; 10 U.S.C. 2374a note) is amended by strik-
17 ing “section 2374a” and inserting “section 4065”.

18 (2) Section 905(a)(1) of the John S. McCain
19 National Defense Authorization Act for Fiscal Year
20 2019 (Public Law 115–232; 10 U.S.C. 2364 note)
21 is amended by striking “section 2365” and inserting
22 “section 4066”.

1 **SEC. 1843. DEPARTMENT OF DEFENSE LABORATORIES.**

2 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
 3 United States Code, as added by section 801 of the John
 4 S. McCain National Defense Authorization Act for Fiscal
 5 Year 2019 (Public Law 115–232), is amended by insert-
 6 ing after chapter 303, as added by the preceding section,
 7 the following new chapter:

8 **“CHAPTER 305—DEPARTMENT OF**
 9 **DEFENSE LABORATORIES**

“Subchapter	Sec.
“I. General Matters	4101
“II. Personnel-Related Matters	4111

10 **“SUBCHAPTER I—GENERAL MATTERS**

“Sec.	
“4101. [Reserved].	
“4102. [Reserved].	
“4103. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.	

11 **“SUBCHAPTER II—PERSONNEL-RELATED**
 12 **MATTERS**

“Sec.	
“4111. Authorities for certain positions at science and technology reinvention laboratories.	
“4112. Research and development laboratories: contracts for services of univer- sity students.”.	

13 (b) TRANSFER OF TITLE 10 SECTIONS.—

14 (1) TRANSFER TO SUBCHAPTER I.—Section
 15 2363 of title 10, United States Code, is transferred
 16 to subchapter I of chapter 305 of such title, as
 17 added by subsection (a), inserted after the table of

1 sections at the beginning of such subchapter, and re-
2 designated as section 4103.

3 (2) TRANSFERS TO SUBCHAPTER II.—Sections
4 2358a and 2360 of title 10, United States Code, are
5 transferred to subchapter II of chapter 305 of such
6 title, as added by subsection (a), inserted (in that
7 order) after the table of sections at the beginning of
8 such subchapter, and redesignated as sections 4111
9 and 4112, respectively.

10 (c) CONFORMING CROSS-REFERENCE AMEND-
11 MENT.—Section 2805(d)(1)(B) of title 10, United States
12 Code, is amended by striking “section 2363(a)” and in-
13 serting “section 4103(a)”.

14 **SEC. 1844. RESEARCH AND DEVELOPMENT CENTERS AND**
15 **FACILITIES.**

16 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
17 United States Code, as added by section 801 of the John
18 S. McCain National Defense Authorization Act for Fiscal
19 Year 2019 (Public Law 115–232), is amended by insert-
20 ing after chapter 305, as added by the preceding section,
21 the following new chapter:

22 **“CHAPTER 307—RESEARCH AND**
23 **DEVELOPMENT CENTERS AND FACILITIES**

“Sec.

“4141. Contracts: acquisition, construction, or furnishing of test facilities and
equipment.

“4142. Functions of Defense research facilities.

“4143. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.

“4144. Use of test and evaluation installations by commercial entities.

“4145. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations.

“4146. Centers for Science, Technology, and Engineering Partnership.

“4147. Use of federally funded research and development centers.”.

1 (b) TRANSFER OF TITLE 10 SECTIONS.—

2 (1) IN GENERAL.—The sections of title 10,
 3 United States Code, specified in the left-hand col-
 4 umn of the table below are transferred to chapter
 5 307 of such title, as added by subsection (a), in-
 6 serted (in that order), after the table of sections,
 7 and redesignated as shown in the right-hand column:

Section	Redesignated Section
2353	4141
2371a	4143
2681	4144
2350l	4145
2368	4146
2367	4147

8 (2) CLERICAL AMENDMENTS.—

9 (A) The table of sections at the beginning
 10 of subchapter II of chapter 138 of title 10,
 11 United States Code, is amended by striking the
 12 item relating to section 2350l.

13 (B) The table of sections at the beginning
 14 of chapter 159 of such title is amended by
 15 striking the item relating to section 2681.

1 (c) CONFORMING AMENDMENTS TO TRANSFERRED
2 SECTION 4146.—Section 4146 of such title, as transferred
3 and redesignated by subsection (b), is amended—

4 (1) in subsection (b)(3)(B)(ii), by striking
5 “2358, 2371, 2511, 2539b,” and inserting “4001,
6 4002, 4831, 4892,”; and

7 (2) in subsection (d)(2), by striking “section
8 219” and all that follows and inserting “section
9 4103 of this title.”.

10 (d) TRANSFER OF SECTION 2364(B) AND (C).—

11 (1) HEADING.—Chapter 307 of title 10, United
12 States Code, as amended by subsection (a), is fur-
13 ther amended by inserting after section 4141, as
14 transferred and redesignated by subsection (b), the
15 following:

16 “§ 4142. Functions of Defense research facilities”.

17 (2) TEXT.—Subsections (b) and (c) of section
18 2364 of such title are transferred to chapter 307 of
19 such title, as so amended, inserted after the section
20 heading for section 4142 added by paragraph (1),
21 and redesignated as subsections (a) and (b), respec-
22 tively.

23 (e) CONFORMING CROSS-REFERENCE AMEND-
24 MENTS.—

1 (1) Section 114(b) of title 10, United States
2 Code, is amended by striking “section 2353” and in-
3 serting “section 4141”.

4 (2) Section 1644(f)(2) of the John S. McCain
5 National Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 2224 note)
7 is amended by striking “section 2368” and inserting
8 “section 4146”.

9 **SEC. 1845. TEST AND EVALUATION.**

10 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
11 United States Code, as added by section 801 of the John
12 S. McCain National Defense Authorization Act for Fiscal
13 Year 2019 (Public Law 115–232), is amended by insert-
14 ing after chapter 307, as added by the preceding section,
15 the following new chapter:

16 **“CHAPTER 309—TEST AND EVALUATION**

 “Sec.

 “4171. Operational test and evaluation of defense acquisition programs.

 “4172. Major systems and munitions programs: survivability testing and
 lethality testing required before full-scale production.

 “4173. Department of Defense Test Resource Management Center.”.

17 (b) TRANSFER OF TITLE 10 SECTIONS.—Sections
18 2399, 2366, and 196 of title 10, United States Code, are
19 transferred to chapter 309 of such title, as amended by
20 subsection (a), inserted after the table of sections (in that
21 order), and redesignated as section 4171, 4172, and 4173,
22 respectively.

1 (c) CONFORMING CROSS-REFERENCE AMEND-
2 MENTS.—

3 (1) Section 139(b)(6) of title 10, United States
4 Code, is amended by striking “section 2366” and in-
5 serting “section 4172”.

6 (2) Section 171a(i)(3) of such title is amended
7 by striking “section 2366(e)” and inserting “sec-
8 tions 4172(e)”.

9 (3) Section 2275(g)(3) of such title is amended
10 by striking “section 2366(e)(7)” and inserting “sec-
11 tions 4172(e)(7)”.

12 (4) Section 130i(j)(3)(C)(ix) of such title is
13 amended by striking “section 196(i)” and inserting
14 “sections 4173(i)”.

15 (5) Section 4111 of such title, as transferred
16 and redesignated by section 503(b)(2), is amended
17 by striking “section 196” in subsection (f)(1) and
18 inserting “section 4173”.

19 (6) Section 220(c) of the National Defense Au-
20 thorization Act for Fiscal Year 2010 (Public Law
21 111–84; 10 U.S.C. 221 note) is amended by striking
22 “section 196(h)” and inserting “sections 4173(i)”.

1 **Subtitle F—Major Systems, Major**
2 **Defense Acquisition Programs,**
3 **and Weapon Systems Develop-**
4 **ment**

5 **SEC. 1846. GENERAL MATTERS.**

6 (a) TABLES OF CHAPTERS AMENDMENTS SHOWING
7 CHAPTER ORGANIZATION FOR SUBPART F.—The tables
8 of chapters at the beginning of subtitle A, and at the be-
9 ginning of part V of subtitle A (as added by section 801
10 of Public Law 115–232), of title 10, United States Code,
11 are amended by inserting before the item for the heading
12 for subpart G of part V the following:

13 **“Subpart F—Major Systems, Major Defense Acquisi-**
14 **tion Programs, and Weapon Systems Develop-**
15 **ment**

“321. General Matters
“322. Major Systems and Major Defense Acquisition Programs Generally
“323. Life-Cycle And Sustainment
“324. Program Status—Selected Acquisition Reports
“325. Cost Growth—Unit Cost Reports (Nunn-McCurdy)
“327. Weapon Systems Development and Related Matters”.

16 (b) DESIGNATION OF REVISED SUBPART F AND IN-
17 SECTION OF NEW CHAPTER 321.—Part V of subtitle A
18 of title 10, United States Code, as added by section 801
19 of the John S. McCain National Defense Authorization
20 Act for Fiscal Year 2019 (Public Law 115–232), is
21 amended by inserting before subpart G the following new
22 subpart:

1 **“Subpart F—Major Systems, Major Defense Acquisi-**
2 **tion Programs, and Weapon Systems Develop-**
3 **ment**

4 **“CHAPTER 321—GENERAL MATTERS**

“Sec.

“4201. Major defense acquisition programs: definition; exceptions.

“4202. Authority to increase definitional threshold amounts: major defense ac-
quisition programs; major systems.

“4203. Major subprograms.

“4204. Milestone decision authority.

“4205. Weapon systems for which procurement funding requested in budget: de-
velopment and procurement schedules.

5 **“§ 4201. Major defense acquisition programs: defini-**
6 **tion; exceptions**

7 **“§ 4202. Authority to increase definitional threshold**
8 **amounts: major defense acquisition pro-**
9 **grams; major systems**

10 **“§ 4204. Milestone decision authority”.**

11 (c) TRANSFER OF SUBSECTION (A) OF SECTION
12 2430.—

13 (1) HEADINGS AND INTERNAL REDESIGNA-
14 TIONS.—Subsection (a) of section 2430 of title 10,
15 United States Code, is transferred to section 4201
16 of such title, as added by subsection (b), inserted
17 after the section heading, and amended—

18 (A) by striking “(1) Except as” and insert-
19 ing “DEFINITION.—Except as”;

20 (B) by striking “under paragraph (2)” and
21 inserting “under subsection (b)”;

1 (C) by striking “in this chapter” and in-
2 serting “in this part”;

3 (D) by redesignating paragraph (2) as sub-
4 section (b) and striking “In this chapter” and
5 inserting “EXCEPTIONS.—In this part”; and

6 (E) by redesignating subparagraphs (A)
7 and (B) of subsection (a) and of subsection (b),
8 as so redesignated, as paragraphs (1) and (2),
9 respectively.

10 (2) REVISIONS TO NEW SECTION 4201(A)(2).—
11 Subsection (a)(2) of such section 4201, as redesign-
12 nated and amended by paragraph (1), is amended—

13 (A) by striking “to require an eventual”
14 and inserting “to require—

15 “(A) an eventual”; and

16 (B) by striking “or an eventual” and in-
17 serting “; or

18 “(B) an eventual”.

19 (3) REVISIONS TO NEW SECTION 4201(B).—Sub-
20 section (b) of such section 4201, as redesignated and
21 amended by paragraph (1)(D), is amended—

22 (A) by striking “include—” and inserting
23 “include the following.”;

1 (B) by striking “an” at the beginning of
2 paragraphs (1) and (2), as redesignated by
3 paragraph (1)(E) and inserting “An”; and

4 (C) by striking “; or” at the end of para-
5 graph (1), as so redesignated, and inserting a
6 period.

7 (d) TRANSFER OF SUBSECTIONS (B) AND (C) OF SEC-
8 TION 2430.—

9 (1) TRANSFER AND INTERNAL REDESIGNA-
10 TIONS.—Subsections (b) and (c) of section 2430 of
11 title 10, United States Code, are transferred to sec-
12 tion 4202 of such title, as added by subsection (b),
13 inserted after the section heading, and amended—

14 (A) by redesignating subsection (b) as sub-
15 section (a);

16 (B) by striking the second sentence of that
17 subsection; and

18 (C) by redesignating subsection (c) as
19 paragraph (2), realigning that paragraph 2 ems
20 to the right, and redesignating paragraphs (1),
21 (2), (3), and (4) therein as subparagraphs (A),
22 (B), (C), and (D), respectively.

23 (2) Subsection (a) of such section, as so redesi-
24 gnated, is further amended—

1 (A) by striking “The Secretary” and in-
2 serting “ADJUSTMENTS TO THRESHOLDS FOR
3 MAJOR DEFENSE ACQUISITION PROGRAMS.—

4 “(1) AUTHORITY.—The Secretary”;

5 (B) by striking “in subsection (a)(1)(B)”
6 and inserting “in section 4201(a)(2) of this
7 title”;

8 (C) in paragraph (2), as redesignated by
9 paragraph (1)(C)—

10 (i) by inserting “MATTERS TO BE
11 CONSIDERED.—” before “For purposes
12 of”;

13 (ii) by striking “subsection (a)(1)(B)”
14 and inserting “section 4201(a)(2) of this
15 title”;

16 (iii) in subparagraph (B), as redesign-
17 ated by paragraph (1)(C), by striking
18 “section 2366a(a)(6)” and inserting “sec-
19 tion 4251(a)(6)”;

20 (iv) in subparagraph (C), as so redes-
21 ignated, by striking “section
22 2366b(a)(1)(C)” and inserting “section
23 4252(a)(1)(C)”;

1 (v) in subparagraph (D), as so rededesignated,
2 by striking “section 2435” and inserting “section 4214”.
3

4 (e) TRANSFER OF SUBSECTION (C) OF SECTION
5 2302D.—

6 (1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsection (c) of section 2302d of title 10,
7 United States Code, is transferred to section 4202
8 of such title, as added by subsection (b), inserted
9 after subsection (a) of that section, as transferred
10 and amended by subsection (d), and amended—
11

12 (A) by redesignating such subsection as
13 subsection (b); and

14 (B) by redesignating paragraph (3) thereof
15 as subsection (c).

16 (2) AMENDMENTS TO NEW 4202(B).—Subsection
17 (b) of section 4202 of such title, as so transferred
18 and redesignated, is amended—

19 (A) by striking “ADJUSTMENT AUTHORITY.—(1) The Secretary” and inserting “ADJUSTMENT AUTHORITY FOR MAJOR SYSTEMS.—
20
21
22

23 “(1) AUTHORITY.—The Secretary”;

24 (B) by striking “subsection (a)” and inserting “section 3041(c)(1) of this title”; and
25

1 (C) by realigning paragraph (2) 2 ems
2 from the left margin and inserting “ROUND-
3 ING.—” in that paragraph after “(2)”.

4 (3) AMENDMENTS TO NEW 4202(C).—Subsection
5 (c) of section 4202 of such title, as redesignated by
6 paragraph (1), is amended—

7 (A) by inserting “NOTIFICATION TO CON-
8 GRESSIONAL COMMITTEES.—” before “An ad-
9 justment”; and

10 (B) by striking “under this subsection”
11 and inserting “under subsection (a) or (b)”.

12 (f) TRANSFER OF SUBSECTION (D) OF SECTION
13 2430.—

14 (1) TRANSFER AND INTERNAL REDESIGNA-
15 TIONS.—Subsection (d) of section 2430 of title 10,
16 United States Code, is transferred to section 4204
17 of such title, as added by subsection (b), inserted
18 after the section heading, and amended by striking
19 the subsection designation and redesignating para-
20 graphs (1), (2), (3), (4), and (5) as subsections (a),
21 (b), (c), (d), and (f), respectively.

22 (2) AMENDMENTS TO NEW SECTION 4204(A).—
23 Subsection (a) of such section 4204, as transferred
24 and redesignated by paragraph (1), is amended—

1 (A) by inserting “SERVICE ACQUISITION
2 EXECUTIVE.—” before “The milestone”; and

3 (B) by striking “under paragraph (2)” and
4 inserting “under subsection (b)”.

5 (3) AMENDMENTS TO NEW SECTION 4204(B).—
6 Subsection (b) of such section 4204, as redesignated
7 by paragraph (1), is amended—

8 (A) by inserting “DESIGNATION OF AL-
9 TERNATE MILESTONE DECISION AUTHORITY.—
10 ” before “The Secretary”;

11 (B) by striking “to which—” and inserting
12 “to which any of the following applies.”;

13 (C) by redesignating subparagraphs (A)
14 through (E) as paragraphs (1) through (5), re-
15 spectively;

16 (D) in paragraph (1), as so redesignated,
17 by striking “subject to paragraph (5)” and in-
18 serting “Subject to subsection (f)”;

19 (E) in paragraph (3), as so redesignated,
20 by striking “section 2433” and inserting “sec-
21 tions 4371 through 4375”;

22 (F) by striking “the” at the beginning of
23 paragraphs (2), (3), (4), and (5), as so redesign-
24 ated, and inserting “The”;

1 (G) by striking the semicolon at the end of
2 paragraphs (1), (2), and (3), as so redesign-
3 nated, and inserting a period; and

4 (H) by striking “; or” at the end of para-
5 graph (4), as so redesignated, and inserting a
6 period.

7 (4) AMENDMENTS TO NEW SECTION 4204(C).—
8 Subsection (c) of section 4204 of such title, as so re-
9 designated, is amended—

10 (A) by striking “(A) After designating”
11 and inserting “REVERSION TO SERVICE ACQUI-
12 SITION EXECUTIVE.—

13 “(1) After designating”;

14 (B) by striking “under paragraph (2)” and
15 inserting “under subsection (b)”;

16 (C) by redesignating subparagraph (B) as
17 paragraph (2), realigning that paragraph 2 ems
18 from the left margin, and striking “section
19 2433” and inserting “sections 4371 through
20 4375”.

21 (5) AMENDMENTS TO NEW SECTION 4204(D).—
22 Subsection (d) of section 4204 of such title, as so re-
23 designated, is amended—

1 (A) by striking “(A) For each” and insert-
2 ing “CERTIFICATIONS RELATING TO PROGRAM
3 REQUIREMENTS AND FUNDING.—For each”;

4 (B) by redesignating subparagraph (B) as
5 subsection (e);

6 (C) by striking “under section 2432 of this
7 title, certify that” and inserting “under sections
8 4351 through 4358 of this title—
9 “(1) certify that”; and

10 (D) by striking “the program and identify
11 and report” and inserting “the program; and
12 “(2) identify and report”.

13 (6) AMENDMENTS TO NEW SECTION 4204(E).—
14 Subsection (e) of section 4204 of such title, as re-
15 designated by paragraph (5)(B), is amended—

16 (A) by inserting “DOCUMENTATION AND
17 OVERSIGHT—” before “The Secretary of De-
18 fense”;

19 (B) by striking “programs and shall limit
20 outside requirements” and inserting “programs
21 and shall—

22 “(1) limit outside requirements”; and

23 (C) by striking “decision authority and en-
24 sure that” and inserting “decision authority;
25 and

1 “(2) ensure that”.

2 (7) AMENDMENTS TO NEW SECTION 4204(F).—

3 Subsection (f) of section 4204 of such title, as redes-
4 ignated by paragraph (1), is amended—

5 (A) by inserting “LIMITATION ON AU-
6 THORITY TO DESIGNATE ALTERNATIVE MDA
7 FOR PROGRAMS ADDRESSING JOINT REQUIRE-
8 MENTS.—” before “The authority of”; and

9 (B) by striking “in paragraph (2)(A)” and
10 inserting “in subsection (b)(1)”.

11 (8) CONFORMING REPEAL.—Section 2430 of
12 title 10, United States Code, is repealed.

13 (g) TRANSFER OF SECTION 2430A.—Section 2430a
14 of such title is transferred to chapter 321 of such title,
15 as added by subsection (b), inserted after section 4202,
16 redesignated as section 4203, and amended—

17 (1) by striking “section 2432(a)” in subsection
18 (d) and inserting “section 4351”; and

19 (2) by striking “this chapter” each place it ap-
20 pears and inserting “this subpart”.

21 (h) TRANSFER OF SECTION 2431.—

22 (1) Section 2431 of such title is transferred to
23 chapter 321, as added by subsection (b), added at
24 the end, and redesignated as section 4205.

1 (2) The heading of such section is amended to
2 read as follows:

3 **“§ 4205. Weapon systems for which procurement**
4 **funding requested in budget: develop-**
5 **ment and procurement schedules”.**

6 (i) CROSS REFERENCES.—The following provisions of
7 law are amended by striking “section 2430” or “section
8 2430(a)”, as the case may be, and inserting “section
9 4201”:

10 (1) Section 139(a)(2)(B) of title 10, United
11 States Code.

12 (2) Section 189(c)(1) of such title.

13 (3) Section 1706(c)(1) of such title.

14 (4) Sections 1731(b)(1)(B)(ii) and 1737(a)(3)
15 of such title.

16 (5) Section 2275(g)(2) of such title.

17 (6) Section 141(a) of the Bob Stump National
18 Defense Authorization Act for Fiscal Year 2003
19 (Public Law 107–314; 50 U.S.C. 1521a).

20 **SEC. 1847. MAJOR SYSTEMS AND MAJOR DEFENSE ACQUISI-**
21 **TION PROGRAMS GENERALLY.**

22 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
23 United States Code, as added by section 801 of the John
24 S. McCain National Defense Authorization Act for Fiscal
25 Year 2019 (Public Law 115-232), is amended by inserting

1 after chapter 321, as added by the preceding section, the
2 following new chapter:

3 **“CHAPTER 322—MAJOR SYSTEMS AND**
4 **MAJOR DEFENSE ACQUISITION PRO-**
5 **GRAMS GENERALLY**

“Subchapter	Sec.
“I. Management	4211
“II. Contracting	4231
“III. Milestones for Major Defense Acquisition Programs	4251
“IV. Additional Provisions Applicable Specifically to Major Defense Ac- quisition Programs	4271
“III. Contractors	4291

6 **“SUBCHAPTER I—MANAGEMENT**

- “Sec.
“4211. Acquisition strategy.
“4212. Risk management and mitigation.
“4213. **[Reserved]**.
“4214. Baseline description.
“4215. **[Reserved]**.
“4216. **[Reserved]**.
“4217. **[Reserved]**.
“4218. **[Reserved]**.

7 **“SUBCHAPTER II—CONTRACTING**

- “Sec.
“4231. Major systems: determination of quantity for low-rate initial production.
“4232. Use of lowest price technically acceptable source selection process: prohi-
bition.
“4233. **[Reserved]**.
“4234. **[Reserved]**.
“4235. **[Reserved]**.
“4236. Negotiation of price for technical data before development, production,
or sustainment of major weapon systems.

8 **“SUBCHAPTER III—MILESTONES FOR MAJOR**
9 **DEFENSE ACQUISITION PROGRAMS**

- “Sec.
“4251. Major defense acquisition programs: determination required before Mile-
stone A approval.
“4252. Major defense acquisition programs: certification required before Mile-
stone B approval.

“4253. Major defense acquisition programs: submissions to Congress on Milestone C.

“4254. [Reserved].

1 “SUBCHAPTER IV—ADDITIONAL PROVISIONS
2 APPLICABLE SPECIFICALLY TO MAJOR DE-
3 FENSE ACQUISITION PROGRAMS

“Sec.

“4271. Program cost, fielding, and performance goals in planning major defense acquisition programs.

“4272. Independent technical risk assessments.

“4273. Performance assessments and root cause analyses.

“4274. Acquisition-related functions of chiefs: adherence to requirements in major defense acquisition programs.

“4275. [Reserved].

“4276. [Reserved].

4 “SUBCHAPTER V—CONTRACTORS

“Sec.

“4291. [Reserved].

“4292. Contracts: limitations on lead system integrators.

“4293. Major defense acquisition programs: incentive program for contractors to purchase capital assets manufactured in United States.”.

5 (b) SUBCHAPTER I (MANAGEMENT).—

6 (1) TRANSFER OF SECTION 2431A.—

7 (A) TRANSFER.—Section 2431a of 10,
8 United States Code, is transferred to chapter
9 322, as added by subsection (a), inserted after
10 the table of sections at the beginning of sub-
11 chapter I, and redesignated as section 4211.

12 (B) CONFORMING CROSS-REFERENCE
13 AMENDMENTS.—Such section is amended—
14 (i) in subsection (c)(2)—

1 (I) in subparagraph (D), by
2 striking “section 2337” and inserting
3 “section 4324”;

4 (II) in subparagraph (F), by
5 striking “section 2320” and inserting
6 “sections 3771 through 3775”; and

7 (III) in subparagraph (H), by
8 striking “section 2306b” and insert-
9 ing “sections 3501 through 3511”;
10 and

11 (ii) in subsection (e)—

12 (I) in paragraph (4), by striking
13 “section 2366(e)(7)” and inserting
14 “section 4172(e)(7)”;

15 (II) in paragraph (7), by striking
16 “section 2433(a)(4)” and inserting
17 “section 4371(a)(2)”; and

18 (III) in paragraph (8), by strik-
19 ing “section 2433(a)(5)” and insert-
20 ing “section 4371(a)(3)”.

21 (C) DEFINITIONS.—Subsection (e) of such
22 section is further amended—

23 (i) by striking paragraphs (1) and (2);

24 and

1 (ii) redesignating paragraphs (3)
2 through (10) (as amended by subpara-
3 graph (B)(ii)) as paragraphs (1) through
4 (8), respectively;

5 (2) TRANSFER OF SECTION 2440.—

6 (A) TRANSFER.—The text of section 2440
7 of title 10, United States Code, is transferred
8 to section 4211 of such title, as transferred and
9 redesignated by paragraph (1), inserted at the
10 end of subsection (c), designated as paragraph
11 (3), and amended by striking “section 2501”
12 and inserting “section 4811”.

13 (B) CROSS-REFERENCE.—Subsection
14 (c)(2)(B) of such section 4211 is amended by
15 striking “section 2440 of this title” and insert-
16 ing “paragraph (3)”;

17 (3) TRANSFER OF SECTION 2431B.—Section
18 2431b of such title is transferred to chapter 322 of
19 such title, as added by subsection (a), inserted after
20 section 4211, as transferred and redesignated by
21 paragraph (1) and amended by paragraph (2), re-
22 designated as section 4212, and amended—

23 (A) in subsection (a), by striking “section
24 2431a” and inserting “section 4211”; and

25 (B) in subsection (d)—

1 (i) by striking “DEFINITIONS.—” and
2 all that follows through “The term” and
3 inserting “CONCURRENCY DEFINED.—In
4 this section, the term”; and

5 (ii) by striking paragraph (2).

6 (4) TRANSFER OF SECTION 2435.—Section 2435
7 of title 10, United States Code, is transferred to
8 chapter 322 of such title, as added by subsection
9 (a), inserted after section 4212, as transferred and
10 redesignated by paragraph (3), redesignated as sec-
11 tion 4214, and amended—

12 (A) in subsections (a)(2) and (d)(2), by
13 striking “section 2433” and inserting “sections
14 4371 through 4375”; and

15 (B) in subsection (d)—

16 (i) in paragraph (1), by striking “In
17 this chapter” and inserting “In this sub-
18 part”;

19 (ii) in paragraph (2), by striking
20 “subsection (d) of such section” and in-
21 serting “section 4374 of this title”; and

22 (iii) in paragraph (3), by striking
23 “section 2432” and inserting “sections
24 4351 through 4358”.

25 (c) SUBCHAPTER II (CONTRACTING).—

1 (1) TRANSFER OF SECTION 2400.—

2 (A) Section 2400 of title 10, United States
3 Code, is transferred to chapter 322 of such
4 title, as added by subsection (a), inserted after
5 the table of sections at the beginning of sub-
6 chapter II, redesignated as section 4231, and
7 amended—

8 (i) in subsection (a)(5), by striking
9 “section 2432” and inserting “sections
10 4351 through 4358”; and

11 (ii) in subsection (b)(1), by striking
12 “section 2399” and inserting “section
13 4171”.

14 (B) The heading of such section is amend-
15 ed to read as follows:

16 **“§ 4231. Major systems: determination of quantity for**
17 **low-rate initial production”.**

18 (2) TRANSFER OF SECTION 2442.—Section 2442
19 of such title is transferred to chapter 322 of such
20 title, as added by subsection (a), inserted after sec-
21 tion 4231, as transferred and redesignated by para-
22 graph (1), redesignated as section 4232, and amend-
23 ed in subsection (b) by striking paragraph (2) and
24 redesignating paragraph (3) as paragraph (2).

1 (3) TRANSFER OF SECTION 2439.—Section 2439
2 of title 10, United States Code, is transferred to
3 chapter 322, as added by subsection (a), inserted
4 after section 4232, as transferred and redesignated
5 by paragraph (2), and redesignated as section 4236.

6 (d) SUBCHAPTER III (MILESTONES).—

7 (1) TRANSFER OF SECTION 2366A.—

8 (A) TRANSFER.—Section 2366a of title 10,
9 United States Code, is transferred to chapter
10 322 of such title, as added by subsection (a),
11 inserted after the table of sections at the begin-
12 ning of subchapter III, and redesignated as sec-
13 tion 4251.

14 (B) AMENDMENTS TO SUBSECTION (B).—
15 Subsection (b) of such section is amended—

16 (i) in paragraph (4), by striking “sec-
17 tion 2448b(a)(1)” and inserting “section
18 4272(a)(1)”; and

19 (ii) in paragraph (8), by striking
20 “subchapter II of chapter 144B” and in-
21 serting “subchapter II of chapter 327”.

22 (C) AMENDMENTS TO SUBSECTION (C).—
23 Subsection (c)(1) of such section is amended—

1 (i) in subparagraph (A), by striking
2 “section 2448a(a)” and inserting “section
3 4271(a)”;

4 (ii) in subparagraph (C), by striking
5 “section 2334(a)(6)” and inserting “sec-
6 tion 3221(b)(6)”;

7 (iii) in subparagraph (E), by striking
8 “section 2448b” and inserting “section
9 4272”.

10 (D) AMENDMENTS TO SUBSECTION (D).—

11 Subsection (d) of such section is amended—

12 (i) by striking paragraphs (1) and (6)
13 and redesignating paragraphs (2), (3), (4),
14 (5), (7), (8), (9), and (10) as paragraphs
15 (1), (2), (3), (4), (5), (6), (7), and (8), re-
16 spectively;

17 (ii) in paragraph (3) (as so redesign-
18 dated), by striking “section 2366(e)(7)”
19 and inserting “section 4172(e)(7)”;

20 (iii) in paragraph (6) (as so redesign-
21 dated), by striking “section 2448a(a)” and
22 inserting “section 4271(a)”;

23 (iv) in paragraph (7) (as so redesign-
24 dated), by striking “section 2446a(b)(3)”
25 and inserting “section 4401(b)(3)”.

1 (2) TRANSFER OF SECTION 2366B.—

2 (A) TRANSFER.—Section 2366b of title 10,
3 United States Code, is transferred to chapter
4 322 of such title, inserted after section 4251, as
5 transferred and redesignated by paragraph (1),
6 and redesignated as section 4252.

7 (B) AMENDMENTS TO SUBSECTION (A).—

8 Subsection (a) of such section is amended—

9 (i) in paragraph (2), by striking “sec-
10 tion 2448b” and inserting “section 4272”;
11 and

12 (ii) in paragraph (3)—

13 (I) in subparagraph (D), by
14 striking “section 2435” and “section
15 2448a(a)” and inserting “section
16 4214 of this title” and “section
17 4271(a)”, respectively; and

18 (II) in subparagraph (N), by
19 striking “section 2446b(e)” and in-
20 serting “section 4402(e)”.

21 (C) AMENDMENTS TO SUBSECTION (C).—

22 Subsection (c) of such section is amended—

23 (i) in paragraph (1)—

1 (I) in subparagraph (A), by strik-
2 ing “section 2448a(a)” and inserting
3 “section 4271(a)”;

4 (II) in subparagraph (C), by
5 striking “section 2334(a)(6)” and in-
6 serting “section 3221(b)(6)”;

7 (III) in subparagraph (E), by
8 striking “section 2448b” and insert-
9 ing “section 4272”; and

10 (ii) in paragraph (2)(A), by striking
11 “section 2432” and inserting “sections
12 4351 through 4358”.

13 (D) AMENDMENTS TO SUBSECTION (D).—
14 Subsection (d)(3) of such section is amended by
15 striking “section 2433a(c)” and inserting “sec-
16 tion 4377”.

17 (E) AMENDMENTS TO SUBSECTION (G).—
18 Subsection (g) of such section is amended—

19 (i) by striking paragraphs (1) and (2)
20 and redesignating paragraphs (3), (4), (5),
21 (6), (7), and (8) as paragraphs (1), (2),
22 (3), (4), (5), and (6), respectively;

23 (ii) in paragraph (2) (as so redesign-
24 ated), by striking “section 2366(e)(7)”
25 and inserting “section 4172(e)(7)”;

1 (iii) in paragraph (4) (as so redesign-
2 nated), by striking “section 2448a(a)” and
3 inserting “section 4271(a)”;

4 (iv) in paragraph (5) (as so redesign-
5 nated), by striking “section 2446a(b)(3)”
6 and inserting “section 4401(b)(3)”.

7 (3) TRANSFER OF SECTION 2366C.—Section
8 2366c of title 10, United States Code, is transferred
9 to chapter 322 of such title, inserted after section
10 4252, as transferred and redesignated by paragraph
11 (3), redesignated as section 4253, and amended by
12 striking “section 2334(a)(6)” in subsection (a)(2)
13 and inserting “section 3221(b)(6)”.

14 (e) SUBCHAPTER IV (ADDITIONAL PROVISIONS AP-
15 PPLICABLE SPECIFICALLY TO MDAPS).—

16 (1) TRANSFER OF SECTION 2448A.—Section
17 2448a of title 10, United States Code, is transferred
18 to chapter 322 of such title, inserted after the table
19 of sections at the beginning of subchapter IV, redesi-
20 gnated as section 4271, and amended—

21 (A) in subsection (b)(1), by striking “sec-
22 tion 2432(a)(2)” and inserting “section
23 4351(2)”;

1 (B) in subsection (b)(2), by striking “sec-
2 tion 2366a(d)(2)” and inserting “section
3 4251(d)(1)”.

4 (2) TRANSFER OF SECTION 2448B.—Section
5 2448b of title 10, United States Code, is transferred
6 to chapter 322 of such title, inserted after section
7 4271, as transferred and redesignated by paragraph
8 (1), redesignated as section 4272, and amended—

9 (A) in subsection (a)(1), by striking “sec-
10 tion 2366a” and inserting “section 4251”; and

11 (B) in subsection (a)(2), by striking “sec-
12 tion 2366b” and inserting “section 4252”.

13 (3) TRANSFER OF SECTION 2438.—Section 2438
14 of title 10, United States Code, is transferred to
15 chapter 322 of such title, inserted after section
16 4272, as transferred and redesignated by paragraph
17 (2), redesignated as section 4273, and amended—

18 (A) in subsection (b)(2), by striking “sec-
19 tion 2433a(a)(1)” and inserting “4376(a)(1)”;
20 and

21 (B) in subsections (b)(5)(A) and (d), by
22 striking “section 2433a” and inserting “sec-
23 tions 4736 and 4377”.

24 (4) TRANSFER OF SECTION 2547(B).—

1 (A) NEW SECTION.—Chapter 322 of title
2 10, United States Code, as added by subsection
3 (a), is further amended by inserting after sec-
4 tion 4273, as transferred and redesignated by
5 paragraph (3), the following new section:

6 “§ 4274. **Acquisition-related functions of chiefs of the**
7 **armed forces: adherence to requirements**
8 **in major defense acquisition programs”.**

9 (B) TRANSFER.—Subsection (b) of section
10 2547 of such title is transferred to section 4274
11 of such title, as added by subparagraph (A), in-
12 serted after the section heading, and amend-
13 ed—

14 (i) by redesignating such subsection
15 as subsection (a); and

16 (ii) by redesignating paragraph (2) as
17 subsection (b).

18 (C) AMENDMENTS TO NEW SECTION
19 4274(A).—Subsection (a) of such section 4274,
20 as so transferred and redesignated, is amend-
21 ed—

22 (i) by striking “ADHERENCE TO” and
23 all that follows through “(1)” and insert-
24 ing “ROLE OF SERVICE CHIEFS IN PRO-

1 GRAM CAPABILITY DOCUMENT AP-
2 PROVAL.—”; and

3 (ii) by striking “section 2448a(a)”
4 and inserting “4271(a)”.

5 (D) AMENDMENTS TO NEW SECTION
6 4274(B).—Subsection (b) of such section 4274,
7 as redesignated by subparagraph (B)(ii), is
8 amended—

9 (i) by inserting “ROLE OF SERVICE
10 CHIEFS IN MATERIAL DEVELOPMENT DE-
11 CISION AND ACQUISITION SYSTEM MILE-
12 STONES.—” before “Consistent with”;

13 (ii) by striking “under subsection (a)”
14 and inserting “under section 3053 of this
15 title”;

16 (iii) by redesignating subparagraphs
17 (A), (B), (C), and (D) as paragraphs (1),
18 (2), (3), and (4), respectively;

19 (iv) in paragraph (2), as so redesign-
20 ated, by striking “section 2366a” and in-
21 serting “section 4251”; and

22 (v) in paragraph (3), as so redesign-
23 ated, by striking “section 2366b” and in-
24 serting “section 4252”.

1 (5) RESTATEMENT OF SECTION 2547(C) &
2 (D)(3).—Such section 4274 is further amended by
3 adding at the end—

4 (A) a new subsection (c) identical to sec-
5 tion 2547(c) of such title, as in effect on the
6 day before the effective date of this section; and

7 (B) a new subsection (d) as follows:

8 “(d) PROGRAM CAPABILITY DOCUMENT DEFINED.—
9 In this section, the term ‘program capability document’
10 has the meaning provided that term in section 4401(b)(5)
11 of this title.”.

12 (6) CROSS-REFERENCE AMENDMENTS.—

13 (A) Section 131(b)(8) of title 10, United
14 States Code, is amended by striking “section
15 2438(a)” in the last subparagraph and insert-
16 ing “section 4273(a)”.

17 (B) Sections 7033(d)(5), 8033(d)(5),
18 8043(e)(5), and 9033(d)(5) of such title are
19 amended by striking “and 2547” and inserting
20 “, 3103, and 4274”.

21 (f) SUBCHAPTER V (CONTRACTORS).—

22 (1) TRANSFER OF SECTION 2410P.—Section
23 2410p of title 10, United States Code, is transferred
24 to subchapter V of chapter 322, as added by sub-

1 section (a), inserted after the table of sections, and
2 redesignated as section 4292.

3 (2) TRANSFER OF SECTION 2436.—Section 2436
4 of such title is transferred to chapter 322 of such
5 title, inserted after section 4292, as added by para-
6 graph (1), and redesignated as section 4293.

7 **SEC. 1848. LIFE-CYCLE AND SUSTAINMENT.**

8 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
9 United States Code, as added by section 801 of the John
10 S. McCain National Defense Authorization Act for Fiscal
11 Year 2019 (Public Law 115–232), is amended by insert-
12 ing after chapter 322, as added by the preceding section,
13 the following new chapter:

14 **“CHAPTER 323—LIFE-CYCLE AND**
15 **SUSTAINMENT**

“Sec.

“4321. Development of major defense acquisition programs: sustainment of sys-
tem to be replaced.

“4322. [Reserved].

“4323. Sustainment reviews.

“4324. Major systems: life-cycle management and product support.

“4325. Major weapon systems: assessment, management, and control of oper-
ating and support costs.

“4326. [Reserved].

“4327. [Reserved].

“4328. Weapon system design: sustainment factors.”.

16 (b) TRANSFER OF SECTION 2437.—Section 2437 of
17 title 10, United States Code, is transferred to chapter 323
18 of such title, as added by subsection (a), inserted after
19 the table of sections at the beginning, and redesignated
20 as section 4321.

1 (c) TRANSFER OF SECTION 2441.—Section 2441 of
2 title 10, United States Code, is transferred to chapter 323
3 of such title, as added by subsection (a), inserted after
4 section 4321, as transferred and redesignated by sub-
5 section (b), redesignated as section 4323, and amended
6 by striking “sections 2337 and 2337a” in subsection (c)
7 and inserting “sections 4324 and 4325”.

8 (d) TRANSFER OF SECTIONS 2337 AND 2337A.—

9 (1) TRANSFER.—Sections 2337 and 2337a of
10 title 10, United States Code, are transferred to
11 chapter 323 of such title, as added by subsection
12 (a), inserted (in that order) after section 4323, as
13 transferred and redesignated by subsection (c), and
14 redesignated as sections 4324 and 4325, respec-
15 tively.

16 (2) AMENDMENT TO TRANSFERRED SECTION
17 4324.—Section 4324 of title 10, United States Code,
18 as transferred and redesignated by paragraph (1), is
19 amended by striking “section 2302d(a)” in sub-
20 section (c)(5) and inserting “section 3041(c)(1)”.

21 (3) AMENDMENTS TO TRANSFERRED SECTION
22 4325.—

23 (A) Section 4325 of such title, as trans-
24 ferred and redesignated by paragraph (1), is
25 amended—

1 (i) in subsection (b)(1), by striking
2 “section 2337” and inserting “section
3 4324”; and

4 (ii) in subsection (d), by striking “sec-
5 tion 2379(f)” and inserting “section
6 3455(f)”.

7 (B) The heading of such section is amend-
8 ed to read as follows:

9 **“§ 4325. Major weapon systems: assessment, manage-
10 ment, and control of operating and sup-
11 port costs”.**

12 (e) TRANSFER OF SECTION 2443.—

13 (1) Section 2443 of title 10, United States
14 Code, is transferred to chapter 323, as added by
15 subsection (a), inserted after section 4235, as trans-
16 ferred and redesignated by subsection (d), and re-
17 designated as section 4328.

18 (2) The heading of such section is amended to
19 read as follows:

20 **“§ 4328. Weapon system design: sustainment factors”.**
21 **SEC. 1849. PROGRAM STATUS—SELECTED ACQUISITION RE-**
22 **PORTS.**

23 (a) RESTATEMENT OF SECTION 2432.—Part V of
24 subtitle A of title 10, United States Code, as added by
25 section 801 of the John S. McCain National Defense Au-

1 thorization Act for Fiscal Year 2019 (Public Law 115–
2 232), is amended by inserting after chapter 323, as added
3 by the preceding section, the following new chapter:

4 **“CHAPTER 324—PROGRAM STATUS—**
5 **SELECTED ACQUISITION REPORTS**

“Sec.

“4350. Selected acquisition reports: termination.

“4351. Selected acquisition reports: definitions.

“4352. Selected acquisition reports: requirement for quarterly reports.

“4353. Selected acquisition reports for 1st quarter of a fiscal year: comprehensive annual report.

“4354. Selected acquisition reports for 2d, 3d, and 4th quarters.

“4355. Selected acquisition reports: quarterly SAR report content.

“4356. Selected acquisition reports: time for submission to Congress; form of report.

“4357. Selected acquisition reports: termination of requirements with respect to a program or subprogram.

“4358. Selected acquisition reports: when total program reporting begins; limited reports before approval to proceed to system development and demonstration.

1 **“§ 4350. Selected acquisition reports: termination**

2 **“§ 4351. Selected acquisition reports: definitions**

3 **“§ 4352. Selected acquisition reports: requirement for**

4 **quarterly reports**

5 **“§ 4353. Selected acquisition reports for 1st quarter**

6 **of a fiscal year: comprehensive annual re-**

7 **port**

8 **“§ 4354. Selected acquisition reports for 2d, 3d, and**

9 **4th quarters**

10 **“§ 4355. Selected acquisition reports: quarterly SAR**

11 **report content**

12 **“§ 4356. Selected acquisition reports: time for submis-**

13 **sion to Congress; form of report**

14 **“§ 4357. Selected acquisition reports: termination of**

15 **requirements with respect to a program**

16 **or subprogram**

17 **“§ 4358. Selected acquisition reports: when total pro-**

18 **gram reporting begins; limited reports**

19 **before approval to proceed to system de-**

20 **velopment and demonstration”.**

21 (b) TRANSFER OF SUBSECTION (J) OF SECTION

22 2432.—Subsection (j) of section 2432 of title 10, United

23 States Code, is transferred to section 4350 of such title,

24 as added by subsection (a), inserted after the section head-

25 ing, and amended—

1 (1) by striking the subsection designation and
2 subsection heading; and

3 (2) by striking “this section” and inserting
4 “this chapter”.

5 (c) TRANSFER OF SUBSECTION (A) OF SECTION
6 2432.—Subsection (a) of section 2432 of title 10, United
7 States Code, is transferred to section 4351 of such title,
8 as added by subsection (a), inserted after the section head-
9 ing, and amended—

10 (1) by striking the subsection designation;

11 (2) in paragraph (1), by inserting “PROGRAM
12 ACQUISITION UNIT COST.—” after “(1)”;

13 (3) in paragraph (2), by inserting “PROCURE-
14 MENT UNIT COST.—” after “(2)”;

15 (4) in paragraph (3), by inserting “MAJOR
16 CONTRACT.—” after “(3)” ; and

17 (5) in paragraph (4), by inserting “FULL LIFE-
18 CYCLE COST.—” after “(4)”.

19 (d) TRANSFER OF SUBSECTION (B) OF SECTION
20 2432.—

21 (1) TRANSFER.—Subsection (b) of section 2432
22 of title 10, United States Code, is transferred to sec-
23 tion 4352 of such title, as added by subsection (a),
24 inserted after the section heading, and amended—

1 (A) by striking the subsection designation;
2 and

3 (B) by redesignating paragraphs (1), (2),
4 and (3) as subsections (a), (b), and (c), respec-
5 tively.

6 (2) REVISIONS TO NEW 4352(A).—Subsection (a)
7 of such section 4352, as redesignated by paragraph
8 (1)(B), is amended—

9 (A) by striking “The Secretary” and in-
10 serting “IN GENERAL.—

11 “(1) The Secretary”;

12 (B) by striking “a report on” and all that
13 follows in the first sentence and inserting “a re-
14 port on—

15 “(A) current major defense acquisition
16 programs; and

17 “(B) any program that is estimated by the
18 Secretary of Defense to require—

19 “(i) an eventual total expenditure for
20 research, development, test, and evaluation
21 of more than \$300,000,000 (based on fis-
22 cal year 1990 constant dollars); or

23 “(ii) an eventual total expenditure for
24 procurement, including all planned incre-
25 ments or spirals, of more than

1 \$1,800,000,000 (based on fiscal year 1990
2 constant dollars).”;

3 (C) by designating the second and third
4 sentences as paragraphs (2) and (3), respec-
5 tively, and realigning those paragraphs 2 ems
6 from the left margin;

7 (D) in paragraph (2), as so designated, by
8 striking “paragraphs (2) and (3)” and inserting
9 “subsections (b) and (c)” ; and

10 (E) in paragraph (3), as so designated, by
11 striking “this section” and inserting “this chap-
12 ter”.

13 (3) REVISIONS TO NEW 4352(B).—Subsection (b)
14 of such section 4352, as redesignated by paragraph
15 (1)(B), is amended—

16 (A) by inserting “REPORTS NOT RE-
17 QUIRED FOR 2D, 3D, AND 4TH QUARTERS FOR
18 CERTAIN PROGRAMS.—” before “A status re-
19 port”; and

20 (B) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively.

22 (4) REVISIONS TO NEW 4352(C).—Subsection (c)
23 of such section 4352, as redesignated by paragraph
24 (1)(B), is amended—

1 (A) by striking “(A) The Secretary” and
2 inserting “SECRETARY OF DEFENSE WAIVER
3 AUTHORITY.—

4 “(1) AUTHORITY.—The Secretary”;

5 (B) by redesignating subparagraph (B) as
6 paragraph (2) and realigning that paragraph 2
7 ems from the left margin;

8 (C) by redesignating clauses (i), (ii), and
9 (iii) of paragraph (1), as designated by the
10 amendment made by subparagraph (A), as sub-
11 paragraphs (A), (B), and (C), respectively, and
12 realigning those subparagraphs 4 ems from the
13 left margin; and

14 (D) in paragraph (2), as redesignated by
15 subparagraph (B)—

16 (i) by inserting “NOTIFICATION TO
17 CONGRESSIONAL COMMITTEES.—” before
18 “The Secretary shall”; and

19 (ii) by striking “subparagraph (A)”
20 and inserting “paragraph (1)”.

21 (e) TRANSFER OF SUBSECTION (C) OF SECTION
22 2432.—

23 (1) TRANSFER.—Subsection (c) of section 2432
24 of title 10, United States Code, is transferred to sec-

1 tion 4353 of such title, as added by subsection (a),
2 inserted after the section heading, and amended—

3 (A) by striking the subsection designation;
4 and

5 (B) by redesignating paragraphs (1), (2),
6 (3), and (4) as subsections (a), (b), (c), and
7 (d), respectively.

8 (2) REVISIONS TO NEW 4353(A).—Subsection (a)
9 of such section 4353, as redesignated by paragraph
10 (1)(B), is amended as follows:

11 (A) SUBSECTION HEADING.—Such sub-
12 section is amended by inserting “CONTENT OF
13 SAR SUBMITTED FOR FIRST QUARTER.—” be-
14 fore “Each Selected Acquisition Report for”.

15 (B) INTERNAL REDESIGNATIONS.—Such
16 subsection is further amended—

17 (i) by redesignating subparagraphs

18 (A) through (H) as paragraphs (1)
19 through (8), respectively; and

20 (ii) by redesignating clauses (i)
21 through (iv) of paragraph (2), as so redesi-
22 gnated, as subparagraphs (A) through
23 (D), respectively.

24 (C) REVISION OF LIST FORMAT.—Such
25 subsection is further amended—

1 (i) by striking “for a fiscal year shall
2 include—” in the matter preceding such
3 paragraph (1), as so redesignated, and in-
4 serting “for a fiscal year shall include the
5 following.”;

6 (ii) in each of such paragraphs (1)
7 through (8), as so redesignated, by capital-
8 izing the first letter of the first word after
9 the paragraph designation;

10 (iii) in each of such paragraphs (1)
11 through (6), as so redesignated, by striking
12 the semicolon at the end and inserting a
13 period; and

14 (iv) by striking “; and” at the end of
15 paragraph (7), as so redesignated, and in-
16 serting a period.

17 (D) CONFORMING CROSS-REFERENCE
18 AMENDMENTS.—Such subsection is further
19 amended—

20 (i) by striking “section 2431” in para-
21 graph (1), as so redesignated, and insert-
22 ing “section 4205”;

23 (ii) by striking “section 2433(a)(2)”
24 in paragraph (2)(A), as so redesignated,
25 and inserting “section 4371(a)(4)”;

1 (iii) by striking “section 2435(d)(1)”
2 in paragraph (2)(B), as so redesignated,
3 and inserting “section 4214(d)(1)”;

4 (iv) by striking “section 2435(d)(2)”
5 in paragraph (2)(C), as so redesignated,
6 and inserting “section 4214(d)(2)”;

7 (v) by striking “section 2432(e)(4)”
8 in paragraph (2)(D), as so redesignated,
9 and inserting “section 4355(4)”;

10 (vi) by striking “section 2446a” in
11 paragraph (7), as so redesignated, and in-
12 serting “section 4401”.

13 (3) REVISIONS TO NEW 4353(B).—Subsection (b)
14 of such section 4353, as redesignated by paragraph
15 (1)(B), is amended—

16 (A) by striking “Each Selected” and in-
17 serting “CONGRESSIONAL COMMITTEES.—

18 “(1) INFORMATION NEEDED BY CONGRES-
19 SIONAL COMMITTEES.—Each Selected”; and

20 (B) by designating the text after the first
21 sentence as paragraph (2), aligning that para-
22 graph 2 ems from the left margin, and inserting
23 “NOTIFICATION TO CONGRESSIONAL COMMIT-
24 TEES OF PROPOSED CHANGES.—” before
25 “Whenever the Secretary”.

1 (4) REVISIONS TO NEW 4353(C).—Subsection (c)
2 of such section 4353, as redesignated by paragraph
3 (1)(B), is amended—

4 (A) by inserting “LIFE-CYCLE COST ANAL-
5 YSES.—” before “In addition to”;

6 (B) by striking “paragraphs (1) and (2)”;
7 and inserting “subsections (a) and (b)”, and

8 (C) by redesignating subparagraphs (A)
9 and (B) as paragraphs (1) and (2), respectively.

10 (5) REVISION TO NEW 4353(D).—Subsection (d)
11 of such section 4353, as redesignated by paragraph
12 (1)(B), is amended by inserting “REFERENCE TO
13 1ST QUARTER SAR AS COMPREHENSIVE ANNUAL
14 SAR.—” before “Selected Acquisition Reports”.

15 (f) TRANSFER OF SUBSECTION (D) OF SECTION
16 2432.—

17 (1) TRANSFER.—Subsection (d) of section 2432
18 of title 10, United States Code, is transferred to sec-
19 tion 4354 of such title, as added by subsection (a),
20 inserted after the section heading, and amended by
21 striking the subsection designation.

22 (2) CONFORMING AMENDMENTS AND SUB-
23 SECTION HEADINGS.—Such section is amended—

24 (A) by redesignating paragraphs (1) and
25 (2) as subsections (a) and (b), respectively;

1 (B) in subsection (a), as so redesignated—

2 (i) by inserting “CONTINGENT RE-
3 QUIRED CONTENT.—” before “Each Se-
4 lected Acquisition Report”;

5 (ii) by redesignating subparagraphs
6 (A) and (B) as paragraphs (1) and (2), re-
7 spectively;

8 (iii) in paragraph (1), as so redesign-
9 nated, by striking “subsection (e)” and in-
10 serting “section 4355 of this title”; and

11 (iv) in paragraph (2), as so redesign-
12 nated, by striking “subsection (c)” and in-
13 serting “section 4353 of this title”; and

14 (C) in subsection (b), as so redesignated,
15 by inserting “REFERENCE TO 2D, 3D, AND 4TH
16 QUARTERS SARS AS QUARTERLY SARS.—”
17 before “Selected Acquisition Reports for”.

18 (g) TRANSFER OF SUBSECTION (E) OF SECTION
19 2432.—Subsection (e) of section 2432 of title 10, United
20 States Code, is transferred to section 4355 of such title,
21 as added by subsection (a), inserted after the section head-
22 ing, and amended by striking the subsection designation.

23 (h) TRANSFER OF SUBSECTION (F) OF SECTION
24 2432.—

1 (1) TRANSFER.—Subsection (f) of section 2432
2 of title 10, United States Code, is transferred to sec-
3 tion 4356 of such title, as added by subsection (a),
4 inserted after the section heading, and redesignated
5 as subsection (a).

6 (2) SUBSECTION HEADING.—Such subsection is
7 amended by inserting “TIME FOR SUBMISSION.—”
8 before “Each comprehensive”.

9 (i) TRANSFER OF SUBSECTION (I) OF SECTION
10 2432.—Subsection (i) of section 2432 of title 10, United
11 States Code, is transferred to section 4356 of such title,
12 as added by subsection (a), inserted after subsection (a),
13 as transferred and redesignated by subsection (h)(1), re-
14 designated as subsection (b), and amended by striking
15 “under this section” and inserting “under this chapter”.

16 (j) TRANSFER OF SUBSECTION (G) OF SECTION
17 2432.—Subsection (g) of section 2432 of title 10, United
18 States Code, is transferred to section 4357 of such title,
19 as added by subsection (a), inserted after the section head-
20 ing, and amended—

21 (1) by striking the subsection designation; and
22 (2) by striking “of this section” and inserting
23 “of this chapter”.

24 (k) TRANSFER OF SUBSECTION (H) OF SECTION
25 2432.—

1 (1) TRANSFER.—Subsection (h) of section 2432
2 of title 10, United States Code, is transferred to sec-
3 tion 4358 of such title, as added by subsection (a),
4 inserted after the section heading, and amended—

5 (A) by striking the subsection designation;
6 and

7 (B) by redesignating paragraphs (1), (2),
8 and (3) as subsections (a), (b), and (c), respec-
9 tively.

10 (2) REVISIONS TO NEW 4358(A).—Subsection (a)
11 of such section 4358, as redesignated by paragraph
12 (1)(B), is amended—

13 (A) by striking “Total program reporting
14 under this section” and inserting “IN GEN-
15 ERAL.—

16 “(1) COMMENCEMENT OF TOTAL PROGRAM RE-
17 PORTING.—Total program reporting under this
18 chapter”; and

19 (B) by designating the second sentence as
20 paragraph (2) and in that paragraph—

21 (i) by inserting “LIMITED REPORTS.—
22 ” before “Reporting may be”;

23 (ii) by striking “paragraph (2)” and
24 inserting “subsection (b)”;

1 (iii) by striking “under this sub-
2 section” and inserting “under this sec-
3 tion”; and

4 (iv) by striking “under this section.”
5 and inserting “under this chapter.”.

6 (3) REVISIONS TO NEW 4358(B).—Subsection (b)
7 of such section 4358, as redesignated by paragraph
8 (1)(B), is amended—

9 (A) by inserting “CONTENT OF LIMITED
10 REPORTS.—” before “A limited report”;

11 (B) by striking “under this subsection”
12 and inserting “under this section”;

13 (C) by redesignating subparagraphs (A)
14 through (E) as paragraphs (1) through (5), re-
15 spectively; and

16 (D) in paragraph (1), as so redesignated,
17 by striking “section 2431” and inserting “sec-
18 tion 4205”.

19 (4) REVISIONS TO NEW 4358(C).—Subsection (c)
20 of such section 4358, as redesignated by paragraph
21 (1)(B), is amended—

22 (A) by inserting “SUBMISSION OF LIMITED
23 REPORTS.—” before “The submission require-
24 ments”; and

1 (B) by striking “under this subsection”
2 and inserting “under this section”.

3 (l) CONFORMING AMENDMENTS.—Section 2432 of
4 title 10, United States Code, is repealed.

5 (m) CONFORMING CROSS-REFERENCE AMEND-
6 MENTS.—Sections 1734(c)(2) and 8671(b)(2) of title 10,
7 United States Code, are amended by striking “section
8 2432” and inserting “chapter 324”.

9 **SEC. 1850. COST GROWTH—UNIT COST REPORTS (NUNN-**
10 **MCCURDY).**

11 (a) RESTATEMENT OF SECTIONS 2433 AND 2433A.—
12 Part V of subtitle A of title 10, United States Code, as
13 added by section 801 of the John S. McCain National De-
14 fense Authorization Act for Fiscal Year 2019 (Public Law
15 115–232), is amended by inserting after chapter 324, as
16 added by the preceding section, the following new chapter:

17 **“CHAPTER 325—COST GROWTH—UNIT**
18 **COST REPORTS (NUNN-MCCURDY)**

“Sec.

“4371. Cost growth definitions; applicability of reporting requirements; constant
base year dollars.

“4372. Unit cost reports: quarterly report from program manager to service ac-
quisition executive.

“4373. Unit cost reports: immediate report from program manager to service
acquisition executive upon breach of significant cost growth
threshold.

“4374. Unit cost reports: determinations by service acquisition executive and
secretary concerned of breach of significant cost growth thresh-
old or critical cost growth threshold; reports to Congress.

“4375. Breach of significant cost growth threshold or critical cost growth
threshold: required action.

“4376. Breach of critical cost growth threshold: reassessment of program; pre-
sumption of program termination.

“4377. Breach of critical cost growth threshold: actions if program not terminated.

1 **“§ 4371. Cost growth definitions; applicability of re-**
2 **porting requirements; constant base year**
3 **dollars**

4 **“§ 4372. Unit cost reports: quarterly report from pro-**
5 **gram manager to service acquisition ex-**
6 **ecutive**

7 **“§ 4373. Unit cost reports: immediate report from pro-**
8 **gram manager to service acquisition ex-**
9 **ecutive upon breach of significant cost**
10 **growth threshold**

11 **“§ 4374. Unit cost reports: determinations by service**
12 **acquisition executive and secretary con-**
13 **cerned of breach of significant cost**
14 **growth threshold or critical cost growth**
15 **threshold; reports to Congress**

16 **“§ 4375. Breach of significant cost growth threshold**
17 **or critical cost growth threshold: re-**
18 **quired action**

19 **“§ 4376. Breach of critical cost growth threshold: re-**
20 **assessment of program; presumption of**
21 **program termination**

22 **“§ 4377. Breach of critical cost growth threshold: ac-**
23 **tions if program not terminated”.**

24 (b) TRANSFER OF SUBSECTION (A) OF SECTION
25 2433.—

1 (1) TRANSFER.—Subsection (a) of section 2433
2 of title 10, United States Code, is transferred to sec-
3 tion 4371 of such title, as added by subsection (a),
4 inserted after the section heading, and amended by
5 striking “this section” in the matter preceding para-
6 graph (1) and in paragraph (2) and inserting “this
7 chapter”.

8 (2) INSERTION OF SIDE HEADINGS.—Such sub-
9 section is further amended—

10 (A) in the matter preceding paragraph (1),
11 by inserting “DEFINITIONS.—” after “(a)”;

12 (B) in paragraph (1), by inserting “PRO-
13 GRAM ACQUISITION UNIT COST; PROCUREMENT
14 UNIT COST; MAJOR CONTRACT.—” after “(1)”;

15 (C) in paragraph (2), by inserting “BASE-
16 LINE ESTIMATE.—” after “(2)”;

17 (D) in paragraph (3), by inserting “PRO-
18 CUREMENT PROGRAM.—” after “(3)”;

19 (E) in paragraph (4), by inserting “SIG-
20 NIFICANT COST GROWTH THRESHOLD.—” after
21 “(4)”;

22 (F) in paragraph (5), by inserting “CRIT-
23 ICAL COST GROWTH THRESHOLD.—” after
24 “(5)”; and

1 (G) in paragraph (6), by inserting “ORIGI-
2 NAL BASELINE ESTIMATE.—” after “(6)”.

3 (3) CONFORMING CROSS-REFERENCE AMEND-
4 MENTS.—Such subsection is further amended—

5 (A) in paragraph (1)—

6 (i) by striking “section 2430a(d)” and
7 inserting “section 4203(d)”; and

8 (ii) by striking “section 2432(a)” and
9 inserting “section 4351”;

10 (B) in paragraph (2), by striking “section
11 2435” and inserting “section 4214”; and

12 (C) in paragraph (6), by striking “section
13 2435(d)” and inserting “section 4214(d)”.

14 (4) REVISION OF ORDER OF PARAGRAPHS.—
15 Such subsection is further amended—

16 (A) by redesignating paragraphs (2), (3),
17 (4), (5), and (6) as paragraphs (4), (6), (2),
18 (3), and (5), respectively; and

19 (B) by revising the order of those para-
20 graphs within that section so they appear in the
21 numeric order of their respective paragraph
22 designations, as redesignated by paragraph (A).

23 (c) TRANSFER OF SUBSECTION (H) OF SECTION
24 2433.—Subsection (h) of section 2433 of title 10, United
25 States Code, is transferred to section 4371 of such title,

1 as added by subsection (a), inserted after subsection (a),
2 as transferred and redesignated by subsection (b)(1), re-
3 designated as subsection (b), and amended—

4 (1) by striking “under this section” and insert-
5 ing “under this chapter”; and

6 (2) by striking “section 2432(h)” and inserting
7 “section 4358”.

8 (d) TRANSFER OF SUBSECTION (F) OF SECTION
9 2433.—Subsection (f) of section 2433 of title 10, United
10 States Code, is transferred to section 4371 of such title,
11 as added by subsection (a), inserted after subsection (b),
12 as transferred and redesignated by subsection (c), redesign-
13 nated as subsection (c), and amended—

14 (1) by striking “under this section” and insert-
15 ing “under this chapter”; and

16 (2) by striking “section 2430” and inserting
17 “section 4202”.

18 (e) TRANSFER OF SUBSECTION (B) OF SECTION
19 2433.—

20 (1) TRANSFER.—Subsection (b) of section 2433
21 of title 10, United States Code, is transferred to sec-
22 tion 4372 of such title, as added by subsection (a),
23 inserted after the section heading, and redesignated
24 as subsection (a).

1 (2) DESIGNATION OF NEW SUBSECTION (B).—

2 Such section 4372, as redesignated by paragraph
3 (1), is amended by designating the third sentence as
4 subsection (b) and inserting “MATTER TO BE IN-
5 CLUDED IN UNIT COST REPORTS.—” therein before
6 “The program manager shall”.

7 (3) DESIGNATION OF NEW PARAGRAPHS (1) AND
8 (2).—Subsection (a) of such section, as redesignated
9 by paragraph (1), is amended—

10 (A) by striking “The program manager
11 for” and inserting “REQUIRED REPORTS.—

12 “(1) REQUIREMENT.—The program manager
13 for”; and

14 (B) by designating the second sentence as
15 paragraph (2) and inserting “TIME FOR SUB-
16 MITTAL.—” before “Each report”.

17 (4) CONFORMING CROSS-REFERENCE AMEND-
18 MENTS.—Such section is further amended—

19 (A) in paragraph (1) of subsection (a), as
20 designated by paragraph (3)(A), by striking
21 “section 2432(b)(3)” and inserting “section
22 4352(c)”; and

23 (B) in paragraph (4) of subsection (b), as
24 designated by paragraph (2), by striking “sec-
25 tion 2435” and inserting “section 4214”.

1 (f) TRANSFER OF SUBSECTION (C) OF SECTION
2 2433.—Subsection (c) of section 2433 of title 10, United
3 States Code, is transferred to section 4373 of such title,
4 as added by subsection (a), inserted after the section head-
5 ing, and amended—

6 (1) by striking the subsection designation; and
7 (2) by striking “subsection (b)” both places it
8 appears and inserting “section 4372 of this title”.

9 (g) TRANSFER OF SUBSECTION (D) OF SECTION
10 2433.—

11 (1) TRANSFER.—Subsection (d) of section 2433
12 of title 10, United States Code, is transferred to sec-
13 tion 4374 of such title, as added by subsection (a),
14 inserted after the section heading, and amended—

15 (A) by striking the subsection designation;
16 and
17 (B) by redesignating paragraphs (1), (2),
18 and (3) as subsections (a), (b), and (c), respec-
19 tively.

20 (2) REVISION TO NEW 4374(A).—Subsection (a)
21 of such section, as so redesignated, is amended—

22 (A) by inserting “DETERMINATION OF
23 BREACH BY SERVICE ACQUISITION EXECU-
24 TIVE.—” before “When a”; and

1 (B) by striking “under this section” and
2 inserting “under this chapter”.

3 (3) REVISION TO NEW 4374(B).—Subsection (b)
4 of such section, as so redesignated, is amended—

5 (A) by inserting “ADDITIONAL DETER-
6 MINATION BY SERVICE ACQUISITION EXECU-
7 TIVE WHEN PROGRAM OR SUBPROGRAM IS A
8 PROCUREMENT PROGRAM.—” before “When
9 a”;

10 (B) by striking “under this section” and
11 inserting “under this chapter”; and

12 (C) by striking “paragraph (1)” and in-
13 serting “subsection (a)”.

14 (4) REVISION TO NEW 4374(C).—Subsection (c)
15 of such section, as so redesignated, is amended—

16 (A) by striking “If, based upon” and in-
17 serting “DETERMINATION OF BREACH BY SEC-
18 RETARY CONCERNED; NOTIFICATION TO CON-
19 GRESS.—

20 “(1) IN GENERAL.—If, based upon”;

21 (B) by designating the second sentence as
22 paragraph (2) and the fourth sentence as para-
23 graph (3);

24 (C) in paragraph (2), as so designated—

1 (i) by inserting “TIME FOR SUBMIS-
2 SION OF NOTIFICATION TO CONGRESS.—”
3 before “In the case of” the first place it
4 appears;

5 (ii) by striking “subsection (b)” and
6 inserting “section 4372 of this title”; and

7 (iii) by striking “subsection (c)” and
8 inserting “section 4373 of this title”; and

9 (D) in paragraph (3), as so designated, by
10 inserting “INCLUSION OF DATE OF DETERMINA-
11 TION.—” before “The Secretary shall”.

12 (h) TRANSFER OF SUBSECTION (E) OF SECTION
13 2433.—

14 (1) TRANSFER.—Subsection (e) of section 2433
15 of title 10, United States Code, is transferred to sec-
16 tion 4375 of such title, as added by subsection (a),
17 inserted after the section heading, and amended—

18 (A) by striking the subsection designation;

19 and

20 (B) by redesignating paragraphs (1), (2),
21 and (3) as subsections (a), (b), and (c), respec-
22 tively.

23 (2) REVISION TO NEW 4375(A).—Subsection (a)
24 of such section, as so redesignated, is amended—

1 (A) by striking “(A) Except as provided in
2 subparagraph (B),” and inserting “BREACH OF
3 SIGNIFICANT COST GROWTH THRESHOLD; SUB-
4 MISSION OF A SELECTED ACQUISITION RE-
5 PORT.—

6 “(1) GENERAL RULE.—Except as provided in
7 paragraph (2),”;

8 (B) by redesignating subparagraph (B) as
9 paragraph (2);

10 (C) in paragraph (1), as so designated—

11 (i) by striking “under subsection (d)”
12 and inserting “under section 4374 of this
13 title”; and

14 (ii) by striking “section 2432(e)” and
15 “section 2432(f)” and inserting “section
16 4355” and “section 4356”, respectively;
17 and

18 (D) in paragraph (2), as so designated—

19 (i) by striking “subparagraph (A)”
20 both places it appears and inserting “para-
21 graph (1)”; and

22 (ii) by striking “subsection (g)” and
23 inserting “subsection (d)”.

24 (3) REVISION TO NEW 4375(B).—Subsection (b)
25 of such section, as so redesignated, is amended—

1 (A) by inserting “BREACH OF CRITICAL
2 COST GROWTH THRESHOLD.—” before “If the
3 program”;

4 (B) by striking “subsection (d)” and in-
5 serting “section 4374 of this title”; and

6 (C) by striking “section 2433a” and in-
7 serting “sections 4376 and 4377”.

8 (4) REVISION TO NEW 4375(C).—Subsection (c)
9 of such section, as so redesignated, is amended—

10 (A) by striking “If a determination” and
11 inserting “PROHIBITION ON OBLIGATION OF
12 FUNDS FOR CERTAIN PURPOSES WHEN RE-
13 QUIRED ACTION NOT TAKEN.—

14 “(1) PROHIBITION.—If a determination”;

15 (B) by designating the second sentence as
16 paragraph (2);

17 (C) in paragraph (1), as so designated—

18 (i) by striking “subsection (d)” both
19 places it appears and inserting “section
20 4374 of this title”;

21 (ii) by striking “subsection (g)” and
22 inserting “subsection (d)”.

23 (iii) by striking “paragraph (1)” and
24 inserting “subsection (a)”; and

- 1 (iv) by striking “paragraph (2)” and
2 inserting “subsection (b)”; and
3 (D) in paragraph (2), as so designated—
4 (i) by striking “The prohibition” and
5 inserting “TERMINATION OF PROHIBI-
6 TION.—The prohibition under paragraph
7 (1)”;
8 (ii) in subparagraph (A)—
9 (I) by striking “paragraph (1) or
10 (2)(B)” and inserting “subsection (a)
11 or (b)(2)”; and
12 (II) by striking “subsection (d)”
13 and inserting “section 4374 of this
14 title”; and
15 (iii) in subparagraph (B)—
16 (I) by striking “paragraph (1) or
17 (2)(B)” and inserting “subsection (a)
18 or (b)(2)”;
19 (II) by striking “paragraph
20 (2)(A)” and inserting “subsection
21 (b)(1)”; and
22 (III) by striking “subsection (d)”
23 and inserting “section 4374 of this
24 title”.

1 (i) TRANSFER OF SUBSECTION (G) OF SECTION
2 2433.—

3 (1) TRANSFER.—Subsection (g) of section 2433
4 of title 10, United States Code, is transferred to sec-
5 tion 4375 of such title, as added by subsection (a),
6 inserted after subsection (c), as transferred and
7 amended by subsection (h), and amended—

8 (A) by striking the subsection designation;
9 and

10 (B) by redesignating paragraphs (1) and
11 (2) as subsections (d) and (e), respectively.

12 (2) REVISION TO NEW 4375(D).—Subsection (d)
13 of such section 4375, as so redesignated, is amend-
14 ed—

15 (A) by striking “Except as provided in
16 paragraph (2), each report under subsection
17 (e)” and inserting “MATTER TO BE INCLUDED
18 IN REPORTS.—Except as provided in subsection
19 (e), each report under this section”;

20 (B) by redesignating subparagraphs (A)
21 through (Q) as paragraphs (1) through (17),
22 respectively;

23 (C) in paragraph (9), as so redesignated,
24 by striking “section 2435” and inserting “sec-
25 tion 4214”; and

1 (D) in paragraph (16), as so redesignated,
2 by redesignating clauses (i) through (vi) as sub-
3 paragraphs (A) through (F), respectively.

4 (3) REVISION TO NEW 4375(E).—Subsection (e)
5 of such section 4375, as so redesignated, is amend-
6 ed—

7 (A) by striking “If a program acquisition
8 unit cost” and inserting “BREACH DUE TO
9 TERMINATION OR CANCELLATION OF PROGRAM
10 OR SUBPROGRAM.—

11 “(1) LIMITED REPORTING.—If a program ac-
12 quisition unit cost”;

13 (B) by striking “clauses (A) through (F)
14 of paragraph (1)” and inserting “paragraphs
15 (1) through (6) of subsection (d)”;

16 (C) by designating the second sentence as
17 paragraph (2); and

18 (D) in paragraph (2), as so designated—

19 (i) by inserting “CERTIFICATION NOT
20 REQUIRED.—” before “The certification”;
21 and

22 (ii) by striking “subsection (e)” and
23 inserting “subsection (b)”.

24 (j) TRANSFER OF SUBSECTION (A), (B), AND (D) OF
25 SECTION 2433A.—

1 (1) TRANSFER OF SUBSECTIONS (A) AND (B).—
2 Subsection (a) and (b) of section 2433a of title 10,
3 United States Code, are transferred to section 4376
4 of such title, as added by subsection (a), and in-
5 serted after the section heading.

6 (2) TRANSFER AND REDESIGNATION OF SUB-
7 SECTION (D).—Subsection (d) of section 2433a of
8 such title is transferred to such section 4376, in-
9 serted after subsection (b), as transferred by para-
10 graph (1), and redesignated as subsection (c).

11 (3) CONFORMING CROSS-REFERENCE AMEND-
12 MENTS.—Such section 4376 is amended—

13 (A) in subsection (a), by striking “section
14 2433(d)” and inserting “section 4374”; and

15 (B) in subsection (b)(1)—

16 (i) by striking “section 2433(g)” and
17 inserting “section 4375(d) and (e)”; and

18 (ii) by striking “section 2432(f)” and
19 inserting “section 4356(a)”.

20 (4) HEADINGS AND FORMAT IN SUBSECTION
21 (B).—Subsection (b) of such section 4376 is amend-
22 ed—

23 (A) by striking “TERMINATION.—(1) After
24 conducting” and inserting “TERMINATION.—

1 “(1) TERMINATION UNLESS SECRETARY SUB-
2 MITS CERTIFICATION AND REPORT.—After con-
3 ducting”;

4 (B) by realigning paragraphs (2) and (3)
5 2 ems from the left margin;

6 (C) in paragraph (2), by inserting “CER-
7 TIFICATION.—” after “(2)”; and

8 (D) in paragraph (3), by inserting “RE-
9 PORT.—” after “(3)”.

10 (k) TRANSFER OF SUBSECTION (C) OF SECTION
11 2433A.—

12 (1) TRANSFER.—Subsection (c) of section
13 2433a of title 10, United States Code, is transferred
14 to section 4377 of such title, as added by subsection
15 (a), inserted after the section heading, and redesign-
16 nated as subsection (a).

17 (2) REDESIGNATIONS.—Paragraphs (2) and (3)
18 of such section 4377 are redesignated as subsections
19 (b) and (c), respectively.

20 (3) REVISION TO NEW SECTION 4377(A).—Sub-
21 section (a) of such section, as redesignated by para-
22 graph (1), is amended—

23 (A) by striking “(1)” before “If the Sec-
24 retary”;

1 (B) by inserting “of section 4376 of this
2 title” after “subsection (b)”;

3 (C) by redesignating subparagraphs (A),
4 (B), (C), (D), and (E) as paragraphs (1), (2),
5 (3), (4), and (5), respectively;

6 (D) in paragraph (1), as so redesignated,
7 by inserting “of that section” after “subsection
8 (a)” and after “subsection (b)(2)(E)”;

9 (E) in paragraph (2), as so redesignated,
10 by striking “section 2366a or 2366b” and in-
11 serting “section 4251 or 4252”; and

12 (F) in paragraph (4), as so redesignated,
13 by striking “paragraph (2)” and inserting “sub-
14 section (b)”.

15 (4) REVISION TO NEW SECTION 4377(B).—Sub-
16 section (b) of such section, as redesignated by para-
17 graph (2), is amended—

18 (A) by inserting “IDENTIFICATION OF RE-
19 PORT FOR DESCRIPTION OF FUNDING
20 CHANGES.—” before “For purposes of”;

21 (B) by striking “paragraph (1)(D)” and
22 inserting “subsection (a)(4)”;

23 (C) by striking “in this paragraph” and in-
24 serting “in this subsection”; and

1 (D) by striking “section 2432” and insert-
2 ing “section 4352”.

3 (5) REDESIGNATIONS AND HEADINGS IN NEW
4 SECTION 4377(C).—Subsection (c) of such section, as
5 redesignated by paragraph (2), is amended—

6 (A) by striking “(A) The requirements of
7 subparagraphs (B), (C), and (E) of paragraph
8 (1)” and inserting “INAPPLICABILITY OF CER-
9 TAIN SUBSECTION (A) REQUIREMENTS.—

10 “(1) CONDITIONS FOR INAPPLICABILITY.—The
11 requirements of paragraphs (2), (3), and (5) of sub-
12 section (a)”;

13 (B) by redesignating subparagraph (B) as
14 paragraph (2) and inserting “COST GROWTH
15 THRESHOLDS.—” therein before “The cost
16 growth thresholds”.

17 (6) REVISIONS TO NEW 4377(C)(1).—Paragraph
18 (1) of such section 4377(c), as so designated, is
19 amended—

20 (A) by redesignating clauses (i), (ii), and
21 (iii) as subparagraphs (A), (B), and (C), re-
22 spectively;

23 (B) by redesignating subclauses (I) and
24 (II) of each of subparagraphs (A) and (C) as
25 clauses (i) and (ii), respectively;

1 (C) in subparagraph (A), as so redesign-
2 nated—

3 (i) in the matter preceding clause (i),
4 as so redesignated, by striking “pursuant
5 to subsection (a)” and inserting “pursuant
6 to section 4376(a) of this title”;

7 (ii) in clause (i), as so redesignated,
8 by striking “subparagraph (B)” and in-
9 serting “paragraph (2)”; and

10 (iii) in clause (ii), as so redesignated,
11 by striking “subclause (I)” and inserting
12 “clause (i)”; and

13 (D) in subparagraph (C), as so redesign-
14 nated—

15 (i) in the matter preceding clause (i),
16 as so redesignated—

17 (I) by striking “section 2433(g)”
18 and inserting “subsections (d) and (e)
19 of section 4375”; and

20 (II) by striking “section 2432(f)”
21 and inserting “section 4356”;

22 (ii) in clause (i), as so redesignated,
23 by striking “clause (i)” and inserting “sub-
24 paragraph (A)”; and

1 (iii) in clause (ii), as so redesignated,
2 by striking “clause (ii)” and inserting
3 “subparagraph (B)”.

4 (7) REVISIONS TO NEW 4377(C)(2).—Paragraph
5 (2) of such section 4377(c), as so designated, is
6 amended—

7 (A) in the matter preceding clause (i), by
8 striking “this subparagraph” and inserting
9 “this paragraph”;

10 (B) by redesignating clauses (i) and (ii) as
11 subparagraphs (A) and (B), respectively; and

12 (C) by redesignating subclauses (I) and
13 (II) of each of subparagraphs (A) and (B) as
14 clauses (i) and (ii), respectively.

15 (l) CONFORMING REPEALS.—Sections 2433 and
16 2433a of title 10, United States Code, are repealed.

17 (m) CROSS REFERENCE.—Section 181(b)(6) of title
18 10, United States Code, is amended by striking
19 “2433(e)(2)” and inserting “4375(b)”.

20 **SEC. 1851. WEAPON SYSTEMS DEVELOPMENT AND RE-**
21 **LATED MATTERS.**

22 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
23 United States Code, as added by section 801 of the John
24 S. McCain National Defense Authorization Act for Fiscal
25 Year 2019 (Public Law 115–232), is amended by insert-

ing after chapter 325, as added by the preceding section,
the following new chapter:

**“CHAPTER 327—WEAPON SYSTEMS
DEVELOPMENT AND RELATED MATTERS**

“Subchapter	Sec.
“I. Modular Open System Approach in Development of Weapon Sys- tems	4401
“II. Development, Prototyping, and Deployment of Weapon System Components or Technology	4421

**“SUBCHAPTER I—MODULAR OPEN SYSTEM AP-
PROACH IN DEVELOPMENT OF WEAPON
SYSTEMS**

- “Sec.
“4401. Requirement for modular open system approach in major defense ac-
quisition programs; definitions.
“4402. Requirement to address modular open system approach in program capa-
bilities development and acquisition weapon system design.
“4403. Requirements relating to availability of major system interfaces and sup-
port for modular open system approach.

**“SUBCHAPTER II—DEVELOPMENT, PROTO-
TYPING, AND DEPLOYMENT OF WEAPON
SYSTEM COMPONENTS OR TECHNOLOGY**

- “Sec.
“4421. Weapon system component or technology prototype projects: display of
budget information.
“4422. Weapon system component or technology prototype projects: oversight.
“4423. Requirements and limitations for weapon system component or tech-
nology prototype projects.
“4424. Mechanisms to speed deployment of successful weapon system compo-
nent or technology prototypes.
“4425. Definition of weapon system component.”.

**(b) TRANSFER OF SECTIONS OF SUBCHAPTER I OF
CHAPTER 144B.—**

**(1) TRANSFER.—Sections 2446a, 2446b, and
2446c of chapter 144B of title 10, United States**

1 Code, are transferred to chapter 327, as added by
2 subsection (a), inserted (in that order) after the
3 table of sections at the beginning of subchapter I,
4 and redesignated as sections 4401, 4402, and 4403,
5 respectively.

6 (2) CONFORMING CROSS-REFERENCE AMEND-
7 MENTS TO SECTION 4401.—Section 4401 of title 10,
8 United States Code, as so transferred and redesign-
9 nated, is amended—

10 (A) in subsection (b)(1)(D), by striking
11 “section 2320” and inserting “sections 3771
12 through 3775”;

13 (B) in subsection (b)(6), by striking “sec-
14 tion 2448a(a)” and inserting “section
15 4271(a)”;

16 (C) in subsection (b)(7), by striking “sec-
17 tion 2430” and inserting “section 4201”; and

18 (D) in subsection (b)(8), by striking “sec-
19 tion 2379(f)” and inserting “section 3455(f)”.

20 (3) CONFORMING CROSS-REFERENCE AMEND-
21 MENTS TO SECTION 4402.—Section 4402 of such
22 title, as so transferred and redesignated, is amend-
23 ed—

24 (A) in subsection (c), by striking “section
25 2431a” and inserting “section 4211”; and

1 (B) in subsection (e), by striking “section
2 2366b” and inserting “section 4252”.

3 (c) TRANSFER OF SECTIONS OF SUBCHAPTER II OF
4 CHAPTER 144B.—

5 (1) TRANSFER.—Sections 2447a, 2447b,
6 2447c, 2447d, and 2447e of chapter 144B of title
7 10, United States Code, are transferred to chapter
8 327, as added by subsection (a), inserted (in that
9 order) after the table of sections at the beginning of
10 subchapter II, and redesignated as sections 4421,
11 4422, 4423, 4424, and 4425, respectively.

12 (2) CONFORMING CROSS-REFERENCE AMEND-
13 MENTS TO SECTION 4422.—Section 4422 of such
14 title, as so transferred and redesignated, is amended
15 by striking “section 2447c” in subsection (c)(3) and
16 inserting “section 4423”.

17 (3) CONFORMING CROSS-REFERENCE AMEND-
18 MENTS TO SECTION 4423.—Section 4423 of such
19 title, as so transferred and redesignated, is amend-
20 ed—

21 (A) in subsection (b), by striking “section
22 2447b” and inserting “section 4422”; and

23 (B) in subsection (e), by striking “section
24 2371b” and inserting “section 4003”.

1 (4) CONFORMING CROSS-REFERENCE AMEND-
2 MENTS TO SECTION 4424.—Section 4424 of such
3 title, as so transferred and redesignated, is amended
4 by striking “section 2304” in subsection (a) and in-
5 serting “sections 3201 through 3205”.

6 (5) CONFORMING CROSS-REFERENCE AMEND-
7 MENTS TO SECTION 4425.—Section 4425 of such
8 title, as so transferred and redesignated, is amended
9 by striking “section 2446a” and inserting “section
10 4401”.

11 (d) CONFORMING AMENDMENTS.—

12 (1) REPEAL OF CHAPTER 144B.—Chapter 144B
13 of title 10, United States Code, is repealed.

14 (2) CLERICAL AMENDMENTS.—The tables of
15 chapters at the beginning of subtitle A, and at the
16 beginning of part IV of subtitle A, of title 10,
17 United States Code, are amended by striking the
18 item relating to chapter 144B.

19 **Subtitle G—Other Special**
20 **Categories of Contracting**

21 **SEC. 1856. ACQUISITION OF SERVICES GENERALLY.**

22 (a) TABLES OF CHAPTERS AMENDMENTS.—The ta-
23 bles of chapters at the beginning of subtitle A, and at the
24 beginning of part V of subtitle A (as added by section 801
25 of the John S. McCain National Defense Authorization

1 Act for Fiscal Year 2019 (Public Law 115–232)), of title
2 10, United States Code, are amended by striking the items
3 relating to chapters 341 and 343 and inserting the fol-
4 lowing:

“341. Acquisition of Services Generally 4501
“343. Acquisition of Services of Contractors Performing Private Secu-
rity Functions 4541”.

5 (b) NEW CHAPTER 341.—Part V of subtitle A of title
6 10, United States Code, as added by section 801 of the
7 John S. McCain National Defense Authorization Act for
8 Fiscal Year 2019 (Public Law 115–232), is amended by
9 striking chapters 341 and 343 and inserting the following:

10 **“CHAPTER 341—ACQUISITION OF**
11 **SERVICES GENERALLY**

“Sec.

“4501. Procurement of contract services: management structure.

“4502. Procurement of contract services: senior officials responsible for manage-
ment of acquisition of contract services.

“4503. [Reserved].

“4504. [Reserved].

“4505. Procurement of services: tracking of purchases.

“4506. Procurement of services: data analysis and requirements validation.

“4507. Procurement of services: contracts for professional and technical serv-
ices.

“4508. Contractor performance of acquisition functions closely associated with
inherently governmental functions.

“4509. Contracts for advisory and assistance services: cost comparison studies.”.

12 (c) TRANSFER OF SECTION 2330 OF TITLE 10.—
13 Section 2330 of title 10, United States Code, is trans-
14 ferred to chapter 341 of such title, as amended by sub-
15 section (b), inserted after the table of sections, and redes-
16 igned as section 4501.

1 (d) DESIGNATION OF NEW SECTION 4502.—Such
2 chapter is further amended by inserting after paragraph
3 (1) of subsection (a) of section 4501, as transferred and
4 redesignated by subsection (c), the following:

5 **“§ 4502. Procurement of contract services: senior offi-**
6 **cial responsible for management of ac-**
7 **quisition of contract services**

8 “(a) SENIOR OFFICIALS.—The management struc-
9 ture implemented pursuant to section 4501 of this title
10 shall provide for the following:”.

11 (e) REVISION TO REMAINING TEXT OF SECTION
12 4501.—Such section 4501 is amended—

13 (1) by striking “for the following:” and insert-
14 ing “for the matters specified in subsections (b), (c),
15 (d), and (e).”;

16 (2) by redesignating paragraph (1) as sub-
17 section (b) and subparagraphs (B), (C), and (D) as
18 subsections (c), (d), and (e), respectively;

19 (3) in subsection (b), as so redesignated—

20 (A) by realigning the margin of the sub-
21 section 2 ems to the left;

22 (B) by striking “The Under” and all that
23 follows through “develop and maintain” and in-
24 serting “POLICIES, PROCEDURES, AND BEST
25 PRACTICES GUIDELINES.—The management

1 structure implemented pursuant to subsection
2 (a) shall provide that the Under Secretary of
3 Defense for Acquisition and Sustainment shall
4 develop and maintain”;

5 (C) by redesignating clauses (i) through
6 (vi) as paragraphs (1) through (6), respectively,
7 and realigning the margin of those paragraphs
8 2 ems to the left; and

9 (D) by striking the semicolon at the end of
10 such paragraph (6), as so redesignated, and in-
11 serting a period;

12 (4) in subsection (c), as redesignated by para-
13 graph (2)—

14 (A) by realigning the margin of the sub-
15 section 4 ems to the left;

16 (B) by striking “work with” and inserting
17 “PERSONNEL AND SUPPORT.—The manage-
18 ment structure implemented pursuant to sub-
19 section (a) shall provide that the Under Sec-
20 retary shall work with”;

21 (C) by redesignating clauses (i) through
22 (iii) as paragraphs (1) through (3), respectively;

23 (D) by inserting “and section 4502 of this
24 title” in paragraph (3), as so redesignated,
25 after “under this section”; and

1 (E) by striking the semicolon at the end
2 and inserting a period;

3 (5) in subsection (d), as redesignated by para-
4 graph (2)—

5 (A) by realigning the margin of the sub-
6 section 4 ems to the left;

7 (B) by striking “establish contract” and
8 inserting “CONTRACT SERVICES ACQUISITION
9 CATEGORIES.—The management structure im-
10 plemented pursuant to subsection (a) shall pro-
11 vide that the Under Secretary shall establish
12 contract”; and

13 (C) by striking “; and” at the end and in-
14 serting a period;

15 (6) in subsection (e), as redesignated by para-
16 graph (2)—

17 (A) by realigning the margin of the sub-
18 section 4 ems to the left;

19 (B) by striking “oversee the” and inserting
20 “OVERSIGHT OF IMPLEMENTATION.—The man-
21 agement structure implemented pursuant to
22 subsection (a) shall provide that the Under Sec-
23 retary shall oversee the”;

24 (C) by inserting “and section 4502 of this
25 title” after “of this section”; and

1 (D) by striking “subparagraph (A)” and in-
2 serting “subsection (b)”; and

3 (7) by adding at the end the following new sub-
4 section:

5 “(f) CONTRACT SERVICES.—In this section, the term
6 ‘contract services’ has the meaning given that term in sec-
7 tion 4502(d)(2) of this title.”.

8 (f) REVISION TO SECTION 4502.—Section 4502 of
9 such title, as designated by subsection (d), is amended—
10 (1) by redesignating paragraphs (2) and (3) of
11 subsection (a) as paragraphs (1) and (2), respec-
12 tively;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “sub-
15 section (a)(1)(C)” and inserting “section
16 4501(d) of this title”; and

17 (B) in paragraph (2), by striking “sub-
18 section (a)(1)” and inserting “section 4501 of
19 this title”;

20 (3) by redesignating subsection (c) as sub-
21 section (d);

22 (4) by redesignating paragraph (3) of sub-
23 section (b) as subsection (c) and redesignating sub-
24 paragraphs (A) through (F) thereof as paragraphs
25 (1) through (6), respectively; and

1 (5) in subsection (c), as so redesignated—

2 (A) in the matter preceding paragraph (1),
3 by striking “In carrying out paragraph (1)”
4 and inserting “DUTIES AND RESPONSIBIL-
5 ITIES.—In carrying out subsection (b)(1),”;

6 (B) in paragraph (1), as so redesignated—

7 (i) by inserting “and section 4501 of
8 this title” after “of this section”; and

9 (ii) by striking “subsection (a)(1)(A)”
10 and inserting “section 4501(b) of this
11 title”; and

12 (C) in paragraph (6), as so redesignated,
13 by striking “section 2330a” and inserting “sec-
14 tion 4505”.

15 (g) TRANSFER OF SECTIONS 2330A, 2329, 2331,
16 2383, AND 2410L OF TITLE 10.—Sections 2330a, 2329,
17 2331, 2383, and 2410l of title 10, United States Code,
18 are transferred to chapter 341 of such title, inserted (in
19 that order) after section 4502, as designated by subsection
20 (c), and redesignated as sections 4505, 4506, 4507, 4508,
21 and 4509, respectively.

22 (h) CONFORMING CROSS-REFERENCE AMEND-
23 MENT.—Subsection (h)(3) of section 4505 of title 10,
24 United States Code, as transferred and redesignated by

1 subsection (d), is amended by striking “section
2 2383(b)(2)” and inserting “section 4508(b)(2)”.

3 (i) CONFORMING AMENDMENT FOR DEFINED TERM
4 APPLICABLE TO SECTION.—Subsection (b)(1) of section
5 4508 of title 10, United States Code, as transferred and
6 redesignated by subsection (g), is amended by striking
7 “has the meaning given in section 2302(1) of this title,
8 except that such term”.

9 (j) PLACEHOLDER FOR CHAPTER FOR PROVISIONS
10 RELATING TO ACQUISITION OF SERVICES OF CONTRAC-
11 TORS PERFORMING PRIVATE SECURITY FUNCTIONS.—
12 Part V of subtitle A of title 10, United States Code, as
13 added by section 801 of the John S. McCain National De-
14 fense Authorization Act for Fiscal Year 2019 (Public Law
15 115–232), is amended by inserting after chapter 341, as
16 added by this section, the following new chapter:

17 **“CHAPTER 343—ACQUISITION OF SERV-**
18 **ICES OF CONTRACTORS PERFORMING**
19 **PRIVATE SECURITY FUNCTIONS**

“Subchapter	Sec.
“I. Contractors Performing Private Security Functions in Areas of Combat Operations or Other Significant Military Op- erations	4541
“II. Standards and Certification for Private Security	4551

1 “SUBCHAPTER I—CONTRACTORS PERFORMING
2 PRIVATE SECURITY FUNCTIONS IN AREAS
3 OF COMBAT OPERATIONS OR OTHER SIG-
4 NIFICANT MILITARY OPERATIONS

“Sec.
“4541. [Reserved].

5 “SUBCHAPTER II—STANDARDS AND CERTIFI-
6 CATION FOR PRIVATE SECURITY CONTRAC-
7 TORS

“Sec.
“4551. [Reserved].”.

8 **SEC. 1857. ACQUISITION OF INFORMATION TECHNOLOGY.**

9 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
10 United States Code, as added by section 801 of the John
11 S. McCain National Defense Authorization Act for Fiscal
12 Year 2019 (Public Law 115–232), is amended by striking
13 chapter 345 and inserting the following:

14 **“CHAPTER 345—ACQUISITION OF**
15 **INFORMATION TECHNOLOGY**

“Sec.
“4571. Information technology acquisition: planning and oversight processes.
“4572. [Reserved].
“4573. [Reserved].
“4574. [Reserved].
“4575. [Reserved].
“4576. Requirement for consideration of certain matters during acquisition of
noncommercial computer software.”.

16 (b) TRANSFER OF SECTION 2223A.—

17 (1) Section 2223a of title 10, United States
18 Code, is transferred to chapter 345 of such title, as

1 amended by subsection (a), inserted after the table
2 of sections, and redesignated as section 4571.

3 (2) The heading of such section is amended to
4 read as follows:

5 **“§ 4571. Information technology acquisition: planning**
6 **and oversight processes”.**

7 (c) TRANSFER OF SECTION 2322A.—Section 2322a
8 of title 10, United States Code, is transferred to chapter
9 345 of such title, as amended by subsection (a), inserted
10 after section 4571, as added by subsection (b), and reded-
11 icated as section 4576.

12 **Subtitle H—Contract Management**

13 **SEC. 1861. CONTRACT ADMINISTRATION.**

14 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
15 United States Code, as added by section 801 of the John
16 S. McCain National Defense Authorization Act for Fiscal
17 Year 2019 (Public Law 115–232), is amended by striking
18 chapter 361 and inserting the following:

19 **“CHAPTER 361—CONTRACT** 20 **ADMINISTRATION**

“Sec.

“4601. Electronic submission and processing of claims for contract payments.

“4602. Contracted property and services: prompt payment of vouchers.

“4603. Advance notification of contract performance outside the United
States.”.

21 (b) TRANSFER OF TITLE 10 SECTIONS.—Sections
22 2227, 2226, and 2410g of title 10, United States Code,
23 are transferred to chapter 361 of such title, as amended

1 by subsection (a), inserted (in that order) after the table
2 of sections at the beginning of such chapter, and redesign-
3 nated as section 4601, 4602, and 4603, respectively.

4 **SEC. 1862. PROHIBITIONS AND PENALTIES.**

5 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
6 United States Code, as added by section 801 of the John
7 S. McCain National Defense Authorization Act for Fiscal
8 Year 2019 (Public Law 115–232), is amended by striking
9 chapter 363 and inserting the following:

10 **“CHAPTER 363—PROHIBITION AND**
11 **PENALTIES**

“Sec.

“4651. Expenditure of appropriations: limitation.

“4652. Prohibition on use of funds for documenting economic or employment
impact of certain acquisition programs.

“4653. Prohibition on use of funds to relieve economic dislocations.

“4654. Prohibition on doing business with certain offerors or contractors.

“4655. Prohibition of contractors limiting subcontractor sales directly to the
United States.

“4656. Prohibition on persons convicted of defense-contract related felonies and
related criminal penalty on defense contractors.

“4657. Prohibition on criminal history inquiries by contractors prior to condi-
tional offer.

“4658. Debarment of persons convicted of fraudulent use of ‘Made in America’
labels.

“4659. Prohibition on contracting with entities that comply with the secondary
Arab boycott of Israel.

“4660. Prohibition on collection of political information.”.

12 (b) TRANSFER AND REDESIGNATION OF TITLE 10
13 SECTIONS.—The sections of title 10, United States Code,
14 specified in the left-hand column of the following table are
15 transferred to chapter 363 of such title, as amended by
16 subsection (a), inserted (in the order shown in the fol-
17 lowing table) after the table of sections at the beginning

1 of such chapter, and redesignated in accordance with the
 2 section numbers in the right-hand column, as follows:

Section	Redesignated Section
2207	4651
2249	4652
2392	4653
2393	4654
2402	4655
2408	4656
2339	4657
2410f	4658
2410i	4659
2335	4660

3 (c) CONFORMING CROSS-REFERENCE AMEND-
 4 MENTS.—

5 (1) Section 2343 of title 10, United States
 6 Code, is amended by striking “Sections 2207,” and
 7 inserting “Sections 4651.”

8 (2) Subsection (b) of section 4657 of title 10,
 9 United States Code, as transferred and redesignated
 10 by subsection (b), is amended by striking “section
 11 2393(c)” and inserting “section 4654(c)”.

12 (3) Section 1123 of the National Defense Au-
 13 thorization Act for Fiscal Year 2020 (Public Law
 14 116–92; 133 Stat.1614) is amended—

15 (A) in subsection (b)(2), by striking “Sec-
 16 tion 2339(a)” and inserting “Section 4657(a)”;
 17 and

18 (B) in subsection (c)(1), by striking “sec-
 19 tion 2339” and inserting “section 4657”.

1 **SEC. 1863. CONTRACTOR WORKFORCE.**

2 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
3 United States Code, as added by section 801 of the John
4 S. McCain National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232), is amended by striking
6 chapter 365 and inserting the following:

7 **“CHAPTER 365—CONTRACTOR**
8 **WORKFORCE**

“Sec.

“4701. Contractor employees: protection from reprisal for disclosure of certain
information.

“4702. Incentives and consideration for qualified training programs.

“4703. Displaced contractor employees: assistance to obtain certification and
employment as teachers or employment as teachers’ aides.

“4704. Defense contractors: listing of suitable employment openings with local
employment service office.”.

9 (b) TRANSFER OF TITLE 10 SECTIONS.—Sections
10 2409, 2409a, 2410j, and 2410k of title 10, United States
11 Code, are transferred to chapter 365 of such title, as
12 amended by subsection (a), inserted (in that order) after
13 the table of sections, and redesignated as sections 4701,
14 4702, 4703, and 4704, respectively.

15 (c) CONFORMING AMENDMENTS TO NEW 4701.—
16 Subsection (g) of section 4701 of title 10, United States
17 Code, as transferred and redesignated by subsection (b),
18 is amended—

19 (1) by striking “section 2303” in paragraph (1)

20 and inserting “section 3063”; and

21 (2) by striking paragraph (2).

1 **SEC. 1864. OTHER ADMINISTRATIVE MATTERS.**

2 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
3 United States Code, as added by section 801 of the John
4 S. McCain National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232), is amended by striking
6 chapter 367 and inserting the following:

7 **“CHAPTER 367—OTHER ADMINISTRATIVE**
8 **MATTERS**

“Sec.

“4751. Determinations and decisions.

“4752. Remission of liquidated damages.

“4753. Supplies: identification of supplier and sources.

“4754. Management of purchase cards.”.

9 (b) TRANSFER OF TITLE 10 SECTIONS.—Sections
10 2310, 2312, 2384, and 2784 of title 10, United States
11 Code, are transferred to chapter 367 of such title, as
12 amended by subsection (a), inserted (in that order) after
13 the table of sections, and redesignated as sections 4751,
14 4752, 4753, and 4754, respectively.

15 (c) CONFORMING AMENDMENTS TO NEW SECTION
16 4751.—Section 4751 of title 10, United States Code, as
17 transferred and redesignated by subsection (b), is amend-
18 ed—

19 (1) in subsection (a), by striking “made under
20 this chapter” and inserting “made under any chap-
21 ter 137 legacy provision”; and

(2) in subsection (b), by striking “section 2306(g)(1), 2307(d), or 2313(c)(2)(B)” and inserting “section 3531(a), 3803, or 3841(c)(2)(B)”.

Subtitle I—Defense Industrial Base

SEC. 1866. DEFENSE INDUSTRIAL BASE GENERALLY.

(a) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232)), of title 10, United States Code, are amended by striking the item relating to chapter 381 and inserting the following:

“381. Defense Industrial Base Generally	4801
“382. Policies and Planning	4811
“383. Development, Application, & Support of Dual-Use Technologies	4831
“384. Manufacturing Technology	4841
“385. Other Technology Base Policies and Programs	4851”.

(b) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 381 and inserting the following:

“CHAPTER 381—DEFENSE INDUSTRIAL BASE GENERALLY

“Sec.
“4801. Definitions.”.

(c) TRANSFER OF DEFINITIONS SECTION.—Section 2500 of such title is transferred to chapter 381 of such

1 title, as amended by subsection (b), inserted after the table
2 of sections at the beginning, redesignated as section 4801,
3 and amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “In this chapter” and inserting “In this
6 subpart”;

7 (2) in paragraph (8), by striking “section
8 2505” and “section 2501(a)” and inserting “section
9 4816” and “section 4811(a)”, respectively; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(16) The term ‘chapter 148 legacy provision’
13 means any of the following provisions of this sub-
14 part: sections 4801, 4811–4819, 4831–4834, 4841–
15 4843, 4851, 4852, 4861–4864, 4871, 4872, 4881–
16 4884, 4891, and 4892, and chapter 389.”.

17 (d) CONFORMING CROSS-REFERENCE AMEND-
18 MENTS.—

19 (1) Section 843(c) of the John S. McCain Na-
20 tional Defense Authorization Act for Fiscal Year
21 2019 (Public Law 115–232; 10 U.S.C. 2302 note)
22 is amended—

23 (A) in paragraph (4), by striking “section
24 2302(9)” and inserting “section 3021”; and

1 (B) in paragraph (5), by striking “section
2 2500(5)” and inserting “section 4801(5)”.

3 (2) Section 2474(a)(2) of title 10, United
4 States Code, is amended by striking “section
5 2500(1)” and inserting “section 4801(1)”.

6 (3) Section 881 of the National Defense Au-
7 thorization Act for Fiscal Year 2017 (Public Law
8 114–328; 10 U.S.C. 2501 note) is amended—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph
11 (1), by striking “section 2500” and insert-
12 ing “section 4801”; and

13 (ii) in paragraph (4), by striking “sec-
14 tion 2501(b)” and inserting “section
15 4811(b)”; and

16 (B) in subsection (c), by striking “section
17 2504” and inserting “section 4814”.

18 (4) The National Defense Authorization Act for
19 Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.
20 2501 note) is amended—

21 (A) in section 812—

22 (i) in subsection (a)(1)(B), by striking
23 “section 2501” and inserting “section
24 4811”; and

1 (ii) in subsection (b)(3), by striking
2 “section 2507” and inserting “section
3 4817”; and

4 (B) in section 814(c), by striking “section
5 2534” and inserting “section 4864”.

6 (5) Section 1712(c)(2) of the National Defense
7 Authorization Act for Fiscal Year 2018 (Public Law
8 115–91; 10 U.S.C. 2536 note) is amended by strik-
9 ing “section 2500” and inserting “section 4801”.

10 **SEC. 1867. POLICIES AND PLANNING.**

11 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
12 United States Code, as added by section 801 of the John
13 S. McCain National Defense Authorization Act for Fiscal
14 Year 2019 (Public Law 115–232), is amended by adding
15 after chapter 381, as amended by the preceding section,
16 the following new chapter:

17 **“CHAPTER 382—POLICIES AND PLANNING**

“Sec.

“4811. National security strategy for national technology and industrial base.

“4812. National Defense Technology and Industrial Base Council.

“4813. National defense program for analysis of the technology and industrial
base.

“4814. Annual report to Congress.

“4815. Unfunded priorities of the national technology and industrial base: an-
nual report.

“4816. National technology and industrial base: periodic defense capability as-
sessments.

“4817. Industrial Base Fund.

“4818. Data collection authority of President.

“4819. Modernization of acquisition processes to ensure integrity of industrial
base.”.

(b) TRANSFER AND REDESIGNATION OF TITLE 10 SECTIONS.—The sections of title 10, United States Code, specified in the left-hand column of the following table are transferred to chapter 382 of such title, as added by subsection (a), inserted (in the order shown in the following table) after the table of sections at the beginning of such chapter, and redesignated in accordance with the section numbers in the right-hand column, as follows:

Section	Redesignated Section
2501	4811
2502	4812
2503	4813
2504	4814
2504a	4815
2505	4816
2508	4817
2507	4818
2509	4819

(c) SECTION 2506.—

(1) INSERTION OF TEXT OF SECTION 2506 AT
END OF SECTION 4811.—

(A) Section 4811 of such title, as transferred and redesignated by subsection (b), is amended by adding at the end the following new subsection:

“(c) DEPARTMENT OF DEFENSE TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE.—”.

(B) Subsections (a) and (b) of section 2506 of such title are transferred to the end of

1 subsection (c) of such section 4811, as added
2 by subparagraph (A), redesignated as para-
3 graphs (1) and (2), respectively, indented 2 ems
4 from the left margin, and amended—

5 (i) in paragraph (1), as so redesign-
6 nated, by striking “section 2501(a) of this
7 title” and inserting “subsection (a)”; and

8 (ii) in paragraph (2), as so redesign-
9 nated, by striking “subsection (a)” and in-
10 serting “paragraph (1)”.

11 (2) CONFORMING REPEAL.—Section 2506 of
12 such title is repealed.

13 (d) CONFORMING CROSS-REFERENCE AMEND-
14 MENTS.—Sections of chapter 382 of such title, as trans-
15 ferred and redesignated by subsection (b), are amended
16 as follows:

17 (1) Section 4812 is amended by striking “sec-
18 tion 2501(a)” in subsection (c)(1) and inserting
19 “section 4811(a)”.

20 (2) Section 4813 is amended by striking “sec-
21 tion 2505” in subsection (c)(3)(A) and inserting
22 “section 4816”.

23 (3) Section 4814 is amended—

24 (A) in paragraph (1), by striking “section
25 2506” and inserting “section 4811(c)”;

1 (B) in paragraph (2), by striking “section
2 2505” and inserting “section 4816”; and

3 (C) in paragraph (3), by striking “section
4 2501” and “section 2505” and inserting “sec-
5 tion 4811” and “section 4816”, respectively.

6 (4) Section 4816 is amended by striking “sec-
7 tion 2501(a)” in subsection (a) and inserting “sec-
8 tion 4811(a)”.

9 (5) Section 4818 is amended in subsection
10 (a)—

11 (A) by striking “of this chapter” and in-
12 serting “of the chapter 148 legacy provisions”;
13 and

14 (B) by striking “under this chapter” and
15 inserting “under those provisions”.

16 (6) Section 4819(f)(1)(A) is amended by strik-
17 ing “section 2339a(e)” and inserting “section
18 3252(c)”.

19 (e) CONFORMING CROSS-REFERENCE AMEND-
20 MENTS.—

21 (1) Section 2198(c) of title 10, United States
22 Code, is amended by striking “section 2505” and
23 “section 2501(a)” and inserting “section 4816” and
24 “section 4811(a)”, respectively.

1 (2) Section 2709(a) of such title is amended by
2 striking “section 2501” and inserting “section
3 4811”.

4 (3) Section 8685 of such title is amended by
5 striking “section 2501(b)” in subsections (a) and (c)
6 and inserting “section 4811(b)”.

7 **SEC. 1868. DEVELOPMENT, APPLICATION, AND SUPPORT OF**
8 **DUAL-USE TECHNOLOGIES.**

9 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
10 United States Code, as added by section 801 of the John
11 S. McCain National Defense Authorization Act for Fiscal
12 Year 2019 (Public Law 115–232), is amended by adding
13 after chapter 382, as added by the preceding section, the
14 following new chapter:

15 **“CHAPTER 383—DEVELOPMENT, APPLICA-**
16 **TION, AND SUPPORT OF DUAL-USE**
17 **TECHNOLOGIES**

“Sec.

“4831. Defense dual-use critical technology program.

“4832. Encouragement of technology transfer.

“4833. Federal Defense Laboratory Diversification Program.

“4834. Overseas foreign critical technology monitoring and assessment financial
assistance program.”.

18 (b) TRANSFER AND REDESIGNATION OF TITLE 10
19 SECTIONS.—The sections of title 10, United States Code,
20 specified in the left-hand column of the following table are
21 transferred to chapter 383 of such title, as added by sub-
22 section (a), inserted (in the order shown in the following

1 table) after the table of sections at the beginning of such
2 chapter, and redesignated in accordance with the section
3 numbers in the right-hand column, as follows:

Section	Redesignated Section
2511	4831
2514	4832
2519	4833
2518	4834

4 (c) CONFORMING CROSS-REFERENCE AMEND-
5 MENTS.—Sections of chapter 383 of such title, as trans-
6 ferred and redesignated by subsection (b), are amended
7 as follows:

8 (1) Section 4831 is amended—

9 (A) in subsection (a), by striking “section
10 2501(a)” and “section 2371” and inserting
11 “section 4811(a)” and “section 4002”, respec-
12 tively; and

13 (B) in subsection (e)(1), by striking “sec-
14 tion 2501(a)” and inserting “section 4811(a)”.

15 (2) Section 4832 is amended in subsection (a)
16 by striking “section 2501(a)” and inserting “section
17 4811(a)”.

18 (3) Section 4833 is amended—

19 (A) in subsection (a), by striking “section
20 2501(a)” and inserting “section 4811(a)”;

1 (B) in subsection (c)(1), by striking “sec-
2 tion 2371” and inserting “section 4002”;

3 (C) in subsection (d)(2), by striking “sec-
4 tion 2511(c)(2)” and inserting “section
5 4831(c)(2)”; and

6 (D) in subsection (f), by striking “section
7 2511(e)” and inserting “section 4831(e)”.

8 **SEC. 1869. MANUFACTURING TECHNOLOGY.**

9 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
10 United States Code, as added by section 801 of the John
11 S. McCain National Defense Authorization Act for Fiscal
12 Year 2019 (Public Law 115–232), is amended by adding
13 after chapter 383, as added by the preceding section, the
14 following new chapter:

15 **“CHAPTER 384—MANUFACTURING**
16 **TECHNOLOGY**

“Sec.

“4841. Manufacturing Technology Program.

“4842. Joint Defense Manufacturing Technology Panel.

“4843. Armament retooling and manufacturing.”.

17 (b) TRANSFER AND REDESIGNATION OF SECTION
18 2521.—

19 (1) TRANSFER AND REDESIGNATION.—Section
20 2521 of title 10, United States Code, is transferred
21 to chapter 384 of such title, as added by subsection
22 (a), inserted after the table of sections at the begin-

1 ning of such chapter, and redesignated as section
2 4841.

3 (2) CONFORMING CROSS-REFERENCE AMEND-
4 MENTS.—Such section is amended—

5 (A) in subsection (a), by striking “section
6 2501(a)” and inserting “section 4811(a)”; and

7 (B) in subsection (d)(1), by striking “sec-
8 tion 2374” and inserting “section 4008”.

9 (c) DESIGNATION OF FORMER SECTION 2521(E) AS
10 SECTION 4842.—

11 (1) Such chapter is further amended—

12 (A) by transferring subsection (f) of sec-
13 tion 4841 within that section so as to appear
14 after subsection (d) and redesignating that sub-
15 section as subsection (e); and

16 (B) by redesignating as section 4842 the
17 subsection (e) following the subsection trans-
18 ferred and redesignated by subparagraph (A)
19 and inserting at the beginning of such section
20 4842 the following section heading:

21 **“§ 4842. Joint Defense Manufacturing Technology**
22 **Panel”.**

23 (2) Section 4842 of title 10, United States
24 Code, as designated by paragraph (1)(B), is amend-
25 ed—

1 (A) by striking “(e) JOINT DEFENSE MAN-
2 UFACTURING TECHNOLOGY PANEL.—”;

3 (B) by redesignating paragraphs (1)
4 through (6) as subsections (a) through (f), re-
5 spectively;

6 (C) in subsection (b), as so redesignated,
7 by redesignating subparagraphs (A) and (B) as
8 paragraphs (1) and (2), respectively;

9 (D) in subsection (c), as so redesignated,
10 by redesignating subparagraphs (A), (B), and
11 (C) as paragraphs (1), (2), and (3) respectively;

12 (E) in subsection (d), as so redesignated—

13 (i) by striking “paragraph (3)” and
14 inserting “subsection (c)”; and

15 (ii) by redesignating subparagraphs
16 (A), (B), (C), and (D) as paragraphs (1),
17 (2), (3), and (4), respectively; and

18 (F) in subsection (e), as so redesignated,
19 by striking “this paragraph” and inserting
20 “this subsection”.

21 (d) TRANSFER AND REDESIGNATION OF SECTION
22 2522.—Section 2522 of title 10, United States Code, is
23 transferred to chapter 384 of such title, as added by sub-
24 section (a), inserted after section 4842, as designated by
25 subsection (c)(1)(B), and redesignated as section 4843.

(e) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 1644(f)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note) is amended by striking “section 2521” and inserting “section 4841”.

SEC. 1870. OTHER TECHNOLOGY BASE POLICIES AND PROGRAMS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by adding after chapter 384, as added by the preceding section, the following new chapter:

**“CHAPTER 385—OTHER TECHNOLOGY
BASE POLICIES AND PROGRAMS**

“Subchapter	Sec.
“I. Defense Trade Reciprocity and Offset Policy	4851
“II. Limitations on Procurement of Certain Items from Foreign Sources	4861
“III. Limitations on Procurement from Certain Foreign Sources	4871
“IV. Defense Industrial Reserve and Industrial Mobilization	4881
“V. Other Matters	4891

**“SUBCHAPTER I—DEFENSE TRADE
RECIPROCITY AND OFFSET POLICY**

“Sec.
“4851. Defense memoranda of understanding and related agreements.
“4852. Offset policy; notification.”.

(b) TRANSFER AND REDESIGNATION OF SECTIONS 2531 AND 2532.—Sections 2531 and 2532 of title 10, United States Code, are transferred to chapter 385 of

1 such title, as added by subsection (a), inserted after the
2 table of sections at the beginning of subchapter I, and re-
3 designated as sections 4851 and 4852, respectively.

4 (c) SUBCHAPTER II.—

5 (1) DESIGNATION OF SUBCHAPTER II.—Chap-
6 ter 385 of title 10, United States Code, is further
7 amended by adding after subchapter I, as amended
8 by subsection (b), the following:

9 “SUBCHAPTER II—LIMITATIONS ON PROCURE-
10 MENT OF CERTAIN ITEMS FROM FOREIGN
11 SOURCES

“Sec.

“4861. Determinations of public interest under chapter 83 of title 41.

“4862. Requirement to buy certain articles from American sources; exceptions.

“4863. Requirement to buy strategic materials critical to national security from
American sources; exceptions.

“4864. Miscellaneous limitations on the procurement of goods other than United
States goods.”.

12 (2) TRANSFER AND REDESIGNATION OF SEC-
13 TIONS 2533, 2533A, 2533B, AND 2534.—Sections 2533,
14 2533a, 2533b, and 2534 of title 10, United States
15 Code, are transferred to chapter 385 of such title,
16 as added by subsection (a), inserted (in that order)
17 after the table of sections at the beginning of sub-
18 chapter II, and redesignated as sections 4861, 4862,
19 4863, and 4864, respectively.

20 (3) CONFORMING CROSS-REFERENCE AMEND-
21 MENTS.—Section 4864 of such title, as so trans-
22 ferred and redesignated, is amended—

1 (A) in subsection (d)(3), by striking by
2 striking “section 2531” and inserting “section
3 4851”;

4 (B) in subsection (e)(3), by striking “sec-
5 tion 2532(d)(1)” and inserting “section
6 4852(d)(1)”; and

7 (C) in paragraph (2)(B) of the first sub-
8 section (k) (relating to “Limitation on certain
9 procurements application process”), by striking
10 “section 2500(1)” both places it appears and
11 inserting “section 4801(1)”.

12 (4) ADDITIONAL TECHNICAL AMENDMENTS.—
13 Section 4864 of such title, as so transferred and re-
14 designated, is further amended by redesignating the
15 second subsection (k) (added by section 853(b) of
16 the National Defense Authorization Act for Fiscal
17 Year 2020 (Public Law 116–92)) as subsection (l).

18 (5) CONFORMING AMENDMENT.—Section
19 854(a)(2) of the National Defense Authorization Act
20 for Fiscal Year 2020 (Public Law 116–92; 10
21 U.S.C. 2533b note) is amended by striking “section
22 2533a(b)” and inserting “section 4862(b)”.

23 (6) CROSS-REFERENCE AMENDMENTS.—

24 (A) Section 2375(e)(2) of title 10, United
25 States Code, is amended by striking “section

1 2533a” and “section 2533b” and inserting
2 “section 4862” and “section 4863”, respec-
3 tively.

4 (B) Section 8118 of Public Law 108–287
5 (10 U.S.C. 2533a note) is amended by striking
6 “section 2533a(f)” and inserting “section
7 4862(f)”.

8 (C) Section 187(b)(5) of title 10, United
9 States Code, is amended by striking “section
10 2533b” and inserting “section 4863”.

11 (d) SUBCHAPTER III.—

12 (1) DESIGNATION OF SUBCHAPTER III.—Chap-
13 ter 385 of title 10, United States Code, is further
14 amended by adding after subchapter II, as added by
15 subsection (c)(1), the following:

16 “SUBCHAPTER III—LIMITATIONS ON PROCURE-
17 MENT FROM CERTAIN FOREIGN SOURCES

“Sec.

“4871. Acquisition of sensitive materials from non-allied foreign nations: prohi-
bition.

“4872. Award of certain contracts to entities controlled by a foreign govern-
ment: prohibition.”.

18 (2) TRANSFER AND REDESIGNATION OF SEC-
19 TIONS 2533C AND 2536.—Sections 2533c and 2536 of
20 title 10, United States Code, are transferred to
21 chapter 385 of such title, as added by subsection
22 (a), inserted (in that order) after the table of sec-

1 tions at the beginning of subchapter III, and redesi-
2 gnated as sections 4871 and 4872, respectively.

3 (3) CROSS-REFERENCE AND CLERICAL AMEND-
4 MENTS.—

5 (A) Section 4871 of such title, as so trans-
6 ferred and redesignated, is amended by striking
7 “section 2533b(m)” in subsection (d)(3) and in-
8 serting “section 4863(m)”.

9 (B) The heading of such section is amend-
10 ed to read as follows:

11 **“§ 4871. Acquisition of sensitive materials from non-**
12 **allied foreign nations: prohibition”.**

13 (4) CONFORMING CROSS-REFERENCE AMEND-
14 MENT.—Section 2572(e)(2)(A) of title 10, United
15 States Code, is amended by striking “section
16 2536(c)(1)” and inserting “section 4872(c)(1)”.

17 (e) SUBCHAPTER IV.—

18 (1) DESIGNATION OF SUBCHAPTER IV.—Chap-
19 ter 385 of title 10, United States Code, is further
20 amended by adding after subchapter III, as added
21 by subsection (d), the following:

22 “SUBCHAPTER IV—DEFENSE INDUSTRIAL
23 RESERVE AND INDUSTRIAL MOBILIZATION

“Sec.

“4881. Defense Industrial Reserve.

“4882. Industrial mobilization: orders; priorities; possession of manufacturing
plants; violations.

“4883. Industrial mobilization: plants; lists.

“4884. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.”.

1 (2) TRANSFER AND REDESIGNATION OF SEC-
2 TIONS 2535, 2538, 2539, AND 2539A.—

3 (A) IN GENERAL.—Sections 2535, 2538,
4 2539, and 2539a of title 10, United States
5 Code, are transferred to chapter 385 of such
6 title, as added by subsection (a), inserted (in
7 that order) after the table of sections at the be-
8 ginning of subchapter IV, and redesignated as
9 sections 4881, 4882, 4883, and 4884, respec-
10 tively.

11 (B) CROSS-REFERENCE AMENDMENT.—
12 Section 4884 of such title, as so transferred
13 and redesignated, is amended by striking “sec-
14 tions 2538 and 2539” and inserting “sections
15 4882 and 4883”.

16 (f) SUBCHAPTER V.—

17 (1) DESIGNATION OF SUBCHAPTER V.—Chapter
18 385 of title 10, United States Code, is further
19 amended by adding after subchapter IV, as added by
20 subsection (e), the following:

21 “SUBCHAPTER V—OTHER MATTERS

“Sec.

“4891. Improved national defense control of technology diversions overseas.

“4892. Availability of samples, drawings, information, equipment, materials, and certain services.”.

(2) TRANSFER AND REDESIGNATION OF SECTIONS 2537 AND 2539B.—Sections 2537 and 2539b of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter V, and redesignated as sections 4891 and 4892, respectively.

SEC. 1871. SMALL BUSINESS PROGRAMS.

(a) IN GENERAL.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(1) by striking chapter 285; and

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

“CHAPTER 387—SMALL BUSINESS PROGRAMS

“Subchapter	Sec.
“I. General	4901

“SUBCHAPTER I—GENERAL

“Sec.
“4901. Department of Defense small business strategy.”.

(b) TRANSFER OF SECTION 2283.—Section 2283 of title 10, United States Code, is transferred to chapter 387 of such title, as added by paragraph (1), inserted after the table of sections at the end of subchapter I, redesignated as section 4901, and amended in subsections (b)(3)

1 and (e) by striking “chapter 142” and inserting “chapter
2 388”.

3 **SEC. 1872. PROCUREMENT TECHNICAL ASSISTANCE COOP-**
4 **ERATIVE AGREEMENT PROGRAM.**

5 (a) NEW CHAPTER.—

6 (1) IN GENERAL.—Part V of subtitle A of title
7 10, United States Code, as added by section 801 of
8 the John S. McCain National Defense Authorization
9 Act for Fiscal Year 2019 (Public Law 115–232), is
10 amended—

11 (A) by striking chapter 385 (as enacted by
12 that Act); and

13 (B) by adding after chapter 387, as added
14 by the preceding section, the following new
15 chapter:

16 **“CHAPTER 388—PROCUREMENT TECH-**
17 **NICAL ASSISTANCE COOPERATIVE**
18 **AGREEMENT PROGRAM**

“Sec.

“4951. Purposes; definitions; regulations.

“4952. Cooperative agreements.

“4953. Funding.

“4954. Distribution.

“4955. Subcontractor information.

“4956. Authority to provide certain types of technical assistance.

“4957. Advancing small business growth.

“4958. [Reserved].

“4959. Administrative and other costs.

1 **“§ 4951. Purposes; definitions; regulations”.**

2 (2) TRANSFER OF SECTION 2412.—The text of
3 section 2412 of title 10, United States Code, is
4 transferred to section 4951 of such title, as added
5 by paragraph (1), inserted after the section heading,
6 designated as subsection (a), and amended by insert-
7 ing “PURPOSES.—” before “The purposes of the
8 program”.

9 (3) TRANSFER OF SECTION 2411.—

10 (A) TRANSFER.—The text of section 2411
11 of title 10, United States Code, is transferred
12 to section 4951 of such title, as added by para-
13 graph (1), inserted after subsection (a), as
14 added by paragraph (2), designated as sub-
15 section (b), and amended by inserting “DEFINI-
16 TIONS.—” before “In this chapter”.

17 (B) PRESERVATION OF FUTURE AMEND-
18 MENT.—Section 852(a) of the National Defense
19 Authorization Act for Fiscal Year 2020 (Public
20 Law 116–92; 133 Stat. 1511; 10 U.S.C. 2411
21 note) is amended by striking “section 2411(3)”
22 and inserting “section 4951(b)(3)”, except that
23 if the effective date of this section is after Octo-
24 ber 1, 2021, such amendment shall not be
25 made.

1 (4) TRANSFER OF SECTION 2420.—The text of
2 section 2420 of title 10, United States Code, is
3 transferred to section 4951 of such title, as added
4 by paragraph (1), inserted after subsection (b), as
5 added by paragraph (3), designated as subsection
6 (c), and amended by inserting “REGULATIONS.—”
7 before “The Secretary of Defense”.

8 (5) TRANSFER OF SECTION 2413.—Section 2413
9 of title 10, United States Code, is transferred to
10 chapter 385 of such title, as amended by paragraph
11 (1), inserted after section 4951, redesignated as sec-
12 tion 4952, and amended—

13 (A) in subsection (a), by inserting “AU-
14 THORITY.—” after “(a)”;

15 (B) in subsection (b)—

16 (i) by inserting “AGREEMENTS.—”
17 before “Under any such” ; and

18 (ii) by striking “section 2419(b)” in
19 paragraph (2) and inserting “section
20 4957(b)”;

21 (C) in subsection (c), by inserting “DIS-
22 TRIBUTION OF PROGRAMS.—” after “(c)”;

23 (D) in subsection (d), by inserting
24 “WEIGHT TO BE GIVEN SUCCESSFUL PAST
25 PERFORMANCE.—” after “(d)” ; and

1 (E) in subsection (e), by inserting “DE-
2 TERMINATION OF LEVEL OF FUNDING.—”
3 after “(e)”.

4 (6) TRANSFER OF SECTION 2414.—Section 2414
5 of title 10, United States Code, is transferred to
6 chapter 385 of such title, as amended by paragraph
7 (1), inserted after section 4952, as transferred and
8 redesignated by paragraph (5), redesignated as sec-
9 tion 4953, and amended—

10 (A) by striking “clause” in paragraphs (1)
11 and (2) of subsection (a) and inserting “para-
12 graph”;

13 (B) by striking “section 2411(1)(D)” in
14 subsections (a)(3), (a)(4), and (b) and inserting
15 “section 4951(b)(1)(D)”; and

16 (C) in subsection (c), by striking “section
17 2419(b)” and inserting “section 4957(b)”.

18 (7) TRANSFER OF SECTION 2415.—Section 2415
19 of title 10, United States Code, is transferred to
20 chapter 385 of such title, as amended by paragraph
21 (1), inserted after section 4953, as transferred and
22 redesignated by paragraph (6), and redesignated as
23 section 4954.

24 (8) TRANSFER OF SECTION 2416.—Section 2416
25 of title 10, United States Code, is transferred to

1 chapter 385 of such title, as amended by paragraph
2 (1), inserted after section 4954, as transferred and
3 redesignated by paragraph (7), redesignated as sec-
4 tion 4955, and amended—

5 (A) in subsection (a), by inserting “CON-
6 TRACTORS TO PROVIDE INFORMATION.—” after
7 “(a)”;

8 (B) in subsection (b), by inserting “INFOR-
9 MATION TO BE PROVIDED.—” after “(b)”;

10 (C) in subsection (c), by inserting “FRE-
11 QUENCY.—” after “(c)”;

12 (D) in subsection (d), by inserting “DEFI-
13 NITION.—” after “(d)”.

14 (9) TRANSFER OF SECTION 2418.—Section 2418
15 of title 10, United States Code, is transferred to
16 chapter 385 of such title, as amended by paragraph
17 (1), inserted after section 4955, as transferred and
18 redesignated by paragraph (8), redesignated as sec-
19 tion 4956, and amended—

20 (A) in subsection (a), by inserting “AS-
21 SISTANCE RELATING TO CERTAIN NON-DE-
22 FENSE CONTRACTS.—” after “(a)”;

23 (B) in subsection (b), by inserting “INFOR-
24 MATION RELATING TO ASSISTANCE AND OTHER
25 PROGRAMS AVAILABLE.—” after “(b)”;

1 (C) in subsection (c), by inserting “EDU-
2 CATION ON REQUIREMENTS APPLICABLE TO
3 SMALL BUSINESSES UNDER CERTAIN REGULA-
4 TIONS.—” after “(c)”.

5 (10) TRANSFER OF SECTION 2419.—Section
6 2419 of title 10, United States Code, is transferred
7 to chapter 385 of such title, as amended by para-
8 graph (1), inserted after section 4956, as trans-
9 ferred and redesignated by paragraph (7), and re-
10 designated as section 4957.

11 (11) TRANSFER OF SECTION 2417.—Section
12 2417 of title 10, United States Code, is transferred
13 to chapter 385 of such title, as amended by para-
14 graph (1), inserted after section 4957, as added by
15 paragraph (10), and redesignated as section 4959.

16 (b) CONFORMING REPEAL OF CHAPTER 142.—

17 (1) REPEAL.—Chapter 142 of title 10, United
18 States Code, is repealed.

19 (2) CLERICAL AMENDMENTS.—The tables of
20 chapters at the beginning of subtitle A, and at the
21 beginning of part IV of subtitle A, of title 10,
22 United States Code, are amended by striking the
23 items relating to chapter 142.

1 **SEC. 1873. LOAN GUARANTEE PROGRAMS.**

2 (a) NEW CHAPTER.—Part V of subtitle A of title 10,
3 United States Code, as added by section 801 of the John
4 S. McCain National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232), is amended—

6 (1) by striking chapter 383 (as enacted by that
7 Act); and

8 (2) by adding after chapter 388, as added by
9 the preceding section, the following new chapter:

10 **“CHAPTER 389—LOAN GUARANTEE**
11 **PROGRAMS**

“Subchapter	Sec.
“I. Defense Export Loan Guarantees	4971
“II. Critical Infrastructure Protection Loan Guarantees	4981”.

12 (b) TRANSFER OF EXISTING PROVISIONS.—Sub-
13 chapters VI and VII of chapter 148 of title 10, United
14 States Code, are transferred to chapter 389 of such title,
15 as added by subsection (a), inserted after the table of sub-
16 chapters at the beginning of the chapter, and redesignated
17 as subchapters I and II, respectively.

18 (c) REDESIGNATION OF SECTIONS.—

19 (1) SUBCHAPTER I.—Sections 2540, 2540a,
20 2540b, 2540c and 2540d of such title are redesign-
21 ated as sections 4971, 4972, 4973, 4974, and
22 4975, respectively, and the items relating to those
23 sections in the table of sections at the beginning of
24 subchapter I of chapter 389, as transferred and re-

1 designated by subsection (b), are amended to con-
2 form to the redesignations in this paragraph.

3 (2) SUBCHAPTER II.—Sections 2541, 2541a,
4 2541b, 2541c and 2541d of such title are redesign-
5 nated as sections 4981, 4982, 4983, 4984, and
6 4985, respectively, and the items relating to those
7 sections in the table of sections at the beginning of
8 subchapter II of chapter 389, as transferred and re-
9 designated by subsection (b), are amended to con-
10 form to the redesignations in this paragraph.

11 (d) CONFORMING CROSS-REFERENCE AMENDMENTS
12 IN 2540 NOTE SECTION.—Section 8065 of the Depart-
13 ment of Defense Appropriations Act, 2005 (Public Law
14 108–287; 10 U.S.C. 2540 note), is amended—

15 (1) by striking “subchapter VI of chapter 148”
16 both places it appears and inserting “subchapter I
17 of chapter 389”; and

18 (2) by striking “section 2540c(d)” and insert-
19 ing “section 4974(d)”.

20 (e) CROSS-REFERENCE AMENDMENTS IN SUB-
21 CHAPTER II.—Subchapter II of chapter 389 of such title,
22 as transferred and redesignated by subsection (b), is
23 amended—

1 (1) in subsection (b)(5) of section 4981, as re-
2 designated by subsection (c)(2), by striking “section
3 2541d” and inserting “section 4985”;

4 (2) in subsection (b) of section 4983, as redес-
5 igned by subsection (c)(2), by striking “section
6 2541a(c)” and inserting “section 4982(c)”; and

7 (3) in section 4984, as redesignated by sub-
8 section (c)(2)—

9 (A) in the matter preceding paragraph (1),
10 by striking “subchapter VI” and inserting
11 “subchapter I”;

12 (B) in paragraph (1), by striking “Section
13 2540a” and inserting “Section 4972”;

14 (C) in paragraph (2), by striking “section
15 2540b” and inserting “section 4973”; and

16 (D) in paragraph (3), by striking “Section
17 2540d(2)” and inserting “Section 4975(2)”.

18 (f) CLERICAL AMENDMENTS.—The tables of chapters
19 at the beginning of subtitle A, and at the beginning of
20 part V of subtitle A, of title 10, United States Code, are
21 amended—

22 (1) by striking the items relating to chapters
23 285, 383, and 385; and

24 (2) by adding at the end the following new
25 items:

“387. Small Business Programs 4901

“388. Procurement Technical Assistance Cooperative Agreement Program	4951
“389. Loan Guarantee Programs	4971”.

Subtitle J—Other Matters

SEC. 1876. RECODIFICATION OF CERTAIN TITLE 10 PROVISIONS RELATING TO CONTRACT FINANCING FOR CERTAIN NAVY CONTRACTS.

(a) RECODIFICATION OF PARAGRAPH (1) OF 10 U.S.C. 2307(g).—Chapter 863 of title 10, United States Code, is amended by inserting after section 8684 a new section 8684a consisting of—

(1) a heading as follows:

“§ 8684a. Repair, maintenance, or overhaul of naval vessels: rate for progress payments”; and

(2) a text consisting of the text of paragraph

(1) of section 2307(g) of title 10, United States Code, revised by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) RECODIFICATION OF PARAGRAPH (3).—Such chapter is further amended by inserting after section 8688 a new section 8688a consisting of—

(1) a heading as follows:

“§ 8688a. Construction and conversion of naval vessels: liens”; and

(2) a text consisting of the text of paragraph

(3) of section 2307(g) of such title.

1 (c) RECODIFICATION OF PARAGRAPH (2).—Sub-
2 section (c) of section 8702 of such title is amended—

3 (1) by striking the first two words of the sub-
4 section heading; and

5 (2) by striking the text of that subsection and
6 inserting the text of paragraph (2) of section
7 2307(g) of such title, amended by striking “this
8 paragraph” in the second sentence and inserting
9 “this subsection”.

10 (d) CLERICAL AMENDMENTS.—The table of sections
11 at the beginning of chapter 863 of such title is amended—

12 (1) by inserting after the item relating to sec-
13 tion 8684 the following new item:

“8684a. Repair, maintenance, or overhaul of naval vessels: rate for progress
payments.”;

14 (2) by inserting after the item relating to sec-
15 tion 8688 the following new item:

“8688a. Construction and conversion of naval vessels: liens.”.

16 (e) CONFORMING REPEAL.—Section 2307(g) of such
17 title is repealed.

18 **SEC. 1877. RECODIFICATION OF TITLE 10 STATUTE ON**
19 **CADRE OF PERSONNEL WHO ARE INTELLEC-**
20 **TUAL PROPERTY EXPERTS.**

21 (a) NEW SECTION IN ACQUISITION WORKFORCE
22 CHAPTER.—Chapter 87 of title 10, United States Code,

1 is amended by inserting after section 1706 the following
2 new section:

3 **“§ 1707. Cadre of intellectual property experts”.**

4 (b) TRANSFER OF 10 U.S.C. 2322(B).—Subsection
5 (b) of section 2322 of title 10, United States Code, is
6 transferred to section 1707 of such title, as added by sub-
7 section (a), inserted after the section heading, redesign-
8 nated as subsection (a), and amended—

9 (1) by striking “CADRE OF INTELLECTUAL
10 PROPERTY EXPERTS.—(1) The Secretary” and in-
11 serting “CADRE.—The Secretary”; and

12 (3) by redesignating paragraphs (2), (3), and
13 (4) as subsections (b), (c), and (d), respectively.

14 (c) AMENDMENTS TO NEW 1707(B).—Subsection (b)
15 of such section 1707, as so redesignated, is amended—

16 (1) by inserting “LEADERSHIP STRUCTURE.—”
17 before “The Under”;

18 (2) by striking “Secretary shall establish” and
19 inserting “Secretary—

20 “(1) shall establish”; and

21 (3) by striking “managed, and shall determine”
22 and inserting “managed; and

23 “(2) shall determine”.

24 (d) AMENDMENTS TO NEW 1707(C).—Subsection (c)
25 of such section 17017, as so redesignated, is amended—

1 (1) by inserting “DUTIES.—” before “The
2 cadre”; and

3 (2) by redesignating subparagraphs (A) through
4 (F) as paragraphs (1) through (6), respectively.

5 (e) AMENDMENTS TO NEW 1707(D).—Subsection (d)
6 of such section 1707, as so redesignated, is amended—

7 (1) by striking “(A) In order to” and inserting
8 “ADMINISTRATION.—

9 “(1) In order to”;

10 (2) by redesignating subparagraphs (B)
11 through (F) as paragraphs (2) through (6), respec-
12 tively, and realigning such paragraphs 2 ems from
13 the left margin;

14 (3) in paragraph (1) of such subsection (d), as
15 redesignated by paragraph (1) of this subsection—

16 (A) in the first sentence—

17 (i) by striking “paragraph (1)” and
18 inserting “subsection (a)”; and

19 (ii) by striking “paragraph (2)” and
20 inserting “subsection (b)”; and

21 (B) in the third sentence, by striking “sub-
22 paragraphs (B), (C), (D), and (F)” and insert-
23 ing “paragraphs (2), (3), (4), and (6)”; and

1 (4) in paragraph (4), as redesignated by para-
2 graph (2), by striking “section 2320” and inserting
3 “section 3775(a)”.

4 **SEC. 1878. TRANSFER OF TITLE 10 SECTION RELATING TO**
5 **NOTIFICATION OF NAVY PROCUREMENT PRO-**
6 **DUCTION DISRUPTIONS.**

7 (a) TRANSFER OF SECTION 2339B.—Section 2339b
8 of title 10, United States Code, as added by section 820
9 of the National Defense Authorization Act for Fiscal Year
10 2020 (Public Law 116–92), is transferred to chapter 873
11 of such title, inserted before section 8752, and redesign-
12 nated as section 8751.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 873 of such title is amended
15 by inserting before the item relating to section 8752 the
16 following new item:

“8751. Notification of Navy procurement production disruptions.”.

17 **SEC. 1879. TRANSFER OF TITLE 10 SECTION RELATING TO**
18 **ENERGY SECURITY.**

19 (a) TRANSFER.—Section 2410q of title 10, United
20 States Code, is transferred to subchapter II of chapter
21 173 of such title, inserted after section 2922h, and redes-
22 ignated as section 2922i.

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

“2922i. Multiyear contracts: purchase of electricity from renewable energy sources.”.

1 **SEC. 1880. PART IV HEADING.**

2 (a) HEADING.—The heading of part IV of subtitle A
3 of title 10, United States Code, is amended to read as
4 follows:

5 **“PART IV—SERVICE, SUPPLY, AND PROPERTY”.**

6 (b) TABLE OF CHAPTERS.—The item relating to the
7 heading of part IV in the table of chapters at the begin-
8 ning of subtitle A of such title is amended to read as fol-
9 lows:

“Part IV—Service, Supply, and Property”.

10 **SEC. 1881. REPEAL OF CHAPTERS 137, 139, 144, AND 148.**

11 (a) REPEAL.—Chapters 137, 139, 144, and 148 of
12 title 10, United States Code, are repealed.

13 (b) TABLE OF CHAPTERS.—The tables of chapters
14 at the beginning of subtitle A, and at the beginning of
15 part IV of subtitle A, of such title are amended by striking
16 the items relating to chapters 137, 139, 144, and 148.

17 **SEC. 1882. REVISION OF CHAPTER 141.**

18 (a) CHAPTER HEADING.—

19 (1) The heading of chapter 141 of title 10,
20 United States Code, is amended to read as follows:

1 **“PART 141—MISCELLANEOUS PROVISIONS**
2 **RELATING TO PROPERTY”.**

3 (2) The items relating to such chapter in the
4 table of chapters at the beginning of subtitle A, and
5 at the beginning of part IV of subtitle A, of such
6 title are amended to read as follows:

 “141. Miscellaneous Provisions Relating to Property 2381”.

7 (b) CONSOLIDATION OF REMAINING SECTIONS OF
8 CHAPTER 141.—Sections 2410r and 2410s of such title
9 are transferred within chapter 141 of such title to appear
10 (in that order) before section 2389 and are redesignated
11 as sections 2387 and 2388, respectively.

12 (c) TABLE OF SECTIONS.—The table of sections at
13 the beginning of such chapter is amended to read as fol-
14 lows:

 “Sec.

 “2385. Arms and ammunition: immunity from taxation.

 “2387. Contract working dogs: requirement to transfer animals to 341st Train-
 ing Squadron after service life.

 “2388. Security clearances for facilities of certain companies.

 “2389. Ensuring safety regarding insensitive munitions.

 “2390. Prohibition on the sale of certain defense articles from the stocks of the
 Department of Defense.

 “2391. Military base reuse studies and community planning assistance.

 “2396. Advances for payments for compliance with foreign laws, rent in foreign
 countries, tuition, public utility services, and pay and supplies
 of armed forces of friendly foreign countries.”.

15 **SEC. 1883. REFERENCES.**

16 (a) DEFINITIONS.—In this section:

17 (1) REDESIGNATED SECTION.—The term “re-
18 designated section” means a section of title 10,

1 United States Code, that is redesignated by this
2 title, as that section is so redesignated.

3 (2) SOURCE SECTION.—The term “source sec-
4 tion” means a section of title 10, United States
5 Code, that is redesignated by this title, as that sec-
6 tion was in effect before the redesignation.

7 (b) REFERENCE TO SOURCE SECTION.—

8 (1) TREATMENT OF REFERENCE.—Except as
9 otherwise provided in this title, a reference to a
10 source section, including a reference in a regulation,
11 order, or other law, is deemed to refer to the cor-
12 responding redesignated section.

13 (2) TITLE 10.—Except as otherwise provided in
14 this title, in title 10, United States Code, each ref-
15 erence in the text of such title to a source section
16 is amended by striking such reference and inserting
17 a reference to the appropriate redesignated section.

18 **SEC. 1884. SAVINGS PROVISIONS.**

19 (a) REGULATIONS, ORDERS, AND OTHER ADMINIS-
20 TRATIVE ACTIONS.—A regulation, order, or other admin-
21 istrative action in effect under a provision of title 10,
22 United States Code, redesignated by this title continues
23 in effect under the provision as so redesignated.

24 (b) ACTIONS TAKEN AND OFFENSES COMMITTED.—

25 An action taken or an offense committed under a provision

1 of title 10, United States Code, redesignated by this title
2 is deemed to have been taken or committed under the pro-
3 vision as so redesignated.

4 **SEC. 1885. RULE OF CONSTRUCTION.**

5 This title, including the amendments made by this
6 title, is intended only to reorganize title 10, United States
7 Code, and may not be construed to alter—

8 (1) the effect of a provision of title 10, United
9 States Code, including any authority or requirement
10 therein;

11 (2) a department or agency interpretation with
12 respect to title 10, United States Code; or

13 (3) a judicial interpretation with respect to title
14 10, United States Code.

15 **DIVISION B—MILITARY CON-**
16 **STRUCTION AUTHORIZA-**
17 **TIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Military Construc-
20 tion Authorization Act for Fiscal Year 2021”.

21 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
22 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
23 **LAW.**

24 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
25 YEARS.—Except as provided in subsection (b), all author-

1 izations contained in titles XXI through XXVII and title
2 XXIX for military construction projects, land acquisition,
3 family housing projects and facilities, and contributions to
4 the North Atlantic Treaty Organization Security Invest-
5 ment Program (and authorizations of appropriations
6 therefor) shall expire on the later of—

7 (1) October 1, 2023; or

8 (2) the date of the enactment of an Act author-
9 izing funds for military construction for fiscal year
10 2024.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 authorizations for military construction projects, land ac-
13 quisition, family housing projects and facilities, and con-
14 tributions to the North Atlantic Treaty Organization Se-
15 curity Investment Program (and authorizations of appro-
16 priations therefor), for which appropriated funds have
17 been obligated before the later of—

18 (1) October 1, 2023; or

19 (2) the date of the enactment of an Act author-
20 izing funds for fiscal year 2024 for military con-
21 struction projects, land acquisition, family housing
22 projects and facilities, or contributions to the North
23 Atlantic Treaty Organization Security Investment
24 Program.

1 **SEC. 2003. EFFECTIVE DATE.**

2 Titles XXI through XXVII and title XXIX shall take
3 effect on the later of—

4 (1) October 1, 2020; or

5 (2) the date of the enactment of this Act.

6 **TITLE XXI—ARMY MILITARY**
7 **CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Limitation on military construction project at Kwajalein Atoll.

Sec. 2105. Modification of authority to carry out fiscal year 2017 project at
Camp Walker, Korea.

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
9 **ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
11 appropriated pursuant to the authorization of appropria-
12 tions in section 2103(a) and available for military con-
13 struction projects inside the United States as specified in
14 the funding table in section 4601, the Secretary of the
15 Army may acquire real property and carry out military
16 construction projects for the installations or locations in-
17 side the United States, and in the amounts, set forth in
18 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$114,000,000
Arizona	Yuma Proving Ground	\$14,000,000
California	Military Ocean Terminal Concord	\$46,000,000
Colorado	Fort Carson	\$28,000,000
Georgia	Fort Gillem	\$71,000,000
	Fort Gordon	\$80,000,000
Hawaii	Aliamanu Military Reservation	\$71,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Schofield Barracks	\$39,000,000
	Wheeler Army Airfield	\$89,000,000
Louisiana	Fort Polk	\$25,000,000
Oklahoma	McAlester AAP	\$35,000,000
South Carolina	Fort Jackson	\$7,000,000
Virginia	Humphreys Engineer Center	\$51,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2103(a) and available for military con-
4 struction projects outside the United States as specified
5 in the funding table in section 4601, the Secretary of the
6 Army may acquire real property and carry out military
7 construction projects for the installation outside the
8 United States, and in the amount, set forth in the fol-
9 lowing table:

Army: Outside the United States

State	Installation	Amount
Italy	Casmera Renato Dal Din	\$10,200,000

10 **SEC. 2102. FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using
12 amounts appropriated pursuant to the authorization of ap-
13 propriations in section 2103(a) and available for military
14 family housing functions as specified in the funding table
15 in section 4601, the Secretary of the Army may construct
16 or acquire family housing units (including land acquisition
17 and supporting facilities) at the installations or locations,

1 in the number of units, and in the amounts set forth in
 2 the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construc- tion	\$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction ...	\$32,000,000

3 (b) PLANNING AND DESIGN.—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2103(a) and available for military family housing
 6 functions as specified in the funding table in section 4601,
 7 the Secretary of the Army may carry out architectural and
 8 engineering services and construction design activities
 9 with respect to the construction or improvement of family
 10 housing units in an amount not to exceed \$3,300,000.

11 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal years
 14 beginning after September 30, 2020, for military con-
 15 struction, land acquisition, and military family housing
 16 functions of the Department of the Army as specified in
 17 the funding table in section 4601.

18 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 19 PROJECTS.—Notwithstanding the cost variations author-
 20 ized by section 2853 of title 10, United States Code, and
 21 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2101 of this Act
2 may not exceed the total amount authorized to be appro-
3 priated under subsection (a), as specified in the funding
4 table in section 4601.

5 **SEC. 2104. LIMITATION ON MILITARY CONSTRUCTION**
6 **PROJECT AT KWAJALEIN ATOLL.**

7 The Secretary of the Army may not commence the
8 military construction project authorized by section
9 2102(a) at Kwajalein Atoll, as specified in the funding
10 table in section 4601, and none of the funds authorized
11 to be appropriated by this Act for that military construc-
12 tion project may be obligated or expended, until the Sec-
13 retary submits to Committees on Armed Services of the
14 House of Representatives and the Senate a design plan
15 for the project that ensures that, upon completion of the
16 project, the project will be resilient to 15 inches of sea
17 level fluctuation and periods of complete inundation and
18 wave-overwash predicted during the 10-year period begin-
19 ning on the date of the enactment of this Act.

20 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **FISCAL YEAR 2017 PROJECT AT CAMP WALK-**
22 **ER, KOREA.**

23 In the case of the authorization contained in the table
24 in section 2102(a) of the National Defense Authorization
25 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.

1 2689) for Camp Walker, Korea, the Secretary of the Army
 2 may construct an elevated walkway between two existing
 3 parking garages to connect children's playgrounds using
 4 amounts available for Family Housing New Construction,
 5 as specified in the funding table in section 4601 of such
 6 Act (130 Stat. 2883).

7 **TITLE XXII—NAVY MILITARY** 8 **CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing and improvements to military family housing units.

Sec. 2203. Authorization of appropriations, Navy.

9 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 10 **ACQUISITION PROJECTS.**

11 (a) INSIDE THE UNITED STATES.—Using amounts
 12 appropriated pursuant to the authorization of appropria-
 13 tions in section 2203(a) and available for military con-
 14 struction projects inside the United States as specified in
 15 the funding table in section 4601, the Secretary of the
 16 Navy may acquire real property and carry out military
 17 construction projects for the installations or locations in-
 18 side the United States, and in the amounts, set forth in
 19 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$115,530,000
	Lemoore	\$187,220,000
	Point Mugu	\$26,700,000
	Port Hueneme	\$43,500,000
	San Diego	\$128,500,000
	Seal Beach	\$46,800,000
	Twentynine Palms	\$76,500,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$114,900,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Maine	Kittery	\$715,000,000
	NCTAMS LANT Detachment Cutler	\$26,100,000
Nevada	Fallon	\$29,040,000
North Carolina	Cherry Point	\$51,900,000
Virginia	Norfolk	\$39,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	SW Asia	\$68,340,000
El Salvador	Comalapa	\$28,000,000
Greece	Souda Bay	\$50,180,000
Guam	Andersen Air Force Base	\$21,280,000
	Joint Region Marianas	\$546,550,000
Spain	Rota	\$60,110,000

SEC. 2202. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with

1 respect to the construction or improvement of family hous-
2 ing units in an amount not to exceed \$5,854,000.

3 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
4 UNITS.—Subject to section 2825 of title 10, United States
5 Code, and using amounts appropriated pursuant to the
6 authorization of appropriations in section 2203(a) and
7 available for military family housing functions as specified
8 in the funding table in section 4601, the Secretary of the
9 Navy may improve existing military family housing units
10 in an amount not to exceed \$37,043,000.

11 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal years
14 beginning after September 30, 2020, for military con-
15 struction, land acquisition, and military family housing
16 functions of the Department of the Navy, as specified in
17 the funding table in section 4601.

18 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
19 PROJECTS.—Notwithstanding the cost variations author-
20 ized by section 2853 of title 10, United States Code, and
21 any other cost variation authorized by law, the total cost
22 of all projects carried out under section 2201 of this Act
23 may not exceed the total amount authorized to be appro-
24 priated under subsection (a), as specified in the funding
25 table in section 4601.

1 **TITLE XXIII—AIR FORCE**
2 **MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing and improvements to military family housing units.
Sec. 2303. Authorization of appropriations, Air Force.
Sec. 2304. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2305. Modification of authority to carry out certain fiscal year 2019 projects.
Sec. 2306. Modification of authority to carry out certain fiscal year 2020 projects.
Sec. 2307. Technical corrections related to authority to carry out certain fiscal year 2020 family housing projects.

3 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
4 **LAND ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
6 appropriated pursuant to the authorization of appropria-
7 tions in section 2303(a) and available for military con-
8 struction projects inside the United States as specified in
9 the funding table in section 4601, the Secretary of the
10 Air Force may acquire real property and carry out mili-
11 tary construction projects for the installations or locations
12 inside the United States, and in the amounts, set forth
13 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
California	Edwards Air Force Base	\$40,000,000
New Jersey	Joint Base McGuire-Dix- Lakehurst	\$22,000,000
South Dakota	Ellsworth Air Force Base	\$96,000,000
Texas	Joint Base San Antonio	\$19,500,000
Utah	Hill Air Force Base	\$132,000,000
Virginia	Joint Base Langley-Eustis	\$19,500,000

14 (b) OUTSIDE THE UNITED STATES.—Using amounts
15 appropriated pursuant to the authorization of appropria-

tions in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Guam	Andersen Air Force Base	\$56,000,000
Qatar	Al Udeid	\$26,000,000

SEC. 2302. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,969,000.

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified

1 in the funding table in section 4601, the Secretary of the
2 Air Force may improve existing military family housing
3 units in an amount not to exceed \$94,245,000.

4 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
5 **FORCE.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2020, for military con-
9 struction, land acquisition, and military family housing
10 functions of the Department of the Air Force, as specified
11 in the funding table in section 4601.

12 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
13 PROJECTS.—Notwithstanding the cost variations author-
14 ized by section 2853 of title 10, United States Code, and
15 any other cost variation authorized by law, the total cost
16 of all projects carried out under section 2301 may not ex-
17 ceed the total amount authorized to be appropriated under
18 subsection (a), as specified in the funding table in section
19 4601.

20 **SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2018 PROJECT.**

22 (a) MODIFICATION OF PROJECT AUTHORITY.—In the
23 case of the authorization contained in the table in section
24 2301(b) of the National Defense Authorization Act for
25 Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826)

1 for Royal Air Force Lakenheath, United Kingdom, for
2 construction of a 2,384 square-meter Consolidated Corro-
3 sion Control Facility, as specified in the funding table in
4 section 4601 of such Act (131 Stat. 2004), the Secretary
5 of the Air Force may construct a 2,700 square-meter Con-
6 solidated Corrosion Control and Wash Rack Facility.

7 (b) MODIFICATION OF PROJECT AMOUNTS.—

8 (1) DIVISION B TABLE.—The authorization
9 table in section 2301(b) of the National Defense Au-
10 thorization Act for Fiscal Year 2018 (Public Law
11 115–91; 131 Stat. 1826) is amended in the item re-
12 lating to Royal Air Force Lakenheath, United King-
13 dom, by striking “\$136,992,000” and inserting
14 “\$172,292,000” to reflect the project modification
15 made by subsection (a).

16 (2) DIVISION D TABLE.—The funding table in
17 section 4601 of the National Defense Authorization
18 Act for Fiscal Year 2018 (Public Law 115–91; 131
19 Stat. 2004) is amended in the item relating to Royal
20 Air Force Lakenheath, Consolidated Corrosion Con-
21 trol Facility, by striking “\$20,000” in the Con-
22 ference Authorized column and inserting “\$55,300”
23 to reflect the project modification made by sub-
24 section (a).

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2019 PROJECTS.**

3 (a) EIELSON AIR FORCE BASE, ALASKA.—In the
4 case of the authorization contained in the table in section
5 2301(a) of the John S. McCain National Defense Author-
6 ization Act for Fiscal Year 2019 (Public Law 115–232;
7 132 Stat. 2246) for Eielson Air Force Base, Alaska, for
8 construction of a F–35 CATM Range, as specified in the
9 funding table in section 4601 of that Act (132 Stat.
10 2404), the Secretary of the Air Force may construct a
11 600 square meter non-contained (outdoor) range with cov-
12 ered and heated firing line.

13 (b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

14 (1) MODIFICATION OF PROJECT AUTHORITY.—

15 In the case of the authorization contained in table
16 in section 2301(a) of the John S. McCain National
17 Defense Authorization Act for Fiscal Year 2019
18 (Public Law 115–232; 132 Stat. 2246) for
19 Barksdale Air Force Base, Louisiana, for construc-
20 tion of an Entrance Road and Gate Complex the
21 Secretary of the Air Force may construct a 190
22 square meter visitor control center, 44 square meter
23 gate house, 124 square meter privately owned vehi-
24 cle inspection facility, 338 square meter truck in-
25 spection facility and a 45 square meter gatehouse.

1 (2) PROJECT CONDITIONS.—The military con-
2 struction project referred to in paragraph (1) shall
3 be carried out consistent with the Unified Facilities
4 Criteria relating to Entry Control Facilities and ap-
5 plicable construction guidelines of the Department of
6 the Air Force. Construction in a flood plain is au-
7 thorized, subject to the condition that the Secretary
8 of the Air Force include appropriate mitigation
9 measures.

10 (3) MODIFICATION OF PROJECT AMOUNTS.—

11 (A) DIVISION B TABLE.—The authoriza-
12 tion table in section 2301(a) of the John S.
13 McCain National Defense Authorization Act for
14 Fiscal Year 2019 (Public Law 115–232; 132
15 Stat. 2246) is amended in the item relating to
16 Barksdale Air Force Base, Louisiana, by strik-
17 ing “\$12,250,000” and inserting
18 “\$48,000,000” to reflect the project modifica-
19 tion made by paragraph (1).

20 (B) DIVISION D TABLE.—The funding
21 table in section 4601 of the John S. McCain
22 National Defense Authorization Act for Fiscal
23 Year 2019 (Public Law 115–232; 132 Stat.
24 2404) is amended in the item relating to
25 Barksdale Air Force Base, Louisiana, by strik-

1 ing “\$12,250” in the Conference Authorized
2 column and inserting “\$48,000” to reflect the
3 project modification made by paragraph (1).

4 (c) ROYAL AIR FORCE LAKENHEATH, UNITED KING-
5 DOM.—In the case of the authorization contained in the
6 table in section 2301(b) of the John S. McCain National
7 Defense Authorization Act for Fiscal Year 2019 (Public
8 Law 115–232; 132 Stat. 2247) for Royal Air Force
9 Lakenheath, United Kingdom, for construction of a 485
10 square-meter F–35A ADAL Conventional Munitions MX,
11 as specified in the funding table of section 4601 of such
12 Act (132 Stat. 2405), the Secretary of the Air Force may
13 construct a 1,206 square-meter maintenance facility for
14 such purpose.

15 (d) FORCE PROTECTION AND SAFETY.—The funding
16 table in section 4601 of the John S. McCain National De-
17 fense Authorization Act for Fiscal Year 2019 (Public Law
18 115–232; 132 Stat. 2406) is amended in the item relating
19 to Force Protection and Safety under Military Construc-
20 tion, Air Force, by striking “\$35,000” in the Conference
21 Authorized column and inserting “\$50,000” to reflect
22 amounts appropriated for such purpose.

1 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2020 PROJECTS.**

3 (a) TYNDALL AIR FORCE BASE, FLORIDA.—In the
4 case of the authorizations contained in the table in section
5 2912(a) of the National Defense Authorization Act for
6 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913)
7 for Tyndall Air Force Base, Florida—

8 (1) for construction of Auxiliary Ground Equip-
9 ment Facility, as specified in the funding table in
10 section 4603 of that Act (133 Stat. 2103), the Sec-
11 retary of the Air Force may construct up to 5,043
12 square meters of aircraft support equipment storage;

13 (2) for construction of Ops/Aircraft Mainte-
14 nance Unit/Hanger Number 2, as specified in such
15 funding table, the Secretary of the Air Force may
16 construct—

17 (A) up to 2,584 square meters of squadron
18 operations; and

19 (B) up to 2,880 square meters of aircraft
20 maintenance unit;

21 (3) for construction of Ops/Aircraft Mainte-
22 nance Unit/Hanger Number 3, as specified in such
23 funding table, the Secretary of the Air Force may
24 construct—

25 (A) up to 2,584 square meters of squadron
26 operations; and

1 (B) up to 2,880 square meters of aircraft
2 maintenance unit;

3 (4) for construction of Operations Group/Main-
4 tenance Group HQ, as specified in such funding
5 table, the Secretary of the Air Force may construct
6 up to 3,479 square meters of headquarters;

7 (5) for construction of Security Forces Mobility
8 Storage Facility, as specified in such funding table,
9 the Secretary of the Air Force may construct up to
10 930 square meters of equipment storage;

11 (6) for construction of Site Development, Utili-
12 ties & Demo Phase 2, as specified in such funding
13 table, the Secretary of the Air Force may con-
14 struct—

15 (A) up to 3,039 meters of storm water pip-
16 ing, box culverts, underground detention, and
17 grading for surface detention;

18 (B) up to 6,136 meters of water lines;

19 (C) up to 11,171 meters of communica-
20 tions lines;

21 (D) up to 48,245 square meters of roads;

22 (E) up to 25,979 meters of electrical lines;

23 and

24 (F) up to 618 square meters of pump
25 house facility;

1 (7) for construction of Lodging Facilities
2 Phases 1-2, as specified in such funding table, the
3 Secretary of the Air Force may construct up to
4 20,361 square meters of visiting quarters;

5 (8) for construction of Dorm Complex Phases
6 1-2, as specified in such funding table, the Secretary
7 of the Air Force may construct up to 24,792 square
8 meters of permanent party dormitory;

9 (9) for construction of Tyndall AFB Gate Com-
10 plex, as specified in such funding tale, the Secretary
11 of the Air Force may construct—

12 (A) up to 139 square meters of gate
13 houses;

14 (B) up to 1,747 square meters of canopies;

15 (C) up to 555 square meters of vehicle in-
16 spection ports; and

17 (D) 19 each active/passive barriers;

18 (10) for construction of Aircraft Wash Rack, as
19 specified in such funding table, the Secretary of the
20 Air Force may construct—

21 (A) up to 2,307 square meters of corrosion
22 control; and

23 (B) up to 1,621 square meters of aircraft
24 wash rack in a hangar facility;

1 (11) for construction of Deployment Center/
2 Flight Line Dining/AAFES, as specified in such
3 funding table, the Secretary of the Air Force may
4 construct—

5 (A) up to 3,707 square meters of deploy-
6 ment processing center; and

7 (B) up to 128 square meters of AAFES
8 (Shoppette);

9 (12) for construction of Airfield Drainage, as
10 specified in such funding table, the Secretary of the
11 Air Force may construct up to 37,357 square meters
12 of drainage ditch;

13 (13) for construction of 325th Fighter Wing
14 HQ Facility, as specified in such funding table, the
15 Secretary of the Air Force may construct—

16 (A) up to 3,301 square meters of 325th
17 Fighter Wing HQ building; and

18 (B) up to 697 square meters of command
19 post; and

20 (14) for construction of Community Commons
21 Facility, as specified in such funding table, the Sec-
22 retary of the Air Force may construct—

23 (A) up to 1,080 square meters of recre-
24 ation center;

1 (B) up to 974 square meters of arts and
2 crafts center;

3 (C) up to 2,048 square meters of bowling
4 center; and

5 (D) up to 1,537 square meters of library.

6 (b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the
7 case of the authorizations contained in the table in section
8 2912(a) of the National Defense Authorization Act for
9 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913)
10 for Offutt Air Force Base, Nebraska—

11 (1) for construction of an Emergency Power
12 Microgrid, as specified in the funding table in sec-
13 tion 4603 of such Act (133 Stat. 2104), the Sec-
14 retary of the Air Force may construct seven 2.5-
15 megawatt diesel engine generators, seven diesel ex-
16 haust fluid systems, 15-kV switchgear, two import/
17 export inter-ties, five import-only inter-ties, and 800
18 square meters of switchgear facility;

19 (2) for construction of a Flightline Hangars
20 Campus, as specified in such funding table, the Sec-
21 retary of the Air Force may construct 445 square
22 meter of petroleum operations center, 268 square
23 meters of de-icing liquid storage, and 173 square
24 meters of warehouse; and

1 (3) for construction of a Lake Campus, as spec-
2 ified in such funding table, the Secretary of the Air
3 Force may construct 240 square meters of softball
4 complex and 270 square meters of morale, welfare,
5 and recreation equipment storage facility;

6 (4) for construction of a Logistics Readiness
7 Squadron Campus, as specified in such funding
8 table, the Secretary of the Air Force may construct
9 2,536 square meters of warehouse; and

10 (5) for construction of a Security Campus, as
11 specified in such funding table, the Secretary of the
12 Air Force may construct 4,218 square meters of op-
13 erations center and 1,343 square meters of military
14 working dog kennel.

15 (c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In
16 the case of the authorization contained in the table in sec-
17 tion 2912(a) of the National Defense Authorization Act
18 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
19 1913) for Joint Base Langley-Eustis, Virginia, for con-
20 struction of a Dormitory at the installation, as specified
21 in the funding table in section 4603 of such Act (133 Stat.
22 2104), the Secretary of the Air Force may construct up
23 to 6,720 square meters of dormitory.

1 **SEC. 2307. TECHNICAL CORRECTIONS RELATED TO AU-**
2 **THORITY TO CARRY OUT CERTAIN FISCAL**
3 **YEAR 2020 FAMILY HOUSING PROJECTS.**

4 (a) AUTHORIZATION OF OMITTED SPANGDAHLEM
5 AIR BASE FAMILY HOUSING PROJECT.—Using amounts
6 appropriated pursuant to the authorization of appropria-
7 tions in section 2304(a) of the National Defense Author-
8 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
9 Stat. 1869) and available for military family housing func-
10 tions, the Secretary of the Air Force may carry out the
11 military family housing project to construct 76 housing
12 units at Spangdahlem Air Base, Germany, as specified in
13 the funding table in section 4601 of such Act (133 Stat.
14 2099).

15 (b) CORRECTION OF AMOUNT AUTHORIZED FOR
16 FAMILY HOUSING IMPROVEMENTS.—Section 2303 of the
17 National Defense Authorization Act for Fiscal Year 2020
18 (Public Law 116–92; 133 Stat. 1869) is amended by strik-
19 ing “\$53,584,000” and inserting “\$46,638,000” to reflect
20 the amount specified in the funding table in section 4601
21 of such Act (133 Stat. 2099) for Construction Improve-
22 ments under Family Housing Construction, Air Force.

1 **TITLE XXIV—DEFENSE AGEN-**
2 **CIES MILITARY CONSTRUC-**
3 **TION**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Independent study on Western Emergency Refined Fuel Reserves.

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2403(a) and available for military con-
9 struction projects inside the United States as specified in
10 the funding table in section 4601, the Secretary of De-
11 fense may acquire real property and carry out military
12 construction projects for the installations or locations in-
13 side the United States, and in the amounts, set forth in
14 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$18,000,000
Alaska	Fort Greely	\$48,000,000
Arizona	Fort Huachuca	\$33,728,000
	Yuma	\$49,500,000
California	Beale Air Force Base	\$22,800,000
Colorado	Fort Carson	\$15,600,000
CONUS Unspecified	CONUS Unspecified	\$14,400,000
Florida	Hurlburt Field	\$83,120,000
Kentucky	Fort Knox	\$69,310,000
New Mexico	Kirtland Air Force Base	\$46,600,000
North Carolina	Fort Bragg	\$113,800,000
Ohio	Wright-Patterson Air Force Base	\$23,500,000
Texas	Fort Hood	\$32,700,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	\$112,500,000
Washington	Joint Base Lewis-McChord	\$21,800,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Manchester	\$82,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a) and available for military con-
4 struction projects outside the United States as specified
5 in the funding table in section 4601, the Secretary of De-
6 fense may acquire real property and carry out military
7 construction projects for the installation or location out-
8 side the United States, and in the amount, set forth in
9 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Japan	Def Fuel Support Point Tsurumi	\$49,500,000

10 (c) MODIFICATION OF AUTHORITY TO CARRY OUT
11 CERTAIN FISCAL YEAR 2020 PROJECT.—In the case of
12 the authorization contained in the table in section 2401(a)
13 of the National Defense Authorization Act for Fiscal Year
14 2020 (Public Law 116–92; 133 Stat. 1871) for the con-
15 struction of a backup generator at the Pentagon, Virginia,
16 the Secretary of Defense may replace and upgrade existing
17 generators to obtain additional power generation capacity,
18 as specified in the funding table in section 4601 of that
19 Act (133 Stat. 2095).

(d) EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1145), the authorization set forth in the table in paragraph (2), as provided in section 2401 of that Act (129 Stat. 1157), shall remain in effect until October 1, 2021, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2022, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Defense Agencies: Extension of 2016 Project Authorization

State/ Country	Installation	Project	Amount
Oregon	Klamath Falls IAP	Fuel Facilities	\$2,500,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United

- 1 States Code, for the installations or locations inside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$24,000,000
Arkansas	Ebbing Air National Guard Base	\$2,600,000
California	Marine Corps Air Ground Combat Center Twentynine Palms	\$11,646,000
	Military Ocean Terminal Concord	\$29,000,000
	Naval Support Activity Monterey	\$10,540,000
	Naval Air Weapons Station China Lake	\$8,950,000
District of Co- lumbia	Joint Base Anacostia-Bolling	\$44,313,000
Georgia	Fort Benning	\$17,000,000
Maryland	Naval Support Activity Bethesda	\$13,840,000
	Naval Support Activity South Potomac	\$18,460,000
Missouri	Whiteman Air Force Base	\$17,310,000
Nevada	Creech Air Force Base	\$32,000,000
North Carolina ...	Fort Bragg	\$6,100,000
Ohio	Wright-Patterson Air Force Base	\$35,000,000
Tennessee	Memphis Air National Guard Base	\$4,780,000
Virginia	Naval Medical Center Portsmouth	\$611,000
	Surface Combat Systems Center Wallops Is- land	\$9,100,000

- 4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2403(a) and available for energy conserva-
 7 tion projects as specified in the funding table in section
 8 4601, the Secretary of Defense may carry out energy con-
 9 servation projects under chapter 173 of title 10, United
 10 States Code, for the installation or location outside the
 11 United States, and in the amount, set forth in the fol-
 12 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Support Activity Naples	\$3,490,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal years
5 beginning after September 30, 2020, for military con-
6 struction, land acquisition, and military family housing
7 functions of the Department of Defense (other than the
8 military departments), as specified in the funding table
9 in section 4601.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2401 of this Act
15 may not exceed the total amount authorized to be appro-
16 priated under subsection (a), as specified in the funding
17 table in section 4601.

18 **SEC. 2404. INDEPENDENT STUDY ON WESTERN EMER-**
19 **GENCY REFINED FUEL RESERVES.**

20 (a) INDEPENDENT STUDY.—Not later than 30 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall, in consultation with the Secretary of En-
23 ergy, seek to enter into a contract with a Federally funded
24 research and development center under which contract
25 such center shall conduct a study on the feasibility (includ-
26 ing costs and benefits) of establishing one or more emer-

1 gency fuel reserves for refined fuel in the Western United
2 States.

3 (b) ELEMENTS OF STUDY.—In conducting the study
4 referred to in subsection (a), the Federally funded re-
5 search and development center with which the Secretary
6 enters into a contract under such subsection shall analyze
7 the following:

8 (1) An assessment, in the event of a 30 day-
9 interruption in the capability of oil refineries of the
10 West Coast of the United States, Alaska, and Ha-
11 waii to refine petroleum, of—

12 (A) the capacity of the Department of De-
13 fense to meet defense missions requirements
14 using the Prepositioned War Reserve Require-
15 ments of the Department for wartime and
16 peacetime operations through the Prepositioned
17 War Reserve Stock and Operating Stock of the
18 Department;

19 (B) the military installations or missions
20 otherwise served by such refineries that may
21 have unique or limited connection to refined pe-
22 troleum supply infrastructure; and

23 (C) the capacity of the Strategic Petroleum
24 Reserve and connecting pipeline infrastructure
25 to support requirements of the West Coast area

1 of the United States for petroleum and refined
2 petroleum products.

3 (2) An assessment of the practicability of the
4 storage of military specification fuels and jet fuel
5 stock in long-term storage in a salt cavern, hard-
6 rock storage, or tank or other storage.

7 (3) An identification and assessment of various
8 options to provide long-term storage of refined fuels
9 in the Western United States, including through the
10 establishment of one or more Western Emergency
11 Refined Fuel Reserves, including—

12 (A) for the assessment of each option, a
13 proposal for the Federal agency or agencies to
14 be responsible for such option; and

15 (B) for the assessment of the establish-
16 ment of any such Reserve, an estimate of the
17 costs of construction and operation of such Re-
18 serve.

19 (c) REPORT.—The contract under subsection (a)
20 shall require the Federally funded research and develop-
21 ment center that conducts the study under the contract
22 to submit to the Secretary of Defense and the Secretary
23 of Energy a report on the results of study. The report
24 shall be so submitted in both classified and unclassified
25 form.

1 (d) SUBMITTAL TO CONGRESS.—

2 (1) IN GENERAL.—Not later than 30 days after
3 the date on which the Secretary of Defense and the
4 Secretary of Energy receive the report under sub-
5 section (c), the Secretary of Defense, in consultation
6 with the Secretary of Energy, shall submit to the ap-
7 propriate committees of Congress the following:

8 (A) The report under subsection (c),
9 unaltered, in both classified and unclassified
10 form.

11 (B) Such comments as the Secretary of
12 Defense considers appropriate in light of the re-
13 port under subsection (c).

14 (2) APPROPRIATE COMMITTEES OF CONGRESS
15 DEFINED.—In this subsection, the term “appro-
16 priate committees of Congress” means—

17 (A) the Committee on Armed Services, the
18 Committee on Energy and Natural Resources,
19 and the Committee on Appropriations of the
20 Senate; and

21 (B) the Committee on Armed Services, the
22 Committee on Energy and Commerce, and the
23 Committee on Appropriations of the House of
24 Representatives.

1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Sec. 2503. Execution of projects under the North Atlantic Treaty Organization
Security Investment Program.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. Qatar funded construction projects.

3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 (a) AUTHORIZATION.—Funds are hereby authorized
18 to be appropriated for fiscal years beginning after Sep-
19 tember 30, 2020, for contributions by the Secretary of De-
20 fense under section 2806 of title 10, United States Code,

1 for the share of the United States of the cost of projects
2 for the North Atlantic Treaty Organization Security In-
3 vestment Program authorized by section 2501 as specified
4 in the funding table in section 4601.

5 (b) AUTHORITY TO RECOGNIZE NATO AUTHORIZA-
6 TION AMOUNTS AS BUDGETARY RESOURCES FOR
7 PROJECT EXECUTION.—When the United States is des-
8 ignated as the Host Nation for the purposes of executing
9 a project under the NATO Security Investment Program
10 (NSIP), the Department of Defense construction agent
11 may recognize the NATO project authorization amounts
12 as budgetary resources to incur obligations for the pur-
13 poses of executing the NSIP project.

14 **SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH**
15 **ATLANTIC TREATY ORGANIZATION SECURITY**
16 **INVESTMENT PROGRAM.**

17 (a) IN GENERAL.—Subchapter II of chapter 138 of
18 title 10, United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 2350m. Execution of projects under the North At-**
21 **lantic Treaty Organization Security In-**
22 **vestment Program**

23 “(a) AUTHORITY TO EXECUTE PROJECTS.—When
24 the United States is designated as the Host Nation for
25 purposes of executing a project under the North Atlantic

1 Treaty Organization Security Investment Program (in this
2 section referred to as the ‘Program’), the Secretary of De-
3 fense may accept such designation and carry out such
4 project consistent with the requirements of this section.

5 “(b) PROJECT FUNDING.—The Secretary of Defense
6 may fund authorized expenditures of projects accepted
7 under subsection (a) with—

8 “(1) contributions under subsection (c);

9 “(2) appropriations of the Department of De-
10 fense for the Program when directed by the North
11 Atlantic Treaty Organization to apply amounts of
12 such appropriations as part of the share of contribu-
13 tions of the United States for the Program; or

14 “(3) any combination of amounts described in
15 paragraphs (1) and (2).

16 “(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—(1)
17 The Secretary of Defense may accept contributions from
18 the North Atlantic Treaty Organization and member na-
19 tions of the North Atlantic Treaty Organization for the
20 purpose of carrying out a project under subsection (a).

21 “(2) Contributions accepted under paragraph (1)
22 shall be placed in an account established for the purpose
23 of carrying out the project for which the funds were pro-
24 vided and shall remain available until expended.

1 “(3)(A) If contributions are made under paragraph
2 (1) as reimbursement for a project or portion of a project
3 previously completed by the Department of Defense, such
4 contributions shall be credited to—

5 “(i) the appropriations used for the project or
6 portion thereof, if such appropriations have not yet
7 expired; or

8 “(ii) the appropriations for the Program, if the
9 appropriations described in clause (i) have expired.

10 “(B) Funding credited under subparagraph (A) shall
11 merge with and remain available for the same purposes
12 and duration as the appropriations to which credited.

13 “(d) OBLIGATION AUTHORITY.—The construction
14 agent of the Department of Defense designated by the
15 Secretary of Defense to execute a project under subsection
16 (a) may recognize the North Atlantic Treaty Organization
17 project authorization amounts as budgetary resources to
18 incur obligations against for the purposes of executing the
19 project.

20 “(e) INSUFFICIENT CONTRIBUTIONS.—(1) In the
21 event that the North Atlantic Treaty Organization does
22 not agree to contribute funding for all costs necessary for
23 the Department of Defense to carry out a project under
24 subsection (a), including necessary personnel costs of the
25 construction agent designated by the Department of De-

1 fense, contract claims, and any conjunctive funding re-
2 quirements that exceed the project authorization or stand-
3 ards of the North Atlantic Treaty Organization, the Sec-
4 retary of Defense, upon determination that completion of
5 the project is in the national interest of the United States,
6 may fund such costs, and undertake such conjunctively
7 funded requirements not otherwise authorized by law,
8 using any unobligated funds available among funds appro-
9 priated for the Program for military construction.

10 “(2) The use of funds under paragraph (1) from ap-
11 propriations for the Program may be in addition to or in
12 place of any other funding sources otherwise available for
13 the purposes for which those funds are used.

14 “(f) AUTHORIZED EXPENDITURES DEFINED.—In
15 this section, the term ‘authorized expenditures’ means
16 project expenses for which the North Atlantic Treaty Or-
17 ganization has agreed to contribute funding.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of subchapter II of chapter 138 of such
20 title is amended by adding at the end the following new
21 item:

“2350m. Execution of projects under the North Atlantic Treaty Organization
Security Investment Program.”.

22 (c) CONFORMING REPEALS.—

23 (1) 2019.—Section 2502 of the John S.
24 McCain National Defense Authorization Act for Fis-

1 cal Year 2019 (Public Law 115–232; 132 Stat.
2 2252) is amended—

3 (A) in subsection (a)—

4 (i) by striking “(a) AUTHORIZA-
5 TION.—Funds” and inserting “Funds”;
6 and

7 (ii) by striking the second sentence;
8 and

9 (B) by striking subsection (b).

10 (2) 2020.—Section 2502 of the National De-
11 fense Authorization Act for Fiscal Year 2020 (Pub-
12 lic Law 116–92; 133 Stat. 1874) is amended—

13 (A) in subsection (a), by striking “(a) AU-
14 THORIZATION.—Funds” and inserting
15 “Funds”; and

16 (B) by striking subsection (b).

17 **Subtitle B—Host Country In-Kind**
18 **Contributions**

19 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
20 **PROJECTS.**

21 Pursuant to agreement with the Republic of Korea
22 for required in-kind contributions, the Secretary of De-
23 fense may accept military construction projects for the in-
24 stallations or locations in the Republic of Korea, and in
25 the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	\$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	\$99,000,000
Army	Camp Humphreys	Hot Refuel Point	\$35,000,000
Navy	COMROKFLT		
	Naval Base, Busan	Maritime Operations Center	\$26,000,000
Air Force	Daegu Air Base ..	AGE Facility and Parking Apron	\$14,000,000
Air Force	Kunsan Air Base	Backup Generator Plant ...	\$19,000,000
Air Force	Osan Air Base	Aircraft Corrosion Control Facility (Phase 3)	\$12,000,000
Air Force	Osan Air Base	Child Development Center	\$20,000,000
Air Force	Osan Air Base	Relocate Munitions Storage Area Delta (Phase 1)	\$84,000,000
Defense-Wide	Camp Humphreys	Elementary School	\$58,000,000

1 SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.

2 Pursuant to agreement with the State of Qatar for
3 required in-kind contributions, the Secretary of Defense
4 may accept military construction projects for the installa-
5 tion in the State of Qatar, and in the amounts, set forth
6 in the following table:

State of Qatar Funded Construction Projects

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (A12)	\$63,000,000
Air Force	Al Udeid	Billet (B12)	\$63,000,000
Air Force	Al Udeid	Billet (D10)	\$77,000,000
Air Force	Al Udeid	Billet (009)	\$77,000,000
Air Force	Al Udeid	Billet (007)	\$77,000,000
Air Force	Al Udeid	Armory/Mount	\$7,200,000
Air Force	Al Udeid	Billet (A06)	\$77,000,000
Air Force	Al Udeid	Dining Facility	\$14,600,000
Air Force	Al Udeid	Billet (BOS)	\$77,000,000
Air Force	Al Udeid	Billet (B04)	\$77,000,000
Air Force	Al Udeid	Billet (A04)	\$77,000,000
Air Force	Al Udeid	Billet (AOS)	\$77,000,000
Air Force	Al Udeid	Dining Facility	\$14,600,000
Air Force	Al Udeid	MSG (Base Operations Support Facility)	\$9,300,000
Air Force	Al Udeid	ITN (Communications Facility)	\$3,500,000

1 **TITLE XXVI—GUARD AND** 2 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Modification of authority to carry out fiscal year 2020 project in Alabama.

3 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-** 4 **STRUCTION AND LAND ACQUISITION** 5 **PROJECTS.**

6 Using amounts appropriated pursuant to the author-
7 ization of appropriations in section 2606 and available for
8 the National Guard and Reserve as specified in the fund-
9 ing table in section 4601, the Secretary of the Army may
10 acquire real property and carry out military construction
11 projects for the Army National Guard installations or lo-
12 cations inside the United States, and in the amounts, set
13 forth in the following table:

Army National Guard

State	Installation or Location	Amount
Arizona	Tucson	\$18,100,000
Arkansas	Fort Chaffee	\$15,000,000
California	Bakersfield	\$9,300,000
Colorado	Peterson Air Force Base	\$15,000,000
Indiana	Shelbyville	\$12,000,000
Kentucky	Frankfort	\$15,000,000
Mississippi	Brandon	\$10,400,000
Nebraska	North Platte	\$9,300,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$15,000,000
Ohio	Columbus	\$15,000,000
Oklahoma	Ardmore	\$9,800,000
Oregon	Hermiston	\$25,035,000

Army National Guard—Continued

State	Installation or Location	Amount
Puerto Rico	Fort Allen	\$37,000,000
South Carolina	Joint Base Charleston	\$15,000,000
Tennessee	McMinnville	\$11,200,000
Texas	Fort Worth	\$13,800,000
Utah	Nephi	\$12,000,000
Virgin Islands	St. Croix	\$39,400,000
Wisconsin	Appleton	\$11,600,000

1 SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION
2 AND LAND ACQUISITION PROJECTS.

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Army may
7 acquire real property and carry out military construction
8 projects for the Army Reserve installations or locations in-
9 side the United States, and in the amounts, set forth in
10 the following table:

Army Reserve

State	Installation or Location	Amount
Florida	Gainesville	\$36,000,000
Massachusetts	Devens Reserve Forces Training Area	\$8,700,000
North Carolina	Asheville	\$24,000,000
Wisconsin	Fort McCoy	\$17,100,000

11 SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE
12 CORPS RESERVE CONSTRUCTION AND LAND
13 ACQUISITION PROJECTS.

14 Using amounts appropriated pursuant to the author-
15 ization of appropriations in section 2606 and available for
16 the National Guard and Reserve as specified in the fund-
17 ing table in section 4601, the Secretary of the Navy may

- 1 acquire real property and carry out military construction
 2 projects for the Navy Reserve and Marine Corps Reserve
 3 installations or locations inside the United States, and in
 4 the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Maryland	Reisterstown	\$39,500,000
Minnesota	Naval Operational Support Center Minneapolis	\$12,800,000
Utah	Hill Air Force Base	\$25,010,000

5 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 6 **TION AND LAND ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606 and available for
 9 the National Guard and Reserve as specified in the fund-
 10 ing table in section 4601, the Secretary of the Air Force
 11 may acquire real property and carry out military construc-
 12 tion projects for the Air National Guard installations or
 13 locations inside the United States, and in the amounts,
 14 set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport	\$23,600,000
Guam	Joint Region Marianas	\$20,000,000
Maryland	Joint Base Andrews	\$9,400,000
North Dakota	Hector International Airport	\$17,500,000
Texas	Joint Base San Antonio	\$10,800,000

15 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 16 **TION AND LAND ACQUISITION PROJECTS.**

17 Using amounts appropriated pursuant to the author-
 18 ization of appropriations in section 2606 and available for

1 the National Guard and Reserve as specified in the fund-
2 ing table in section 4601, the Secretary of the Air Force
3 may acquire real property and carry out military construc-
4 tion projects for the installation inside the United States,
5 and in the amount, set forth in the following table:

Air Force Reserve

State	Installation	Amount
Texas	Joint Reserve Base Fort Worth	\$39,200,000

6 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
7 **TIONAL GUARD AND RESERVE.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2020, for the
10 costs of acquisition, architectural and engineering services,
11 and construction of facilities for the Guard and Reserve
12 Forces, and for contributions therefor, under chapter
13 1803 of title 10, United States Code (including the cost
14 of acquisition of land for those facilities), as specified in
15 the funding table in section 4601.

16 **SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **FISCAL YEAR 2020 PROJECT IN ALABAMA.**

18 In the case of the authorization contained in the table
19 in section 2601 of the National Defense Authorization Act
20 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
21 1875) for Anniston Army Depot, Alabama, for construc-
22 tion of an Enlisted Transient Barracks as specified in the
23 funding table in section 4601 of such Act (133 Stat.

1 2096), the Secretary of the Army may construct a training
2 barracks at Fort McClellan, Alabama.

3 **TITLE XXVII—BASE REALIGN-**
4 **MENT AND CLOSURE ACTIVI-**
5 **TIES**

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.

Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

Sec. 2703. Plan to finish remediation activities conducted by the Secretary of the Army in Umatilla, Oregon.

6 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
7 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
8 **TIES FUNDED THROUGH DEPARTMENT OF**
9 **DEFENSE BASE CLOSURE ACCOUNT.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2020, for base
12 realignment and closure activities, including real property
13 acquisition and military construction projects, as author-
14 ized by the Defense Base Closure and Realignment Act
15 of 1990 (part A of title XXIX of Public Law 101–510;
16 10 U.S.C. 2687 note) and funded through the Department
17 of Defense Base Closure Account established by section
18 2906 of such Act (as amended by section 2711 of the Mili-
19 tary Construction Authorization Act for Fiscal Year 2013
20 (division B of Public Law 112–239; 126 Stat. 2140)), as
21 specified in the funding table in section 4601.

1 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
2 **BASE REALIGNMENT AND CLOSURE (BRAC)**
3 **ROUND.**

4 Nothing in this Act shall be construed to authorize
5 an additional Base Realignment and Closure (BRAC)
6 round.

7 **SEC. 2703. PLAN TO FINISH REMEDIATION ACTIVITIES CON-**
8 **DUCTED BY THE SECRETARY OF THE ARMY**
9 **IN UMATILLA, OREGON.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary of the Army shall submit
12 to Congress a plan to finish remediation activities con-
13 ducted by the Secretary in Umatilla, Oregon, by not later
14 than three years after such date of enactment.

15 **TITLE XXVIII—MILITARY CON-**
16 **STRUCTION GENERAL PROVI-**
17 **SIONS**

Subtitle A—Military Construction Program Changes

- Sec. 2801. Modification and clarification of construction authority in the event of a declaration of war or national emergency.
- Sec. 2802. Extension of sunset for annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2803. Modification of reporting requirements regarding certain military construction projects and military family housing projects, contracts, and agreements.
- Sec. 2804. Consideration of energy security and energy resilience in life-cycle cost for military construction.
- Sec. 2805. Congressional project authorization required for military construction projects for energy resilience, energy security, and energy conservation.
- Sec. 2806. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Sec. 2807. Responsibility of Navy for military construction requirements for certain Fleet Readiness Centers.

Subtitle B—Military Family Housing Reforms

- Sec. 2811. Modifications and technical corrections related to military housing privatization reform.
- Sec. 2812. Repeal of authority to lease substandard family housing units to members of the uniformed services.
- Sec. 2813. Expenditure priorities in using Department of Defense Family Housing Improvement Fund.
- Sec. 2814. Availability of information regarding assessment of performance metrics for contracts for provision or management of privatized military housing.
- Sec. 2815. Requirement that Secretary of Defense implement recommendations relating to military family housing contained in report by Inspector General of Department of Defense.
- Sec. 2816. Promulgation of guidance to facilitate return of military families displaced from privatized military housing.
- Sec. 2817. Promulgation of guidance on relocation of residents of military housing impacted by presence of mold.
- Sec. 2818. Expansion of uniform code of basic standards for privatized military housing and hazard and habitability inspection and assessment requirements to Government-owned and Government-controlled military family housing.

Subtitle C—Real Property and Facilities Administration

- Sec. 2821. Acceptance of property by military service academies, professional military education schools, and military museums subject to naming-rights condition.
- Sec. 2822. Codification of reporting requirements regarding United States overseas military enduring locations and contingency locations.
- Sec. 2823. Promotion of energy resilience and energy security in privatized utility systems.
- Sec. 2824. Vesting exercise of discretion with Secretaries of the military departments regarding entering into longer-term contracts for utility services.
- Sec. 2825. Use of on-site energy production to promote military installation energy resilience and energy security.
- Sec. 2826. Improved electrical metering of Department of Defense infrastructure supporting critical missions.
- Sec. 2827. Improving water management and security on military installations.
- Sec. 2828. Prohibition relating to closure or return to host nation of existing military installations, infrastructure, or real property in Europe.

Subtitle D—Land Conveyances

- Sec. 2831. Land conveyance, Camp Navajo, Arizona.
- Sec. 2832. Modification of land exchange involving Naval Industrial Reserve Ordnance Plant, Sunnyvale, California.
- Sec. 2833. Land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 2834. Land exchange, San Bernardino County, California.
- Sec. 2835. Land conveyance, Over-the-Horizon Backscatter Radar System receiving station, Modoc County, California.

- Sec. 2836. Transfer of administrative jurisdiction, Naval Support Activity Panama City, Florida, parcel.
- Sec. 2837. Lease extension, Bryan Multi-Sports Complex, Wayne County, North Carolina.
- Sec. 2838. Land conveyances, Milan Army Ammunition Plant, Tennessee.

Subtitle E—Military Land Withdrawals

- Sec. 2841. Renewal of land withdrawal and reservation to benefit Naval Air Facility, El Centro, California.
- Sec. 2842. Renewal of Fallon Range Training Complex land withdrawal and reservation.
- Sec. 2843. Renewal of Nevada Test and Training Range land withdrawal and reservation.
- Sec. 2844. Establishment of interagency committees on joint use of certain land withdrawn from appropriation under public land laws.

Subtitle F—Asia-Pacific and Indo-Pacific Issues

- Sec. 2851. Change to biennial reporting requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2852. Additional exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.
- Sec. 2853. Development of master plan for infrastructure to support rotational Armed Forces in Australia.
- Sec. 2854. Bulk fuel management in United States Indo-Pacific Command Area of Responsibility.

Subtitle G—Authorized Pilot Programs

- Sec. 2861. Pilot program to authorize use of cost savings realized from intergovernmental services agreements for installation-support services.
- Sec. 2862. Department of Defense pilot program to evaluate expansion of land exchange authority.
- Sec. 2863. Pilot program to support combatant command military construction priorities.
- Sec. 2864. Pilot program to test use of emergency diesel generators in a microgrid configuration at certain military installations.
- Sec. 2865. Pilot program to authorize additional military construction projects for child development centers at military installations.
- Sec. 2866. Department of the Army pilot program for development and use of online real estate inventory tool.

Subtitle H—Miscellaneous Studies and Reports

- Sec. 2871. Reports regarding decision-making process used to locate or relocate major headquarters and certain military units and weapon systems.
- Sec. 2872. Report on effect of noise restrictions on military installations and operations and development and implementation of noise mitigation measures.
- Sec. 2873. Study and report regarding continued need for protected aircraft shelters in Europe and status of United States air base resiliency in Europe.

Subtitle I—Other Matters

Sec. 2881. Military construction infrastructure and weapon system synchronization for Ground Based Strategic Deterrent.

Sec. 2882. Defense Community Infrastructure Program.

Sec. 2883. Consideration of certain military family readiness issues in making basing decisions associated with certain military units and major headquarters.

Sec. 2884. Department of Defense policy for regulation in military communities of dangerous dogs kept as pets.

1 **Subtitle A—Military Construction** 2 **Program Changes**

3 **SEC. 2801. MODIFICATION AND CLARIFICATION OF CON-** 4 **STRUCTION AUTHORITY IN THE EVENT OF A** 5 **DECLARATION OF WAR OR NATIONAL EMER-** 6 **GENCY.**

7 (a) LIMITATION ON AMOUNT OF FUNDS AVAILABLE
8 FOR NATIONAL EMERGENCY.—Section 2808 of title 10,
9 United States Code, is amended—

10 (1) by redesignating subsections (b) and (c) as
11 subsections (e) and (f), respectively; and

12 (2) by inserting after subsection (a) the fol-
13 lowing new subsection:

14 “(c) LIMITATION ON AMOUNT OF FUNDS AVAILABLE
15 FOR NATIONAL EMERGENCY.—(1) Except as provided in
16 paragraph (2), in the event of a declaration by the Presi-
17 dent of a national emergency in which the construction
18 authority described in subsection (a) is used, the total cost
19 of all military construction projects undertaken using that
20 authority during the national emergency may not exceed
21 \$500,000,000.

1 “(2) In the event of a national emergency declaration
2 in which the construction authority described in subsection
3 (a) will be used only within the United States, the total
4 cost of all military construction projects undertaken using
5 that authority during the national emergency may not ex-
6 ceed \$100,000,000.”.

7 (b) ADDITIONAL CONDITIONS ON SOURCE OF
8 FUNDS.—Section 2808(a) of title 10, United States Code,
9 is amended by striking the second sentence and inserting
10 the following new subsection:

11 “(b) CONDITIONS ON SOURCES OF FUNDS.—A mili-
12 tary construction project to be undertaken using the con-
13 struction authority described in subsection (a) may be un-
14 dertaken only within the total amount of funds that have
15 been appropriated for military construction, excluding
16 funds appropriated for family housing, that—

17 “(1) remain unobligated as of the date on
18 which the first contract would be entered into in
19 support of the national emergency declaration de-
20 scribed in subsection (a); and

21 “(2) are available because the military construc-
22 tion project for which the funds were appropriated—

23 “(A) has been canceled; or

24 “(B) has reduced costs as a result of
25 project modifications or other cost savings.”.

1 (c) WAIVER OF OTHER PROVISIONS OF LAW.—Sec-
2 tion 2808 of title 10, United States Code, is amended by
3 inserting after subsection (c), as added by subsection (a),
4 the following new subsection:

5 “(d) WAIVER OF OTHER PROVISIONS OF LAW IN
6 EVENT OF NATIONAL EMERGENCY.—In the event of a
7 declaration by the President of a national emergency in
8 which the construction authority described in subsection
9 (a) is used, the authority provided by such subsection to
10 waive or disregard another provision of law that would
11 otherwise apply to a military construction project author-
12 ized by this section may be used only if—

13 “(1) such other provision of law does not pro-
14 vide a means by which compliance with the require-
15 ments of the law may be waived, modified, or exped-
16 ited; and

17 “(2) the Secretary of Defense determines that
18 the nature of the national emergency necessitates
19 the noncompliance with the requirements of the
20 law.”.

21 (d) ADDITIONAL NOTIFICATION REQUIREMENTS.—
22 Subsection (e) of section 2808 of title 10, United States
23 Code, as redesignated by subsection (a)(1), is amended—

1 (1) by striking “of the decision” and all that
2 follows through the end of the subsection and insert-
3 ing the following: “of the following:

4 “(A) The reasons for the decision to use the
5 construction authority described in subsection (a),
6 including, in the event of a declaration by the Presi-
7 dent of a national emergency, the reasons why use
8 of the armed forces is required in response to the
9 declared national emergency.

10 “(B) The construction projects to be under-
11 taken using the construction authority described in
12 subsection (a), including, in the event of a declara-
13 tion by the President of a national emergency, an
14 explanation of how each construction project directly
15 supports the immediate security, logistical, or short-
16 term housing and ancillary supporting facility needs
17 of the members of the armed forces used in the na-
18 tional emergency.

19 “(C) The estimated cost of the construction
20 projects to be undertaken using the construction au-
21 thority described in subsection (a), including the
22 cost of any real estate action pertaining to the con-
23 struction projects, and certification of compliance
24 with the funding conditions imposed by subsections
25 (b) and (c).

1 “(D) Any determination made pursuant to sub-
2 section (d)(2) to waive or disregard another provi-
3 sion of law to undertake any construction project
4 using the construction authority described in sub-
5 section (a).

6 “(E) The military construction projects, includ-
7 ing any ancillary supporting facility projects, whose
8 cancellation, modification, or other cost savings re-
9 sult in funds being available to undertake construc-
10 tion projects using the construction authority de-
11 scribed in subsection (a) and the possible impact of
12 the cancellation or modification of such military con-
13 struction projects on military readiness and the
14 quality of life of members of the armed forces and
15 their dependents.”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(2) In the event of a declaration by the President
19 of a national emergency in which the construction author-
20 ity described in subsection (a) is used, a construction
21 project to be undertaken using such construction authority
22 may be carried out only after the end of the five-day pe-
23 riod beginning on the date the notification required by
24 paragraph (1) is received by the congressional defense
25 committees.”.

1 (e) CLERICAL AMENDMENTS.—Section 2808 of title
2 10, United States Code, is further amended—

3 (1) in subsection (a), by inserting “CONSTRUC-
4 TION AUTHORIZED.—” after “(a)”;

5 (2) in subsection (e), as redesignated by sub-
6 section (a)(1), by inserting “NOTIFICATION RE-
7 QUIREMENT.—(1)” after “(e)”; and

8 (3) in subsection (f), as redesignated by sub-
9 section (a)(1), by inserting “TERMINATION OF AU-
10 THORITY.—” after “(f)”.

11 (f) EXCEPTION FOR PANDEMIC MITIGATION AND RE-
12 SPONSE PROJECTS.—Subsections (b), (c), (d) of section
13 2808 of title 10, United States Code, as added by this
14 section, shall not apply to a military construction project
15 commenced under the authority of subsection (a) of such
16 section 2808 during the emergency period described in
17 section 1135(g)(1)(B) of the Social Security Act (42
18 U.S.C. 1320b–5(g)(1)(B)) if the Secretary of Defense de-
19 termines that the military construction project will directly
20 support pandemic mitigation and response efforts of
21 health care providers or support members of the Armed
22 Forces directly participating in such pandemic mitigation
23 and response efforts. Subsection (e) of section 2808 of
24 title 10, United States Code, as redesignated by subsection

1 (a)(1) and amended by subsection (d) of this section, shall
2 still apply to any such military construction project.

3 **SEC. 2802. EXTENSION OF SUNSET FOR ANNUAL LOCALITY**
4 **ADJUSTMENT OF DOLLAR THRESHOLDS AP-**
5 **PLICABLE TO UNSPECIFIED MINOR MILITARY**
6 **CONSTRUCTION AUTHORITIES.**

7 Section 2805(f)(3) of title 10, United States Code,
8 is amended by striking “2022” and inserting “2027”.

9 **SEC. 2803. MODIFICATION OF REPORTING REQUIREMENTS**
10 **REGARDING CERTAIN MILITARY CONSTRUC-**
11 **TION PROJECTS AND MILITARY FAMILY**
12 **HOUSING PROJECTS, CONTRACTS, AND**
13 **AGREEMENTS.**

14 (a) COST-INCREASE REPORTS; ELIMINATION OF
15 SUBMISSION TO COMPTROLLER GENERAL.—Section
16 2853(f) of title 10, United States Code, is amended—

17 (1) in paragraphs (1) and (3), by striking “and
18 the Comptroller General of the United States”; and

19 (2) by striking paragraph (6).

20 (b) SYNCHRONIZATION OF NOTIFICATION REQUIRE-
21 MENTS.—Section 2853(c)(1) of title 10, United States
22 Code, is amended by inserting after “cost increase” in the
23 matter preceding subparagraph (A) the following: “(sub-
24 ject to subsection (f))”.

1 (c) DELEGATION AND SCOPE OF HOUSING PRIVAT-
2 IZATION REPORTING REQUIREMENT.—Section 2884(a) of
3 title 10, United States Code, is amended—

4 (1) in paragraph (1)—

5 (A) in the matter preceding the subpara-
6 graphs, by striking “The Secretary of Defense”
7 and inserting “The Secretary concerned”; and

8 (B) in subparagraph (A)—

9 (i) by inserting “or agreement” after
10 “each contract”; and

11 (ii) by striking “that the Secretary
12 proposes to solicit”;

13 (2) in paragraph (2)—

14 (A) in the matter preceding the subpara-
15 graphs, by striking “For each proposed con-
16 tract, conveyance, or lease described in para-
17 graph (1), the report required by such para-
18 graph” and inserting “A report required by
19 paragraph (1)”; and

20 (B) by inserting “agreement,” after “con-
21 tract,” each place it appears; and

22 (3) in paragraph (3), by inserting “or agree-
23 ment” after “contract” each place it appears.

1 **SEC. 2804. CONSIDERATION OF ENERGY SECURITY AND EN-**
2 **ERGY RESILIENCE IN LIFE-CYCLE COST FOR**
3 **MILITARY CONSTRUCTION.**

4 (a) IN GENERAL.—Chapter 169 of title 10, United
5 States Code, is amended by inserting after section 2815
6 the following new section:

7 **“§ 2816. Consideration of energy security and energy**
8 **resilience in life-cycle cost for military**
9 **construction**

10 “(a) IN GENERAL.—(1) The Secretary concerned,
11 when evaluating the life-cycle designed cost of a covered
12 military construction project, shall include as a facility re-
13 quirement the long-term consideration of energy security
14 and energy resilience that would ensure that the resulting
15 facility is capable of continuing to perform its missions,
16 during the life of the facility, in the event of a natural
17 or human-caused disaster, an attack, or any other un-
18 planned event that would otherwise interfere with the abil-
19 ity of the facility to perform its missions.

20 “(2) A facility requirement under paragraph (1) shall
21 not be weighed, for cost purposes, against other facility
22 requirements in determining the design of the facility.

23 “(b) INCLUSION IN THE BUILDING LIFE-CYCLE COST
24 PROGRAM.—The Secretary shall include the requirements
25 of subsection (a) in applying the latest version of the
26 building life-cycle cost program, as developed by the Na-

1 tional Institute of Standards and Technology, to consider
2 on-site distributed energy assets in a building design for
3 a covered military construction project.

4 “(c) COVERED MILITARY CONSTRUCTION PROJECT
5 DEFINED.—(1) In this section, the term ‘covered military
6 construction project’ means a military construction project
7 for a facility that is used to perform critical functions dur-
8 ing a natural or human-caused disaster, an attack, or any
9 other unplanned event.

10 “(2) For purposes of paragraph (1), the term ‘facil-
11 ity’ includes at a minimum any of the following:

12 “(A) Operations centers.

13 “(B) Nuclear command and control facilities.

14 “(C) Integrated strategic and tactical warning
15 and attack assessment facilities.

16 “(D) Continuity of government facilities.

17 “(E) Missile defense facilities.

18 “(F) Air defense facilities.

19 “(G) Hospitals.

20 “(H) Armories and readiness centers of the Na-
21 tional Guard.

22 “(I) Communications facilities.

23 “(J) Satellite and missile launch and control fa-
24 cilities.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter I of chapter 169 of title
3 10, United States Code, is amended by inserting after the
4 item relating to section 2815 the following new item:

“2816. Consideration of energy security and energy resilience in life-cycle cost
for military construction.”.

5 **SEC. 2805. CONGRESSIONAL PROJECT AUTHORIZATION RE-**
6 **QUIRED FOR MILITARY CONSTRUCTION**
7 **PROJECTS FOR ENERGY RESILIENCE, EN-**
8 **ERGY SECURITY, AND ENERGY CONSERVA-**
9 **TION.**

10 (a) REPLACEMENT OF NOTICE AND WAIT AUTHOR-
11 ITY.—Section 2914 of title 10, United States Code, is
12 amended to read as follows:

13 **“§ 2914. Military construction projects for energy re-**
14 **silience, energy security, and energy con-**
15 **servation**

16 “(a) PROJECT AUTHORIZATION REQUIRED.—The
17 Secretary of Defense may carry out such military con-
18 struction projects for energy resilience, energy security,
19 and energy conservation as are authorized by law, using
20 funds appropriated or otherwise made available for that
21 purpose.

22 “(b) SUBMISSION OF PROJECT PROPOSALS.—(1) As
23 part of the Department of Defense Form 1391 submitted
24 to the appropriate committees of Congress for a military

1 construction project covered by subsection (a), the Sec-
2 retary of Defense shall include the following information:

3 “(A) The project title.

4 “(B) The location of the project.

5 “(C) A brief description of the scope of work.

6 “(D) The original project cost estimate and the
7 current working cost estimate, if different.

8 “(E) Such other information as the Secretary
9 considers appropriate.

10 “(2) In the case of a military construction project for
11 energy conservation, the Secretary also shall include the
12 following information:

13 “(A) The original expected savings-to-invest-
14 ment ratio and simple payback estimates and meas-
15 urement and verification cost estimate.

16 “(B) The most current expected savings-to-in-
17 vestment ratio and simple payback estimates and
18 measurement and verification plan and costs.

19 “(C) A brief description of the measurement
20 and verification plan and planned funding source.

21 “(3) In the case of a military construction project for
22 energy resilience or energy security, the Secretary also
23 shall include the rationale for how the project would en-
24 hance mission assurance, support mission critical func-
25 tions, and address known vulnerabilities.

1 “(c) APPLICATION TO MILITARY CONSTRUCTION
2 PROJECTS.—This section shall apply to military construc-
3 tion projects covered by subsection (a) for which a Depart-
4 ment of Defense Form 1391 is submitted to the appro-
5 priate committees of Congress in connection with the
6 budget of the Department of Defense for fiscal year 2023
7 and thereafter.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of subchapter I of chapter 173 of title
10 10, United States Code, is amended by striking the item
11 relating to section 2914 and inserting the following new
12 item:

“2914. Military construction projects for energy resilience, energy security, and
energy conservation.”.

13 **SEC. 2806. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED**
14 **AUTHORITY TO USE OPERATION AND MAIN-**
15 **TENANCE FUNDS FOR CONSTRUCTION**
16 **PROJECTS IN CERTAIN AREAS OUTSIDE THE**
17 **UNITED STATES.**

18 (a) EXTENSION OF AUTHORITY.—Subsection (h) of
19 section 2808 of the Military Construction Authorization
20 Act for Fiscal Year 2004 (division B of Public Law 108–
21 136; 117 Stat. 1723), as most recently amended by sec-
22 tion 2807(a) of the Military Construction Authorization
23 Act for Fiscal Year 2019 (division B of Public Law 115–
24 232; 132 Stat. 2264), is further amended—

1 (1) in paragraph (1), by striking “December
2 31, 2020” and inserting “December 31, 2021”; and

3 (2) paragraph (2), by striking “fiscal year
4 2021” and inserting “fiscal year 2022”.

5 (b) CONTINUATION OF LIMITATION ON USE OF AU-
6 THORITY.—Subsection (c) of section 2808 of the Military
7 Construction Authorization Act for Fiscal Year 2004 (di-
8 vision B of Public Law 108–136; 117 Stat. 1723), as most
9 recently amended by section 2807(b) of the Military Con-
10 struction Authorization Act for Fiscal Year 2019 (division
11 B of Public Law 115–232; 132 Stat. 2264), is further
12 amended—

13 (1) by striking “either” and inserting “each”;
14 and

15 (2) by inserting after the first paragraph (2)
16 the following new subparagraph:

17 “(C) The period beginning October 1, 2020,
18 and ending on the earlier of December 31, 2021, or
19 the date of the enactment of an Act authorizing
20 funds for military activities of the Department of
21 Defense for fiscal year 2022.”.

22 (c) TECHNICAL CORRECTIONS.—Subsection (c) of
23 section 2808 of the Military Construction Authorization
24 Act for Fiscal Year 2004 (division B of Public Law 108–
25 136; 117 Stat. 1723), as most recently amended by sec-

tion 2807(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2264) and subsection (b) of this section, is further amended—

(1) by redesignating the second paragraph (1) as subparagraph (A); and

(2) by redesignating the first paragraph (2) as subparagraph (B).

SEC. 2807. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

The Navy shall be responsible for programming, requesting, and executing any military construction requirements related to any Fleet Readiness Center that is a tenant command at a Marine Corps installation.

Subtitle B—Military Family Housing Reforms

SEC. 2811. MODIFICATIONS AND TECHNICAL CORRECTIONS RELATED TO MILITARY HOUSING PRIVATIZATION REFORM.

(a) CHIEF HOUSING OFFICER OVERSIGHT RESPONSIBILITIES.—

(1) OVERSIGHT OF ALL MILITARY HOUSING.—

Section 2890a of title 10, United States Code, is amended—

1 (A) in subsection (a)(1), by striking “hous-
2 ing units” and inserting “family housing and
3 military unaccompanied housing under the ju-
4 risdiction of the Department of Defense or ac-
5 quired or constructed under subchapter IV of
6 this chapter (in this section referred to as ‘cov-
7 ered housing units’)”; and

8 (B) in subsection (b)(1)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “housing under sub-
11 chapter IV and this subchapter” and in-
12 serting “covered housing units”; and

13 (ii) in subparagraphs (A) and (B), by
14 inserting “covered” before “housing units”
15 both places it appears.

16 (2) SECTION HEADING.—The heading of section
17 2890a of title 10, United States Code, is amended
18 by inserting before “**Chief Housing Officer**”
19 the following “**Supervision of military hous-**
20 **ing by**”.

21 (3) TRANSFER AND REDESIGNATION OF SEC-
22 TION.—Section 2890a of title 10, United States
23 Code, as amended by paragraphs (1) and (2)—

24 (A) is transferred to appear after section
25 2851 of such title; and

1 (B) is redesignated as section 2851a.

2 (b) RIGHTS AND RESPONSIBILITIES OF TENANTS OF
3 HOUSING UNITS.—Section 2890 of title 10, United States
4 Code, is amended—

5 (1) in subsection (b)(15), by striking “and held
6 in escrow”;

7 (2) in subsection (e)(2), in the matter preceding
8 subparagraph (A), by inserting “a” before “land-
9 lord”; and

10 (3) in subsection (f), by striking paragraph (2)
11 and inserting the following new subsection:

12 “(2) Paragraph (1) shall not apply to a nondisclosure
13 agreement executed—

14 “(A) as part of the settlement of litigation; or

15 “(B) to avoid litigation if the tenant has re-
16 tained legal counsel or has sought military legal as-
17 sistance under section 1044 of this title.”.

18 (c) CONTRACTS FOR PROVISION OF HOUSING
19 UNITS.—Section 2891(e) of title 10, United States Code,
20 is amended—

21 (1) in paragraph (1)—

22 (A) in the matter preceding subparagraph
23 (A), by inserting “unit” after “different hous-
24 ing”; and

1 (B) in subparagraph (B), by inserting
2 “the” before “tenant”; and

3 (2) in paragraph (2)(B), by inserting “the” be-
4 fore “tenant”;

5 (d) MANAGEMENT OF HOUSING UNITS.—Section
6 2891a of title 10, United States Code, is amended—

7 (1) by adding a period at the end of subsection
8 (b)(2);

9 (2) in subsection (d), by striking paragraph
10 (11) and inserting the following new paragraph:

11 “(11) Upon request by a prospective tenant, a land-
12 lord providing a housing unit shall ensure that the needs
13 of enrollees in the Exceptional Family Member Program,
14 or any successor program, are considered in assigning the
15 prospective tenant to a housing unit provided by the land-
16 lord.”; and

17 (3) in subsection (e)(2)(B) by striking “the
18 any” and inserting “any”.

19 (e) TENANT ACCESS TO MAINTENANCE INFORMA-
20 TION.—Section 2892a of title 10, United States Code, is
21 amended by striking the text of such section and inserting
22 the following:

23 “(a) MAINTENANCE INFORMATION FOR PROSPEC-
24 TIVE TENANTS.—The Secretary concerned shall require
25 each eligible entity or subsequent landlord that offers for

1 lease a housing unit to provide to a prospective tenant of
2 the housing unit—

3 “(1) not later than five business days before the
4 prospective tenant is asked to sign the lease, a sum-
5 mary of maintenance conducted with respect to that
6 housing unit for the previous seven years; and

7 “(2) not later than two business days after the
8 prospective tenant requests additional information
9 regarding maintenance conducted with respect to
10 that housing unit during such period, all information
11 possessed by the eligible entity or subsequent land-
12 lord regarding such maintenance conducted during
13 such period.

14 “(b) MAINTENANCE INFORMATION FOR EXISTING
15 TENANTS.—A tenant of a housing unit who did not re-
16 ceive maintenance information described in subsection (a)
17 regarding that housing unit while a prospective tenant
18 may request such maintenance information and shall re-
19 ceive such maintenance information not later than five
20 business days after the making the request.

21 “(c) MAINTENANCE DEFINED.—In the section, the
22 term ‘maintenance’ includes any renovations of the hous-
23 ing unit during the period specified in subsection (a)(1).”.

1 (f) TREATMENT OF CERTAIN INCENTIVE FEES.—

2 Section 2893 of title 10, United States Code, is amended
3 by striking “propensity for” and inserting “pattern of”.

4 (g) LANDLORD-TENANT DISPUTE RESOLUTION
5 PROCESS.—Section 2894 of title 10, United States Code,
6 is amended—

7 (1) in subsection (b), by adding at the end the
8 following new paragraph:

9 “(6) The dispute resolution process shall require the
10 installation or regional commander (as the case may be)
11 to record each dispute in the complaint database estab-
12 lished under section 2894a of this title.”;

13 (2) in subsection (c)—

14 (A) in paragraph (1), in the matter pre-
15 ceding subparagraph (A), by striking “24
16 hours” and inserting “two business days”;

17 (B) in paragraph (3)—

18 (i) by inserting “business” before
19 “days”; and

20 (ii) by inserting “, such office” before
21 “shall complete”;

22 (C) in paragraph (4), in the matter pre-
23 ceding subparagraph (A), by inserting “, at a
24 minimum,” before “the following persons”;

1 (D) in paragraph (5), by inserting “cal-
2 endar” before “days” both places it appears;
3 and

4 (E) by striking paragraph (6) and insert-
5 ing the following new paragraph:

6 “(6) Except as provided in paragraph (5)(B), a final
7 decision shall be transmitted to the tenant, landlord, and
8 the installation or regional commander (as the case may
9 be) not later than 30 calendar days after the request was
10 submitted.”; and

11 (3) by striking subsections (d) and (e) and in-
12 serting the following new subsections:

13 “(d) EFFECT OF FAILURE TO COMPLY WITH DECI-
14 SION.—(1) If the final decision rendered under subsection
15 (c) for resolution of a landlord-tenant dispute includes in-
16 structions for the landlord responsible for the housing unit
17 to further remediate the housing unit, the decision shall
18 specify a reasonable period of time, but not less than 10
19 business days, for the landlord to complete the remedi-
20 ation.

21 “(2) If the landlord does not remediate the issues be-
22 fore the end of the time period specified in the final deci-
23 sion in a manner consistent with the instructions con-
24 tained in the decision, any amounts payable to the land-
25 lord for the housing unit shall be reduced by 10 percent

1 for each period of five calendar days during which the
2 issues remain unremediated.

3 “(e) REQUEST TO WITHHOLD PAYMENTS DURING
4 RESOLUTION PROCESS.—(1) As part of the submission of
5 a request for resolution of a landlord-tenant dispute
6 through the dispute resolution process regarding mainte-
7 nance guidelines or procedures or habitability, the tenant
8 may request that all or part of the payments described
9 in paragraph (3) for lease of the housing unit be seg-
10 regated and not used by the property owner, property
11 manager, or landlord pending completion of the dispute
12 resolution process.

13 “(2) The amount allowed to be withheld under para-
14 graph (1) shall be limited to amounts associated with the
15 period during which—

16 “(A) the landlord has not met maintenance
17 guidelines and procedures established by the Depart-
18 ment of Defense, either through contract or other-
19 wise; or

20 “(B) the housing unit is uninhabitable accord-
21 ing to State and local law for the jurisdiction in
22 which the housing unit is located.

23 “(3) This subsection applies to the following:

24 “(A) Any basic allowance for housing payable
25 to the tenant (including for any dependents of the

1 tenant in the tenant’s household) under section 403
2 of title 37.

3 “(B) All or part of any pay of a tenant subject
4 to allotment as described in section 2882(c) of this
5 title.”.

6 (h) ANNUAL ASSESSMENT OF THE DISPUTE RESO-
7 LUTION PROCESS.—Paragraph (10) of section 2884(c) of
8 title 10, United States Code, is amended to read as fol-
9 lows:

10 “(10) An assessment of the dispute resolution
11 process under section 2894(c) of this title, which
12 shall include a list of dispute resolution cases by in-
13 stallation and the final outcome of each case.”.

14 (i) PAYMENT AUTHORITY.—Section 606(a) of the
15 John S. McCain National Defense Authorization Act for
16 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871
17 note), as amended by section 3036 of the Military Con-
18 struction Authorization Act for Fiscal Year 2020 (division
19 B of Public Law 116–92; 133 Stat. 1938), is further
20 amended—

21 (1) in paragraph (1)(A), by inserting “month-
22 ly” before “payments”;

23 (2) in paragraph (2)(A), by striking “payments
24 to” and all that follows through “subparagraph (C)”
25 and inserting “monthly payments, under such terms

1 and in such amounts as determined by the Sec-
2 retary, to one of more lessors responsible for under-
3 funded MHPI housing projects identified pursuant
4 to subparagraph (C) under the jurisdiction of the
5 Secretary”; and

6 (3) in paragraph (3)(B), by inserting “that” be-
7 fore “require”.

8 (j) SUSPENSION OF RESIDENT ENERGY CONSERVA-
9 TION PROGRAM.—Section 3063(b) of the Military Con-
10 struction Authorization Act for Fiscal Year 2020 (division
11 B of Public Law 116–92; 133 Stat. 1947; 10 U.S.C. 2867
12 note) is amended—

13 (1) by inserting “covered by a program sus-
14 pended under subsection (a)” after “privatized mili-
15 tary housing” the first place it appears; and

16 (2) by striking “on the installation military
17 housing unit”.

18 (k) CLERICAL AMENDMENTS.—

19 (1) CHIEF HOUSING OFFICER.—

20 (A) ADDITION.—The table of sections at
21 the beginning of subchapter III of chapter 169
22 of title 10, United States Code, is amended by
23 inserting after the item relating to section 2851
24 the following new item:

“2851a. Supervision of military housing by Chief Housing Officer.”.

1 (B) REPEAL.—The table of sections at the
2 beginning of subchapter V of chapter 169 of
3 title 10, United States Code, is amended by
4 striking the item relating to section 2890a.

5 (2) DISCLOSURE OF PERSONALLY IDENTIFI-
6 ABLE INFORMATION.—The table of sections at the
7 beginning of subchapter V of chapter 169 of title 10,
8 United States Code, is amended by striking the item
9 relating to section 2892b and inserting the following
10 new item:

“2892b. Prohibition on requirement to disclose personally identifiable informa-
tion in requests for certain maintenance.”.

11 **SEC. 2812. REPEAL OF AUTHORITY TO LEASE SUB-**
12 **STANDARD FAMILY HOUSING UNITS TO MEM-**
13 **BERS OF THE UNIFORMED SERVICES.**

14 (a) REPEAL.—Section 2830 of title 10, United States
15 Code, is repealed.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of subchapter II of chapter 169 of title
18 10, United States Code, is amended by striking the item
19 relating to section 2830.

20 **SEC. 2813. EXPENDITURE PRIORITIES IN USING DEPART-**
21 **MENT OF DEFENSE FAMILY HOUSING IM-**
22 **PROVEMENT FUND.**

23 (a) IN GENERAL.—Section 2883(d)(1) of title 10,
24 United States Code, is amended—

1 (1) by inserting “(A)” after “(1)”; and

2 (2) by adding at the end the following new sub-
3 paragraph:

4 “(B) The Secretary of Defense shall require that eli-
5 gible entities receiving amounts from the Department of
6 Defense Family Housing Improvement Fund prioritize the
7 use of such amounts for expenditures related to asset re-
8 capitalization, operating expenses, and debt payments be-
9 fore other program management-incentive fee expendi-
10 tures. In the case of asset recapitalization, the primary
11 purpose of the expenditures must be to sustain existing
12 housing units owned or managed by the eligible entity or
13 for which the eligible entity is otherwise responsible.”.

14 (b) EFFECTIVE DATE.—The requirements set forth
15 in subparagraph (B) of section 2883(d)(1) of title 10,
16 United States Code, as added by subsection (a), shall
17 apply to appropriate legal documents entered into or re-
18 newed on or after the date of the enactment of this Act
19 between the Secretary of a military department and a
20 landlord regarding privatized military housing. In this
21 subsection, the terms “landlord” and “privatized military
22 housing” have the meanings given those terms in section
23 3001(a) of the Military Construction Authorization Act
24 for Fiscal Year 2020 (division B of Public Law 116–92;
25 133 Stat. 1916; 10 U.S.C. 2821 note).

1 **SEC. 2814. AVAILABILITY OF INFORMATION REGARDING AS-**
2 **SESSMENT OF PERFORMANCE METRICS FOR**
3 **CONTRACTS FOR PROVISION OR MANAGE-**
4 **MENT OF PRIVATIZED MILITARY HOUSING.**

5 (a) AVAILABILITY OF PERFORMANCE METRICS AS-
6 SESSMENTS; METHOD OF PROVIDING.—Section 2891c(b)
7 of title 10, United States Code, is amended—

8 (1) in the subsection heading, by inserting
9 “PERFORMANCE METRICS AND” before “USE OF IN-
10 CENTIVE FEES”; and

11 (2) in paragraph (1), by striking “shall publish,
12 on a publicly accessible website, information” and
13 inserting the following: “shall make available, upon
14 request of a tenant, at the applicable installation
15 housing office the following:

16 “(A) An assessment of the indicators under-
17 lying the performance metrics for each contract for
18 the provision or management of housing units to en-
19 sure such indicators adequately measure the condi-
20 tion and quality of each housing unit covered by the
21 contract.

22 “(B) Information”.

23 (b) DESCRIPTION OF INDICATORS UNDERLYING PER-
24 FORMANCE METRICS.—Section 2891c(b) of title 10,
25 United States Code, is further amended—

1 (1) by redesignating paragraph (2) as para-
2 graph (3); and

3 (2) by inserting after paragraph (1) the fol-
4 lowing new paragraph (2):

5 “(2)(A) For purposes of paragraph (1)(A), the indi-
6 cators underlying the performance metrics for a contract
7 for the provision or management of housing units shall
8 measure at a minimum the following:

9 “(i) Tenant satisfaction.

10 “(ii) Maintenance management.

11 “(iii) Safety.

12 “(iv) Financial management.

13 “(B) An assessment required to be made available
14 under paragraph (1)(A) shall include a detailed descrip-
15 tion of each indicator underlying the performance metrics,
16 including the following information:

17 “(i) The limitations of available survey data.

18 “(ii) How tenant satisfaction and maintenance
19 management is calculated.

20 “(iii) Whether any relevant data is missing.”.

21 (c) CONFORMING AMENDMENTS.—Paragraph (3) of
22 section 2891c(b) of title 10, United States Code, as redес-
23 ignated by subsection (b)(1), is amended—

24 (1) by striking “paragraph (1)” and inserting

25 “paragraph (1)(B)”; and

1 (2) by striking “each contract” and inserting
2 “each contract for the provision or management of
3 housing units”.

4 (d) CLERICAL AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section
6 2891c of title 10, United States Code, is amended
7 to read as follows:

8 **“§ 2891c. Transparency regarding finances and per-**
9 **formance metrics”.**

10 (2) TABLE OF SECTIONS.—The table of sections
11 at the beginning of subchapter V of chapter 169 of
12 title 10, United States Code, is amended by striking
13 the item relating to section 2891c and inserting the
14 following new item:

“2891c. Transparency regarding finances and performance metrics.”.

15 **SEC. 2815. REQUIREMENT THAT SECRETARY OF DEFENSE**
16 **IMPLEMENT RECOMMENDATIONS RELATING**
17 **TO MILITARY FAMILY HOUSING CONTAINED**
18 **IN REPORT BY INSPECTOR GENERAL OF DE-**
19 **PARTMENT OF DEFENSE.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Secretary of Defense shall implement
22 the recommendations of the Inspector General of the De-
23 partment of Defense contained in the report of the Inspec-
24 tor General dated April 30, 2020, and entitled “Evalua-
25 tion of the DoD’s Management of Health and Safety Haz-

ards in Government-Owned and Government-Controlled
Military Family Housing”.

**SEC. 2816. PROMULGATION OF GUIDANCE TO FACILITATE
RETURN OF MILITARY FAMILIES DISPLACED
FROM PRIVATIZED MILITARY HOUSING.**

(a) **GUIDANCE REQUIRED.**—The Secretary of Defense shall promulgate guidance for commanders of military installations and installation housing management offices to assist such commanders and offices in facilitating and managing the relocation and return of tenants of privatized military housing when tenants are displaced from such housing—

(1) as a result of an environmental hazard or other damage adversely affecting the habitability of the privatized military housing; or

(2) during remediation or repair activities in response to the hazard or damages.

(b) **FINANCIAL IMPACT OF DISPLACEMENT.**—As part of the promulgation of the guidance, the Secretary of Defense shall consider—

(1) the extent to which displaced tenants of privatized military housing under the circumstances described in subsection (a) incur relocation, per diem, or similar expenses as a direct result of such

1 displacement that are not covered by a landlord, in-
2 surance, or claims process; and

3 (2) the feasibility of providing reimbursement
4 for uncovered expenses.

5 (c) CONSULTATION.—The Secretary of Defense shall
6 promulgate the guidance in consultation with the Secre-
7 taries of the military departments, the Chief Housing Offi-
8 cer, landlords, and other interested persons.

9 (d) IMPLEMENTATION.—The Secretaries of the mili-
10 tary departments shall be responsible for implementation
11 of the guidance at military installations under the jurisdic-
12 tion of the Secretary concerned, while recognizing that the
13 guidance cannot anticipate every situation in which ten-
14 ants of privatized military housing must be displaced from
15 such housing under the circumstances described in sub-
16 section (a).

17 (e) DEFINITIONS.—In this section, the terms “land-
18 lord”, “privatized military housing”, and “tenant” have
19 the meanings given those terms in section 3001(a) of the
20 Military Construction Authorization Act for Fiscal Year
21 2020 (division B of Public Law 116–92; 133 Stat. 1916;
22 10 U.S.C. 2821 note).

1 **SEC. 2817. PROMULGATION OF GUIDANCE ON RELOCATION**
2 **OF RESIDENTS OF MILITARY HOUSING IM-**
3 **PACTED BY PRESENCE OF MOLD.**

4 As part of the process developed by the Secretary of
5 Defense pursuant to section 3053 of the Military Con-
6 struction Authorization Act for Fiscal Year 2020 (division
7 B of Public Law 116–92; 133 Stat. 1943; 10 U.S.C. 2821
8 note) to identify, record, and resolve environmental health
9 hazards in military housing, the Secretary shall promul-
10 gate guidance regarding situations in which the presence
11 of mold in a unit of housing under the jurisdiction of the
12 Department of Defense (including privatized military
13 housing) is an emergency situation requiring the reloca-
14 tion of the residents of the unit.

15 **SEC. 2818. EXPANSION OF UNIFORM CODE OF BASIC**
16 **STANDARDS FOR PRIVATIZED MILITARY**
17 **HOUSING AND HAZARD AND HABITABILITY**
18 **INSPECTION AND ASSESSMENT REQUIRE-**
19 **MENTS TO GOVERNMENT-OWNED AND GOV-**
20 **ERNMENT-CONTROLLED MILITARY FAMILY**
21 **HOUSING.**

22 (a) UNIFORM CODE OF BASIC STANDARDS FOR MILI-
23 TARY HOUSING.—The Secretary of Defense shall expand
24 the uniform code of basic housing standards for safety,
25 comfort, and habitability for privatized military housing
26 established pursuant to section 3051(a) of the Military

1 Construction Authorization Act for Fiscal Year 2020 (di-
2 vision B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C.
3 2871 note) to include Government-owned and Govern-
4 ment-controlled military family housing located inside or
5 outside the United States and occupied by members of the
6 Armed Forces.

7 (b) INSPECTION AND ASSESSMENT PLAN.—The Sec-
8 retary of Defense shall expand the Department of Defense
9 housing inspection and assessment plan prepared pursu-
10 ant to section 3051(b) of the Military Construction Au-
11 thorization Act for Fiscal Year 2020 (division B of Public
12 Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to
13 include Government-owned and Government-controlled
14 military family housing located inside or outside the
15 United States and occupied by members of the Armed
16 Forces and commence inspections and assessments of such
17 military family housing pursuant to the plan.

1 **Subtitle C—Real Property and**
2 **Facilities Administration**

3 **SEC. 2821. ACCEPTANCE OF PROPERTY BY MILITARY SERV-**
4 **ICE ACADEMIES, PROFESSIONAL MILITARY**
5 **EDUCATION SCHOOLS, AND MILITARY MUSE-**
6 **UMS SUBJECT TO NAMING-RIGHTS CONDI-**
7 **TION.**

8 (a) **AUTHORITY TO ACCEPT PERSONAL PROPERTY**
9 **SUBJECT TO CONDITION.**—Section 2601(e) of title 10,
10 United States Code, is amended—

11 (1) in the subsection heading, by striking
12 “REAL”;

13 (2) in paragraph (1), by inserting “or personal”
14 after “real” both places it appears; and

15 (3) in paragraph (3)(B), by inserting “or per-
16 sonal” after “real”.

17 (b) **ELIGIBLE RECIPIENTS.**—Section 2601(e) of title
18 10, United States Code, is further amended—

19 (1) in paragraph (1), by striking “the United
20 States Military Academy, the Naval Academy, the
21 Air Force Academy, or the Coast Guard Academy”
22 and inserting “an eligible entity”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(5) In this subsection, the term ‘eligible entity’
2 means each of the following:

3 “(A) The United States Military Academy, the
4 Naval Academy, the Air Force Academy, and the
5 Coast Guard Academy.

6 “(B) The professional military education
7 schools listed in section 2162(d) of this title and the
8 Defense Acquisition University.

9 “(C) A military museum.”.

10 **SEC. 2822. CODIFICATION OF REPORTING REQUIREMENTS**
11 **REGARDING UNITED STATES OVERSEAS MILI-**
12 **TARY ENDURING LOCATIONS AND CONTIN-**
13 **GENCY LOCATIONS.**

14 (a) INCLUSION OF INFORMATION IN EXISTING AN-
15 NUAL REPORT.—Section 2687a(a) of title 10, United
16 States Code, is amended—

17 (1) in the subsection heading, by striking
18 “MASTER PLANS” and inserting “OVERSEAS MILI-
19 TARY LOCATIONS”;

20 (2) in paragraph (1), by striking subparagraph
21 (B) and inserting the following new subparagraph:

22 “(B) the status of overseas military locations,
23 whether such a location is designated as an enduring
24 location or contingency location.”; and

1 (3) by striking paragraph (2) and inserting the
2 following new paragraphs:

3 “(2) To satisfy the reporting requirement specified
4 in paragraph (1)(B), a report under paragraph (1) shall
5 contain the following:

6 “(A) A list of overseas military locations. For
7 any overseas military location established during the
8 previous fiscal year, the reasons for the establish-
9 ment of the overseas military location.

10 “(B) A description of the strategic goal and
11 operational requirements supported by each overseas
12 military location.

13 “(C) A list of each construction or facility im-
14 provement project carried out by the Department of
15 Defense regardless of the funding source, and each
16 construction or facility improvement project accepted
17 as a payment-in-kind, at overseas military locations
18 during the previous fiscal year if the construction or
19 facility improvement project was not specifically au-
20 thorized in a Military Construction Authorization
21 Act or congressional notice of the construction or fa-
22 cility improvement project was not provided by an-
23 other means. Each construction or facility improve-
24 ment project on the list shall be delineated by
25 project location, project title or description, project

1 cost, including costs covered by the host country,
2 and authority used to undertake the project.

3 “(D) For each overseas military location first
4 designated as an enduring location in one of the pre-
5 vious two required reports, a list of required con-
6 struction and facility improvement projects antici-
7 pated to be carried out by the Department of De-
8 fense directly or through the acceptance of pay-
9 ments-in-kind during the fiscal year in which the re-
10 port is submitted and the next four fiscal years.
11 Each construction or facility improvement project on
12 the list shall be delineated by project location,
13 project title or description, estimated project cost,
14 including costs anticipated to be covered by the host
15 country, and authority to be used to undertake the
16 project.

17 “(E) An overview of any annual lease or access
18 costs to the United States for each overseas military
19 location designated as an enduring location.

20 “(F) A description of any plans to transition an
21 existing contingency overseas military location to an
22 enduring overseas military location, or to upgrade or
23 downgrade the designation of an existing enduring
24 or contingency overseas military location, during the
25 fiscal year in which the report is submitted.

1 “(G) A list of any overseas military locations
2 that, during the previous fiscal year, were trans-
3 ferred to the control of security forces of the host
4 country or another military force, closed, or for any
5 other reason no longer used by the armed forces, in-
6 cluding a summary of any costs associated with the
7 transfer or closure of the overseas military location.

8 “(H) A summary of any force protection risks
9 identified for cooperative security locations and con-
10 tingency locations, the actions proposed to mitigate
11 such risks, and the resourcing and implementation
12 plan to implement the mitigation actions.

13 “(I) Such other such matters related to over-
14 seas military locations as the Secretary of Defense
15 considers appropriate.

16 “(3) In this subsection:

17 “(A)(i) The term ‘overseas military location’
18 covers both enduring locations and contingency loca-
19 tions established outside the United States.

20 “(ii) An enduring location is primarily charac-
21 terized either by the presence of permanently as-
22 signed United States forces with robust infrastruc-
23 ture and quality of life amenities to support that
24 presence, by the sustained presence of allocated
25 United States forces with infrastructure and quality

1 of life amenities consistent with that presence, or by
2 the periodic presence of allocated United States
3 forces with little or no permanent United States
4 military presence or controlled infrastructure. En-
5 during locations include main operating bases, for-
6 ward operating sites, and cooperative security loca-
7 tions.

8 “(iii) A contingency location refers to a location
9 outside of the United States that is not covered by
10 subparagraph (B), but that is used by United States
11 forces to support and sustain operations during
12 named and unnamed contingency operations or other
13 operations as directed by appropriate authority and
14 is categorized by mission life-cycle requirements as
15 initial, temporary, or semi-permanent.

16 “(B)(i) The term ‘construction or facility im-
17 provement project’ includes any construction, devel-
18 opment, conversion, or extension of a building, struc-
19 ture, or other improvement to real property carried
20 out at an overseas military location, whether to sat-
21 isfy temporary or permanent requirements, and any
22 acquisition of land for an overseas military location.

23 “(ii) The term does not include repairs to a
24 building, structure, or other improvement to real
25 property, unless the building, structure, or other im-

1 provement cannot effectively be used for its des-
2 ignated functional purpose in the absence of the re-
3 pairs.

4 “(4) The Secretary of Defense shall prepare the re-
5 port under paragraph (1) in coordination with the Under
6 Secretary of Defense for Policy and the Under Secretary
7 of Defense for Acquisition and Sustainment.

8 “(5) A report under paragraph (1) shall be submitted
9 in unclassified form, but may contain a classified annex
10 as necessary.”.

11 (b) CONFORMING AND CLERICAL AMENDMENTS.—

12 (1) CONFORMING AMENDMENTS.—Section
13 2687a(e)(2) of title 10, United States Code, is
14 amended by striking “host nation” both places it ap-
15 pears and inserting “host country”.

16 (2) SECTION HEADING.—The heading of section
17 2687a of title 10, United States Code, is amended
18 to read as follows:

19 **“§ 2687a. Overseas base closures and realignments**
20 **and status of United States overseas mili-**
21 **tary locations”.**

22 (3) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 159 of title 10, United
24 States Code, is amended by striking the item relat-

1 ing to section 2687a and inserting the following new
2 item:

“2687a. Overseas base closures and realignments and status of United States overseas military locations.”.

3 (c) TEMPORARY CONTINUATION OF SUPERCEDED
4 REPORTING REQUIREMENT.—Until the Secretary of De-
5 fense submits the first report required by section 2687a(a)
6 of title 10, United States Code, that includes the informa-
7 tion required by paragraph (2) of such section, as added
8 by subsection (a), the Secretary of Defense shall continue
9 to prepare and submit the report required by section 2816
10 of the Military Construction Authorization Act for Fiscal
11 Year 2016 (division B of Public Law 114–92; 129 Stat.
12 1176), notwithstanding the expiration of such reporting
13 requirement.

14 **SEC. 2823. PROMOTION OF ENERGY RESILIENCE AND EN-**
15 **ERGY SECURITY IN PRIVATIZED UTILITY SYS-**
16 **TEMS.**

17 (a) UTILITY PRIVATIZATION CONTRACT RENEW-
18 ALS.—Section 2688(d)(2) of title 10, United States Code,
19 is amended—

20 (1) in the first sentence, by inserting “or the
21 renewal of such a contract” after “paragraph (1)”;

22 (2) in the second sentence, by striking “the
23 contract.” and inserting “the contract or contract
24 renewal.”; and

1 (3) by adding at the end the following new sen-
2 tence: “A renewal of a contract pursuant to this
3 paragraph may be entered into only within the last
4 five years of the existing contract term.”.

5 (b) AVAILABILITY OF ERCIP FUNDS FOR
6 PRIVATIZED UTILITY SYSTEM ACTIVITIES.—Section 2914
7 of title 10, United States Code, as amended by section
8 2805, is further amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d); and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection (c):

13 “(c) RELATION TO CERTAIN OTHER AUTHORI-
14 TIES.—A project under this section may include—

15 “(1) activities related to a utility system au-
16 thorized under subsections (h), (j), and (k) of sec-
17 tion 2688 or section 2913 of this title, notwith-
18 standing that the United States does not own the
19 utility system covered by the project; and

20 “(2) energy-related activities included as a sep-
21 arate requirement in an energy savings performance
22 contract (as defined in section 804(3) of the Na-
23 tional Energy Conservation Policy Act (42 U.S.C.
24 8287c(3))).”.

1 **SEC. 2824. VESTING EXERCISE OF DISCRETION WITH SEC-**
2 **RETARIES OF THE MILITARY DEPARTMENTS**
3 **REGARDING ENTERING INTO LONGER-TERM**
4 **CONTRACTS FOR UTILITY SERVICES.**

5 Section 2688(d)(2) of title 10, United States Code,
6 as amended by section 2823, is further amended in the
7 first sentence—

8 (1) by striking “The Secretary of Defense, or
9 the designee of the Secretary,” and inserting “The
10 Secretary concerned”; and

11 (2) by striking “if the Secretary” and inserting
12 “if the Secretary concerned”.

13 **SEC. 2825. USE OF ON-SITE ENERGY PRODUCTION TO PRO-**
14 **MOTE MILITARY INSTALLATION ENERGY RE-**
15 **SILIENCE AND ENERGY SECURITY.**

16 (a) PROMOTION OF ON-SITE ENERGY SECURITY AND
17 ENERGY RESILIENCE.—Section 2911 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new subsection:

20 “(h) PROMOTION OF ON-SITE ENERGY SECURITY
21 AND ENERGY RESILIENCE.—(1) Consistent with the en-
22 ergy security and resilience goals of the Department of
23 Defense and the energy performance master plan referred
24 to in this section, the Secretary concerned shall consider,
25 when feasible, projects for the production of installation
26 energy that benefits military readiness and promotes in-

1 stallation energy security and energy resilience in the fol-
2 lowing manner:

3 “(A) Location of the energy-production infra-
4 structure on the military installation that will con-
5 sume the energy.

6 “(B) Incorporation of energy resilience features,
7 such as microgrids, to ensure that energy remains
8 available to the installation even when the installa-
9 tion is not connected to energy sources located off
10 the installation.

11 “(C) Reduction in periodic refueling needs from
12 sources off the installation to not more than once
13 every two years.

14 “(3) In this subsection, the term ‘microgrid’ means
15 an integrated energy system consisting of interconnected
16 loads and energy resources that, if necessary, can be re-
17 moved from the local utility grid and function as an inte-
18 grated, stand-alone system.”.

19 (b) EVALUATION OF FEASIBILITY OF EXPANDING
20 USE OF ON-SITE ENERGY PRODUCTION.—

21 (1) PROJECTS AUTHORIZED.—Subsection (h) of
22 section 2911 of title 10, United States Code, as
23 added by subsection (a), is amended by inserting
24 after paragraph (1) the following new paragraph:

1 “(2)(A) Using amounts made available for military
2 construction projects under section 2914 of this title, the
3 Secretary of Defense shall carry out at least four projects
4 to promote installation energy security and energy resil-
5 ience in the manner described in paragraph (1).

6 “(B) At least one project shall be designed to develop
7 technology that demonstrates the ability to connect an ex-
8 isting on-site energy generation facility that uses solar
9 power with one or more installation facilities performing
10 critical missions in a manner that allows the generation
11 facility to continue to provide electrical power to these fa-
12 cilities even if the installation is disconnected from the
13 commercial power supply.

14 “(C) At least one project shall be designed to develop
15 technology that demonstrates that one or more installation
16 facilities performing critical missions can be isolated, for
17 purposes of electrical power supply, from the remainder
18 of the installation and from the commercial power supply
19 in a manner that allows an on-site energy generation facil-
20 ity that uses a renewable energy source, other than solar
21 energy, to provide the necessary power exclusively to these
22 facilities.

23 “(D) At least two projects shall be designed to de-
24 velop technology that demonstrates the ability to store suf-
25 ficient electrical energy from an on-site energy generation

1 facility that uses a renewable energy source to provide the
2 electrical energy required to continue operation of installa-
3 tion facilities performing critical missions during night-
4 time operations.

5 “(E) The authority of the Secretary of Defense to
6 commence a project under this paragraph expires on Sep-
7 tember 30, 2025.”.

8 (2) BRIEFING.—Not later than March 1, 2021,
9 the Secretary of Defense shall brief the congres-
10 sional defense committees regarding the plan to
11 carry out the on-site energy production projects au-
12 thorized by paragraph (2) of section 2911(h) of title
13 10, United States Code, as added by paragraph (1).

14 **SEC. 2826. IMPROVED ELECTRICAL METERING OF DEPART-**
15 **MENT OF DEFENSE INFRASTRUCTURE SUP-**
16 **PORTING CRITICAL MISSIONS.**

17 (a) OPTIONS TO IMPROVE ELECTRICAL METER-
18 ING.—The Secretary of Defense and the Secretaries of the
19 military departments shall improve the metering of elec-
20 trical energy usage of covered defense structures to accu-
21 rately determine energy consumption by such a structure
22 to increase energy efficiency and improve energy resil-
23 ience, using any combination of the options specified in
24 subsection (b) or such other methods as the Secretary con-
25 cerned considers practicable.

1 (b) METERING OPTIONS.—Electrical energy usage
2 options to be considered for a covered defense structure
3 include the following:

4 (1) Installation of a smart meter at the electric
5 power supply cable entry point of the covered de-
6 fense structure, with remote data storage and re-
7 trieval capability using cellular communication, to
8 provide historical energy usage data on an hourly
9 basis to accurately determine the optimum cost ef-
10 fective energy efficiency and energy resilience meas-
11 ures for the covered defense structure.

12 (2) Use of an energy usage audit firm to indi-
13 vidually meter the covered defense structure using
14 clamp-on meters and data storage to provide year-
15 long electric energy load profile data, particularly in
16 the case of a covered defense structure located in cli-
17 mates with highly variable use based on weather or
18 temperature changes, to accurately identify electric
19 energy usage demand for both peak and off peak pe-
20 riods for a covered defense structure.

21 (3) Manual collection and calculation of the
22 connected load via nameplate data survey of all the
23 connected electrical devices for the covered defense
24 structure and comparison of such data to the de-
25 signed maximum rating of the incoming electric sup-

1 ply to determine the maximum electrical load for the
2 covered defense structure.

3 (c) CYBERSECURITY.—The Secretary of Defense and
4 the Secretaries of the military departments shall consult
5 with the Chief Information Officer of the Department of
6 Defense to ensure that the electrical energy metering op-
7 tions considered under subsection (b) do not compromise
8 the cybersecurity of Department of Defense networks.

9 (d) CONSIDERATION OF PARTNERSHIPS.—The Sec-
10 retary of Defense and the Secretaries of the military de-
11 partments shall consider the use of arrangements (known
12 as public-private partnerships) with appropriate entities
13 outside the Government to reduce the cost of carrying out
14 this section.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “covered defense structure”
17 means any infrastructure under the jurisdiction of
18 the Department of Defense inside the United States
19 that the Secretary of Defense or the Secretary of the
20 military department concerned determines—

21 (A) is used to support a critical mission of
22 the Department; and

23 (B) is located at a military installation
24 with base-wide resilient power.

1 (2) The term “energy resilience” has the mean-
2 ing given that term in section 101(e)(6) of title 10,
3 United States Code.

4 (f) IMPLEMENTATION REPORT.—As part of the De-
5 partment of Defense energy management report to be sub-
6 mitted under section 2925 of title 10, United States Code,
7 during fiscal year 2022, the Secretary of Defense shall in-
8 clude information on the progress being made to comply
9 with the requirements of this section.

10 **SEC. 2827. IMPROVING WATER MANAGEMENT AND SECU-**
11 **RITY ON MILITARY INSTALLATIONS.**

12 (a) RISK-BASED APPROACH TO INSTALLATION
13 WATER MANAGEMENT AND SECURITY.—

14 (1) GENERAL REQUIREMENT.—The Secretary
15 concerned shall adopt a risk-based approach to
16 water management and security for each military in-
17 stallation under the jurisdiction of the Secretary.

18 (2) IMPLEMENTATION PRIORITIES.—The Sec-
19 retary concerned shall begin implementation of para-
20 graph (1) by prioritizing those military installations
21 under the jurisdiction of the Secretary that the Sec-
22 retary determines—

23 (A) are experiencing the greatest risks to
24 sustainable water management and security;
25 and

1 (B) face the most severe existing or poten-
2 tial adverse impacts to mission assurance as a
3 result of such risks.

4 (3) DETERMINATION METHOD.—Determina-
5 tions under paragraph (2) shall be made on the
6 basis of the water management and security assess-
7 ments made by the Secretary concerned under sub-
8 section (b).

9 (b) WATER MANAGEMENT AND SECURITY ASSESS-
10 MENTS.—

11 (1) ASSESSMENT METHODOLOGY.—The Secre-
12 taries concerned, acting jointly, shall develop a
13 methodology to assess risks to sustainable water
14 management and security and mission assurance.

15 (2) ELEMENTS.—Required elements of the as-
16 sessment methodology shall include the following:

17 (A) An evaluation of the water sources and
18 supply connections for a military installation,
19 including water flow rate and extent of competi-
20 tion for the water sources.

21 (B) An evaluation of the age, condition,
22 and jurisdictional control of water infrastruc-
23 ture serving the military installation.

24 (C) An evaluation of the military installa-
25 tion's water-security risks related to drought-

1 prone climates, impacts of defense water usage
2 on regional water demands, water quality, and
3 legal issues, such as water rights disputes.

4 (D) An evaluation of the resiliency of the
5 military installation's water supply and the
6 overall health of the aquifer basin of which the
7 water supply is a part, including the robustness
8 of the resource, redundancy, and ability to re-
9 cover from disruption.

10 (E) An evaluation of existing water meter-
11 ing and consumption at the military installa-
12 tion, considered at a minimum—

13 (i) by type of installation activity,
14 such as training, maintenance, medical,
15 housing, and grounds maintenance and
16 landscaping; and

17 (ii) by fluctuations in consumption,
18 including peak consumption by quarter.

19 (c) EVALUATION OF INSTALLATIONS FOR POTENTIAL
20 NET ZERO WATER USAGE.—

21 (1) EVALUATION REQUIRED.—The Secretary
22 concerned shall conduct an evaluation of each mili-
23 tary installation under the jurisdiction of the Sec-
24 retary to determine the potential for the military in-

1 stallation, or at a minimum certain installation ac-
2 tivities, to achieve net zero water usage.

3 (2) ELEMENTS.—Required elements of each
4 evaluation shall include the following:

5 (A) An evaluation of alternative water
6 sources to offset use of freshwater, including
7 water recycling and harvested rainwater for use
8 as non-potable water.

9 (B) An evaluation of the feasibility of im-
10 plementing Department of Energy guidelines
11 for net zero water usage, when practicable, to
12 minimize water consumption and wastewater
13 discharge in buildings scheduled for renovation.

14 (C) An evaluation of the practicality of im-
15 plementing net zero water usage technology into
16 new construction in water-constrained areas, as
17 determined by water management and security
18 assessments conducted under subsection (b).

19 (d) IMPROVED LANDSCAPING MANAGEMENT PRAC-
20 TICES.—

21 (1) LANDSCAPING MANAGEMENT.—The Sec-
22 retary concerned shall implement, to the maximum
23 extent practicable, at each military installation
24 under the jurisdiction of the Secretary landscaping
25 management practices to increase water resilience

1 and ensure greater quantities of water availability
2 for operational, training, and maintenance require-
3 ments.

4 (2) ARID OR SEMI-ARID CLIMATES.—For mili-
5 tary installations located in arid or semi-arid cli-
6 mates, landscaping management practices shall in-
7 clude the use of xeriscaping.

8 (3) NON-ARID CLIMATES.—For military instal-
9 lations located in non-arid climates, landscaping
10 management practices shall include the use of plants
11 common to the region in which the installation is lo-
12 cated and native grasses and plants.

13 (4) POLLINATOR CONSERVATION REFERENCE
14 GUIDE.—The Secretary concerned shall follow the
15 recommendations of the Department of Defense Pol-
16 linator Conservation Reference Guide (September
17 2018) to the maximum extent practicable in order to
18 reduce operation and maintenance costs related to
19 landscaping management, while improving area
20 management. Consistent with such guide, in the
21 preparation of a military installation landscaping
22 plan, the Secretary concerned should consider the
23 following:

24 (A) Adding native flowering plants to
25 sunny open areas and removing overhanging

1 tree limbs above open patches within forested
2 areas or dense shrub.

3 (B) Removing or controlling invasive
4 plants to improve pollinator habitat.

5 (C) Preserving known and potential polli-
6 nator nesting and overwintering sites.

7 (D) Eliminating or minimizing pesticide
8 use in pollinator habitat areas.

9 (E) Mowing in late fall or winter after
10 plants have bloomed and set seed, adjusting
11 timing to avoid vulnerable life stages of special
12 status pollinators.

13 (F) Mowing mid-day when adult polli-
14 nators can avoid mowing equipment.

15 (e) IMPLEMENTATION REPORT.—

16 (1) REPORT REQUIRED.—Not later than one
17 year after the date of the enactment of this Act, the
18 Secretary of Defense, in coordination with the other
19 Secretaries concerned, shall submit to the Commit-
20 tees on Armed Services of the Senate and the House
21 of Representatives a report on the progress made in
22 implementing this section.

23 (2) REPORT ELEMENTS.—The report shall in-
24 clude the following:

1 (A) The methodology developed under sub-
2 section (b) to conduct water management and
3 security assessments.

4 (B) A list of the military installations that
5 have been assessed using such methodology and
6 a description of the findings.

7 (C) A list of planned assessments for the
8 one-year period beginning on the date of the
9 submission of the report.

10 (D) An evaluation of the progress made on
11 implementation of xeriscaping and other region-
12 ally appropriate landscaping practices at mili-
13 tary installations.

14 (f) DEFINITIONS.—In this section:

15 (1) The term “net zero water usage”, with re-
16 spect to a military installation or installation activ-
17 ity, means a situation in which the combination of
18 limitations on the consumption of water resources
19 and the return of water to an original water source
20 by the installation or activity is sufficient to prevent
21 any reduction in the water resources of the area in
22 both quantity and quality over a reasonable period
23 of time.

24 (2) The terms “Secretary concerned” and “Sec-
25 retary” mean the Secretary of a military department

1 and the Secretary of Defense with respect to the
2 Pentagon Reservation.

3 (3) The term “xeriscaping” means landscape
4 design that emphasizes low water use and drought-
5 tolerant plants that require little or no supplemental
6 irrigation.

7 **SEC. 2828. PROHIBITION RELATING TO CLOSURE OR RE-**
8 **TURN TO HOST NATION OF EXISTING MILI-**
9 **TARY INSTALLATIONS, INFRASTRUCTURE, OR**
10 **REAL PROPERTY IN EUROPE.**

11 (a) PROHIBITION ON CLOSURE OR RETURN.—Except
12 as provided by subsection (b), the Secretary of Defense
13 shall not implement any activity that closes or returns to
14 the host nation any military installation, infrastructure,
15 or real property in Europe that, as of the date of enact-
16 ment of this Act, is under the operational control of the
17 Department of Defense or a military department and is
18 utilized by the United States Armed Forces.

19 (b) WAIVER AND EXCEPTION.—The Secretary of De-
20 fense may waive the prohibition under subsection (a) if
21 the Secretary certifies to the congressional defense com-
22 mittees that there is no longer a foreseeable need for the
23 military installation, infrastructure, or real property, or a
24 portion of the military installation in the case of a partial
25 closure and return of a military installation, to support

1 a permanent or rotational United States military presence
2 in the European theater.

3 **Subtitle D—Land Conveyances**

4 **SEC. 2831. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Army may convey, without consideration, to the State
7 of Arizona Department of Emergency and Military Affairs
8 (in this section referred to as the “State”) all right, title,
9 and interest of the United States in and to a parcel of
10 real property, including any improvements thereon, con-
11 sisting of not more than 3,000 acres at Camp Navajo, Ari-
12 zona, for the purpose of permitting the State to use the
13 property—

14 (1) for training the Arizona Army National
15 Guard and Air National Guard; and

16 (2) for defense industrial base economic devel-
17 opment purposes that are compatible with the envi-
18 ronmental security and primary National Guard
19 training purpose of Camp Navajo.

20 (b) CONDITION OF CONVEYANCE.—

21 (1) USE OF REVENUES.—The authority of the
22 Secretary of the Army to make the conveyance de-
23 scribed in subsection (a) is subject to the condition
24 that the State agree that all revenues generated
25 from the use of the property conveyed under such

1 subsection will be used to support the training re-
2 quirements of the Arizona Army National Guard
3 and Air National Guard, including necessary infra-
4 structure maintenance and capital improvements.

5 (2) AUDIT.—The United States Property and
6 Fiscal Office for Arizona shall—

7 (A) conduct periodic audits of all revenues
8 generated by uses of the conveyed property and
9 the use of such revenues; and

10 (B) provide the audit results to the Chief
11 of the National Guard Bureau.

12 (c) REVERSIONARY INTEREST.—

13 (1) INTEREST RETAINED.—If the Secretary of
14 the Army determines at any time that the property
15 conveyed under subsection (a) is not being used in
16 accordance with the purposes of the conveyance
17 specified in such subsection, or that the State has
18 not complied with the condition imposed by sub-
19 section (b), all right, title, and interest in and to the
20 conveyed property, including any improvements
21 thereon, shall, at the option of the Secretary, revert
22 to and become the property of the United States,
23 and the United States shall have the right of imme-
24 diate entry onto the property.

1 (2) DETERMINATION.—A determination by the
2 Secretary under this subsection shall be made on the
3 record after an opportunity for a hearing.

4 (d) ALTERNATIVE CONSIDERATION OPTION.—

5 (1) CONSIDERATION OPTION.—In lieu of exer-
6 cising the reversionary interest retained under sub-
7 section (c), the Secretary of the Army may accept an
8 offer by the State to pay to the United States an
9 amount equal to the fair market value of the prop-
10 erty conveyed under subsection (a), excluding the
11 value of any improvements on the conveyed property
12 constructed without Federal funds after the date of
13 the conveyance is completed, as determined by the
14 Secretary.

15 (2) TREATMENT OF CONSIDERATION RE-
16 CEIVED.—Consideration received by the Secretary
17 under paragraph (1) shall be deposited in the special
18 account in the Treasury established for the Sec-
19 retary under subsection (e) of section 2667 of title
20 10, United States Code, and shall be available to the
21 Secretary for the same uses and subject to the same
22 limitations as provided in that section.

23 (e) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of
25 the Army shall require the State to cover costs to be

1 incurred by the Secretary, or to reimburse the Sec-
2 retary for such costs incurred by the Secretary, to
3 carry out the conveyance under subsection (a), in-
4 cluding survey costs, costs for environmental docu-
5 mentation related to the conveyance, and any other
6 administrative costs related to the conveyance. If
7 amounts are collected from the State in advance of
8 the Secretary incurring the actual costs, and the
9 amount collected exceeds the costs actually incurred
10 by the Secretary to carry out the conveyance, the
11 Secretary shall refund the excess amount to the
12 State.

13 (2) TREATMENT OF AMOUNTS RECEIVED.—
14 Amounts received as reimbursement under para-
15 graph (1) shall be credited to the fund or account
16 that was used to cover those costs incurred by the
17 Secretary in carrying out the conveyance or, if the
18 period of availability for obligations for that appro-
19 priation has expired, to the fund or account cur-
20 rently available to the Secretary for the same pur-
21 pose. Amounts so credited shall be merged with
22 amounts in such fund or account, and shall be avail-
23 able for the same purposes, and subject to the same
24 conditions and limitations, as amounts in such fund
25 or account.

1 (f) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary of the Army.

5 (g) SAVINGS PROVISION.—Nothing in this section
6 shall be construed to alleviate, alter, or affect the responsi-
7 bility of the United States for cleanup and remediation
8 of the property to be conveyed under subsection (a) in ac-
9 cordance with the Defense Environmental Restoration
10 Program under section 2701 of title 10, United States
11 Code, and the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
13 et seq.).

14 (h) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary of the Army may require such additional terms
16 and conditions in connection with the conveyance under
17 subsection (a) as the Secretary considers appropriate to
18 protect the interests of the United States. These addi-
19 tional terms may include a requirement for the State to
20 consult with the Secretary of the Navy regarding use of
21 the conveyed property.

1 **SEC. 2832. MODIFICATION OF LAND EXCHANGE INVOLVING**
2 **NAVAL INDUSTRIAL RESERVE ORDNANCE**
3 **PLANT, SUNNYVALE, CALIFORNIA.**

4 (a) **ELEMENTS OF EXCHANGE.**—Section 2841(a) of
5 the Military Construction Authorization Act for Fiscal
6 Year 2018 (division B of Public Law 115–91; 131 Stat.
7 1860) is amended by striking paragraphs (1) and (2) and
8 inserting the following new paragraphs:

9 “(1) real property, including improvements
10 thereon, located in Titusville, Florida, that will re-
11 place the NIROP and meet the readiness require-
12 ments of the Department of the Navy, as determined
13 by the Secretary; and

14 “(2) reimbursement for the costs of relocation
15 of contractor and Government personnel and equip-
16 ment from the NIROP to the replacement facilities,
17 to the extent specified in the land exchange agree-
18 ment contemplated in subsection (b).”.

19 (b) **ELEMENTS OF LAND EXCHANGE AGREEMENT.**—
20 Section 2841(b)(1) of the Military Construction Author-
21 ization Act for Fiscal Year 2018 (division B of Public Law
22 115–91; 131 Stat. 1860) is amended by inserting after
23 “identifies” the following: “the costs of relocation to be
24 reimbursed by the Exchange Entity,”.

25 (c) **VALUATION OF PROPERTIES AND COMPENSA-**
26 **TION.**—Section 2841 of the Military Construction Author-

1 ization Act for Fiscal Year 2018 (division B of Public Law
2 115–91; 131 Stat. 1860) is amended—

3 (1) by striking subsection (c);

4 (2) by redesignating subsections (d) through (i)
5 as subsections (e) through (j), respectively; and

6 (3) by inserting after subsection (b) the fol-
7 lowing new subsections:

8 “(c) VALUATION.—The Secretary shall determine the
9 fair market value of the properties, including improve-
10 ments thereon, to be exchanged by the Secretary and the
11 Exchange Entity under subsection (a).

12 “(d) COMPENSATION.—

13 “(1) COMPENSATION REQUIRED.—The Ex-
14 change Entity shall provide compensation under the
15 land exchange agreement described in subsection (b)
16 that is equal to or exceeds the fair market value of
17 the NIROP, as determined under subsection (c).

18 “(2) IN-KIND CONSIDERATION.—As part of the
19 compensation under the land exchange agreement,
20 the Secretary and the Exchange Entity may agree
21 for the Exchange Entity to provide the following
22 forms of in-kind consideration at any property or fa-
23 cility under the control of the Secretary:

1 “(A) Alteration, repair, improvement, or
2 restoration (including environmental restora-
3 tion) of property.

4 “(B) Use of facilities by the Secretary.

5 “(C) Provision of real property mainte-
6 nance services.

7 “(D) Provision of or payment of utility
8 services.

9 “(E) Provision of such other services relat-
10 ing to activities that will occur on the property
11 as the Secretary considers appropriate.

12 “(3) DEPOSIT.—The Secretary shall deposit
13 any cash payments received under the land exchange
14 agreement, other than cash payments accepted
15 under section 2695 of title 10, United States Code,
16 in the account in the Treasury established pursuant
17 to section 572(b) of title 40, United States Code.

18 “(4) USE OF PROCEEDS.—Proceeds deposited
19 pursuant to paragraph (3) in the account referred to
20 in such paragraph shall be available to the Secretary
21 in such amounts as provided in appropriations Acts
22 for the following activities:

23 “(A) Maintenance, protection, alternation,
24 repair, improvement, or restoration (including

1 environmental restoration) of property or facili-
2 ties.

3 “(B) Payment of utilities services.

4 “(C) Real property maintenance services.”.

5 (d) TREATMENT OF CERTAIN AMOUNTS RE-
6 CEIVED.—Subsection (f) of section 2841 of the Military
7 Construction Authorization Act for Fiscal Year 2018 (di-
8 vision B of Public Law 115–91; 131 Stat. 1861), as redes-
9 ignated by subsection (c)(2) of this section, is amended
10 by striking “(a), (c)(2), and (d)” and inserting “(a) and
11 (e)”.

12 (e) SUNSET.—Subsection (j) of section 2841 of the
13 Military Construction Authorization Act for Fiscal Year
14 2018 (division B of Public Law 115–91; 131 Stat. 1861),
15 as redesignated by subsection (c)(2) of this section, is
16 amended by striking “October 1, 2023” and inserting
17 “October 1, 2026, if the Secretary and the Exchange Enti-
18 ty have not entered into a land exchange agreement de-
19 scribed in subsection (b) before that date”.

20 **SEC. 2833. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
21 **LATHROP, CALIFORNIA.**

22 (a) CONVEYANCE AUTHORIZED.—If the Secretary of
23 the Army determines that no department or agency of the
24 Federal Government will accept the transfer of a parcel
25 of real property consisting of approximately 525 acres at

1 Sharpe Army Depot in Lathrop, California, the Secretary
2 may convey to the Port of Stockton, California, all right,
3 title, and interest of the United States in and to the prop-
4 erty, including any improvements thereon, for the purpose
5 of permitting the Port of Stockton to use the property for
6 the development or operation of a port facility.

7 (b) MODIFICATION OF PARCEL AUTHORIZED FOR
8 CONVEYANCE.—If a department or agency of the Federal
9 Government will accept the transfer of a portion of the
10 parcel of real property described in subsection (a), the
11 Secretary of the Army shall modify the conveyance author-
12 ized by such subsection to exclude the portion of the parcel
13 to be accepted by that department or agency.

14 (c) CONVEYANCE ALTERNATIVES.—

15 (1) PUBLIC BENEFIT CONVEYANCE.—The Sec-
16 retary of the Army may assign the real property de-
17 scribed in subsection (a) to the Secretary of Trans-
18 portation for conveyance under such subsection as a
19 public benefit conveyance without monetary consid-
20 eration to the Federal Government if the Port of
21 Stockton satisfies the conveyance requirements spec-
22 ified in section 554 of title 40, United States Code.

23 (2) FAIR MARKET VALUE CONVEYANCE.—

24 (A) AMOUNT AND DETERMINATION.—If
25 the Port of Stockton fails to qualify for a public

1 benefit conveyance under paragraph (1) and
2 still desires to acquire the real property de-
3 scribed in subsection (a), the Port of Stockton
4 shall pay to the United States an amount that
5 is not less than the fair market value of the
6 property to be conveyed. The Secretary of the
7 Army shall determine the fair market value of
8 the property using an independent appraisal
9 based on the highest and best use of the prop-
10 erty.

11 (B) DEPOSIT AND AVAILABILITY.—The
12 Secretary shall deposit cash payment received
13 under subparagraph (A) in the special account
14 in the Treasury established for that Secretary
15 under section 2667(e) of title 10, United States
16 Code. The entire amount deposited shall be
17 available for use in accordance with paragraph
18 (1)(C) of such section. Paragraph (1)(D) of
19 such section shall not apply to the entire
20 amount deposited.

21 (d) PAYMENT OF COSTS OF CONVEYANCE.—

22 (1) PAYMENT REQUIRED.—The Secretary of
23 the Army shall require the Port of Stockton to pay
24 costs to be incurred by the Secretary, or to reim-
25 burse the Secretary for such costs incurred by the

1 Secretary, to carry out the conveyance authorized by
2 subsection (a), including survey costs, appraisal
3 costs, costs for environmental documentation related
4 to the conveyance, and any other administrative
5 costs related to the conveyance.

6 (2) TREATMENT OF AMOUNTS RECEIVED.—
7 Amounts received as reimbursement under para-
8 graph (1) shall be credited to the fund or account
9 that was used to pay the costs incurred by the Sec-
10 retary in carrying out the conveyance under sub-
11 section (a) or, if the period of availability of obliga-
12 tions for that appropriation has expired, to the ap-
13 propriations of fund that is currently available to the
14 Secretary for the same purpose. Amounts so credited
15 shall be merged with amounts in such fund or ac-
16 count and shall be available for the same purposes,
17 and subject to the same conditions and limitations,
18 as amounts in such fund or account.

19 (e) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Secretary of the Army.

23 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
24 retary of the Army may require such additional terms and
25 conditions in connection with the conveyance under sub-

1 section (a) as the Secretary considers appropriate to pro-
2 tect the interests of the United States.

3 (g) SUNSET.—If the real property authorized for con-
4 veyance by subsection (a) is not conveyed within one year
5 after the date of the enactment of this Act, the Secretary
6 of the Army may report the property excess for disposal
7 in accordance with applicable law.

8 **SEC. 2834. LAND EXCHANGE, SAN BERNARDINO COUNTY,**
9 **CALIFORNIA.**

10 (a) DEFINITIONS.—In this section:

11 (1) COUNTY.—The term “County” means the
12 County of San Bernardino, California.

13 (2) FEDERAL LAND.—The term “Federal land”
14 means the approximately 73 acres of Federal land
15 generally depicted as “Federal Land Proposed for
16 Exchange” on the map titled “Big Bear Land Ex-
17 change” and dated September 4, 2020.

18 (3) NON-FEDERAL LAND.—The term “non-Fed-
19 eral land” means the approximately 71 acres of land
20 owned by the County generally depicted as “Non-
21 Federal Land Proposed for Exchange” on the map
22 referred to in paragraph (2).

23 (b) EXCHANGE AUTHORIZED.—Subject to valid exist-
24 ing rights and the terms of this section, no later than one
25 year after the date that the portion of the Pacific Crest

1 National Scenic Trail is relocated in accordance with sub-
2 section (i), if the County offers to convey the non-Federal
3 land to the United States, the Secretary of Agriculture
4 shall—

5 (1) convey to the County all right, title, and in-
6 terest of the United States in and to the Federal
7 land; and

8 (2) accept from the County a conveyance of all
9 right, title, and interest of the County in and to the
10 non-Federal land.

11 (c) EQUAL VALUE AND CASH EQUALIZATION.—

12 (1) EQUAL VALUE EXCHANGE.—The land ex-
13 change under this section shall be for equal value,
14 or the values shall be equalized by a cash payment
15 as provided for under this subsection or an adjust-
16 ment in acreage. At the option of the County, any
17 excess value of the non-Federal lands may be consid-
18 ered a gift to the United States.

19 (2) CASH EQUALIZATION PAYMENT.—The
20 County may equalize the values of the lands to be
21 exchanged under this section by cash payment with-
22 out regard to any statutory limit on the amount of
23 such a cash equalization payment.

24 (3) DEPOSIT AND USE OF FUNDS RECEIVED
25 FROM COUNTY.—Any cash equalization payment re-

1 ceived by the Secretary of Agriculture under this
2 subsection shall be deposited in the fund established
3 under Public Law 90–171 (16 U.S.C. 484a; com-
4 monly known as the Sisk Act). The funds so depos-
5 ited shall remain available to the Secretary of Agri-
6 culture, until expended, for the acquisition of lands,
7 waters, and interests in land for the San Bernardino
8 National Forest.

9 (d) APPRAISAL.—The Secretary of Agriculture shall
10 complete an appraisal of the land to be exchanged under
11 this section in accordance with—

12 (1) the Uniform Appraisal Standards for Fed-
13 eral Land Acquisitions; and

14 (2) the Uniform Standards of Professional Ap-
15 praisal Practice.

16 (e) TITLE APPROVAL.—Title to the land to be ex-
17 changed under this section shall be in a format acceptable
18 to the Secretary of Agriculture and the County.

19 (f) SURVEY OF NON-FEDERAL LANDS.—Before com-
20 pleting the exchange under this section, the Secretary of
21 Agriculture shall inspect the non-Federal lands to ensure
22 that the land meets Federal standards, including haz-
23 ardous materials and land line surveys.

24 (g) COSTS OF CONVEYANCE.—As a condition of the
25 conveyance of the Federal land under this section, any

1 costs related to the exchange under this section shall be
2 paid by the County.

3 (h) MANAGEMENT OF ACQUIRED LANDS.—The Sec-
4 retary of Agriculture shall manage the non-Federal land
5 acquired under this section in accordance with the Act of
6 March 1, 1911 (16 U.S.C. 480 et seq.; commonly known
7 as the Weeks Act), and other laws and regulations per-
8 taining to National Forest System lands.

9 (i) PACIFIC CREST NATIONAL SCENIC TRAIL RELO-
10 CATION.—No later than three years after the date of the
11 enactment of this Act, the Secretary of Agriculture, in ac-
12 cordance with applicable laws, shall relocate the portion
13 of the Pacific Crest National Scenic Trail located on the
14 Federal land—

- 15 (1) to adjacent National Forest System land;
16 (2) to land owned by the County, subject to
17 County approval;
18 (3) to land within the Federal land, subject to
19 County approval; or
20 (4) in a manner that combines two or more of
21 the options described in paragraphs (1), (2), and
22 (3).

23 (j) MAP AND LEGAL DESCRIPTIONS.—As soon as
24 practicable after the date of the enactment of this Act,
25 the Secretary of Agriculture shall finalize a map and legal

1 descriptions of all land to be conveyed under this section.
2 The Secretary may correct any minor errors in the map
3 or in the legal descriptions. The map and legal descrip-
4 tions shall be on file and available for public inspection
5 in appropriate offices of the Forest Service.

6 **SEC. 2835. LAND CONVEYANCE, OVER-THE-HORIZON**
7 **BACKSCATTER RADAR SYSTEM RECEIVING**
8 **STATION, MODOC COUNTY, CALIFORNIA.**

9 (a) CONVEYANCE REQUIRED.—

10 (1) IN GENERAL.—As soon as practicable after
11 receiving a request from Modoc County, California
12 (in this section referred to as the “County”) regard-
13 ing the conveyance required by this section, but sub-
14 ject to paragraph (2), the Secretary of Agriculture
15 shall convey to the County all right, title, and inter-
16 est of the United States in and to a parcel of Na-
17 tional Forest System land, including improvements
18 thereon, consisting of approximately 927 acres in
19 Modoc National Forest in the State of California
20 and containing an obsolete Over-the-Horizon
21 Backscatter Radar System receiving station estab-
22 lished on the parcel pursuant to a memorandum of
23 agreement between the Department of the Air Force
24 and Forest Service dated May 18 and 23, 1987.

1 (2) APPLICABLE LAW AND NATIONAL SECURITY
2 DETERMINATION.—The Secretary of Agriculture
3 shall carry out the conveyance under subsection (a)
4 in accordance with this section and all other applica-
5 ble law, including the condition that the conveyance
6 not take place until the Secretary, in consultation
7 with the Secretary of the Air Force, determines that
8 the conveyance will not harm the national security
9 interests of the United States.

10 (b) PURPOSE OF CONVEYANCE.—The purpose of the
11 conveyance under subsection (a) is to preserve and utilize
12 the improvements constructed on the parcel of National
13 Forest System land described in such subsection and to
14 permit the County to use the conveyed property, including
15 improvements thereon, for the development of renewable
16 energy, including solar and biomass cogeneration.

17 (c) CONSIDERATION.—

18 (1) IN GENERAL.—As consideration for the con-
19 veyance under subsection (a), the County shall pay
20 to the Secretary of Agriculture an amount that is
21 not less than the fair market value of the parcel of
22 land to be conveyed, as determined in accordance
23 with the Uniform Appraisal Standards for Federal
24 Land Acquisition and the Uniform Standards of
25 Professional Appraisal Practice.

1 (2) TREATMENT OF CASH CONSIDERATION.—

2 The Secretary shall deposit the payment received
3 under paragraph (1) in the account in the Treasury
4 established by Public Law 90–171 (commonly known
5 as the Sisk Act; 16 U.S.C. 484a). The amount de-
6 posited shall be available to the Secretary, in such
7 amounts as may be provided in advance in appro-
8 priation Acts, to pay any necessary and incidental
9 costs incurred by the Secretary in connection with
10 the improvement, maintenance, reconstruction, or
11 construction of a facility or improvement for the Na-
12 tional Forest System located in the State of Cali-
13 fornia.

14 (d) RESERVATION OF EASEMENT RELATED TO CON-
15 TINUED USE OF WATER WELLS.—The conveyance re-
16 quired by subsection (a) shall be conditioned on the res-
17 ervation of an easement by the Secretary of Agriculture,
18 subject to such terms and conditions as the Secretary
19 deems appropriate, necessary to provide access for use au-
20 thorized by the Secretary of the four water wells in exist-
21 ence on the date of the enactment of this Act and associ-
22 ated water conveyance infrastructure on the parcel of Na-
23 tional Forest System lands to be conveyed.

24 (e) WITHDRAWAL.—The National Forest System
25 land described in subsection (a) is withdrawn from the op-

1 eration of the mining and mineral leasing laws of the
2 United States.

3 (f) PAYMENT OF COSTS OF CONVEYANCE.—

4 (1) PAYMENT REQUIRED.—The Secretary of
5 Agriculture shall require the County to cover costs
6 (except costs for environmental remediation of the
7 property) to be incurred by the Secretary, or to re-
8 imburse the Secretary for such costs incurred by the
9 Secretary, to carry out the conveyance under sub-
10 section (a), including survey costs, costs for environ-
11 mental documentation, and any other administrative
12 costs related to the conveyance. If amounts are col-
13 lected from the County in advance of the Secretary
14 incurring the actual costs, and the amount collected
15 exceeds the costs actually incurred by the Secretary
16 to carry out the conveyance, the Secretary shall re-
17 fund the excess amount to the County.

18 (2) TREATMENT OF AMOUNTS RECEIVED.—

19 Amounts received as reimbursement under para-
20 graph (1) shall be credited to the fund or account
21 that was used to cover those costs incurred by the
22 Secretary of Agriculture in carrying out the convey-
23 ance. Amounts so credited shall be merged with
24 amounts in such fund or account, and shall be avail-
25 able for the same purposes, and subject to the same

1 conditions and limitations, as amounts in such fund
2 or account.

3 (g) ENVIRONMENTAL REMEDIATION.—

4 (1) IN GENERAL.—To expedite the conveyance
5 of the parcel of National Forest System land de-
6 scribed in subsection (a), including improvements
7 thereon, environmental remediation of the land by
8 the Department of the Air Force shall be limited to
9 the removal of the perimeter wooden fence, which
10 was treated with an arsenic-based weatherproof
11 coating, and treatment of soil affected by leaching of
12 such chemical.

13 (2) POTENTIAL FUTURE ENVIRONMENTAL RE-
14 MEDIATION RESPONSIBILITIES.—Notwithstanding
15 the conveyance of the parcel of National Forest Sys-
16 tem land described in subsection (a), the Secretary
17 of the Air Force shall be responsible for the remedi-
18 ation of any environmental contamination, discov-
19 ered post-conveyance, that is attributed to Air Force
20 occupancy of and operations on the parcel pre-con-
21 veyance.

22 (h) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the property to be conveyed under
24 subsection (a) shall be determined by a survey satisfactory
25 to the Secretary of Agriculture.

1 **SEC. 2836. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
2 **NAVAL SUPPORT ACTIVITY PANAMA CITY,**
3 **FLORIDA, PARCEL.**

4 (a) TRANSFER TO THE SECRETARY OF THE NAVY.—
5 Administrative jurisdiction over the parcel of Federal land
6 consisting of approximately 1.23 acres located within
7 Naval Support Activity Panama City, Florida, and used
8 by the Department of the Navy pursuant to Executive
9 Order No. 10355 of May 26, 1952, and Public Land
10 Order Number 952 of April 6, 1954, is transferred from
11 the Secretary of the Interior to the Secretary of the Navy.

12 (b) LAND SURVEY.—The exact acreage and legal de-
13 scription of the Federal land transferred by subsection (a)
14 shall be determined by a survey satisfactory to the Sec-
15 retary of the Navy and the Secretary of the Interior.

16 (c) CONSIDERATION AND REIMBURSEMENT.—

17 (1) NO CONSIDERATION.—The transfer made
18 by subsection (a) shall be without consideration.

19 (2) REIMBURSEMENT.—The Secretary of the
20 Navy shall reimburse the Secretary of the Interior
21 for any costs incurred by the Secretary of the Inte-
22 rior under subsection (b) in conducting the survey
23 and preparing the legal description of the Federal
24 land transferred by subsection (a).

25 (d) STATUS OF LAND AFTER TRANSFER.—Upon
26 transfer of the Federal land by subsection (a), the land

1 shall cease to be public land and shall be treated as prop-
2 erty (as defined in section 102(9) of title 40, United
3 States Code) under the administrative jurisdiction of the
4 Secretary of the Navy.

5 **SEC. 2837. LEASE EXTENSION, BRYAN MULTI-SPORTS COM-**
6 **PLEX, WAYNE COUNTY, NORTH CAROLINA.**

7 (a) **AUTHORITY.**—In the case of the existing lease
8 with the City of Goldsboro, North Carolina, regarding the
9 approximately 62-acre Bryan Multi-Sports Complex lo-
10 cated in Wayne County, North Carolina, the Secretary of
11 the Air Force may enter into an agreement with the City
12 of Goldsboro to extend the term of the lease for the pur-
13 pose of permitting the City to continue to operate a sports
14 and recreation facility for the benefit of both the Air Force
15 and the community.

16 (b) **DURATION.**—The duration of the lease extension
17 provided by the Secretary of the Air Force under sub-
18 section (a) may not exceed 30 years, providing a total
19 lease period not to exceed 50 years for the lease described
20 in such subsection.

21 (c) **PAYMENTS UNDER THE LEASE.**—The Secretary
22 of the Air Force may waive the requirement under section
23 2667(b)(4) of title 10, United States Code, with respect
24 to the lease extension authorized by subsection (a) if the
25 Secretary determines that extension of the lease described

1 in such subsection enhances the quality of life of members
2 of the Armed Forces.

3 **SEC. 2838. LAND CONVEYANCES, MILAN ARMY AMMUNI-**
4 **TION PLANT, TENNESSEE.**

5 (a) CONVEYANCES AUTHORIZED.—

6 (1) CITY OF MILAN, TENNESSEE.—The Sec-
7 retary of the Army may convey to the City of Milan,
8 Tennessee (in this section referred to as the “City”),
9 all right, title, and interest of the United States in
10 and to parcels of real property, including any im-
11 provements thereon, at Milan Army Ammunition
12 Plant, Tennessee, that run parallel to Highway 45
13 and consist of a total of approximately 292 acres.

14 (2) UNIVERSITY OF TENNESSEE.—The Sec-
15 retary of the Army may convey, without consider-
16 ation, to the University of Tennessee (in this section
17 referred to as the “University”) all right, title, and
18 interest of the United States in and to parcels of
19 real property, including any improvements thereon
20 and parcels currently leased to the University, at
21 Milan Army Ammunition Plant that consist of a
22 total of approximately 900 acres for the purpose of
23 permitting the University to use the parcels for edu-
24 cation research.

25 (b) CONSIDERATION.—

1 (1) AMOUNT AND DETERMINATION.—As consid-
2 eration for the conveyance authorized by subsection
3 (a)(1), the City shall pay to the Secretary of the
4 Army an amount that is not less than the fair mar-
5 ket value of the property to be conveyed under such
6 subsection, as determined by an appraisal approved
7 by the Secretary.

8 (2) DEPOSIT AND AVAILABILITY.—The Sec-
9 retary of the Army shall deposit the cash payment
10 received under paragraph (1) in the special account
11 in the Treasury established for that Secretary under
12 section 2667(e) of title 10, United States Code. The
13 entire amount deposited shall be available for use in
14 accordance with paragraph (1)(C) of such section.
15 Paragraph (1)(D) of such section shall not apply to
16 the entire amount deposited.

17 (c) REVERSIONARY INTEREST.—

18 (1) INTEREST RETAINED.—If the Secretary of
19 the Army determines at any time that the property
20 conveyed to the University under subsection (a)(2) is
21 not being used in accordance with the purpose of the
22 conveyance specified in such subsection, all right,
23 title, and interest in and to the conveyed property,
24 including any improvements thereon, shall, at the
25 option of the Secretary, revert to and become the

1 property of the United States, and the United States
2 shall have the right of immediate entry onto the
3 property. A determination by the Secretary under
4 this subsection shall be made on the record after an
5 opportunity for a hearing.

6 (2) ALTERNATIVE CONSIDERATION OPTION.—In
7 lieu of exercising the reversionary interest retained
8 under paragraph (1), the Secretary of the Army may
9 accept an offer by the University to pay to the Sec-
10 retary an amount equal to the fair market value of
11 the property conveyed under subsection (a)(2), ex-
12 cluding the value of any improvements on the con-
13 veyed property constructed without Federal funds
14 after the date the conveyance is completed, as deter-
15 mined by the Secretary. Subsection (b)(2) shall
16 apply to any cash payment received by the Secretary
17 under this paragraph.

18 (d) PAYMENT OF COSTS OF CONVEYANCE.—

19 (1) CONVEYANCE TO CITY.—The Secretary of
20 the Army shall require the City to pay costs to be
21 incurred by the Secretary, or to reimburse the Sec-
22 retary for such costs incurred by the Secretary, to
23 carry out the conveyance authorized by subsection
24 (a)(1), including survey costs, appraisal costs, costs
25 for environmental documentation related to the con-

1 veyance, and any other administrative costs related
2 to the conveyance.

3 (2) CONVEYANCE TO UNIVERSITY.—The Sec-
4 retary shall require the University to pay costs to be
5 incurred by the Secretary, or to reimburse the Sec-
6 retary for such costs incurred by the Secretary, to
7 carry out the conveyance authorized by subsection
8 (a)(2), including survey costs, appraisal costs, costs
9 for environmental documentation related to the con-
10 veyance, and any other administrative costs related
11 to the conveyance.

12 (3) TREATMENT OF AMOUNTS RECEIVED.—
13 Amounts received as reimbursement under para-
14 graphs (1) and (2) shall be credited to the fund or
15 account that was used to pay the costs incurred by
16 the Secretary in carrying out the conveyances under
17 subsection (a) or, if the period of availability of obli-
18 gations for that appropriation has expired, to the
19 appropriations of fund that is currently available to
20 the Secretary for the same purpose. Amounts so
21 credited shall be merged with amounts in such fund
22 or account and shall be available for the same pur-
23 poses, and subject to the same conditions and limita-
24 tions, as amounts in such fund or account.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the parcels of real property to be
3 conveyed under subsection (a) shall be determined by a
4 survey satisfactory to the Secretary of the Army.

5 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
6 retary of the Army may require such additional terms and
7 conditions in connection with the conveyances authorized
8 by subsection (a) as the Secretary considers appropriate
9 to protect the interests of the United States.

10 **Subtitle E—Military Land**

11 **Withdrawals**

12 **SEC. 2841. RENEWAL OF LAND WITHDRAWAL AND RES-**

13 **ERVATION TO BENEFIT NAVAL AIR FACILITY,**

14 **EL CENTRO, CALIFORNIA.**

15 Section 2925 of the El Centro Naval Air Facility
16 Ranges Withdrawal Act (subtitle B of title XXIX of Public
17 Law 104–201; 110 Stat. 2816) is amended by striking
18 “25 years after the date of the enactment of this subtitle”
19 and inserting “on November 6, 2046”.

20 **SEC. 2842. RENEWAL OF FALLON RANGE TRAINING COM-**

21 **PLEX LAND WITHDRAWAL AND RESERVA-**

22 **TION.**

23 Notwithstanding section 3015 of the Military Lands
24 Withdrawal Act of 1999 (title XXX of Public Law 106–
25 65; 113 Stat. 892), the withdrawal and reservation of

1 lands (known as the Fallon Range Training Complex)
2 made by section 3011(a) of such Act (113 Stat. 885) shall
3 terminate on November 6, 2046.

4 **SEC. 2843. RENEWAL OF NEVADA TEST AND TRAINING**
5 **RANGE LAND WITHDRAWAL AND RESERVA-**
6 **TION.**

7 Notwithstanding section 3015 of the Military Lands
8 Withdrawal Act of 1999 (title XXX of Public Law 106–
9 65; 113 Stat. 892), the withdrawal and reservation of
10 lands (known as the Nevada Test and Training Range)
11 made by section 3011(b) of such Act (113 Stat. 886) shall
12 terminate on November 6, 2046.

13 **SEC. 2844. ESTABLISHMENT OF INTERAGENCY COMMIT-**
14 **TEES ON JOINT USE OF CERTAIN LAND WITH-**
15 **DRAWN FROM APPROPRIATION UNDER PUB-**
16 **LIC LAND LAWS.**

17 (a) INTERAGENCY EXECUTIVE COMMITTEE ON
18 JOINT USE BY DEPARTMENT OF THE NAVY AND DEPART-
19 MENT OF THE INTERIOR OF NAVAL AIR STATION FALLON
20 RANGES.—Section 3011(a) of the Military Lands With-
21 drawal Act of 1999 (Public Law 106–65; 113 Stat. 885)
22 is amended by adding at the end the following new para-
23 graph:

24 “(5) INTERGOVERNMENTAL EXECUTIVE COM-
25 MITTEE.—

1 “(A) ESTABLISHMENT.—The Secretary of
2 the Navy and the Secretary of the Interior shall
3 jointly establish, by memorandum of under-
4 standing, an intergovernmental executive com-
5 mittee (referred to in this paragraph as the ‘ex-
6 ecutive committee’), for the purpose of exchang-
7 ing views, information, and advice relating to
8 the management of the natural and cultural re-
9 sources of the land described in paragraph (2).

10 “(B) MEMORANDUM OF UNDER-
11 STANDING.—The memorandum of under-
12 standing entered into under subparagraph (A)
13 shall include—

14 “(i) a description of the officials and
15 other individuals to be invited to partici-
16 pate as members in the executive com-
17 mittee under subparagraph (C);

18 “(ii) a description of the duties of the
19 Chairperson and Vice Chairperson of the
20 executive committee; and

21 “(iii) subject to subparagraphs (D)
22 and (E), a procedure for—

23 “(I) creating a forum to carry
24 out the purpose described in subpara-
25 graph (A);

1 “(II) rotating the Chairperson of
2 the executive committee; and

3 “(III) scheduling regular meet-
4 ings of the executive committee.

5 “(C) MEMBERSHIP.—The executive com-
6 mittee shall be comprised of—

7 “(i) 1 representative of the Nevada
8 Department of Wildlife;

9 “(ii) 1 representative of the Nevada
10 Department of Conservation and Natural
11 Resources;

12 “(iii) 1 county commissioner from
13 each of Churchill, Lyon, Nye, Mineral, and
14 Pershing Counties, Nevada;

15 “(iv) 1 representative of each Indian
16 tribe in the vicinity of the land described
17 in paragraph (2); and

18 “(v) not more than 3 members that
19 the Secretary of the Navy and the Sec-
20 retary of the Interior jointly determine
21 would advance the goals and objectives of
22 the executive committee.

23 “(D) CHAIRPERSON AND VICE CHAIR-
24 PERSON.—The members of the executive com-
25 mittee shall elect from among the members—

1 “(i) 1 member to serve as Chairperson
2 of the executive committee; and

3 “(ii) 1 member to serve as Vice Chair-
4 person of the executive committee.

5 “(E) MEETINGS.—

6 “(i) FREQUENCY.—The executive
7 committee shall meet not less frequently
8 than 3 times each calendar year.

9 “(ii) LOCATION.—The location of the
10 meetings of the executive committee shall
11 rotate to facilitate ease of access for all
12 members of the executive committee.

13 “(iii) PUBLIC ACCESSIBILITY.—The
14 meetings of the executive committee
15 shall—

16 “(I) be open to the public; and

17 “(II) serve as a forum for the
18 public to provide comments regarding
19 the natural and cultural resources of
20 the land described in paragraph (2).

21 “(F) CONDITIONS AND TERMS.—

22 “(i) IN GENERAL.—Each member of
23 the executive committee shall serve volun-
24 tarily and without compensation.

25 “(ii) TERM OF APPOINTMENT.—

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II)(bb), each
3 member of the executive committee
4 shall be appointed for a term of 4
5 years.

6 “(II) ORIGINAL MEMBERS.—Of
7 the members initially appointed to the
8 executive committee, the Secretary of
9 the Navy and the Secretary of the In-
10 terior shall select—

11 “(aa) $\frac{1}{2}$ to serve for a term
12 of 4 years; and

13 “(bb) $\frac{1}{2}$ to serve for a term
14 of 2 years.

15 “(iii) REAPPOINTMENT AND REPLACE-
16 MENT.—The Secretary of the Navy and
17 the Secretary of the Interior may reappoint
18 or replace, as appropriate, a member of the
19 executive committee if—

20 “(I) the term of the member has
21 expired;

22 “(II) the member has resigned;
23 or

24 “(III) the position held by the
25 member has changed to the extent

1 that the ability of the member to rep-
2 resent the group or entity that the
3 member represents has been signifi-
4 cantly affected.

5 “(G) LIAISONS.—The Secretary of the
6 Navy and the Secretary of the Interior shall
7 each appoint appropriate operational and land
8 management personnel of the Department of
9 the Navy and the Department of the Interior,
10 respectively, to serve as liaisons to the executive
11 committee.”.

12 (b) JOINT ACCESS AND USE BY DEPARTMENT OF
13 THE AIR FORCE AND DEPARTMENT OF THE INTERIOR OF
14 NEVADA TEST AND TRAINING RANGE AND DESERT NA-
15 TIONAL WILDLIFE REFUGE.—

16 (1) UNITED STATES FISH AND WILDLIFE SERV-
17 ICE AND DEPARTMENT OF THE AIR FORCE COORDI-
18 NATION.—Section 3011(b)(5) of the Military Lands
19 Withdrawal Act of 1999 (Public Law 106–65; 113
20 Stat. 887) is amended by adding at the end the fol-
21 lowing new subparagraph:

22 “(G) INTERAGENCY COMMITTEE.—

23 “(i) IN GENERAL.—The Secretary of
24 the Interior and the Secretary of the Air
25 Force shall jointly establish an interagency

1 committee (referred to in this subpara-
2 graph as the ‘interagency committee’) to
3 facilitate coordination, manage public ac-
4 cess needs and requirements, and minimize
5 potential conflict between the Department
6 of the Interior and the Department of the
7 Air Force with respect to joint operating
8 areas within the Desert National Wildlife
9 Refuge.

10 “(ii) MEMBERSHIP.—The interagency
11 committee shall include only the following
12 members:

13 “(I) Representatives from the
14 United States Fish and Wildlife Serv-
15 ice.

16 “(II) Representatives from the
17 Department of the Air Force.

18 “(III) The Project Leader of the
19 Desert National Wildlife Refuge Com-
20 plex.

21 “(IV) The Commander of the
22 Nevada Test and Training Range,
23 Nellis Air Force Base.

24 “(iii) REPORT TO CONGRESS.—The
25 interagency committee shall biannually

1 submit to the Committees on Armed Serv-
2 ices, Environment and Public Works, and
3 Energy and Natural Resources of the Sen-
4 ate and the Committees on Armed Services
5 and Natural Resources of the House of
6 Representatives, and make available pub-
7 licly online, a report on the activities of the
8 interagency committee.”.

9 (2) INTERGOVERNMENTAL EXECUTIVE COM-
10 MITTEE.—Such section is further amended by add-
11 ing at the end the following new subparagraph:

12 “(H) INTERGOVERNMENTAL EXECUTIVE
13 COMMITTEE.—

14 “(i) ESTABLISHMENT.—The Secretary
15 of the Interior and the Secretary of the Air
16 Force shall jointly establish, by memo-
17 randum of understanding, an intergovern-
18 mental executive committee (referred to in
19 this subparagraph as the ‘executive com-
20 mittee’) in accordance with this subpara-
21 graph.

22 “(ii) PURPOSE.—The executive com-
23 mittee shall be established for the purposes
24 of—

1 “(I) exchanging views, informa-
2 tion, and advice relating to the man-
3 agement of the natural and cultural
4 resources of the lands withdrawn and
5 reserved by this section; and

6 “(II) discussing and making rec-
7 ommendations to the interagency com-
8 mittee established under subpara-
9 graph (G) with respect to public ac-
10 cess needs and requirements.

11 “(iii) COMPOSITION.—The executive
12 committee shall comprise the following
13 members:

14 “(I) FEDERAL AGENCIES.—The
15 Secretary of the Interior and the Sec-
16 retary of the Air Force shall each ap-
17 point 1 representative from an inter-
18 ested Federal agency.

19 “(II) STATE GOVERNMENT.—The
20 Secretary of the Interior and the Sec-
21 retary of the Air Force shall jointly
22 invite 1 representative of the Nevada
23 Department of Wildlife.

24 “(III) LOCAL GOVERNMENTS.—
25 The Secretary of the Interior and the

1 Secretary of the Air Force shall joint-
2 ly invite 1 county commissioner of
3 each of Clark, Nye, and Lincoln
4 Counties, Nevada.

5 “(IV) TRIBAL GOVERNMENTS.—
6 The Secretary of the Interior and the
7 Secretary of the Air Force shall joint-
8 ly invite 1 representative of each In-
9 dian tribe in the vicinity of the por-
10 tions of the joint use area of the
11 Desert National Wildlife Refuge
12 where the Secretary of the Interior ex-
13 ercises primary jurisdiction.

14 “(V) PUBLIC.—The Secretary of
15 the Interior and the Secretary of the
16 Air Force shall jointly invite not more
17 than 3 private individuals who the
18 Secretary of the Interior and the Sec-
19 retary of the Air Force jointly deter-
20 mine would further the goals and ob-
21 jectives of the executive committee.

22 “(VI) ADDITIONAL MEMBERS.—
23 The Secretary of the Interior and the
24 Secretary of the Air Force may des-
25 ignate such additional members as the

1 Secretary of the Interior and the Sec-
2 retary of the Air Force jointly deter-
3 mine to be appropriate.

4 “(iv) OPERATION.—The executive
5 committee shall operate in accordance with
6 the terms set forth in the memorandum of
7 understanding under clause (i), which shall
8 specify the officials or other individuals to
9 be invited to participate in the executive
10 committee in accordance with clause (iii).

11 “(v) PROCEDURES.—Subject to
12 clauses (vi) and (vii), the memorandum of
13 understanding under clause (i) shall estab-
14 lish procedures for—

15 “(I) creating a forum for car-
16 rying out the purpose described in
17 clause (ii);

18 “(II) rotating the Chairperson of
19 the executive committee; and

20 “(III) scheduling regular meet-
21 ings.

22 “(vi) CHAIRPERSON AND VICE CHAIR-
23 PERSON.—

1 “(I) IN GENERAL.—The members
2 of the executive committee shall elect
3 from among the members—

4 “(aa) 1 member to serve as
5 the Chairperson of the executive
6 committee; and

7 “(bb) 1 member to serve as
8 the Vice Chairperson of the execu-
9 tive committee.

10 “(II) DUTIES.—The duties of
11 each of the Chairperson and the Vice
12 Chairperson shall be included in the
13 memorandum of understanding under
14 clause (i).

15 “(vii) MEETINGS.—

16 “(I) FREQUENCY.—The executive
17 committee shall meet not less fre-
18 quently than 3 times each calendar
19 year.

20 “(II) MEETING LOCATIONS.—Lo-
21 cations of meetings of the executive
22 committee shall rotate to facilitate
23 ease of access for all executive com-
24 mittee members.

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1 “(III) PUBLIC ACCESSIBILITY.—

2 Meetings of the executive committee

3 shall—

4 “(aa) be open to the public;

5 and

6 “(bb) provide a forum for

7 the public to provide comment re-

8 garding the management of, and

9 public access to, the Nevada Test

10 and Training Range and the

11 Desert National Wildlife Refuge.

12 “(viii) CONDITIONS AND TERMS OF

13 APPOINTMENT.—

14 “(I) IN GENERAL.—Each mem-

15 ber of the executive committee shall

16 serve voluntarily and without com-

17 pensation.

18 “(II) TERM OF APPOINTMENT.—

19 “(aa) IN GENERAL.—Each

20 member of the executive com-

21 mittee shall be appointed for a

22 term of 4 years.

23 “(bb) ORIGINAL MEM-

24 BERS.—Notwithstanding item

25 (aa), the Secretary of the Interior

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1 and the Secretary of the Air
2 Force shall select—

3 “(AA) 1/2 of the origi-
4 nal members of the executive
5 committee to serve for a
6 term of 4 years; and

7 “(BB) 1/2 of the origi-
8 nal members of the executive
9 committee to serve for a
10 term of 2 years.

11 “(III) REAPPOINTMENT AND RE-
12 PLACEMENT.—The Secretary of the
13 Interior and the Secretary of the Air
14 Force may reappoint or replace a
15 member of the executive committee
16 if—

17 “(aa) the term of the mem-
18 ber has expired;

19 “(bb) the member has re-
20 signed; or

21 “(cc) the position held by
22 the member has changed to the
23 extent that the ability of the
24 member to represent the group
25 or entity that the member rep-

1 resents has been significantly af-
2 fected.

3 “(ix) LIAISONS.—The Secretary of the
4 Air Force and the Secretary of the Interior
5 shall each appoint appropriate operational
6 and land management personnel of the De-
7 partment of the Air Force and the Depart-
8 ment of the Interior, respectively, to par-
9 ticipate in, and serve as liaisons to, the ex-
10 ecutive committee.”.

11 **Subtitle F—Asia-Pacific and Indo-**
12 **Pacific Issues**

13 **SEC. 2851. CHANGE TO BIENNIAL REPORTING REQUIRE-**
14 **MENT FOR INTERAGENCY COORDINATION**
15 **GROUP OF INSPECTORS GENERAL FOR GUAM**
16 **REALIGNMENT.**

17 Section 2835(e)(1) of the Military Construction Au-
18 thorization Act for Fiscal Year 2010 (division B of Public
19 Law 111–84; 10 U.S.C. 2687 note) is amended—

20 (1) in the paragraph heading, by striking “AN-
21 NUAL” and inserting “BIENNIAL”; and

22 (2) in the matter preceding subparagraph (A)—
23 (A) by striking “February 1 of each year”
24 and inserting “February 1, 2022, and every
25 second February 1 thereafter”;

1 (B) by striking “fiscal year” and inserting
2 “two fiscal years”;
3 (C) by striking “such year” and inserting
4 “such years”; and
5 (D) by striking “the year” and inserting
6 “the years”.

7 **SEC. 2852. ADDITIONAL EXCEPTION TO RESTRICTION ON**
8 **DEVELOPMENT OF PUBLIC INFRASTRUC-**
9 **TURE IN CONNECTION WITH REALIGNMENT**
10 **OF MARINE CORPS FORCES IN ASIA-PACIFIC**
11 **REGION.**

12 Notwithstanding section 2821(b) of the Military Con-
13 struction Authorization Act for Fiscal Year 2015 (division
14 B of Public Law 113–291; 10 U.S.C. 2687 note), the Sec-
15 retary of Defense may proceed with the public infrastruc-
16 ture project on Guam intended to provide a new public
17 health laboratory, as identified in the report prepared by
18 the Secretary of Defense under section 2822(d)(2) of the
19 Military Construction Authorization Act for Fiscal Year
20 2014 (division B of Public Law 113–66; 127 Stat. 1017)
21 and entitled “Economic Adjustment Committee Imple-
22 mentation Plan Supporting the Preferred Alternative for
23 the Relocation of Marine Corps Forces to Guam”, subject
24 to the availability of funds for the project.

1 **SEC. 2853. DEVELOPMENT OF MASTER PLAN FOR INFRA-**
2 **STRUCTURE TO SUPPORT ROTATIONAL**
3 **ARMED FORCES IN AUSTRALIA.**

4 (a) MASTER PLAN REQUIRED.—The Secretary of
5 Defense shall develop a master plan for the construction
6 of infrastructure required to support the rotational pres-
7 ence of units and members the United States Armed
8 Forces in the Northern Territory of the Commonwealth
9 of Australia (in this section referred to as the “Northern
10 Territory”).

11 (b) MASTER PLAN ELEMENTS.—The master plan
12 shall include the following:

13 (1) A list and description of the scope, cost, and
14 schedule for each military construction, repair, or
15 other infrastructure project carried out at installa-
16 tions or training areas in the Northern Territory
17 since October 1, 2011.

18 (2) A list and description of the scope, cost, and
19 schedule for each military construction, repair, or
20 other infrastructure project anticipated to be nec-
21 essary at installations or training areas in the
22 Northern Territory during the 10-year period begin-
23 ning on the date of the enactment of this Act.

24 (3) For each project included in the master
25 plan pursuant to paragraph (1) or (2), an expla-
26 nation of—

1 (A) whether the proponent of the project
2 was the Secretary of a military department, a
3 combat support agency, a combatant command,
4 or the Commonwealth of Australia; and

5 (B) the funding source, or anticipated re-
6 source sponsor, for the project, including
7 whether the project is funded by the United
8 States, by the Commonwealth of Australia, or
9 jointly by both countries.

10 (4) Such other issues as determined by the Sec-
11 retary of Defense to be appropriate.

12 (c) COORDINATION.—The Secretary of Defense shall
13 coordinate with the Commander of United States Indo-
14 Pacific Command and the Secretaries of the military de-
15 partments to develop the master plan.

16 (d) REPORT REQUIREMENT.—Not later than 180
17 days after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the congressional defense
19 committees a report containing a copy of the master plan.
20 The report shall be submitted in unclassified form, but
21 may include a classified annex.

1 **SEC. 2854. BULK FUEL MANAGEMENT IN UNITED STATES**
2 **INDO-PACIFIC COMMAND AREA OF RESPON-**
3 **SIBILITY.**

4 (a) DESIGNATION OF RESPONSIBLE ORGANIZA-
5 TIONAL ELEMENT.—

6 (1) DESIGNATION REQUIRED.—The Secretary
7 of Defense shall designate a single organizational
8 element of the Department of Defense to be respon-
9 sible for bulk fuel management and delivery
10 throughout the United States Indo-Pacific Command
11 Area of Responsibility.

12 (2) DEADLINE FOR DESIGNATION; NOTICE.—
13 Not later than 30 days after the date of the enact-
14 ment of this Act, the Secretary of Defense shall
15 make the designation required by paragraph (1) and
16 notify the Committees on Armed Services of the
17 Senate and the House of Representatives of the or-
18 ganizational element so designated.

19 (b) BULK FUEL MANAGEMENT STRATEGY.—

20 (1) STRATEGY REQUIRED.—The organizational
21 element designated pursuant to subsection (a) shall
22 prepare a bulk fuel management strategy for the
23 United States Indo-Pacific Command Area of Re-
24 sponsibility designed to develop the required bulk
25 fuel management infrastructure and programs to op-
26 timally support bulk fuel management in the United

1 States Indo-Pacific Command Area of Responsi-
2 bility.

3 (2) ADDITIONAL ELEMENTS.—The strategy
4 shall include the following additional elements:

5 (A) A description of current organizational
6 responsibility of bulk fuel management in the
7 United States Indo-Pacific Command Area of
8 Responsibility from ordering, storage, strategic
9 transportation, and tactical transportation to
10 the last tactical mile.

11 (B) A description of legacy bulk fuel man-
12 agement assets that can be used to support the
13 United States Indo-Pacific Command.

14 (C) A description of current programs for
15 platforms and weapon systems and research
16 and development aimed at managing fuel con-
17 straints through decreasing demand.

18 (c) COORDINATION.—The bulk fuel management
19 strategy required by subsection (b) shall be prepared in
20 coordination with subject-matter experts of the United
21 States Indo-Pacific Command, the United States Trans-
22 portation Command, the Defense Logistics Agency, and
23 the military departments.

24 (d) PROHIBITION ON CERTAIN CONSTRUCTION
25 PENDING NOTICE.—Of the funds authorized to be appro-

1 priated by this Act or otherwise made available for fiscal
2 year 2021 for the Navy for construction related to addi-
3 tional bulk fuel storage in the United States Indo-Pacific
4 Command Area of Responsibility, not more than 50 per-
5 cent may be obligated or expended before the date on
6 which the notice required by subsection (a)(2) is sub-
7 mitted.

8 **Subtitle G—Authorized Pilot** 9 **Programs**

10 **SEC. 2861. PILOT PROGRAM TO AUTHORIZE USE OF COST** 11 **SAVINGS REALIZED FROM INTERGOVERN-** 12 **MENTAL SERVICES AGREEMENTS FOR IN-** 13 **STALLATION-SUPPORT SERVICES.**

14 (a) PILOT PROGRAM REQUIRED.—Section 2679 of
15 title 10, United States Code, is amended—

16 (1) by redesignating subsection (e) as sub-
17 section (f); and

18 (2) by inserting after subsection (d) the fol-
19 lowing new subsection (e):

20 “(e) PILOT PROGRAM FOR USE OF COST SAVINGS
21 REALIZED.—(1) Each Secretary concerned shall conduct
22 a pilot program under which the Secretary will make avail-
23 able to the commander of each military installation for
24 which cost savings are realized as a result of an intergov-
25 ernmental support agreement entered into under this sec-

1 tion an amount equal to not less than 25 percent of the
2 amount of such cost savings for that military installation
3 for a fiscal year.

4 “(2) Amounts made available to an installation com-
5 mander under paragraph (1) shall be used solely to ad-
6 dress sustainment restoration and modernization require-
7 ments that have been approved by the major subordinate
8 command or equivalent component.

9 “(3) With respect to each military installation for
10 which amounts are made available to the installation com-
11 mander under paragraph (1), the Secretary concerned
12 shall certify, not less frequently than annually for each
13 fiscal year of the pilot program, to the congressional de-
14 fense committees the following:

15 “(A) The name of the installation and the
16 amount of the cost savings achieved at the installa-
17 tion.

18 “(B) The source and type of intergovernmental
19 support agreement that achieved the cost savings.

20 “(C) The amount of the cost savings made
21 available to the installation commander under para-
22 graph (1).

23 “(D) The sustainment restoration and mod-
24 ernization purposes for which the amount made
25 available under paragraph (1) were used.

1 “(4) The authority to conduct the pilot program shall
2 expire September 30, 2025.”.

3 (b) PROMULGATION OF GUIDANCE.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Secretary of Defense shall promulgate guidance for the de-
6 velopment of the pilot program required by subsection (e)
7 of section 2679 of title 10, United States Code, as added
8 by subsection (a).

9 **SEC. 2862. DEPARTMENT OF DEFENSE PILOT PROGRAM TO**
10 **EVALUATE EXPANSION OF LAND EXCHANGE**
11 **AUTHORITY.**

12 (a) PILOT PROGRAM REQUIRED.—Section 2869(a) of
13 title 10, United States Code, is amended by adding at the
14 end the following new paragraph:

15 “(3)(A) The Secretary of Defense shall establish a
16 pilot program under which the Secretary concerned, dur-
17 ing the term of the pilot program, may use the authority
18 provided by paragraph (1) to also convey real property,
19 including any improvements thereon, described in para-
20 graph (2) to any person who agrees, in exchange for the
21 real property, to provide—

22 “(i) installation-support services (as defined in
23 2679(e) of this title); or

24 “(ii) a new facility or improvements to an exist-
25 ing facility.

1 “(B) The acquisition of a facility or improvements
2 to an existing facility using the authority provided by sub-
3 paragraph (A) shall not be treated as a military construc-
4 tion project for which an authorization is required by sec-
5 tion 2802 of this title.

6 “(C) The expanded conveyance authority provided by
7 subparagraph (A) applies only during the five-year period
8 beginning on the date on which the Secretary of Defense
9 issues guidance regarding the use by the Secretaries con-
10 cerned of such authority.”.

11 (b) CONDITIONS ON USE OF EXPANDED CONVEY-
12 ANCE AUTHORITY.—Section 2869(b) of title 10, United
13 States Code, is amended—

14 (1) in paragraph (1)—

15 (A) in the first sentence, by striking “of
16 the land to be” and inserting “of the real prop-
17 erty, installation-support services, or facility or
18 improvements to an existing facility”; and

19 (B) in the second sentence, by striking “of
20 the land is less than the fair market value of
21 the real property to be conveyed” and inserting
22 “of the real property conveyed by the Secretary
23 concerned exceeds the fair market value of the
24 real property, installation-support services, or

1 facility or improvements received by the Sec-
2 retary”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(3) The Secretary concerned may agree to accept
6 a facility or improvements to an existing facility under
7 subsection (a)(3) only if the Secretary concerned deter-
8 mines that the facility or improvements—

9 “(A) are completed and usable, fully functional,
10 and ready for occupancy;

11 “(B) satisfy all operational requirements; and

12 “(C) meet all Federal, State, and local require-
13 ments applicable to the facility relating to health,
14 safety, and the environment.”.

15 (c) ISSUANCE OF GUIDANCE.—Not later than 180
16 days after the date of the enactment of this Act, the Sec-
17 retary of Defense shall issue guidance providing for the
18 implementation of the pilot program required by section
19 2869(a)(3) of title 10, United States Code, as added by
20 this section.

21 **SEC. 2863. PILOT PROGRAM TO SUPPORT COMBATANT**
22 **COMMAND MILITARY CONSTRUCTION PRIOR-**
23 **ITIES.**

24 (a) PILOT PROGRAM.—The Secretary of Defense
25 shall conduct a pilot program to evaluate the usefulness

1 of reserving a portion of the military construction funds
2 of the military departments to help the combatant com-
3 mands satisfy their military construction priorities in a
4 timely manner.

5 (b) LOCATION.—The Secretary of Defense shall con-
6 duct the pilot program for the benefit of the United States
7 Indo-Pacific Command in the area of responsibility of the
8 United States Indo-Pacific Command.

9 (c) REQUIRED INVESTMENT.—For each fiscal year
10 during which the pilot program is conducted, the Sec-
11 retary of Defense shall reserve to carry out military con-
12 struction projects under the pilot program an amount
13 equal to 10 percent of the total amount authorized to be
14 appropriated for military construction projects by titles
15 XXI, XXII, and XXIII of the Military Construction Au-
16 thorization Act for that fiscal year.

17 (d) COMMENCEMENT AND DURATION.—

18 (1) COMMENCEMENT.—The Secretary of De-
19 fense shall commence the pilot program no later
20 than October 1, 2023. The Secretary may commence
21 the pilot program as early as October 1, 2022, if the
22 Secretary determines that compliance with the res-
23 ervation of funds requirement under subsection (c)
24 is practicable beginning with fiscal year 2023.

1 (2) DURATION.—The pilot program shall be in
2 effect for the fiscal year in which the Secretary com-
3 mences the pilot program, as described in paragraph
4 (1), and the subsequent two fiscal years. Any con-
5 struction commenced under the pilot program before
6 the expiration date may continue to completion.

7 (e) PROGRESS REPORT.—Not later than February 15
8 of the final fiscal year of the pilot program, the Secretary
9 of Defense shall submit to the congressional defense com-
10 mittees a report evaluating the success of the pilot pro-
11 gram in improving the timeliness of the United States
12 Indo-Pacific Command in achieving its military construc-
13 tion priorities. The Secretary shall include in the report—

14 (1) an evaluation of the likely positive and neg-
15 ative impacts were the pilot program extended or
16 made permanent and, if extended or made perma-
17 nent, the likely positive and negative impacts of ex-
18 pansion to cover all or additional combatant com-
19 mands; and

20 (2) the recommendations of the Secretary re-
21 garding whether the pilot program should be ex-
22 tended or made permanent and expanded.

1 **SEC. 2864. PILOT PROGRAM TO TEST USE OF EMERGENCY**
2 **DIESEL GENERATORS IN A MICROGRID CON-**
3 **FIGURATION AT CERTAIN MILITARY INSTAL-**
4 **LATIONS.**

5 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
6 of Defense may conduct a pilot program (to be known as
7 the “Emergency Diesel Generator Microgrid Program”) to
8 evaluate the feasibility and cost effectiveness of connecting
9 existing diesel generators at a military installation selected
10 pursuant to subsection (c) to create and support one or
11 more microgrid configurations at the installation capable
12 of providing full-scale electrical power for the defense crit-
13 ical facilities located at the installation during an emer-
14 gency involving the loss of external electric power supply
15 caused by an extreme weather condition, manmade inten-
16 tional infrastructure damage, or other circumstance.

17 (b) GOALS OF PILOT PROGRAM.—The goals of the
18 Emergency Diesel Generator Microgrid Program are—

19 (1) to test assumptions about lower operating
20 and maintenance costs, parts interchangeability,
21 lower emissions, lower fuel usage, increased resil-
22 iency, increased reliability, and reduced need for
23 emergency diesel generators; and

24 (2) to establish design criteria that could be
25 used to build and sustain emergency diesel generator
26 microgrids at other military installations.

1 (c) PILOT PROGRAM LOCATIONS.—As the locations
2 to conduct the Emergency Diesel Generator Microgrid
3 Program, the Secretary of Defense shall select two major
4 military installations located in different geographical re-
5 gions of the United States that the Secretary deter-
6 mines—

7 (1) are defense critical electric infrastructure
8 sites or contain, or are served by, defense critical
9 electric infrastructure;

10 (2) contain more than one defense critical func-
11 tion for national defense purposes and the mission
12 assurance of such critical defense facilities are para-
13 mount to maintaining national defense and force
14 projection capabilities at all times; and

15 (3) face unique electric energy supply, delivery,
16 and distribution challenges that, based on the geo-
17 graphic location of the installations and the overall
18 physical size of the installations, adversely impact
19 rapid electric infrastructure restoration after an
20 interruption.

21 (d) SPECIFICATIONS OF DIESEL GENERATORS AND
22 MICROGRID.—

23 (1) GENERATOR SPECIFICATIONS.—The Sec-
24 retary of Defense shall use existing diesel generators
25 that are sized \geq 750kW output.

1 (2) MICROGRID SPECIFICATIONS.—The Sec-
2 retary of Defense shall create the microgrid using
3 commercially available and proven designs and tech-
4 nologies. The existing diesel generators used for the
5 microgrid should be spaced within 1.0 to 1.5 mile of
6 each other and, using a dedicated underground elec-
7 tric cable network, be tied into a microgrid configu-
8 ration sufficient to supply mission critical facilities
9 within the service area of the microgrid. A selected
10 military installation may contain more than one such
11 microgrid under the Emergency Diesel Generator
12 Microgrid Program.

13 (e) PROGRAM AUTHORITIES.—The Secretary of De-
14 fense may use the authority under section 2914 of title
15 10, United States Code (known as the Energy Resilience
16 and Conservation Investment Program), and energy sav-
17 ings performance contracts to conduct the Emergency
18 Diesel Generator Microgrid Program.

19 (f) DEFINITIONS.—For purposes of the Emergency
20 Diesel Generator Microgrid Program:

21 (1) The term “defense critical electric infra-
22 structure” has the meaning given that term in sec-
23 tion 215A of the Federal Power Act (16 U.S.C.
24 824o–1).

1 (2) The term “energy savings performance con-
2 tract” has the meaning given that term in section
3 804(3) of the National Energy Conservation Policy
4 Act (42 U.S.C. 8287c(3)).

5 (3) The term “existing diesel generators”
6 means diesel generators located, as of the date of
7 the enactment of this Act, at a major military instal-
8 lation selected as a location for the Emergency Die-
9 sel Generator Microgrid Program and intended for
10 emergency use.

11 (4) The term “major military installation” has
12 the meaning given that term in section 2864 of title
13 10, United States Code.

14 **SEC. 2865. PILOT PROGRAM TO AUTHORIZE ADDITIONAL**
15 **MILITARY CONSTRUCTION PROJECTS FOR**
16 **CHILD DEVELOPMENT CENTERS AT MILI-**
17 **TARY INSTALLATIONS.**

18 (a) AUTHORIZATION OF ADDITIONAL PROJECTS.—
19 Each Secretary of a military department shall conduct a
20 pilot program under which the Secretary may carry out
21 military construction projects for child development cen-
22 ters at military installations, as specified in the funding
23 table in section 4601 of a National Defense Authorization
24 Act for a fiscal year covered by the pilot program. The
25 military construction projects authorized under the pilot

1 program are in addition to other military construction
2 projects authorized by this Act or other National Defense
3 Authorization Acts for fiscal years covered by the pilot
4 program.

5 (b) REPORTING REQUIREMENT AS CONDITION OF
6 AUTHORIZATION.—

7 (1) REPORT REQUIRED.—Not later than 90
8 days after the date of the enactment of a National
9 Defense Authorization Act for a fiscal year covered
10 by the pilot program, the Secretary of the military
11 department concerned shall submit to the congressional defense committees a report that describes the
12 location, title, and cost, together with a Department
13 of Defense Form 1391, for each military construction project the Secretary proposes to carry out
14 under the pilot program pursuant to that National
15 Defense Authorization Act.

16 (2) TIMING OF AVAILABILITY OF FUNDS.—No
17 funds may be obligated or expended for a military
18 construction project under the pilot program—

19 (A) unless the project is included in a report submitted under paragraph (1); and

20 (B) until the expiration of the 30-day period beginning on the date on which the Sec-

1 retary concerned submits the report under
2 paragraph (1) in which the project is included.

3 (c) EXPIRATION OF AUTHORIZATION.—Section 2002
4 of a National Defense Authorization Act for a fiscal year
5 covered by the pilot program shall apply with respect to
6 the authorization of a military construction project carried
7 out under the pilot program pursuant to that National De-
8 fense Authorization Act in the same manner as such sec-
9 tion applies to the authorization of military construction
10 projects contained in titles XXI through XXIII of that
11 National Defense Authorization Act.

12 (d) COVERED FISCAL YEARS.—The pilot program
13 shall be carried out for each of fiscal years 2021 through
14 2025, as provided in the National Defense Authorization
15 Act for that fiscal year.

16 **SEC. 2866. DEPARTMENT OF THE ARMY PILOT PROGRAM**
17 **FOR DEVELOPMENT AND USE OF ONLINE**
18 **REAL ESTATE INVENTORY TOOL.**

19 (a) PILOT PROGRAM REQUIRED.—

20 (1) ESTABLISHMENT.—The Secretary of the
21 Army shall establish a pilot program for the develop-
22 ment of an online real estate tool to identify the ex-
23 isting inventory of space available at the Army in-
24 stallations selected by the Secretary under para-

1 graph (2) for the purposes specified in subsection
2 (b).

3 (2) SELECTION OF PILOT LOCATIONS.—The
4 Secretary shall evaluate the online inventory tool at
5 not less than five, but not more than 10, Army in-
6 stallations selected by the Secretary as appropriate
7 locations for evaluation of the online inventory tool.

8 (3) CONSULTATION.—The Secretary shall es-
9 tablish the pilot program and develop the online in-
10 ventory tool in consultation with the Administrator
11 of General Services and the Assistant Secretary of
12 Defense for Sustainment.

13 (b) PURPOSES.—The purposes of the online inventory
14 tool are—

15 (1) to achieve efficiencies in real estate property
16 management consistent with the National Defense
17 Strategy goal of finding greater efficiencies within
18 Department of Defense operations;

19 (2) to provide a means to better market to the
20 public information regarding space available at
21 Army installations for better utilization of such
22 space; and

23 (3) to provide a means to better quantify exist-
24 ing space available at Army installations and how it
25 is utilized for current missions and requirements.

1 (c) CONSIDERATIONS.—To establish the pilot pro-
2 gram, the Secretary of the Army shall—

3 (1) consider innovative approaches, including
4 the use of other transaction authorities consistent
5 with section 2371 of title 10, United States Code,
6 and the use of commercial off-the-shelf technologies;

7 (2) develop appropriate protections of sensitive
8 or classified information from being included with
9 the online inventory tool; and

10 (3) develop appropriate levels of access for pri-
11 vate sector users of the online inventory tool.

12 (d) ESTABLISHMENT OF USE POLICY.—In connec-
13 tion with the development of the online inventory tool, the
14 Secretary of the Army shall develop policy requiring the
15 use of the online inventory tool at the Army installations
16 selected under subsection (a)(2) to query for existing in-
17 ventory at such installations before any military construc-
18 tion or off-post leases are agreed to for such installations.
19 The Secretary shall ensure that all relevant notifications
20 to congressional defense committees include certification
21 that the online inventory tool was used.

22 (e) ONLINE INVENTORY TOOL DEFINED.—In this
23 section, the term “online inventory tool” means the online
24 real estate tool developed under the pilot program to iden-

1 tify existing inventory of space available at Army installa-
2 tions selected to participate in the pilot program.

3 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to effect the application of title
5 V of the McKinney-Vento Homeless Assistance Act (42
6 U.S.C. 11411 et seq.).

7 (g) REPORTING REQUIREMENT.—Not later than
8 February 15, 2025, the Secretary of the Army shall sub-
9 mit to Committees on Armed Services of the Senate and
10 the House of Representatives a report evaluating the suc-
11 cess of the pilot program in achieving the purposes speci-
12 fied in subsection (b). At a minimum, the report also shall
13 identify and contain the following:

14 (1) The Army installations selected under sub-
15 section (a)(2) to participate in the pilot program.

16 (2) The number of real estate agreements en-
17 tered into by the Department of the Army that were
18 facilitated by use of the online inventory tool, includ-
19 ing for each agreement the installation, amount of
20 space, value, and purpose of the agreement.

21 (3) An evaluation of the extent to which use of
22 the online inventory tool reduced the need for mili-
23 tary construction or off-post leases.

24 (4) An evaluation of any impediments to effi-
25 cient use of the online inventory tool.

(5) The recommendations of the Secretary regarding whether the pilot program should be extended, expanded, or made permanent.

(h) DURATION.—The authority of the Secretary of the Army to conduct the pilot program shall expire on September 30, 2025.

7 **Subtitle H—Miscellaneous Studies**
8 **and Reports**

9 SEC. 2871. REPORTS REGARDING DECISION-MAKING PROC-
10 ESS USED TO LOCATE OR RELOCATE MAJOR
11 HEADQUARTERS AND CERTAIN MILITARY
12 UNITS AND WEAPON SYSTEMS.

13 (a) ONE-TIME REPORT ON DECISION-MAKING PROC-
14 ESS.—

(1) REPORT REQUIRED.—Not later than March 1, 2021, each Secretary of a military department (and the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff) shall submit a report to the Committees on Armed Services of the House of Representatives and the Senate regarding the process to be used by the Secretary concerned to make basing decisions for each Armed Force under the jurisdiction of the Secretary concerned in the following circumstances:

1 (A) Whenever a military installation is to
2 be selected to serve as the first permanent loca-
3 tion for a new major headquarters, covered
4 military unit, or major weapon system.

5 (B) Whenever a permanent change is con-
6 sidered in the basing of a major headquarters,
7 covered military unit, or major weapon system
8 by relocating the major headquarters, covered
9 military unit, or major weapon system from its
10 current military installation to a different mili-
11 tary installation.

12 (2) ELEMENTS OF REPORT.—The report sub-
13 mitted by the Secretary concerned under paragraph
14 (1) shall include at a minimum the following:

15 (A) A description of the decision-making
16 process to be used by that Secretary for basing
17 decisions covered under subparagraph (A) and
18 (B) of such paragraph.

19 (B) A timeline for the scenarios outlined in
20 such subparagraphs, including the decision au-
21 thority for each decision to be made during the
22 decision-making process.

23 (C) The congressional engagement plan to
24 be used to notify the Committees on Armed
25 Services of the House of Representatives and

1 the Senate and interested Members of Congress
2 at key points throughout the decision-making
3 process.

4 (D) The plan for implementing the re-
5 quirements of section 483 of title 10, United
6 States Code, as added by subsection (b).

7 (3) DEFINITIONS.—The definitions contained in
8 section 483 of title 10, United States Code, as added
9 by subsection (b), apply to this subsection.

10 (b) CONGRESSIONAL NOTIFICATIONS REQUIRED RE-
11 LATED TO BASING DECISION-MAKING PROCESS.—Chapter
12 23 of title 10, United States Code, is amended by inserting
13 after section 482 the following new section:

14 **“§ 483. Notifications related to basing decision-mak-**
15 **ing process**

16 “(a) NOTIFICATION REQUIRED.—At each point in
17 the decision-making process specified in subsection (b),
18 the Secretary concerned shall notify the congressional de-
19 fense committees of the decision-making process to be
20 used or the decision-making process used, whichever ap-
21 plies—

22 “(1) to select a military installation to serve as
23 the first permanent location for a new major head-
24 quarters, covered military unit, or major weapon
25 system; or

1 “(2) to make a permanent change in the basing
2 of a major headquarters, covered military unit, or
3 major weapon system by relocating the major head-
4 quarters, covered military unit, or major weapon
5 system from its current military installation to a dif-
6 ferent military installation.

7 “(b) DEADLINES FOR SUBMISSION OF NOTICE.—The
8 Secretary concerned shall provide the notice required by
9 subsection (a) within seven days after each of the following
10 decision points during the decision-making process:

11 “(1) When the Secretary concerned issues any
12 formal internal guidance to begin the decision-mak-
13 ing process regarding the location or relocation of a
14 major headquarters, covered military unit, or major
15 weapon system.

16 “(2) When the Secretary concerned selects be-
17 tween two and five military installations as the most
18 likely candidate locations for a major headquarters,
19 covered military unit, or major weapon system in
20 order to subject those installations to additional
21 analysis.

22 “(3) When the Secretary concerned selects a
23 specific military installation as the preferred location
24 for the major headquarters, covered military unit, or
25 major weapon system.

1 “(c) REQUIRED ELEMENTS OF NOTIFICATION.—In a
2 notice required by subsection (a), the Secretary concerned
3 shall include at a minimum the following:

4 “(1) A description of the manner in which the
5 joint and all-domain training capabilities at each
6 candidate location, if applicable to the type of basing
7 decision-making process at issue, will be or was,
8 whichever applies, comparatively analyzed among
9 candidate military installations, separate from and
10 in addition to the mission criteria to be used or that
11 was used to make the basing decision.

12 “(2) A description of the manner in which the
13 airspace and training areas available at each can-
14 didate location, if applicable to the type of basing
15 decision-making process at issue, will be or was,
16 whichever applies, comparatively analyzed among
17 candidate military installations, separate from and
18 in addition to the mission criteria to be used or that
19 was used to make the basing decision.

20 “(3) A description of the manner in which com-
21 munity support for the basing decision-making proc-
22 ess described in subsection (a) will be or was, which-
23 ever applies, comparatively analyzed among can-
24 didate military installations, including consultation
25 with appropriate State officials and officials of units

1 of local government in which each installation is lo-
2 cated regarding matters affecting the local commu-
3 nity, such as transportation, utility infrastructure,
4 housing, education, and family support activities. In
5 any case in which the Secretary concerned selects as
6 the preferred location a military installation with
7 less community support compared to other locations,
8 as indicated by such a comparative analysis, an ex-
9 planation of the operational considerations that
10 formed the basis for such selection.

11 “(4) An explanation of how each candidate lo-
12 cation will be or was, whichever applies, scored
13 against the factors referred to in the preceding para-
14 graphs, including the weight assigned to each factor.

15 “(5) A summary of any internal score cards
16 that will be or were, whichever applies, used to make
17 the basing decision.

18 “(d) NOTICE AND WAIT REQUIREMENTS.—No irrev-
19 ovable action may be taken to effect or implement a basing
20 decision reached through the decision-making process de-
21 scribed in subsection (a) until the end of the 14-day period
22 beginning on the date on which the Secretary concerned
23 submits, in an electronic medium pursuant to section 480
24 of this title, the notice referred to in subsection (b)(3) re-

1 guarding a preferred location for the major headquarters,
2 covered military unit, or major weapon system.

3 “(e) ANNUAL REPORTING REQUIREMENT.—

4 “(1) REPORT REQUIRED.—Not later than 10
5 days after the date on which the budget request for
6 a fiscal year is submitted to Congress under section
7 1105 of title 31, the Secretary concerned shall sub-
8 mit to the Committees on Armed Services of the
9 House of Representatives and the Senate a report
10 providing the following:

11 “(A) An update on the status and antici-
12 pated completion date of each decision-making
13 process that was commenced or was underway
14 during the previous two fiscal years regarding
15 the location or relocation of a major head-
16 quarters, covered military unit, or major weap-
17 on system.

18 “(B) A list and description of anticipated
19 basing decisions to be made regarding the loca-
20 tion or relocation of a major headquarters, cov-
21 ered military unit, or major weapon system over
22 the period covered by the future-years defense
23 plan.

24 “(C) A timeline for a congressional en-
25 gagement plan to brief the Committees on

1 Armed Services of the House of Representatives
2 and the Senate during the decision-making
3 process and when decision notifications would
4 be provided to interested Members of Congress.

5 “(2) ELEMENTS OF REPORT.—To satisfy the
6 requirements of paragraph (1)(B), a report under
7 this subsection shall include at a minimum the fol-
8 lowing:

9 “(A) An estimate of the number of mem-
10 bers of the armed forces and civilian personnel
11 potentially impacted by the basing decision.

12 “(B) The locations to be considered, if al-
13 ready known.

14 “(C) The expected timeline for beginning
15 the decision-making process and reaching a
16 final determination.

17 “(f) DEFINITIONS.—In this section:

18 “(1) The term ‘covered military unit’ means a
19 unit of the armed forces whose initial assignment to
20 a military installation or relocation from a military
21 installation to a different military installation re-
22 quires the preparation of an environmental impact
23 statement in accordance with the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 “(2) The term ‘major headquarters’ means the
2 headquarters of a military unit or command that is
3 the appropriate command of a general officer or flag
4 officer.

5 “(3) The term ‘major weapon system’ means a
6 weapon system that is treatable as a major system
7 under section 2302(5) of title.

8 “(4) The term ‘military installation’ means a
9 base, camp, post, station, yard, center, homeport fa-
10 cility for any ship, or other activity under the juris-
11 diction of the Department of Defense, including any
12 leased facility, which is located within any of the
13 several States, the District of Columbia, the Com-
14 monwealth of Puerto Rico, American Samoa, the
15 Virgin Islands, the Commonwealth of the Northern
16 Mariana Islands, or Guam. Such term does not in-
17 clude any facility used primarily for civil works, riv-
18 ers and harbors projects, or flood control projects.

19 “(5) The term ‘Secretary concerned’ means—

20 “(A) the Secretary of the military depart-
21 ment concerned; and

22 “(B) the Secretary of Defense with respect
23 to matters concerning the Defense Agencies and
24 the Joint Staff.”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 23 of title 10, United States
3 Code, is amended by inserting after the item relating to
4 section 482 the following new item:

“483. Notifications related to basing decision-making process.”.

5 **SEC. 2872. REPORT ON EFFECT OF NOISE RESTRICTIONS**
6 **ON MILITARY INSTALLATIONS AND OPER-**
7 **ATIONS AND DEVELOPMENT AND IMPLEMEN-**
8 **TATION OF NOISE MITIGATION MEASURES.**

9 (a) REPORT REQUIREMENT.—Not later than July 1,
10 2021, the Secretary of Defense shall submit to the con-
11 gressional defense committees a report describing—

12 (1) the types and extent of noise restrictions
13 impacting military installations inside the United
14 States, including outlying landing fields and training
15 ranges;

16 (2) the effect of such noise restrictions on the
17 operational readiness and efficiency of aviation units
18 stationed at or using the military installations;

19 (3) the voluntary noise mitigation measures, en-
20 croachment management measures, and community
21 relations initiatives used by the military departments
22 to prevent or lessen the need for noise restrictions;
23 and

24 (4) the progress being made to develop and im-
25 plement additional cost-effective technological meas-

1 ures to mitigate noise emanating from operations at
2 military installations and to prevent or lessen the
3 need for noise restrictions.

4 (b) CONSULTATION.—The Secretary of Defense shall
5 prepare the report in consultation with the Secretaries of
6 the military departments.

7 **SEC. 2873. STUDY AND REPORT REGARDING CONTINUED**
8 **NEED FOR PROTECTED AIRCRAFT SHELTERS**
9 **IN EUROPE AND STATUS OF UNITED STATES**
10 **AIR BASE RESILIENCY IN EUROPE.**

11 (a) STUDY REQUIRED.—The Secretary of Defense, in
12 consultation with the United States European Command,
13 shall conduct a study to determine the following:

14 (1) The continued need for protected aircraft
15 shelters in Europe utilized by the United States
16 Armed Forces.

17 (2) The feasibility of providing alternative pro-
18 tections against attack for United States military
19 aircraft based in Europe that would be as effective
20 as, or more effective than, protected aircraft shelters
21 against attack.

22 (3) The current resiliency status of air bases in
23 Europe under the operational control of the Depart-
24 ment of Defense or a military department and uti-
25 lized by the United States Armed Forces.

1 (4) The effect of the proposed demotion of pro-
2 tected aircraft shelters in Europe on the resiliency of
3 such air bases in Europe.

4 (b) REPORT REQUIREMENT.—Not later than one
5 year after the date of the enactment of this Act, the Sec-
6 retary of Defense shall submit to the congressional defense
7 committees a report containing the results of the study
8 required by subsection (a). The report shall be submitted
9 in unclassified form, but may include a classified annex.

10 (c) PROHIBITION ON CERTAIN ACTIVITIES PENDING
11 STUDY.—Until the study required by subsection (a) is
12 submitted as provided in subsection (b), funds authorized
13 to be appropriated by this Act or otherwise made available
14 for fiscal year 2021 and funds authorized to be appro-
15 priated by a National Defense Authorization Act or other-
16 wise made available for fiscal year 2022 may not be obli-
17 gated or expended to implement any activity that would
18 have the effect of—

19 (1) reducing the resiliency of any air base in
20 Europe under the operational control of the Depart-
21 ment of Defense or a military department and uti-
22 lized by the United States Armed Forces; or

23 (2) demolishing any protected aircraft shelter in
24 Europe utilized by the United States Armed Forces.

1 (d) WAIVER AND EXCEPTION.—The Secretary of De-
2 fense may waive the prohibition in subsection (c)(2) and
3 authorize the demolition of a protected aircraft shelter
4 covered by the prohibition at any time after the end of
5 the 14-day period beginning on the date on which the Sec-
6 retary certifies to the congressional defense committees,
7 in an electronic medium pursuant to section 480 of title
8 10, United States Code, that the protected aircraft shel-
9 ter—

10 (1) is no longer needed to meet foreseeable
11 threats to United States military aircraft in the Eu-
12 ropean theater; or

13 (2) is no longer a viable defensive measure to
14 protect against such foreseeable threats.

15 **Subtitle I—Other Matters**

16 **SEC. 2881. MILITARY CONSTRUCTION INFRASTRUCTURE** 17 **AND WEAPON SYSTEM SYNCHRONIZATION** 18 **FOR GROUND BASED STRATEGIC DETER-** 19 **RENT.**

20 (a) AUTHORIZATION FOR PLANNING AND DESIGN.—
21 Of the amounts authorized to be appropriated for planning
22 and design, Air Force, for fiscal year 2021, for the Ground
23 Based Strategic Deterrent, as specified in the funding
24 table in section 4601, the Secretary of the Air Force may
25 use not more than \$15,000,000 for the purpose of obtain-

1 ing or carrying out necessary planning and construction
2 design in connection with military construction projects
3 and other infrastructure projects necessary to support the
4 development and fielding of the Ground Based Strategic
5 Deterrent weapon system.

6 (b) AIR FORCE PROJECT MANAGEMENT AND SUPER-
7 VISION.—Each contract entered into by the United States
8 for a military construction project or other infrastructure
9 project in connection with the development and fielding
10 of the Ground Based Strategic Deterrence weapon system
11 shall be carried out under the direction and supervision
12 of the Secretary of the Air Force. The Secretary may uti-
13 lize and consult with the Air Force Civil Engineer Center,
14 the Army Corps of Engineers, and the Naval Facilities
15 Engineering Command for subject matter expertise, con-
16 tracting capacity, and other support as determined to be
17 necessary by the Secretary to carry out this section.

18 (c) USE OF SINGLE PRIME CONTRACTOR.—The Sec-
19 retary of the Air Force may award contracts for planning
20 and construction design and for military construction
21 projects and other infrastructure projects authorized by
22 law in connection with the development and fielding of the
23 Ground Based Strategic Deterrent weapon system to a
24 single prime contractor if the Secretary determines that
25 awarding the contracts to a single prime contractor—

1 (1) is in the best interest of the Government;
2 and

3 (2) is necessary to ensure the proper synchroni-
4 zation and execution of work related to the develop-
5 ment and fielding of the Ground Based Strategic
6 Deterrent weapon system and its associated military
7 construction projects and other infrastructure
8 projects.

9 (d) EXCEPTIONS TO CURRENT LAW.—The Secretary
10 of the Air Force may carry out this section without regard
11 to the following provisions of law:

12 (1) Section 2304 of title 10, United States
13 Code.

14 (2) Section 2851(a) of such title.

15 (e) EXPIRATION OF AUTHORITY.—The authorities
16 provided by this section shall expire upon the earlier of
17 the following:

18 (1) The date that is 15 years after the date of
19 the enactment of this Act.

20 (2) The date on which the Secretary of the Air
21 Force submits to the congressional defense commit-
22 tees a certification that the fielding of the Ground
23 Based Strategic Deterrent weapon system is com-
24 plete.

25 (f) REPORTING REQUIREMENTS.—

1 (1) INITIAL REPORT.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of the Air Force shall submit to the congres-
4 sional defense committees a report describing the ac-
5 tions taken and to be taken by the Secretary to en-
6 sure that the development and fielding of the
7 Ground Based Strategic Deterrent weapon system is
8 synchronized with its associated military construc-
9 tion projects and other infrastructure projects.

10 (2) REPORT ELEMENTS.—The report required
11 by paragraph (1) shall contain, at minimum, the fol-
12 lowing elements:

13 (A) A description of the estimated total
14 cost, scope of work, location, and schedule for
15 the planning and design, military construction,
16 and other infrastructure investments necessary
17 to support the development and fielding of the
18 Ground Based Strategic Deterrent weapon sys-
19 tem.

20 (B) A recommendation regarding the
21 methods by which a programmatic military con-
22 struction authorization, authorization of appro-
23 priations, and appropriation, on an installation-
24 by-installation basis, could be used to support
25 the synchronized development and fielding of

1 the Ground Based Strategic Deterrent and its
2 associated military construction projects and
3 other infrastructure projects.

4 (C) Identification of the specific provisions
5 of law, if any, that the Secretary determines
6 may adversely impact or delay the development
7 and fielding of the Ground Based Strategic De-
8 terrent weapon system and its associated con-
9 struction projects and other infrastructure
10 projects, assuming, as described in subpara-
11 graph (B), the use of a programmatic military
12 construction authorization on an installation-by-
13 installation basis.

14 (D) A plan to ensure sufficient capability
15 and capacity to cover civilian and military man-
16 ning for oversight and contract management re-
17 lated to the development and fielding of the
18 Ground Based Strategic Deterrent weapon sys-
19 tem and its associated construction projects and
20 other infrastructure projects.

21 (3) UPDATES.—At the same time that the
22 budget is submitted under section 1105(a) of title
23 31, United States Code, for fiscal years 2023
24 through 2026, the Secretary of Defense shall notify
25 the congressional defense committees of any devi-

1 ations made during the current or preceding fiscal
2 year or intended to be made during the current or
3 next fiscal year from the synchronization actions de-
4 scribed in the report required by paragraph (1), in
5 particular the report elements specified in paragraph
6 (2).

7 **SEC. 2882. DEFENSE COMMUNITY INFRASTRUCTURE PRO-**
8 **GRAM.**

9 (a) **PRIORITIZATION OF COMMUNITY INFRASTRUC-**
10 **TURE PROJECTS.**—Section 2391(d)(1) of title 10, United
11 States Code, is amended—

12 (1) by inserting “(A)” after “(1)”;

13 (2) by striking “, if the Secretary determines
14 that such assistance will enhance the military value,
15 resilience, or military family quality of life at such
16 military installation”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) The Secretary shall establish criteria for the se-
20 lection of community infrastructure projects to receive as-
21 sistance under this subsection, including selection of com-
22 munity infrastructure projects in the following order of
23 priority:

24 “(i) Projects that will enhance military value at
25 a military installation, taking into consideration the

1 military value criteria originally developed by the
2 Secretary in compliance with the amendment made
3 by section 3002 of the Military Construction Author-
4 ization Act for Fiscal Year 2002 (division B of Pub-
5 lic Law 107–107; 115 Stat. 1344).

6 “(ii) Projects that will enhance military instal-
7 lation resilience, as defined in section 101(e)(8) of
8 this title.

9 “(iii) Projects that will enhance military family
10 quality of life at a military installation, taking into
11 consideration subsection (e)(4)(C).”.

12 (b) COST-SHARING REQUIREMENTS.—Paragraph (2)
13 of section 2391(d) of title 10, United States Code, is
14 amended to read as follows:

15 “(2)(A) The criteria established for the selection of
16 community infrastructure projects to receive assistance
17 under this subsection shall include a requirement that, ex-
18 cept as provided in subparagraph (B), the State or local
19 government agree to contribute not less than 30 percent
20 of the funding for the community infrastructure project.

21 “(B) If a proposed community infrastructure project
22 will be carried out in a rural area or the Secretary of De-
23 fense determines that a proposed community infrastruc-
24 ture project is advantageous for reasons related to na-
25 tional security, the Secretary—

1 “(i) shall not penalize a State or local govern-
2 ment for offering to make a contribution of 30 per-
3 cent or less of the funding for the community infra-
4 structure project; and

5 “(ii) may reduce the requirement for a State or
6 local government contribution to 30 percent or less
7 or waive the cost-sharing requirement entirely.”.

8 (c) SPECIFIED DURATION OF PROGRAM.—Section
9 2391(d)(4) of title 10, United States Code, is amended
10 by striking “upon the expiration of the 10-year period
11 which begins on the date of the enactment of the National
12 Defense Authorization Act for Fiscal Year 2019” and in-
13 serting “on September 30, 2028”.

14 (d) CLARIFICATION OF MILITARY FAMILY QUALITY
15 OF LIFE CRITERIA.—Section 2391(e)(4) of title 10,
16 United States Code, is amended by adding at the end the
17 following new subparagraph:

18 “(C) For the purposes of determining whether
19 proposed community infrastructure will enhance
20 quality of life, the Secretary of Defense shall con-
21 sider the impact of the community infrastructure on
22 alleviating installation commuter workforce issues
23 and the benefit of schools or other local infrastruc-
24 ture located off of a military installation that will

1 support members of the armed forces and their de-
2 pendants residing in the community.”.

3 (e) DEFINITION OF RURAL AREA REVISED.—Section
4 2391(e)(5) of title 10, United States Code, is amended
5 by striking “50,000 inhabitants” and inserting “100,000
6 inhabitants”.

7 **SEC. 2883. CONSIDERATION OF CERTAIN MILITARY FAMILY**
8 **READINESS ISSUES IN MAKING BASING DECI-**
9 **SIONS ASSOCIATED WITH CERTAIN MILITARY**
10 **UNITS AND MAJOR HEADQUARTERS.**

11 (a) TAKING INTO CONSIDERATION MILITARY FAMILY
12 READINESS ISSUES.—In determining whether to proceed
13 with any basing decision associated with a covered military
14 unit or major headquarters in the United States after the
15 date of the enactment of this Act, the Secretary of the
16 military department concerned shall take into account,
17 among such other factors as that Secretary considers ap-
18 propriate, the military family readiness considerations
19 specified in this section, including those military family
20 readiness considerations specified pursuant to subsection
21 (e).

22 (b) INTERSTATE PORTABILITY OF LICENSURE AND
23 CERTIFICATION CREDENTIALS.—With regard to the State
24 in which an installation subject to a basing decision cov-
25 ered by subsection (a) is or will be located, the Secretary

1 of the military department concerned shall take into ac-
2 count the extent to which the State—

3 (1) has entered into reciprocity agreements to
4 recognize and accept professional and occupational
5 licensure and certification credentials granted by or
6 in other States; or

7 (2) allows for the transfer of such licenses and
8 certifications granted by or in other States.

9 (c) HOUSING.—With regard to the military housing
10 area in which an installation subject to a basing decision
11 covered by subsection (a) is or will be located, the Sec-
12 retary of the military department concerned shall take into
13 account the extent to which housing (including military
14 family housing) that meets Department of Defense re-
15 quirements is available and accessible to members of the
16 Armed Forces through the private sector in such military
17 housing area.

18 (d) HEALTH CARE.—With regard to the community
19 in which an installation subject to a basing decision cov-
20 ered by subsection (a) is or will be located, the Secretary
21 of the military department concerned shall take into ac-
22 count the extent to which primary healthcare and specialty
23 healthcare is available and accessible to dependents, in-
24 cluding dependents with disabilities, of members of the

1 Armed Forces through the private sector in such local
2 community.

3 (e) OTHER SPECIFIED CONSIDERATIONS.—The Sec-
4 retary of the military department concerned shall take into
5 account such other considerations in connection with mili-
6 tary family readiness as the Secretary of Defense shall
7 specify for purposes of compliance with this section.

8 (f) SAVINGS CLAUSE.—Nothing in this section shall
9 be construed as requiring the Secretary of a military de-
10 partment to make a basing decision covered by subsection
11 (a) that the Secretary determines would diminish military
12 readiness or impede military mission for the purpose of
13 military family readiness.

14 (g) ANALYTICAL FRAMEWORK.—The Secretary of the
15 military department concerned shall take into account the
16 considerations specified in this section, among such other
17 factors as the Secretary considers appropriate, in deter-
18 mining whether to proceed with a basing decision covered
19 by subsection (a) using an analytical framework developed
20 by that Secretary that uses criteria based on—

21 (1) quantitative data available within the De-
22 partment of Defense; and

23 (2) such reliable quantitative data from sources
24 outside the Department as the Secretary considers
25 appropriate.

1 (h) BASING DECISION SCORECARD.—

2 (1) SCORECARD REQUIRED.—The Secretary of
3 the military department concerned shall establish a
4 scorecard for military installations under the juris-
5 diction of such Secretary, and for States and local-
6 ities in which such installations are or may be lo-
7 cated, to facilitate taking into account the consider-
8 ations specified in this section whenever that Sec-
9 retary makes a basing decision covered by subsection
10 (a).

11 (2) UPDATE.—The Secretary of the military de-
12 partment concerned shall update the scorecard es-
13 tablished by that Secretary under this subsection not
14 less frequently than once each year in order to keep
15 the information in such scorecard as current as is
16 practicable.

17 (3) AVAILABILITY TO PUBLIC.—A current
18 version of each scorecard established under this sub-
19 section shall be available to the public through an
20 Internet website of the military department con-
21 cerned that is accessible to the public.

22 (i) BRIEFINGS.—Not later than April 1 of each of
23 2021, 2022, and 2023, the Secretary of Defense shall brief
24 the Committees on Armed Services of the Senate and the
25 House of Representatives on actions taken pursuant to

1 this section, including a description and assessment of the
2 effect of the taking into account of the considerations
3 specified in this section on particular basing decisions in
4 the United States during the one-year period ending on
5 the date of the briefing.

6 (j) DEFINITIONS.—In this section:

7 (1) The term “covered military unit” means a
8 unit of the Armed Forces whose initial assignment
9 to a military installation or relocation from a mili-
10 tary installation to a different military installation
11 requires the preparation of an environmental impact
12 statement in accordance with the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (2) The term “major headquarters” means the
15 headquarters of a unit of the Armed Forces or com-
16 mand that is the appropriate command of a general
17 officer or flag officer.

18 **SEC. 2884. DEPARTMENT OF DEFENSE POLICY FOR REGU-**
19 **LATION IN MILITARY COMMUNITIES OF DAN-**
20 **GEROUS DOGS KEPT AS PETS.**

21 (a) POLICY REQUIRED.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall establish a uniform policy for the regulation
24 of dangerous dogs kept as pets in military communities.

1 (b) CONSULTATION.—The policy required by sub-
2 section (a) shall be developed in consultation with profes-
3 sional veterinary and animal behavior experts in regard
4 to effective regulation of dangerous dogs kept as pets.

5 (c) REGULATIONS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall prescribe regulations imple-
9 menting the policy established under subsection (a).

10 (2) BEST PRACTICES.—The regulations pre-
11 scribed under paragraph (1) shall include strategies,
12 for implementation within all military communities,
13 for the prevention of dog bites that are consistent
14 with the following best practices:

15 (A) Enforcement of regulations relating to
16 dangerous dogs kept as pets, with emphasis on
17 identification of dangerous dog behavior and
18 chronically irresponsible pet owners.

19 (B) Enforcement of animal control regula-
20 tions, such as leash laws and stray animal con-
21 trol policies.

22 (C) Promotion and communication of re-
23 sources for pet spaying and neutering.

24 (D) Investment in community education
25 initiatives, such as teaching criteria for pet se-

1 lection, pet care best practices, owner respon-
2 sibilities, and safe and appropriate interaction
3 with dogs.

4 (d) EXCLUSIONS.—This section does not apply with
5 respect to military working dogs and any dog certified as
6 a service animal.

7 (e) DEFINITIONS.—In this section:

8 (1) The term “dangerous dog” means a dog
9 that—

10 (A) has attacked a person or another ani-
11 mal without justification, causing injury or
12 death to the person or animal; or

13 (B) exhibits behavior that reasonably sug-
14 gests the likely risk of such an attack.

15 (2) The term “military communities” means—

16 (A) all military installations; and

17 (B) all military housing, including
18 privatized military housing under subchapter IV
19 of chapter 169 of title 10, United States Code.

20 **TITLE XXIX—OVERSEAS CONTIN-**
21 **GENCY OPERATIONS MILI-**
22 **TARY CONSTRUCTION**

Sec. 2901. Authorized Navy construction and land acquisition projects.

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Authorization of appropriations.

1 SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND
2 ACQUISITION PROJECTS.

3 The Secretary of the Navy may acquire real property
 4 and carry out the military construction project for the in-
 5 stallation outside the United States, and in the amount,
 6 set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Spain	Rota	\$59,230,000

7 SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND
8 LAND ACQUISITION PROJECTS.

9 The Secretary of the Air Force may acquire real
 10 property and carry out the military construction projects
 11 for the installations outside the United States, and in the
 12 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Germany	Ramstein	\$36,345,000
	Spangdahlem Air Base	\$25,824,000
Romania	Campia Turzii	\$130,500,000

13 SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

14 Funds are hereby authorized to be appropriated for
 15 fiscal years beginning after September 30, 2020, for the
 16 military construction projects outside the United States
 17 authorized by this title as specified in the funding table
 18 in section 4602.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**

Subtitle A—National Security Programs and Authorizations

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

Subtitle B—Nuclear Weapons Stockpile Matters

- Sec. 3111. W93 nuclear warhead acquisition process.
- Sec. 3112. Earned value management and technology readiness levels for life extension programs.
- Sec. 3113. Monitoring of industrial base for nuclear weapons components, sub-systems, and materials.
- Sec. 3114. Plutonium pit production.

Subtitle C—Defense Environmental Cleanup Matters

- Sec. 3121. Public statement of environmental liabilities for facilities undergoing defense environmental cleanup.
- Sec. 3122. Inclusion of missed milestones in future-years defense environmental cleanup plan.
- Sec. 3123. Classification of defense environmental cleanup as capital asset projects or operations activities.
- Sec. 3124. Extension of limitation relating to reclassification of high-level waste.
- Sec. 3125. Continued analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.

Subtitle D—Safeguards and Security Matters

- Sec. 3131. Reporting on penetrations of networks of contractors and sub-contractors.

Subtitle E—Personnel Matters

- Sec. 3141. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3142. Inclusion of certain employees and contractors of Department of Energy in definition of public safety officer for purposes of certain death benefits.

- Sec. 3143. Reimbursement for liability insurance for nuclear materials couriers.
- Sec. 3144. Transportation and moving expenses for immediate family of deceased nuclear materials couriers.
- Sec. 3145. Permanent extension of Office of Ombudsman for Energy Employees Occupational Illness Compensation Program.
- Sec. 3146. Reports on diversity of certain contractor employees of National Nuclear Security Administration.
- Sec. 3147. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

Subtitle F—Budget and Financial Management Matters

- Sec. 3151. Reports on financial balances for atomic energy defense activities.

Subtitle G—Administrative Matters

- Sec. 3161. Modifications to enhanced procurement authority to manage supply chain risk.
- Sec. 3162. Extension of pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.

Subtitle H—Other Matters

- Sec. 3171. Independent study on potential environmental effects of nuclear war.
- Sec. 3172. Review of future of computing beyond exascale at the National Nuclear Security Administration.
- Sec. 3173. Sense of Congress on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation.

1 **Subtitle A—National Security**
2 **Programs and Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2021 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs as specified in the funding table in section
10 4701.

11 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
12 From funds referred to in subsection (a) that are available

1 for carrying out plant projects, the Secretary of Energy
2 may carry out new plant projects for the National Nuclear
3 Security Administration as follows:

4 Project 21–D–510, HE Synthesis, Formulation,
5 and Production, Pantex Plant, Amarillo, Texas,
6 \$31,000,000.

7 Project 21–D–511, Savannah River Plutonium
8 Processing Facility, Savannah River Site, Aiken,
9 South Carolina, \$241,900,000.

10 Project 21–D–512, Plutonium Pit Production
11 Project, Los Alamos National Laboratory, Los Ala-
12 mos, New Mexico, \$226,000,000.

13 Project 21–D–530, KL Steam and Condensate
14 Upgrades, Knolls Atomic Power Laboratory, Sche-
15 nectady, New York, \$4,000,000.

16 General Plant Project, U1a.03 Test Bed Facil-
17 ity Improvements, Nevada National Security Site,
18 Nevada, \$16,000,000.

19 General Plant Project, TA–15 DARHT Hydro
20 Vessel Repair Facility, Los Alamos National Lab-
21 oratory, New Mexico, \$16,500,000.

22 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
24 are hereby authorized to be appropriated to the Depart-
25 ment of Energy for fiscal year 2021 for defense environ-

1 mental cleanup activities in carrying out programs as
2 specified in the funding table in section 4701.

3 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
4 From funds referred to in subsection (a) that are available
5 for carrying out plant projects, the Secretary of Energy
6 may carry out, for defense environmental cleanup activi-
7 ties, the following new plant project:

8 Project 21–D–401, Hoisting Capability Project,
9 Waste Isolation Pilot Plant, Carlsbad, New Mexico,
10 \$10,000,000.

11 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

12 Funds are hereby authorized to be appropriated to
13 the Department of Energy for fiscal year 2021 for other
14 defense activities in carrying out programs as specified in
15 the funding table in section 4701.

16 **SEC. 3104. NUCLEAR ENERGY.**

17 Funds are hereby authorized to be appropriated to
18 the Department of Energy for fiscal year 2021 for nuclear
19 energy as specified in the funding table in section 4701.

20 **Subtitle B—Nuclear Weapons**
21 **Stockpile Matters**

22 **SEC. 3111. W93 NUCLEAR WARHEAD ACQUISITION PROCESS.**

23 (a) REQUIREMENTS.—

24 (1) IN GENERAL.—Subtitle A of title XLII of
25 the Atomic Energy Defense Act (50 U.S.C. 2521 et

1 seq.) is amended by adding at the end the following
2 new section:

3 **“SEC. 4223. W93 NUCLEAR WARHEAD ACQUISITION PROC-**
4 **ESS.**

5 “(a) REPORTING REQUIREMENTS.—

6 “(1) PHASE 1.—Upon receiving a concept defi-
7 nition study under phase 1 of the joint nuclear
8 weapons life cycle for the W93 nuclear weapon, the
9 Nuclear Weapons Council shall submit to the con-
10 gressional defense committees a report that includes
11 the following:

12 “(A) A description of the potential military
13 characteristics of the weapon.

14 “(B) A description of the stockpile-to-tar-
15 get sequence requirements of the weapon.

16 “(C) An initial assessment of the require-
17 ments a W93 nuclear weapon program is likely
18 to generate for the nuclear security enterprise,
19 including—

20 “(i) adjustments to the size and com-
21 position of the workforce;

22 “(ii) additions to existing weapon de-
23 sign and production capabilities; or

24 “(iii) additional facility recapitaliza-
25 tion or new construction.

1 “(D) A preliminary description of other
2 significant requirements for a W93 nuclear
3 weapon program, including—

4 “(i) first production unit date;

5 “(ii) initial operational capability date;

6 “(iii) full operational capability date;

7 and

8 “(iv) any unique safety and surety re-
9 quirements that could increase design com-
10 plexity or cost estimate uncertainty.

11 “(2) PHASE 2.—

12 “(A) IN GENERAL.—Not later than 15
13 days after the date on which the Nuclear Weap-
14 ons Council approves phase 2 of the joint nu-
15 clear weapons life cycle for the W93 nuclear
16 weapon, the Administrator shall submit to the
17 congressional defense committees a plan to im-
18 plement a process of independent peer review or
19 review by a board of experts, or both, with re-
20 spect to—

21 “(i) the nonnuclear components of the
22 weapon;

23 “(ii) subsystem design; and

24 “(iii) engineering aspects of the weap-
25 on.

1 “(B) REQUIREMENTS FOR PROCESS.—The
2 Administrator shall ensure that the process re-
3 quired by subparagraph (A)—

4 “(i) uses—

5 “(I) all relevant capabilities of
6 the Federal Government, the defense
7 industrial base, and institutions of
8 higher education; and

9 “(II) other capabilities that the
10 Administrator determines necessary;
11 and

12 “(ii) informs the entire development
13 life cycle of the W93 nuclear weapon.

14 “(b) CERTIFICATIONS AND REPORTS AT PHASE 3.—
15 Not later than 15 days after the date on which the Nu-
16 clear Weapons Council approves phase 3 of the joint nu-
17 clear weapons life cycle for the W93 nuclear weapon—

18 “(1) the Administrator shall certify to the con-
19 gressional defense committees that—

20 “(A) phases 1 through 5 of the joint nu-
21 clear weapons life cycle for the weapon will em-
22 ploy, at a minimum, the same best practices
23 and will provide Congress with the same level of
24 programmatic insight as exists under the phase
25 6.X process for life extension programs; and

1 “(B) the proposed design for the weapon
2 can be carried out within estimated schedule
3 and cost objectives; and

4 “(2) the Commander of the United States Stra-
5 tegic Command shall submit to the congressional de-
6 fense committees a report containing the require-
7 ments for weapon quantity and composition by type
8 for the sub-surface ballistic nuclear (SSBN) force,
9 including such requirements planned for the 15-year
10 period following the date of the report, including any
11 planned life extensions, retirements, or alterations.

12 “(c) WAIVERS.—Subsections (a) and (b) may be
13 waived during a period of war declared by Congress after
14 the date of the enactment of the William M. (Mac) Thorn-
15 berry National Defense Authorization Act for Fiscal Year
16 2021.

17 “(d) JOINT NUCLEAR WEAPONS LIFE CYCLE DE-
18 FINED.—In this section, the term ‘joint nuclear weapons
19 life cycle’ has the meaning given that term in section
20 4220.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents for the Atomic Energy Defense Act is amended
23 by inserting after the item relating to section 4222
24 the following new item:

“Sec. 4223. W93 nuclear warhead acquisition process.”.

1 (b) SELECTED ACQUISITION REPORTS AND INDE-
2 PENDENT COST ESTIMATES.—Section 4217(b) of such
3 Act (50 U.S.C. 2537(b)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A)—

6 (i) in clause (i), by striking “phase
7 6.2A” and inserting “phase 6.2A or new
8 weapon system at the completion of phase
9 2A”;

10 (ii) in clause (ii), by striking “phase
11 6.3” and inserting “phase 6.3 or new
12 weapon system at the completion of phase
13 3”;

14 (iii) by redesignating clauses (iv) and
15 (v) as clauses (v) and (vi), respectively;
16 and

17 (iv) by inserting after clause (iii) the
18 following new clause (iv):

19 “(iv) Each new weapon system at the com-
20 pletion of phase 4, relating to production engi-
21 neering, and before the initiation of phase 5, re-
22 lating to first production.”; and

23 (B) in subparagraph (B), by striking
24 “phase 6.2” and inserting “phase 6.2 or new

1 weapon system at the completion of phase 2”;
2 and

3 (2) in paragraph (4)(B), by striking “subpara-
4 graph (A)(iv)” and inserting “subparagraph (A)(v)”.

5 **SEC. 3112. EARNED VALUE MANAGEMENT AND TECH-**
6 **NOLOGY READINESS LEVELS FOR LIFE EX-**
7 **TENSION PROGRAMS.**

8 (a) IN GENERAL.—Subtitle A of title XLII of the
9 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as
10 amended by section 3111(a)(1), is further amended by
11 adding at the end the following new section:

12 **“SEC. 4224. EARNED VALUE MANAGEMENT AND TECH-**
13 **NOLOGY READINESS LEVELS FOR LIFE EX-**
14 **TENSION PROGRAMS.**

15 “(a) REVIEW OF CONTRACTOR EARNED VALUE MAN-
16 AGEMENT SYSTEMS.—The Administrator shall enter into
17 an arrangement with an independent entity under which
18 that entity shall—

19 “(1) review and validate whether the earned
20 value management systems of contractors of the Ad-
21 ministration for life extension programs meet the
22 earned value management national standard; and

23 “(2) conduct periodic surveillance reviews of
24 such systems to ensure that such systems maintain

1 compliance with that standard through program
2 completion.

3 “(b) BENCHMARKS FOR TECHNOLOGY READINESS
4 LEVELS.—The Administrator shall—

5 “(1) establish specific benchmarks for tech-
6 nology readiness levels of critical technologies for life
7 extension programs at key decision points; and

8 “(2) ensure that critical technologies meet such
9 benchmarks at such decision points.

10 “(c) APPLICABILITY.—This section shall apply to
11 programs that, as of the date of the enactment of this
12 section, have not entered phase 3 of the nuclear weapons
13 acquisition process or phase 6.3 of a nuclear weapons life
14 extension program.

15 “(d) DEFINITION.—In this section, the term ‘earned
16 value management national standard’ means the most re-
17 cent version of the EIA-748 Earned Value Management
18 System Standard published by the National Defense In-
19 dustrial Association.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 for the Atomic Energy Defense Act is amended by insert-
22 ing after the item relating to section 4223, as added by
23 section 3111(a)(2), the following new item:

“Sec. 4224. Earned value management and technology readiness levels for life
extension programs.”.

1 **SEC. 3113. MONITORING OF INDUSTRIAL BASE FOR NU-**
2 **CLEAR WEAPONS COMPONENTS, SUB-**
3 **SYSTEMS, AND MATERIALS.**

4 (a) DESIGNATION OF OFFICIAL.—Not later than
5 March 1, 2021, the Administrator for Nuclear Security
6 shall designate a senior official within the National Nu-
7 clear Security Administration to be responsible for moni-
8 toring the industrial base that supports the nuclear weap-
9 ons components, subsystems, and materials of the Admin-
10 istration, including—

11 (1) the consistent monitoring of the current sta-
12 tus of the industrial base;

13 (2) tracking of industrial base issues over time;
14 and

15 (3) proactively identifying gaps or risks in spe-
16 cific areas relating to the industrial base.

17 (b) PROVISION OF RESOURCES.—The Administrator
18 shall ensure that the official designated under subsection
19 (a) is provided with resources sufficient to conduct the
20 monitoring required by that subsection.

21 (c) CONSULTATIONS.—The Administrator, acting
22 through the official designated under subsection (a), shall,
23 to the extent practicable and beneficial, in conducting the
24 monitoring required by that subsection, consult with—

25 (1) officials of the Department of Defense who
26 are members of the Nuclear Weapons Council estab-

1 lished under section 179 of title 10, United States
2 Code;

3 (2) officials of the Department of Defense re-
4 sponsible for the defense industrial base; and

5 (3) other components of the Department of En-
6 ergy that rely on similar components, subsystems, or
7 materials.

8 (d) BRIEFINGS.—

9 (1) INITIAL BRIEFING.—Not later than April 1,
10 2021, the Administrator shall provide to the Com-
11 mittees on Armed Services of the Senate and the
12 House of Representatives a briefing on the designa-
13 tion of the official required by subsection (a), includ-
14 ing on—

15 (A) the responsibilities assigned to that of-
16 ficial; and

17 (B) the plan for providing that official with
18 resources sufficient to conduct the monitoring
19 required by subsection (a).

20 (2) SUBSEQUENT BRIEFINGS.—Not later than
21 April 1, 2022, and annually thereafter through
22 2024, the Administrator shall provide to the Com-
23 mittees on Armed Services of the Senate and the
24 House of Representatives a briefing on activities car-
25 ried out under this section that includes an assess-

1 ment of the progress made by the official designated
2 under subsection (a) in conducting the monitoring
3 required by that subsection.

4 **SEC. 3114. PLUTONIUM PIT PRODUCTION.**

5 (a) INDEPENDENT COST ESTIMATE.—

6 (1) REQUIREMENT.—The Secretary of Energy
7 shall obtain an independent cost estimate for each
8 covered project in accordance with Department of
9 Energy Order 413.3B (relating to program manage-
10 ment and project management for the acquisition of
11 capital assets), as in effect on the day before the
12 date of the enactment of this Act.

13 (2) CONFIDENCE LEVEL.—An independent cost
14 estimate under paragraph (1) with respect to a cov-
15 ered project shall assign a confidence level, ex-
16 pressed as a percentage, with respect to whether the
17 Secretary will be able to carry out the covered
18 project within the estimated schedule and cost objec-
19 tives of the Department of Energy consistent with
20 the document of the Government Accountability Of-
21 fice entitled “Cost Estimating and Assessment
22 Guide” (GAO–09–3SP) and dated March 2009.

23 (3) SUBMISSION.—Not later than 30 days after
24 obtaining an independent cost estimate under para-
25 graph (1) with respect to a covered project, the Sec-

1 retary shall submit to the congressional defense com-
2 mittees the estimate, including the confidence level
3 assigned under paragraph (2).

4 (b) CONDITIONAL REPORTS AND CERTIFICATIONS.—

5 (1) LOW CONFIDENCE.—If an independent cost
6 estimate for a covered project under subsection (a)
7 assigns a high-end cost for the project that is 15
8 percent or more higher than the high-end project
9 cost position approved by the Department of Energy
10 for the project at critical decision 1 in the acquisi-
11 tion process—

12 (A) not later than 90 days after approval
13 of critical decision 1, the Secretary shall submit
14 to the congressional defense committees the re-
15 port described in paragraph (2) with respect to
16 the covered project; and

17 (B) not later than 90 days after the date
18 on which the Secretary submits the independent
19 cost estimate to the congressional defense com-
20 mittees under subsection (a)(3), the Com-
21 mander of the United States Strategic Com-
22 mand shall certify to those committees that—

23 (i) the requirement to produce war re-
24 serve plutonium pits under section 4219 of
25 the Atomic Energy Defense Act (50 U.S.C.

1 2538a) cannot be altered or extended by
2 not more than five years without—

3 (I) degrading the capabilities of
4 the Command to accomplish its as-
5 signed nuclear deterrence missions; or
6 (II) reducing the confidence of
7 the Commander in the military effec-
8 tiveness of the nuclear weapons stock-
9 pile, taking into account all mitigation
10 strategies available to the Com-
11 mander; or

12 (ii) that requirement can be altered or
13 extended as described in clause (i) without
14 degrading the capabilities described in sub-
15 clause (I) of that clause or reducing the
16 confidence described in subclause (II) of
17 that clause.

18 (2) REPORT DESCRIBED.—

19 (A) IN GENERAL.—The report described in
20 this paragraph with respect to a covered project
21 is a report by the Secretary that includes—

22 (i)(I) a certification by the Secretary
23 that, notwithstanding the costs and con-
24 fidence level set forth in the independent
25 cost estimate under subsection (a), the

1 Secretary will able to carry out the covered
2 project within the estimated schedule and
3 cost objectives of the Department of En-
4 ergy; and

5 (II) a detailed explanation of why the
6 Secretary disagrees with the independent
7 cost estimate; or

8 (ii) if the Secretary cannot make the
9 certification under clause (i)(I), a plan by
10 the Secretary—

11 (I) to achieve costs and a con-
12 fidence level consistent with the costs
13 and confidence level set forth in the
14 independent cost estimate, including
15 with respect to changing the costs,
16 schedule, and scope of the covered
17 project; and

18 (II) that includes a description,
19 provided by the Administrator for Nu-
20 clear Security, of mitigation options
21 for minimizing any degradation in the
22 military effectiveness of the nuclear
23 weapons stockpile until the Secretary
24 achieves costs and a confidence level
25 consistent with the costs and con-

1 fidence level set forth in the inde-
2 pendent cost estimate.

3 (B) PROHIBITION ON DELEGATION.—The
4 Secretary may not delegate the responsibility
5 for making a certification under subparagraph
6 (A)(i)(I).

7 (c) COVERED PROJECT DEFINED.—In this section,
8 the term “covered project” means—

9 (1) the Savannah River Plutonium Processing
10 Facility, Savannah River Site, Aiken, South Carolina
11 (Project 21–D–511); or

12 (2) the Plutonium Pit Production Project, Los
13 Alamos National Laboratory, Los Alamos, New
14 Mexico (Project 21–D–512).

15 **Subtitle C—Defense Environmental** 16 **Cleanup Matters**

17 **SEC. 3121. PUBLIC STATEMENT OF ENVIRONMENTAL LI-** 18 **ABILITIES FOR FACILITIES UNDERGOING DE-** 19 **FENSE ENVIRONMENTAL CLEANUP.**

20 (a) IN GENERAL.—Subtitle A of title XLIV of the
21 Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is
22 amended by adding at the end the following new section:

1 **“SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LI-**
2 **ABILITIES.**

3 “Each year, at the same time that the Department
4 of Energy submits its annual financial report under sec-
5 tion 3516 of title 31, United States Code, the Secretary
6 of Energy shall make available to the public a statement
7 of environmental liabilities, as calculated for the most re-
8 cent audited financial statement of the Department under
9 section 3515 of that title, for each defense nuclear facility
10 at which defense environmental cleanup activities are oc-
11 ccurring.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 for the Atomic Energy Defense Act is amended by insert-
14 ing after the item relating to section 4409 the following
15 new item:

“Sec. 4410. Public statement of environmental liabilities.”.

16 **SEC. 3122. INCLUSION OF MISSED MILESTONES IN FUTURE-**
17 **YEARS DEFENSE ENVIRONMENTAL CLEANUP**
18 **PLAN.**

19 Section 4402A(b)(3) of the Atomic Energy Defense
20 Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the
21 end the following new subparagraph:

22 “(D) For any milestone that has been
23 missed, renegotiated, or postponed, a statement
24 of the current milestone, the original milestone,
25 and any interim milestones.”.

1 **SEC. 3123. CLASSIFICATION OF DEFENSE ENVIRONMENTAL**
2 **CLEANUP AS CAPITAL ASSET PROJECTS OR**
3 **OPERATIONS ACTIVITIES.**

4 (a) IN GENERAL.—The Assistant Secretary of En-
5 ergy for Environmental Management, in consultation with
6 other appropriate officials of the Department of Energy,
7 shall establish requirements for the classification of de-
8 fense environmental cleanup projects as capital asset
9 projects or operations activities.

10 (b) REPORT REQUIRED.—Not later than March 1,
11 2021, the Assistant Secretary shall submit to the congres-
12 sional defense committees a report—

13 (1) setting forth the requirements established
14 under subsection (a); and

15 (2) assessing whether any ongoing defense envi-
16 ronmental cleanup projects should be reclassified
17 based on those requirements.

18 **SEC. 3124. EXTENSION OF LIMITATION RELATING TO RE-**
19 **CLASSIFICATION OF HIGH-LEVEL WASTE.**

20 Section 3121 of the National Defense Authorization
21 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
22 1953) is amended by striking “fiscal year 2020” and in-
23 serting “fiscal year 2020 or fiscal year 2021”.

1 ervation based on criteria that are relevant to decision-
2 making and most clearly differentiate between approaches.

3 (c) ELEMENTS.—The analysis required by subsection
4 (a)(1) shall clearly lay out a framework of decisions to
5 be made among the treatment technologies, waste forms,
6 and disposal locations by including an assessment of the
7 following:

8 (1) The most effective potential technology for
9 supplemental treatment of low-activity waste that
10 will produce an effective waste form, including an
11 assessment of the following:

12 (A) The maturity and complexity of the
13 technology.

14 (B) The extent of previous use of the tech-
15 nology.

16 (C) The life cycle costs and duration of use
17 of the technology.

18 (D) The effectiveness of the technology
19 with respect to immobilization.

20 (E) The performance of the technology ex-
21 pected under permanent disposal.

22 (F) The topical areas of additional study
23 required for the grout option identified in the
24 analysis required by section 3134 of the Na-

1 tional Defense Authorization Act for Fiscal
2 Year 2017.

3 (2) The differences among approaches for the
4 supplemental treatment of low-activity waste consid-
5 ered as of the date of the analysis required by sub-
6 section (a)(1).

7 (3) The compliance of such approaches with the
8 technical standards described in section
9 3134(b)(2)(D) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2017.

11 (4) The differences among potential disposal
12 sites for the waste form produced through such
13 treatment, including mitigation of radionuclides, in-
14 cluding technetium-99, selenium-79, and iodine-129,
15 on a system level.

16 (5) Potential modifications to the design of fa-
17 cilities to enhance performance with respect to dis-
18 posal of the waste form to account for the following:

19 (A) Regulatory compliance.

20 (B) Public acceptance.

21 (C) Cost.

22 (D) Safety.

23 (E) The expected radiation dose to maxi-
24 mally exposed individuals over time.

1 (F) Differences among disposal environ-
2 ments.

3 (6) Approximately how much and what type of
4 pretreatment is needed to meet regulatory require-
5 ments regarding long-lived radionuclides and haz-
6 ardous chemicals to reduce disposal costs for radio-
7 nuclides described in paragraph (4).

8 (7) Whether the radionuclides can be left in the
9 waste form or economically removed and bounded at
10 a system level by the performance assessment of a
11 potential disposal site and, if the radionuclides can-
12 not be left in the waste form, how to account for the
13 secondary waste stream.

14 (8) Other relevant factors relating to the tech-
15 nology described in paragraph (1), including the fol-
16 lowing:

17 (A) The costs and risks in delays with re-
18 spect to tank performance over time.

19 (B) Consideration of experience with treat-
20 ment methods at other sites and commercial fa-
21 cilities.

22 (C) Outcomes of the test bed initiative of
23 the Office of Environmental Management at the
24 Hanford Nuclear Reservation.

1 (d) REVIEW, CONSULTATION, SUBMISSION, AND LIM-
2 ITATIONS.—The provisions of subsections (e) through (f)
3 of section 3134 of the National Defense Authorization Act
4 for Fiscal Year 2017 shall apply with respect to the anal-
5 ysis required by subsection (a)(1) to the same extent and
6 in the same manner that such provisions applied with re-
7 spect to the analysis required by subsection (a) of such
8 section 3134, except that subsection (e) of such section
9 shall be applied and administered by substituting “the
10 date of the enactment of the William M. (Mac) Thornberry
11 National Defense Authorization Act for Fiscal Year 2021”
12 for “the date of the enactment of this Act” each place
13 it appears.

14 **Subtitle D—Safeguards and**
15 **Security Matters**

16 **SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS**
17 **OF CONTRACTORS AND SUBCONTRACTORS.**

18 (a) IN GENERAL.—Subtitle A of title XLV of the
19 Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is
20 amended by adding at the end the following new section:

21 **“SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS**
22 **OF CONTRACTORS AND SUBCONTRACTORS.**

23 “(a) PROCEDURES FOR REPORTING PENETRA-
24 TIONS.—The Administrator shall establish procedures
25 that require each contractor and subcontractor to report

1 to the Chief Information Officer when a covered network
2 of the contractor or subcontractor that meets the criteria
3 established pursuant to subsection (b) is successfully pene-
4 trated.

5 “(b) ESTABLISHMENT OF CRITERIA FOR COVERED
6 NETWORKS.—

7 “(1) IN GENERAL.—The Administrator shall, in
8 consultation with the officials specified in paragraph
9 (2), establish criteria for covered networks to be sub-
10 ject to the procedures for reporting penetrations
11 under subsection (a).

12 “(2) OFFICIALS SPECIFIED.—The officials spec-
13 ified in this paragraph are the following officials of
14 the Administration:

15 “(A) The Deputy Administrator for De-
16 fense Programs.

17 “(B) The Associate Administrator for Ac-
18 quisition and Project Management.

19 “(C) The Chief Information Officer.

20 “(D) Any other official of the Administra-
21 tion the Administrator considers necessary.

22 “(c) PROCEDURE REQUIREMENTS.—

23 “(1) RAPID REPORTING.—

24 “(A) IN GENERAL.—The procedures estab-
25 lished pursuant to subsection (a) shall require

1 each contractor or subcontractor to submit to
2 the Chief Information Officer a report on each
3 successful penetration of a covered network of
4 the contractor or subcontractor that meets the
5 criteria established pursuant to subsection (b)
6 not later than 60 days after the discovery of the
7 successful penetration.

8 “(B) ELEMENTS.—Subject to subpara-
9 graph (C), each report required by subpara-
10 graph (A) with respect to a successful penetra-
11 tion of a covered network of a contractor or
12 subcontractor shall include the following:

13 “(i) A description of the technique or
14 method used in such penetration.

15 “(ii) A sample of the malicious soft-
16 ware, if discovered and isolated by the con-
17 tractor or subcontractor, involved in such
18 penetration.

19 “(iii) A summary of information cre-
20 ated by or for the Administration in con-
21 nection with any program of the Adminis-
22 tration that has been potentially com-
23 promised as a result of such penetration.

24 “(C) AVOIDANCE OF DELAYS IN REPORT-
25 ING.—If a contractor or subcontractor is not

1 able to obtain all of the information required by
2 subparagraph (B) to be included in a report re-
3 quired by subparagraph (A) by the date that is
4 60 days after the discovery of a successful pene-
5 tration of a covered network of the contractor
6 or subcontractor, the contractor or subcon-
7 tractor shall—

8 “(i) include in the report all informa-
9 tion available as of that date; and

10 “(ii) provide to the Chief Information
11 Officer the additional information required
12 by subparagraph (B) as the information
13 becomes available.

14 “(2) ACCESS TO EQUIPMENT AND INFORMATION
15 BY ADMINISTRATION PERSONNEL.—Concurrent with
16 the establishment of the procedures pursuant to sub-
17 section (a), the Administrator shall establish proce-
18 dures to be used if information owned by the Admin-
19 istration was in use during or at risk as a result of
20 the successful penetration of a covered network—

21 “(A) in order to—

22 “(i) in the case of a penetration of a
23 covered network of a management and op-
24 erating contractor, enhance the access of
25 personnel of the Administration to Govern-

1 ment-owned equipment and information;
2 and

3 “(ii) in the case of a penetration of a
4 covered network of a contractor or subcon-
5 tractor that is not a management and op-
6 erating contractor, facilitate the access of
7 personnel of the Administration to the
8 equipment and information of the con-
9 tractor or subcontractor; and

10 “(B) which shall—

11 “(i) include mechanisms for personnel
12 of the Administration to, upon request, ob-
13 tain access to equipment or information of
14 a contractor or subcontractor necessary to
15 conduct forensic analysis in addition to any
16 analysis conducted by the contractor or
17 subcontractor;

18 “(ii) provide that a contractor or sub-
19 contractor is only required to provide ac-
20 cess to equipment or information as de-
21 scribed in clause (i) to determine whether
22 information created by or for the Adminis-
23 tration in connection with any program of
24 the Administration was successfully
25 exfiltrated from a network of the con-

1 tractor or subcontractor and, if so, what
2 information was exfiltrated; and

3 “(iii) provide for the reasonable pro-
4 tection of trade secrets, commercial or fi-
5 nancial information, and information that
6 can be used to identify a specific person.

7 “(3) DISSEMINATION OF INFORMATION.—The
8 procedures established pursuant to subsection (a)
9 shall allow for limiting the dissemination of informa-
10 tion obtained or derived through such procedures so
11 that such information may be disseminated only to
12 entities—

13 “(A) with missions that may be affected by
14 such information;

15 “(B) that may be called upon to assist in
16 the diagnosis, detection, or mitigation of cyber
17 incidents;

18 “(C) that conduct counterintelligence or
19 law enforcement investigations; or

20 “(D) for national security purposes, includ-
21 ing cyber situational awareness and defense
22 purposes.

23 “(d) DEFINITIONS.—In this section:

24 “(1) CHIEF INFORMATION OFFICER.—The term
25 ‘Chief Information Officer’ means the Associate Ad-

1 ministrator for Information Management and Chief
2 Information Officer of the Administration.

3 “(2) CONTRACTOR.—The term ‘contractor’
4 means a private entity that has entered into a con-
5 tract or contractual action of any kind with the Ad-
6 ministration to furnish supplies, equipment, mate-
7 rials, or services of any kind.

8 “(3) COVERED NETWORK.—The term ‘covered
9 network’ includes any network or information system
10 that accesses, receives, or stores—

11 “(A) classified information; or

12 “(B) sensitive unclassified information ger-
13 mane to any program of the Administration, as
14 determined by the Administrator.

15 “(4) SUBCONTRACTOR.—The term ‘subcon-
16 tractor’ means a private entity that has entered into
17 a contract or contractual action with a contractor or
18 another subcontractor to furnish supplies, equip-
19 ment, materials, or services of any kind in connec-
20 tion with another contract in support of any pro-
21 gram of the Administration.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 for the Atomic Energy Defense Act is amended by insert-
24 ing after the item relating to section 4510 the following
25 new item:

“Sec. 4511. Reporting on penetrations of networks of contractors and sub-contractors.”.

1 **Subtitle E—Personnel Matters**

2 **SEC. 3141. EXTENSION OF AUTHORITY FOR APPOINTMENT**
3 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND**
4 **TECHNICAL PERSONNEL.**

5 Section 4601(c)(1) of the Atomic Energy Defense Act
6 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-
7 tember 30, 2020” and inserting “September 30, 2021”.

8 **SEC. 3142. INCLUSION OF CERTAIN EMPLOYEES AND CON-**
9 **TRACTORS OF DEPARTMENT OF ENERGY IN**
10 **DEFINITION OF PUBLIC SAFETY OFFICER**
11 **FOR PURPOSES OF CERTAIN DEATH BENE-**
12 **FITS.**

13 Section 1204(9) of title I of the Omnibus Crime Con-
14 trol and Safe Streets Act of 1968 (34 U.S.C. 10284(9))
15 is amended—

16 (1) in subparagraph (D), by striking “or” at
17 the end;

18 (2) in subparagraph (E)(ii), by striking the pe-
19 riod at the end and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(F) an employee or contractor of the De-
22 partment of Energy who—

23 “(i) is—

1 “(I) a nuclear materials courier
2 (as defined in section 8331(27) of
3 title 5, United States Code); or

4 “(II) designated by the Secretary
5 of Energy as a member of an emer-
6 gency response team; and

7 “(ii) is performing official duties of
8 the Department, pursuant to a deployment
9 order issued by the Secretary, to protect
10 the public, property, or the interests of the
11 United States by—

12 “(I) assessing, locating, identi-
13 fying, securing, rendering safe, or dis-
14 posing of weapons of mass destruction
15 (as defined in section 1403 of the De-
16 fense Against Weapons of Mass De-
17 struction Act of 1996 (50 U.S.C.
18 2302)); or

19 “(II) managing the immediate
20 consequences of a radiological release
21 or exposure.”.

22 **SEC. 3143. REIMBURSEMENT FOR LIABILITY INSURANCE**
23 **FOR NUCLEAR MATERIALS COURIERS.**

24 Section 636(c)(2) of the Treasury, Postal Service,
25 and General Government Appropriations Act, 1997 (as en-

1 acted into law by section 101(f) of division A of Public
2 Law 104–208; 5 U.S.C. prec. 5941 note) is amended by
3 striking “or under” and all that follows and inserting the
4 following: “any special agent under section 203 of the Om-
5 nibus Diplomatic Security and Antiterrorism Act of 1986
6 (22 U.S.C. 4823), or any nuclear materials courier (as de-
7 fined in section 8331(27) of such title 5);”.

8 **SEC. 3144. TRANSPORTATION AND MOVING EXPENSES FOR**
9 **IMMEDIATE FAMILY OF DECEASED NUCLEAR**
10 **MATERIALS COURIERS.**

11 Section 5724d(c)(1) of title 5, United States Code,
12 is amended—

13 (1) in subparagraph (B), by striking “; and”
14 and inserting a semicolon; and

15 (2) by adding at the end the following:

16 “(D) any nuclear materials courier, as de-
17 fined in section 8331(27); and”.

18 **SEC. 3145. PERMANENT EXTENSION OF OFFICE OF OM-**
19 **BUDSMAN FOR ENERGY EMPLOYEES OCCU-**
20 **PATIONAL ILLNESS COMPENSATION PRO-**
21 **GRAM.**

22 Section 3686 of the Energy Employees Occupational
23 Illness Compensation Program Act of 2000 (42 U.S.C.
24 7385s–15) is amended by striking subsection (h).

1 **SEC. 3146. REPORTS ON DIVERSITY OF CERTAIN CON-**
2 **TRACTOR EMPLOYEES OF NATIONAL NU-**
3 **CLEAR SECURITY ADMINISTRATION.**

4 (a) ANNUAL REPORTS.—Not later than December
5 31, 2020, and each year thereafter through 2022, the Ad-
6 ministrator for Nuclear Security shall submit to the con-
7 gressional defense committees a report on the diversity of
8 contractor employees of the National Nuclear Security Ad-
9 ministration.

10 (b) MATTERS INCLUDED.—Subject to subsection (c),
11 each report under subsection (a) shall include, for each
12 covered element of the Administration, the following:

13 (1) With respect to the fiscal year covered by
14 the report and the previous fiscal year, demographic
15 data of—

16 (A) the contractor employees of the cov-
17 ered element;

18 (B) the contractor employees hired at the
19 covered element during each such year; and

20 (C) the contractor employees of the cov-
21 ered element who voluntarily separated during
22 each such year.

23 (2) To the extent practical, a breakdown of the
24 data under paragraph (1) by each position in the
25 Standard Occupational Classification System of the
26 Bureau of Labor Statistics.

1 (3) A description of the plan to increase diver-
2 sity at the covered element, and how such plan re-
3 sponds to any trends identified with respect to the
4 data under paragraph (1).

5 (4) An identification of the office of the covered
6 element responsible for implementing such plan and
7 a description of how that office determines whether
8 the covered element is meeting the goals of the plan.

9 (5) A description of the training resources re-
10 lating to diversity, equality, and inclusion mandated
11 for contractor employees of the covered element with
12 hiring authority, and an identification of how many
13 such contractor employees have been trained.

14 (c) DATA.—The Administrator shall carry out this
15 section using data that is—

16 (1) otherwise available to the Administrator and
17 to the management and operating contractors of the
18 nuclear security enterprise;

19 (2) collected in accordance with applicable laws
20 and regulations of the Equal Employment Oppor-
21 tunity Commission, regulations of the Office of Fed-
22 eral Contract Compliance Programs of the Depart-
23 ment of Labor, and applicable provisions of Federal
24 law on privacy; and

1 (3) obtained from relevant elements of the Fed-
2 eral Government pursuant to a memorandum of un-
3 derstanding specifying the terms and conditions for
4 the sharing of such data, including by identifying—

5 (A) the statutory authority governing such
6 sharing;

7 (B) the minimum amount of data needed
8 to be shared;

9 (C) the exact data to be shared;

10 (D) the method of securely sharing such
11 data; and

12 (E) the limitations on the use and disclo-
13 sure of such data.

14 (d) PUBLICATION.—The Administrator shall make
15 publicly available on the internet website of the Depart-
16 ment of Energy each report under subsection (a), subject
17 to the regulations and Federal law specified in subsection
18 (c)(2).

19 (e) GAO REVIEW.—Not later than one year after the
20 date on which the Administrator submits the first report
21 under subsection (a), the Comptroller General of the
22 United States shall submit to the congressional defense
23 committees a review of—

1 (1) the diversity of contractor employees with
2 respect to both the hiring and retention of such em-
3 ployees;

4 (2) the demographic composition of such em-
5 ployees; and

6 (3) the issues relating to diversity that such re-
7 port identifies and the steps taken to address such
8 issues.

9 (f) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the National Nuclear Security Administra-
12 tion is undertaking the largest and most complex
13 workload since the end of the Cold War;

14 (2) ensuring that the nuclear security enter-
15 prise hires, trains, and retains a diverse and highly
16 educated workforce is a national security priority of
17 the United States;

18 (3) more than 5,000 employees were hired at
19 the laboratories, plants, and sites of the National
20 Nuclear Security Administration during fiscal year
21 2019; and

22 (4) the National Nuclear Security Administra-
23 tion has taken important actions to hire and retain
24 the best and brightest workforce and is encouraged

1 to continue to build upon those efforts, particularly
2 as its aging workforce continues to retire.

3 (g) DEFINITIONS.—In this section:

4 (1) CONTRACTOR EMPLOYEE.—The term “con-
5 tractor employee” means an employee of a manage-
6 ment and operating contractor of the nuclear secu-
7 rity enterprise.

8 (2) COVERED ELEMENT.—The term “covered
9 element” means each national security laboratory
10 and nuclear weapons production facility (as such
11 terms are defined in section 3281 of the National
12 Nuclear Security Administration Act (50 U.S.C.
13 2471)).

14 (3) NUCLEAR SECURITY ENTERPRISE.—The
15 term “nuclear security enterprise” has the meaning
16 that term in section 3281 of the National Nuclear
17 Security Administration Act (50 U.S.C. 2471)).

18 **SEC. 3147. SENSE OF CONGRESS REGARDING COMPENSA-**
19 **TION OF INDIVIDUALS RELATING TO URA-**
20 **NIUM MINING AND NUCLEAR TESTING.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The Radiation Exposure Compensation Act
24 (Public Law 101–426; 42 U.S.C. 2210 note) was en-
25 acted in 1990 to provide monetary compensation to

1 individuals who contracted certain cancers and other
2 serious diseases following their exposure to radiation
3 released during atmospheric nuclear weapons testing
4 during the Cold War or following exposure to radi-
5 ation as a result of employment in the uranium in-
6 dustry during the Cold War.

7 (2) The Radiation Exposure Compensation Act
8 expires on July 9, 2022. Unless that Act is ex-
9 tended, individuals who contract certain cancers and
10 other serious diseases because of events described in
11 paragraph (1) may be unable to claim compensation
12 for such diseases.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the United States Government should continue
15 to appropriately compensate and recognize the individuals
16 described in subsection (a).

17 **Subtitle F—Budget and Financial**
18 **Management Matters**

19 **SEC. 3151. REPORTS ON FINANCIAL BALANCES FOR ATOM-**
20 **IC ENERGY DEFENSE ACTIVITIES.**

21 (a) IN GENERAL.—Section 4732 of the Atomic En-
22 ergy Defense Act (50 U.S.C. 2772) is amended to read
23 as follows:

1 **“SEC. 4732. REPORTS ON FINANCIAL BALANCES FOR ATOM-**
2 **IC ENERGY DEFENSE ACTIVITIES.**

3 “(a) REPORTS REQUIRED.—

4 “(1) IN GENERAL.—Concurrent with the sub-
5 mission of the budget justification materials sub-
6 mitted to Congress in support of the budget of the
7 President for a fiscal year (submitted to Congress
8 pursuant to section 1105(a) of title 31, United
9 States Code), the Secretary of Energy shall submit
10 to the congressional defense committees a report on
11 the financial balances for each atomic energy de-
12 fense program.

13 “(2) PRESENTATION OF INFORMATION.—In
14 each report required by paragraph (1), the Secretary
15 shall—

16 “(A) present information on the financial
17 balances for each atomic energy defense pro-
18 gram at the budget control levels used in the
19 report accompanying the most current Act ap-
20 propriating funds for energy and water develop-
21 ment; and

22 “(B) present financial balances in connec-
23 tion with funding under recurring DOE na-
24 tional security authorizations (as defined in sec-
25 tion 4701) separately from balances in connec-

1 tion with funding under any other provision of
2 law.

3 “(b) ELEMENTS.—

4 “(1) FORMAT.—Each report required by sub-
5 section (a) shall—

6 “(A) be divided into two parts, as specified
7 in paragraphs (2) and (3); and

8 “(B) set forth the information required by
9 those paragraphs in summary form and by fis-
10 cal year.

11 “(2) PART 1.—The first part of the report re-
12 quired by subsection (a) shall set forth, for each
13 atomic energy defense program, the following infor-
14 mation, as of the end of the most recently completed
15 fiscal year:

16 “(A) The balance of any unobligated funds
17 and an explanation for why those funds are un-
18 obligated.

19 “(B) The total funds available to cost.

20 “(C) The total balance of costed funds.

21 “(D) The total balance of uncosted funds.

22 “(E) The threshold for the balance of
23 uncosted funds, stated in dollars.

24 “(F) The amount of any balance of
25 uncosted funds that is over or under that

1 threshold and, in the case of a balance over
2 that threshold, an explanation for why the bal-
3 ance is over that threshold.

4 “(G) The total balance of committed,
5 uncosted funds.

6 “(H) The total balance of uncommitted,
7 uncosted funds.

8 “(I) The amount of any balance of uncom-
9 mitted, uncosted funds that is over or under the
10 threshold described in subparagraph (E) and, in
11 the case of a balance over that threshold, an ex-
12 planation for why the balance is over that
13 threshold.

14 “(3) PART 2.—The second part of the report
15 required by subsection (a) shall set forth, for each
16 atomic energy defense program, the following infor-
17 mation:

18 “(A) The balance of any unobligated
19 funds, as of the end of the first quarter of the
20 current fiscal year.

21 “(B) The total balance of uncosted funds,
22 as of the end of the first quarter of the current
23 fiscal year.

24 “(C) Unallotted budget authority.

25 “(c) DEFINITIONS.—In this section:

1 “(1) COMMITTED.—The term ‘committed’, with
2 respect to funds, means the funds are associated
3 with a legally enforceable agreement, such as a pur-
4 chase order or contract, that has been entered into.

5 “(2) COSTED.—The term ‘costed’, with respect
6 to funds, means the funds have been obligated to a
7 contract and goods or services have been received by
8 the contractor in exchange for the funds.

9 “(3) UNCOMMITTED.—The term ‘uncommitted’,
10 with respect to funds, means the funds are not com-
11 mitted.

12 “(4) UNCOSTED.—The term ‘uncosted’, with re-
13 spect to funds, means the funds have been obligated
14 to a contract and goods or services have not been re-
15 ceived by the contractor in exchange for the funds.

16 “(5) THRESHOLD.—The term ‘threshold’ means
17 a benchmark over which a balance carried over at
18 the end of a fiscal year should be given greater scru-
19 tiny by Congress.

20 “(6) TOTAL FUNDS AVAILABLE TO COST.—The
21 term ‘total funds available to cost’ means the sum
22 of—

23 “(A) total uncosted obligations from prior
24 fiscal years;

25 “(B) current fiscal year obligations; and

1 “(C) current fiscal year deobligations.”.

2 (b) CLERICAL AMENDMENT.—The table of contents
3 for the Atomic Energy Defense Act is amended by striking
4 the item relating to section 4732 and inserting the fol-
5 lowing new item:

“Sec. 4732. Reports on financial balances for atomic energy defense activi-
ties.”.

6 **Subtitle G—Administrative Matters**

7 **SEC. 3161. MODIFICATIONS TO ENHANCED PROCUREMENT**

8 **AUTHORITY TO MANAGE SUPPLY CHAIN** 9 **RISK.**

10 Section 4806 of the Atomic Energy Defense Act (50
11 U.S.C. 2786) is amended—

12 (1) in subsections (a) and (c), by inserting “or
13 special exclusion action” after “covered procurement
14 action” each place it appears;

15 (2) by redesignating subsections (e) and (f) as
16 subsections (f) and (g), respectively;

17 (3) by inserting after subsection (d) the fol-
18 lowing new subsection (e):

19 “(e) DELEGATION OF AUTHORITY.—The Secretary
20 may delegate the authority under this section to—

21 “(1) in the case of the Administration, the Ad-
22 ministrator; and

1 “(2) in the case of any other component of the
2 Department of Energy, the Senior Procurement Ex-
3 ecutive of the Department.”; and

4 (4) in subsection (f), as redesignated by para-
5 graph (2)—

6 (A) by redesignating paragraph (6) as
7 paragraph (7); and

8 (B) by inserting after paragraph (5) the
9 following new paragraph (6):

10 “(6) SPECIAL EXCLUSION ACTION.—The term
11 ‘special exclusion action’ means an action to pro-
12 hibit, for a period not to exceed two years, the
13 award of any contracts or subcontracts by the Ad-
14 ministration or any other component of the Depart-
15 ment of Energy related to any covered system to a
16 source the Secretary determines to represent a sup-
17 ply chain risk.”.

18 **SEC. 3162. EXTENSION OF PILOT PROGRAM ON UNAVAIL-**
19 **ABILITY FOR OVERHEAD COSTS OF AMOUNTS**
20 **SPECIFIED FOR LABORATORY-DIRECTED RE-**
21 **SEARCH AND DEVELOPMENT.**

22 Section 3119 of the National Defense Authorization
23 Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C.
24 2791 note) is amended—

1 (1) in subsection (c)(2), by striking “four” and
2 inserting “nine”; and

3 (2) in subsection (d), by striking “February 15,
4 2020” and inserting “February 15, 2025”.

5 **Subtitle H—Other Matters**

6 **SEC. 3171. INDEPENDENT STUDY ON POTENTIAL ENVIRON- 7 MENTAL EFFECTS OF NUCLEAR WAR.**

8 (a) STUDY.—The Administrator for Nuclear Secu-
9 rity, in consultation with the Secretary of Defense and the
10 Director of National Intelligence, shall seek to enter into
11 an agreement with the National Academies of Sciences,
12 Engineering, and Medicine under which the National
13 Academies conduct a study on the environmental effects
14 of nuclear war.

15 (b) MATTERS INCLUDED.—The study under sub-
16 section (a) shall include the following:

17 (1) An evaluation of the non-fallout atmos-
18 pheric effects of plausible scenarios for nuclear war,
19 ranging from low-quantity regional exchanges to
20 large-scale exchanges between major powers.

21 (2) An examination of the effects evaluated
22 under paragraph (1) by—

23 (A) the yield, type, and number of nuclear
24 weapons;

25 (B) the types and locations of targets;

1 (C) the time distribution of the explosions;

2 (D) the atmospheric conditions; and

3 (E) other factors that may have a signifi-
4 cant impact on the effects.

5 (3) An assessment of current models of nuclear
6 explosions, including with respect to—

7 (A) the fires such explosions may cause;

8 (B) the atmospheric transport of the gases
9 from such explosions;

10 (C) the radioactive material from such ex-
11 plosions; and

12 (D) the soot and other debris from such
13 fires and explosions and the atmospheric, ter-
14 restrial, and marine consequences of such ef-
15 fects, including with respect to changes in
16 weather patterns, airborne particulate con-
17 centrations, stratospheric ozone, agriculture,
18 and long-term regional ecosystem viability.

19 (4) Identification of the capabilities and limita-
20 tions of the models described in paragraph (3) for
21 assessing the environmental effects of nuclear war,
22 including—

23 (A) an evaluation of the relevant uncer-
24 tainties;

25 (B) a highlight of the key data gaps; and

1 (C) recommendations for how such models
2 can be improved to better inform decision mak-
3 ing.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 18 months
6 after the date of the enactment of this Act, the Na-
7 tional Academies shall submit to the Administrator,
8 the Secretary, the Director, and the congressional
9 defense committees a report on the study under sub-
10 section (a).

11 (2) FORM.—The report under paragraph (1)
12 shall be submitted in unclassified form but may in-
13 clude a classified annex.

14 (d) PROVISION OF INFORMATION.—

15 (1) SECRETARY OF DEFENSE.—The Secretary
16 shall provide to the National Academies such infor-
17 mation of the Department of Defense as is necessary
18 for the National Academies to conduct the study
19 under subsection (a), including information relating
20 to relevant scenarios described in subsection (b).

21 (2) DIRECTOR OF NATIONAL INTELLIGENCE.—

22 The Director shall provide to the National Acad-
23 emies such information on foreign adversary capa-
24 bilities as is necessary for the National Academies to
25 conduct the study under subsection (a), including in-

1 formation relating to relevant scenarios described in
2 subsection (b).

3 **SEC. 3172. REVIEW OF FUTURE OF COMPUTING BEYOND**
4 **EXASCALE AT THE NATIONAL NUCLEAR SE-**
5 **CURITY ADMINISTRATION.**

6 (a) IN GENERAL.—The Administrator for Nuclear
7 Security, in consultation with the Secretary of Energy,
8 shall enter into an agreement with the National Academy
9 of Sciences to review the future of computing beyond
10 exascale computing to meet national security needs at the
11 National Nuclear Security Administration.

12 (b) ELEMENTS.—The review required by subsection
13 (a) shall address the following:

14 (1) Future computing needs of the National
15 Nuclear Security Administration that exascale com-
16 puting will not accomplish during the 20 years after
17 the date of the enactment of this Act.

18 (2) Computing architectures that potentially
19 can meet those needs, including—

20 (A) classical computing architectures em-
21 ployed as of such date of enactment;

22 (B) quantum computing architectures and
23 other novel computing architectures;

24 (C) hybrid combinations of classical and
25 quantum computing architectures; and

1 (D) other architectures as necessary.

2 (3) The development of software for the com-
3 puting architectures described in paragraph (2).

4 (4) The maturity of the computing architec-
5 tures described in paragraph (2) and the software
6 described in paragraph (3), with key obstacles that
7 must be overcome for the employment of such archi-
8 tectures and software.

9 (5) The secure industrial base that exists as of
10 the date of the enactment of this Act to meet the
11 unique needs of computing at the National Nuclear
12 Security Administration, including needs with re-
13 spect to—

14 (A) personnel;

15 (B) microelectronics; and

16 (C) other appropriate matters.

17 (c) INFORMATION AND CLEARANCES.—The Adminis-
18 trator shall ensure that personnel of the National Acad-
19 emy of Sciences overseeing the implementation of the
20 agreement required by subsection (a) or conducting the
21 review required by that subsection receive, in a timely
22 manner, access to information and necessary security
23 clearances to enable the conduct of the review.

24 (d) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of the enactment of this Act, the National
3 Academy of Sciences shall submit to the congres-
4 sional defense committees a report on the findings of
5 the review required by subsection (a).

6 (2) FORM.—The report required by paragraph
7 (1) shall be submitted in unclassified form but may
8 include a classified annex.

9 (e) EXASCALE COMPUTING DEFINED.—In this sec-
10 tion, the term “exascale computing” means computing
11 through the use of a computing machine that performs
12 near or above 10 to the 18th power floating point oper-
13 ations per second.

14 **SEC. 3173. SENSE OF CONGRESS ON THE AGREEMENT SUS-**
15 **PENDING THE ANTIDUMPING INVESTIGATION**
16 **ON URANIUM FROM THE RUSSIAN FEDERA-**
17 **TION.**

18 It is the sense of Congress that the Agreement Sus-
19 pending the Antidumping Investigation on Uranium from
20 the Russian Federation, dated October 16, 1992, as most
21 recently amended by an agreement signed by the United
22 States Department of Commerce and the State Atomic
23 Energy Corporation Rosatom of the Russian Federation
24 on October 6, 2020 (85 Fed. Reg. 64112), will provide
25 certainty to the United States nuclear fuel supply chain

1 while avoiding unfair trade practices in the importation
2 of uranium products from the Russian Federation con-
3 sistent with national security and nonproliferation goals
4 of the United States.

5 **TITLE XXXII—DEFENSE NU-**
6 **CLEAR FACILITIES SAFETY**
7 **BOARD**

Sec. 3201. Authorization.

Sec. 3202. Nonpublic collaborative discussions by Defense Nuclear Facilities
Safety Board.

8 **SEC. 3201. AUTHORIZATION.**

9 There are authorized to be appropriated for fiscal
10 year 2021, \$28,836,000 for the operation of the Defense
11 Nuclear Facilities Safety Board under chapter 21 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

13 **SEC. 3202. NONPUBLIC COLLABORATIVE DISCUSSIONS BY**
14 **DEFENSE NUCLEAR FACILITIES SAFETY**
15 **BOARD.**

16 Section 313 of the Atomic Energy Act of 1954 (42
17 U.S.C. 2286b) is amended by adding at the end the fol-
18 lowing new subsection:

19 “(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

20 “(1) IN GENERAL.—Notwithstanding section
21 552b of title 5, United States Code, a quorum of the
22 members of the Board may hold a meeting that is
23 not open to public observation to discuss official
24 business of the Board if—

1 “(A) no formal or informal vote or other
2 official action is taken at the meeting;

3 “(B) each individual present at the meet-
4 ing is a member or an employee of the Board;

5 “(C) at least one member of the Board
6 from each political party is present at the meet-
7 ing, unless all members of the Board are of the
8 same political party at the time of the meeting;
9 and

10 “(D) the general counsel of the Board, or
11 a designee of the general counsel, is present at
12 the meeting.

13 “(2) DISCLOSURE OF NONPUBLIC COLLABO-
14 RATIVE DISCUSSIONS.—

15 “(A) IN GENERAL.—Except as provided by
16 subparagraph (B), not later than two business
17 days after the conclusion of a meeting described
18 in paragraph (1), the Board shall make avail-
19 able to the public, in a place easily accessible to
20 the public—

21 “(i) a list of the individuals present at
22 the meeting; and

23 “(ii) a summary of the matters, in-
24 cluding key issues, discussed at the meet-
25 ing, except for any matter the Board prop-

1 erly determines may be withheld from the
2 public under section 552b(c) of title 5,
3 United States Code.

4 “(B) INFORMATION ABOUT MATTERS
5 WITHHELD FROM PUBLIC.—If the Board prop-
6 erly determines under subparagraph (A)(ii) that
7 a matter may be withheld from the public under
8 section 552b(c) of title 5, United States Code,
9 the Board shall include in the summary re-
10 quired by that subparagraph as much general
11 information as possible with respect to the mat-
12 ter.

13 “(3) RULES OF CONSTRUCTION.—Nothing in
14 this subsection may be construed—

15 “(A) to limit the applicability of section
16 552b of title 5, United States Code, with re-
17 spect to—

18 “(i) a meeting of the members of the
19 Board other than a meeting described in
20 paragraph (1); or

21 “(ii) any information that is proposed
22 to be withheld from the public under para-
23 graph (2)(A)(ii); or

24 “(B) to authorize the Board to withhold
25 from any individual any record that is acces-

1 sible to that individual under section 552a of
2 title 5, United States Code.”.

3 **TITLE XXXIV—NAVAL**
4 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AMOUNT.—There are hereby authorized to be ap-
7 propriated to the Secretary of Energy \$13,006,000 for fis-
8 cal year 2021 for the purpose of carrying out activities
9 under chapter 869 of title 10, United States Code, relating
10 to the naval petroleum reserves.

11 (b) PERIOD OF AVAILABILITY.—Funds appropriated
12 pursuant to the authorization of appropriations in sub-
13 section (a) shall remain available until expended.

14 **TITLE XXXV—MARITIME**
15 **MATTERS**

Subtitle A—Maritime Administration

Sec. 3501. Authorization of the Maritime Administration.

Sec. 3502. Improvements to process for waiving navigation and vessel-inspec-
tion laws and approving foreign vessel charters for passenger
vessels.

Sec. 3503. Superintendent of the United States Merchant Marine Academy.

Sec. 3504. Assistance for inland and small coastal ports and terminals.

Sec. 3505. Maritime transportation system emergency relief program.

Sec. 3506. Sea year cadets on cable security fleet and tanker security fleet ves-
sels.

Sec. 3507. Centers of excellence for domestic maritime workforce training and
education: technical amendments.

Sec. 3508. Merchant mariner training and education.

Sec. 3509. Publication of information about students and recent graduates of
Maritime Academies.

Sec. 3510. Mariner licensing and credentialing for M/V LISERON.

Subtitle B—Tanker Security Fleet

Sec. 3511. Tanker Security Fleet.

Subtitle C—Other Matters

Sec. 3521. Maritime security and domain awareness.

Sec. 3522. Sense of Congress regarding role of domestic maritime industry in national security.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) FISCAL YEAR 2021 AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2021, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$85,441,000, of which—

(A) \$79,941,000 shall be for Academy operations; and

(B) \$5,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$50,780,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2022, for the Student Incentive Program;

1 (B) \$6,000,000 shall remain available until
2 expended for direct payments to such acad-
3 emies;

4 (C) \$3,800,000 shall remain available until
5 expended for training ship fuel assistance;

6 (D) \$8,080,000 shall remain available until
7 expended for offsetting the costs of training
8 ship sharing. and

9 (E) \$30,500,000 shall remain available
10 until expended for maintenance and repair of
11 State maritime academy training vessels.

12 (3) For expenses necessary to support the Na-
13 tional Security Multi-Mission Vessel Program,
14 \$388,815,000, which shall remain available until ex-
15 pended.

16 (4) For expenses necessary to support Maritime
17 Administration operations and programs,
18 \$67,148,000, of which—

19 (A) \$3,000,000 shall remain available until
20 expended for activities authorized under section
21 50307 of title 46, United States Code; and

22 (B) \$9,775,000 shall remain available until
23 expended for the Marine Highways Program.

1 (5) For expenses necessary to dispose of vessels
2 in the National Defense Reserve Fleet, \$5,000,000,
3 which shall remain available until expended.

4 (6) For expenses necessary to maintain and
5 preserve a United States flag merchant marine to
6 serve the national security needs of the United
7 States under chapter 531 of title 46, United States
8 Code, \$494,008,000.

9 (7) For expenses necessary for the loan guar-
10 antee program authorized under chapter 537 of title
11 46, United States Code, \$33,000,000, of which—

12 (A) \$30,000,000 shall remain available
13 until expended for the cost (as defined in sec-
14 tion 502(5) of the Federal Credit Reform Act
15 of 1990 (2 U.S.C. 661a(5))) of loan guarantees
16 under the program; and

17 (B) \$3,000,000 may be used for adminis-
18 trative expenses relating to loan guarantee com-
19 mitments under the program.

20 (8) For expenses necessary to provide assist-
21 ance to small shipyards and for maritime training
22 programs under section 54101 of title 46, United
23 States Code, \$20,000,000, which shall remain avail-
24 able until expended.

1 (9) For expenses necessary to implement the
2 Port and Intermodal Improvement Program,
3 \$750,000,000, except that no such funds may be
4 used to provide a grant to purchase fully automated
5 cargo handling equipment that is remotely operated
6 or remotely monitored with or without the exercise
7 of human intervention or control, if the Secretary
8 determines such equipment would result in a net loss
9 of jobs within a port or port terminal.

10 (b) AMOUNT OF FISCAL YEAR 2021 CONTRACTOR
11 PAYMENTS UNDER OPERATING AGREEMENTS.—Section
12 53106(a)(1)(B) of title 46, United States Code, is amend-
13 ed by striking “\$5,233,463” and inserting “\$8,233,463”.

14 (c) CONFORMING AMENDMENT.—Title 46, United
15 States Code, is further amended—

16 (1) in section 53111(2), by striking
17 “\$314,007,780” and inserting “\$494,008,000”; and

18 (2) in section 54101(i), by striking “for each of
19 fiscal years 2020 and 2021 to carry out this section
20 \$40,000,000” and inserting “for fiscal year 2021 to
21 carry out this section \$20,000,000”.

1 **SEC. 3502. IMPROVEMENTS TO PROCESS FOR WAIVING**
2 **NAVIGATION AND VESSEL-INSPECTION LAWS**
3 **AND APPROVING FOREIGN VESSEL CHAR-**
4 **TERS FOR PASSENGER VESSELS.**

5 (a) IMPROVEMENTS TO WAIVER PROCESS.—

6 (1) IN GENERAL.—Section 501 of title 46,
7 United States Code, is amended—

8 (A) by striking subsection (a) and insert-
9 ing the following new subsection (a):

10 “(a) ON REQUEST OF SECRETARY OF DEFENSE.—

11 “(1) IN GENERAL.—On request of the Sec-
12 retary of Defense, the head of an agency responsible
13 for the administration of the navigation or vessel-in-
14 spection laws shall waive compliance with those laws
15 to the extent the Secretary considers necessary in
16 the interest of national defense to address an imme-
17 diate adverse effect on military operations.

18 “(2) SUBMITTAL OF EXPLANATION TO CON-
19 GRESS.—Not later than 24 hours after making a re-
20 quest under paragraph (1), the Secretary of Defense
21 shall submit to the Committee on Transportation
22 and Infrastructure and the Committee on Armed
23 Services of the House of Representatives and the
24 Committee on Commerce, Science, and Transpor-
25 tation and the Committee on Armed Services of the
26 Senate a written explanation of the circumstances

1 requiring such a waiver in the interest of national
2 defense, including a confirmation that there are in-
3 sufficient qualified vessels to meet the needs of na-
4 tional defense without such a waiver.”;

5 (B) in subsection (b)—

6 (i) by redesignating paragraphs (2)
7 and (3) as paragraphs (3) and (4), respec-
8 tively;

9 (ii) by inserting after paragraph (1)
10 the following new paragraph (2):

11 “(2) DURATION OF WAIVER.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), a waiver issued under this
14 subsection shall be for a period of not more
15 than 10 days.

16 “(B) WAIVER EXTENSION.—Upon the ter-
17 mination of the period of a waiver issued under
18 this subsection, the head of an agency may ex-
19 tend the waiver for an additional period of not
20 more than 10 days, if the Maritime Adminis-
21 trator makes the determinations referred to in
22 paragraph (1).

23 “(C) AGGREGATE DURATION.—The aggre-
24 gate duration of the period of all waivers and
25 extensions of waivers under this subsection with

1 respect to any one set of events shall not exceed
2 45 days.”; and

3 (iii) in paragraph (4), as so redesign-
4 nated—

5 (I) in subparagraph (B)(ii), by
6 striking “paragraph (2)(A)” and in-
7 serting “paragraph (3)(A)”;

8 (II) by adding at the end the fol-
9 lowing new subparagraph:

10 “(C) NOTIFICATION REQUIRED FOR EX-
11 TENSIONS.—For purposes of this paragraph, an
12 extension requested or issued under paragraph
13 (2)(B) shall be treated in the same manner as
14 a waiver requested or issued under this sub-
15 section.”;

16 (C) by redesignating subsection (c) as sub-
17 section (d); and

18 (D) by inserting after subsection (b) the
19 following new subsection:

20 “(c) REPORT.—

21 “(1) IN GENERAL.—Not later than 10 days
22 after the date of the conclusion of the voyage of a
23 vessel that, during such voyage, operated under a
24 waiver issued under this section, the owner or oper-

1 ator of the vessel shall submit to the Maritime Ad-
2 ministrator a report that includes—

3 “(A) the name and flag of the vessel;

4 “(B) the dates of the voyage;

5 “(C) any relevant ports of call; and

6 “(D) any other information the Maritime
7 Administrator determines necessary.

8 “(2) PUBLICATION.—Not later than 48 hours
9 after receiving a report under paragraph (1), the
10 Maritime Administrator shall publish such report on
11 an appropriate website of the Department of Trans-
12 portation.”.

13 (2) APPLICABILITY.—The amendments made
14 by paragraph (1) shall apply with respect to waivers
15 issued after the date of the enactment of this Act.

16 (b) FOREIGN VESSEL CHARTERS FOR PASSENGER
17 VESSELS.—For fiscal year 2020 and each subsequent fis-
18 cal year, the Maritime Administrator shall make publicly
19 available on an appropriate website of the Maritime Ad-
20 ministration—

21 (1) a detailed summary of each request for a
22 determination, approval, or confirmation that a ves-
23 sel charter for a passenger vessel is encompassed by
24 the general approval of time charters issued pursu-
25 ant to section 56101 of title 46, United States Code,

1 or regulations prescribed pursuant to such section;
2 and

3 (2) the final action of the Administration with
4 respect to such request, after the provision of notice
5 and opportunity for public comment.

6 **SEC. 3503. SUPERINTENDENT OF THE UNITED STATES MER-**
7 **CHANT MARINE ACADEMY.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, due to the unique mission of the United States
10 Merchant Marine Academy, it is highly desirable that the
11 Superintendent of the Academy be a graduate of the Acad-
12 emy in good standing and have attained an unlimited mer-
13 chant marine officer's license.

14 (b) QUALIFICATIONS OF SUPERINTENDENT.—Sec-
15 tion 51301(c)(2) of title 46, United States Code, is
16 amended—

17 (1) in subparagraph (A)(i), by inserting after
18 “attained” the following “the rank of Captain, Chief
19 Mate, or Chief Engineer in the merchant marine of
20 the United States, or”; and

21 (2) in subparagraphs (B)(i)(I) and (C)(i), by
22 inserting “merchant marine,” before “Navy,”.

1 **SEC. 3504. ASSISTANCE FOR INLAND AND SMALL COASTAL**
2 **PORTS AND TERMINALS.**

3 Section 50302 of title 46, United States Code, is
4 amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “or subsection (d)”
9 after “this subsection”; and

10 (ii) in subparagraph (G), by inserting
11 “, including the owners or operators of a
12 facility, or collection of facilities at a port”
13 after “private entities”;

14 (B) in paragraph (5)—

15 (i) in subparagraph (A), by inserting
16 “or subsection (d)” after “this subsection”;

17 (ii) in subparagraph (B)—

18 (I) by striking “60” and insert-
19 ing “90”; and

20 (II) by inserting “or subsection
21 (d)” after “this subsection”;

22 (C) in paragraph (6), by striking subpara-
23 graph (C);

24 (D) in paragraph (7)—

25 (i) in subparagraph (B)—

1 (I) by striking “25 percent” and
2 inserting “18 percent”; and

3 (II) by striking “paragraph
4 (3)(A)” and all that follows through
5 the period at the end of clause (ii)
6 and inserting “subsection (d). The re-
7 quirement under paragraph (6)(A)(ii)
8 shall not apply to grants made under
9 subsection (d).”; and

10 (ii) by striking subparagraph (C) and
11 inserting the following:

12 “(C) DEVELOPMENT PHASE ACTIVITIES.—
13 Of the amounts made available for grants under
14 this section for a fiscal year—

15 “(i) not more than 10 percent may be
16 used to make grants for development phase
17 activities under paragraph (3)(B); and

18 “(ii) not more than 10 percent may be
19 used to make grants for development phase
20 activities under subsection
21 (d)(3)(A)(ii)(III).”; and

22 (E) in paragraph (8)—

23 (i) in subparagraph (A)—

1 (I) by inserting “or subsection
2 (d)” after “this subsection” the first
3 place it appears; and

4 (II) by striking “a project under
5 this subsection” and inserting “the
6 project for which the grant is re-
7 quested”;

8 (ii) in subparagraph (B)—

9 (I) in clause (i) by striking
10 “under this subsection” and inserting
11 “under this subsection or subsection
12 (d)”; and

13 (II) in clause (ii) by inserting
14 “for which a grant is awarded under
15 subsection (d) or that is” after
16 “project”; and

17 (F) in paragraph (9), by inserting “for
18 grants made under this subsection and sub-
19 section (d)” after “procedures”;

20 (G) in paragraph (10), by inserting “or
21 subsection (d)” after “this subsection”;

22 (H) in paragraph (11)—

23 (i) in subparagraph (A)—

24 (I) by striking “under this sub-
25 section” and inserting “to make

1 grants for port development under
2 this section”; and

3 (II) by striking “to carry out this
4 subsection” and inserting “to make
5 grants for port development under
6 this section”;

7 (ii) in subparagraph (B)—

8 (I) in clause (i), by striking “for
9 carrying out this subsection” and in-
10 serting “to make grants for port de-
11 velopment under this section”; and

12 (II) in clause (ii)—

13 (aa) by striking “under this
14 subsection” and inserting “for
15 port development under this sec-
16 tion”;

17 (bb) by inserting “or that
18 are returned under paragraph
19 (9)(C)” after “the award”; and

20 (cc) by adding at the end
21 the following new sentence: “Any
22 such amount may only be ex-
23 pended to award a grant under
24 the same subsection of this sec-

1 tion under which the original
2 grant was made.”; and

3 (I) in paragraph (12)—

4 (i) by inserting “and subsection (d)”
5 after “this subsection”; and

6 (ii) by striking subparagraph (A) and
7 redesignating subparagraphs (B) through
8 (D) as subparagraphs (A) through (C), re-
9 spectively;

10 (2) by redesignating subsection (d) as sub-
11 section (e);

12 (3) by inserting after subsection (c) the fol-
13 lowing new subsection (d):

14 “(d) ASSISTANCE FOR SMALL INLAND AND COASTAL
15 PORTS AND TERMINALS.—

16 “(1) IN GENERAL.—From amounts reserved
17 under subsection (c)(7)(B), the Secretary, acting
18 through the Administrator of the Maritime Adminis-
19 tration, shall make grants under this subsection to
20 eligible applicants for eligible projects at a port, to
21 and from which the average annual tonnage of cargo
22 for the immediately preceding 3 calendar years from
23 the time an application is submitted is less than
24 8,000,000 short tons, as determined using United
25 States Army Corps of Engineers data or data pro-

1 vided by an independent audit the findings of which
2 are acceptable to the Secretary.

3 “(2) AWARDS.—In providing assistance under
4 this subsection, the Secretary shall—

5 “(A) take into account—

6 “(i) the economic advantage and the
7 contribution to freight transportation at a
8 port; and

9 “(ii) the competitive disadvantage of
10 such a port;

11 “(B) not make more than 1 award per ap-
12 plicant under this subsection for each fiscal
13 year appropriation; and

14 “(C) take into consideration the degree to
15 which a project would promote the enhancement
16 and efficiencies of a port.

17 “(3) USE OF FUNDS.—

18 “(A) IN GENERAL.—Assistance provided
19 under this subsection may be used for a project
20 that—

21 “(i) is—

22 “(I) within the boundary of a
23 port; or

24 “(II) outside the boundary of a
25 port, but is directly related to port op-

1 erations or to an intermodal connec-
2 tion to a port; and

3 “(ii) for—

4 “(I) making capital improve-
5 ments, including to piers, wharves,
6 docks, terminals, and similar struc-
7 tures used principally for the move-
8 ment of goods;

9 “(II) acquiring, improving, re-
10 pairing, or maintaining transportation
11 or physical infrastructure, buildings,
12 or equipment;

13 “(III) performing development
14 phase activities described in sub-
15 section (c)(3)(B) related to carrying
16 out an activity described in this
17 clause; and

18 “(IV) otherwise fulfilling the pur-
19 poses for which such assistance is pro-
20 vided.

21 “(B) ACQUISITION METHODS.—The Sec-
22 retary may not require as a condition of issuing
23 a grant under this subsection—

1 “(i) direct ownership of either a facil-
2 ity or equipment to be procured using
3 funds awarded under this subsection; or

4 “(ii) that equipment procured using
5 such funds be new.

6 “(4) PROHIBITED USES.—Funds provided
7 under this subsection may not be used for—

8 “(A) projects conducted on property out-
9 side the boundary of a port unless such prop-
10 erty is directly related to port operations or to
11 an intermodal connection to a port;

12 “(B) any single grant award more than 10
13 percent of total allocation of funds to carry out
14 this subsection per fiscal year appropriation; or

15 “(C) activities, including channel improve-
16 ments or harbor deepening that is part of a
17 Federal channel or an access channel associated
18 with a Federal channel, authorized, as of the
19 date of the application for assistance under this
20 subsection, to be carried out by of the United
21 States Army Corps of Engineers.

22 “(5) MATCHING REQUIREMENTS.—

23 “(A) IN GENERAL.—Any costs of the
24 project to be paid by the recipient’s matching
25 share pursuant to subsection (c)(8)(B) may—

1 “(i) be incurred prior to the date on
2 which assistance is provided; and

3 “(ii) include a loan agreement, a com-
4 mitment from investors, cash on balance
5 sheet, or other contributions determined
6 acceptable by the Secretary.

7 “(B) DETERMINATION OF EFFECTIVE-
8 NESS.—In determining whether a project meets
9 the criteria under clauses (i), (iii), (iv), (v), and
10 (vi) of subsection (c)(6)(A), the Secretary shall
11 accept documentation used to obtain a commit-
12 ment of the matching funds covered by this
13 paragraph, including feasibility studies, busi-
14 ness plans, investor prospectuses, loan applica-
15 tions, or similar documentation.”; and
16 (4) in subsection (e)(3), as so redesignated—

17 (A) by inserting “or subsection (d)” after
18 “subsection (c)”; and

19 (B) by striking “to port authorities or
20 commissions or their subdivisions and agents”
21 and inserting “to any eligible applicants as de-
22 scribed in subsection (c)(2)”.

1 **SEC. 3505. MARITIME TRANSPORTATION SYSTEM EMER-**
2 **GENCY RELIEF PROGRAM.**

3 (a) IN GENERAL.—Chapter 503 of title 46, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 50308. Maritime transportation system emergency**
7 **relief program**

8 “(a) GENERAL AUTHORITY.—The Maritime Admin-
9 istrator may make grants to, and enter into contracts and
10 agreement with, eligible State and Tribal entities and eli-
11 gible entities for—

12 “(1) the costs of capital projects to protect, re-
13 pair, reconstruct, or replace equipment and facilities
14 of the United States maritime transportation system
15 that the Maritime Administrator determines is in
16 danger of suffering serious physical damage, or has
17 suffered serious physical damage, as a result of an
18 emergency; and

19 “(2) eligible operating costs of United States
20 maritime transportation equipment and facilities in
21 an area directly affected by an emergency during—

22 “(A) the one-year period beginning on the
23 date of a declaration of an emergency referred
24 to in subparagraph (A) or (B) of subsection
25 (j)(4); and

1 “(B) an additional one-year period begin-
2 ning one year after the date of an emergency
3 referred to in subparagraph (A) or (B) of sub-
4 section (j)(4), if the Maritime Administrator, in
5 consultation with the Administrator of the Fed-
6 eral Emergency Management Administration,
7 determines there is a compelling need arising
8 out of the emergency for which the declaration
9 is made.

10 “(b) ALLOCATION.—

11 “(1) IN GENERAL.—The Maritime Adminis-
12 trator shall determine an appropriate method for the
13 equitable allocation and distribution of funds under
14 this section to eligible State and Tribal entities and
15 eligible entities.

16 “(2) PRIORITY.—To the extent practicable, in
17 allocating and distributing funds under this section,
18 the Maritime Administrator shall give priority to ap-
19 plications submitted by eligible State or Tribal enti-
20 ties.

21 “(c) APPLICATIONS.—An applicant for assistance
22 under this section shall submit an application for such as-
23 sistance to the Maritime Administrator at such time, in
24 such manner, and containing such information and assur-
25 ances as the Maritime Administrator may require.

1 “(d) COORDINATION OF EMERGENCY FUNDS.—

2 “(1) USE OF FUNDS.—Funds appropriated to
3 carry out this section shall be in addition to any
4 other funds available under this chapter.

5 “(2) NO EFFECT ON OTHER GOVERNMENT AC-
6 TIVITY.—The provision of funds under this section
7 shall not affect the ability of any other agency of the
8 Government, including the Federal Emergency Man-
9 agement Agency, or a State agency, a local govern-
10 mental entity, organization, or person, to provide
11 any other funds otherwise authorized by law.

12 “(e) GRANT REQUIREMENTS.—A grant awarded
13 under this section that is made to address an emergency
14 referred to in subsection (j)(4)(B) shall be—

15 “(1) subject to the terms and conditions the
16 Maritime Administrator determines are necessary;

17 “(2) made only for expenses that are not reim-
18 bursed under the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C. 5121 et
20 seq.) or any Federal, State, or local assistance pro-
21 gram; and

22 “(3) made only for expenses that are not reim-
23 bursed under any type of marine insurance.

1 “(f) FEDERAL SHARE OF COSTS.—The Federal
2 share payable of the costs for which a grant is made under
3 this section shall be 100 percent.

4 “(g) ADMINISTRATIVE COSTS.—Of the amounts
5 available to carry out this section, not more than two per-
6 cent may be used for administration of this section.

7 “(h) QUALITY ASSURANCE.—The Maritime Adminis-
8 trator shall institute adequate policies, procedures, and in-
9 ternal controls to prevent waste, fraud, abuse, and pro-
10 gram mismanagement for the distribution of funds under
11 this section.

12 “(i) REPORTS.—On an annual basis, the Maritime
13 Administrator shall submit to the Committee on Com-
14 merce, Science, and Transportation of the Senate and the
15 Committee on Transportation and Infrastructure of the
16 House of Representatives a report on the financial assist-
17 ance provided under this section during the year covered
18 by the report. Each such report shall include, for such
19 year, a description of such assistance provided and of how
20 such assistance—

21 “(1) affected the United States maritime trans-
22 portation system;

23 “(2) mitigated the financial impact of the emer-
24 gency on the recipient of the assistance; and

1 “(3) protected critical infrastructure in the
2 United States.

3 “(j) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE STATE OR TRIBAL ENTITY.—
5 The term ‘eligible State or Tribal entity’ means—

6 “(A) a port authority; or

7 “(B) a vessel owned and operated by a
8 State or Tribal government and facilities associ-
9 ated with the operation of such vessel.

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means a public or private entity that is created
12 or organized in the United States or under the laws
13 of the United States, with significant operations in
14 and a majority of its employees based in the United
15 States, that is engaged in—

16 “(A) vessel construction, transportation by
17 water, or support activities for transportation
18 by water with an assigned North American In-
19 dustry Classification System code beginning
20 with 3366, 483, 4883, or 6113, or in the case
21 of such construction, transportation, or support
22 activities conducted by a fish processing vessel,
23 such an assigned code beginning with 3117; or

24 “(B) as determined by the Secretary of
25 Transportation—

1 “(i) construction or water transpor-
2 tation related to activities described in sub-
3 paragraph (A); or

4 “(ii) maritime education and training.

5 “(3) ELIGIBLE OPERATING COSTS.—The term
6 ‘eligible operating costs’ means costs relating to—

7 “(A) emergency response;

8 “(B) cleaning;

9 “(C) sanitization;

10 “(D) janitorial services;

11 “(E) staffing;

12 “(F) workforce retention;

13 “(G) paid leave;

14 “(H) procurement and use of protective
15 health equipment, testing, and training for em-
16 ployees and contractors;

17 “(I) debt service payments;

18 “(J) infrastructure repair projects;

19 “(K) fuel; and

20 “(L) other maritime transportation system
21 operations, as determined by the Secretary of
22 Transportation;

23 “(4) EMERGENCY.—The term ‘emergency’
24 means a natural disaster affecting a wide area (such
25 as a flood, hurricane, tidal wave, earthquake, severe

1 storm, or landslide) or a catastrophic failure from
2 any external cause, that impacts the United States
3 maritime transportation system and as a result of
4 which—

5 “(A) the Governor of a State has declared
6 an emergency and the Maritime Administrator,
7 in consultation with the Administrator of the
8 Federal Emergency Management Administra-
9 tion, has concurred in the declaration;

10 “(B) the President has declared a major
11 disaster under section 401 of the Robert T.
12 Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5170);

14 “(C) national emergency declared by the
15 President under the National Emergencies Act
16 (50 U.S.C. 1601 et seq.) is in effect; or

17 “(D) a public health emergency declared
18 pursuant to section 319 of the Public Health
19 Service Act (42 U.S.C. 247d) is in effect.”.

20 (b) CLERICAL AMENDMENT.—The analysis for such
21 chapter is amended by adding at the end the following:

“50308. Port development; maritime transportation system emergency relief
program.”.

22 (c) INCLUSION OF COVID–19 PANDEMIC PUBLIC
23 HEALTH EMERGENCY.—For purposes of section 50308 of
24 title 46, United States Code, as added by subsection (a),

1 the public health emergency declared pursuant to section
2 319 of the Public Health Service Act (42 U.S.C. 247d)
3 resulting from the COVID–19 pandemic shall be treated
4 as an emergency.

5 **SEC. 3506. SEA YEAR CADETS ON CABLE SECURITY FLEET**
6 **AND TANKER SECURITY FLEET VESSELS.**

7 Section 51307 of title 46, United States Code, is
8 amended by striking subsection (b) and inserting the fol-
9 lowing:

10 “(b) SEA YEAR CADETS ON CABLE SECURITY FLEET
11 AND TANKER SECURITY FLEET VESSELS.—The Sec-
12 retary shall require an operator of a vessel participating
13 in the Maritime Security Program under chapter 531 of
14 this title, the Cable Security Fleet under chapter 532 of
15 this title, or the Tanker Security Fleet under chapter 534
16 of this title to carry on each Maritime Security Program
17 vessel, Cable Security Fleet vessel, or Tanker Security
18 Fleet vessel 2 United States Merchant Marine Academy
19 cadets, if available, on each voyage.”.

20 **SEC. 3507. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
21 **TIME WORKFORCE TRAINING AND EDU-**
22 **CATION: TECHNICAL AMENDMENTS.**

23 (a) REDESIGNATION AND TRANSFER OF SECTION.—
24 Section 54102 of title 46, United States Code, is redesign-

1 nated as section 51706 of such title and transferred to
2 appear after section 51705 of such title.

3 (b) CLERICAL AMENDMENTS.—Title 46, United
4 States Code, is amended—

5 (1) in the analysis for chapter 541, by striking
6 the item relating to section 54102; and

7 (2) in the analysis for chapter 517, by striking
8 the item relating to section 51705 and inserting the
9 following:

“51705. Training for use of force against piracy.

“51706. Center of excellence for domestic maritime workforce training and education.”.

10 **SEC. 3508. MERCHANT MARINER TRAINING AND EDU-**
11 **CATION.**

12 (a) IN GENERAL.—Chapter 517 of title 46, United
13 States Code, as amended by this Act, is further amended
14 by adding at the end the following:

15 **“§ 51707. Merchant mariner recruitment, training,**
16 **and retention strategic plan**

17 **“(a) STRATEGIC PLAN.—**

18 **“(1) IN GENERAL.—**Not later than one year
19 after the date of the enactment of this section, and
20 at least once every five years thereafter until the ter-
21 mination date under paragraph (6), the Secretary of
22 Transportation, acting through the Administrator of
23 the Maritime Administration, shall publish in the
24 Federal Register a plan to recruit, train, and retain

1 merchant mariners for the five-year period following
2 the date of publication of the most recently pub-
3 lished plan under this paragraph.

4 “(2) CONTENTS.—A plan published under para-
5 graph (1) shall contain—

6 “(A) a strategy to address merchant mar-
7 iner recruitment, training, and retention issues
8 in the United States; and

9 “(B) demonstration and research priorities
10 concerning merchant mariner recruitment,
11 training, and retention.

12 “(3) FACTORS.—In developing a plan under
13 paragraph (1), the Secretary shall take into account,
14 at a minimum—

15 “(A) the availability of existing research
16 (as of the date of publication of the plan); and

17 “(B) the need to ensure results that have
18 broad applicability for the United States mer-
19 chant marine workforce development.

20 “(4) CONSULTATION.—In developing a plan
21 under paragraph (1), the Secretary shall consult
22 with representatives of the maritime industry, labor
23 organizations, including the Commander of the
24 Transportation Command and the Commander of
25 the Military Sealift Command, and other govern-

1 mental entities and stakeholders in the maritime in-
2 dustry.

3 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
4 retary shall transmit copies of any plan published
5 under paragraph (1) to the Committee on Transpor-
6 tation and Infrastructure of the House of Represent-
7 atives and the Committee on Commerce, Science,
8 and Transportation of the Senate.

9 “(6) TERMINATION DATE.—The requirement to
10 publish a plan under this paragraph shall terminate
11 on the date that the Administrator of the Maritime
12 Administration determines that there is an adequate
13 number of United States mariners for sustained
14 strategic sealift.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 such chapter is amended by adding at the end the fol-
17 lowing:

 “51707. Merchant mariner recruitment, training, and retention strategic plan.”.

18 (c) STUDY AND REPORT ON FINANCIAL ASSISTANCE
19 FOR TRAINING MERCHANT MARINERS.—

20 (1) STUDY REQUIRED.—The Administrator of
21 the Maritime Administration, in coordination with
22 the Secretary of Education, the Secretary of Labor,
23 and the Secretary of Veterans Affairs, shall conduct
24 a study to—

1 (A) identify Federal financial assistance
2 available for the training of United States mer-
3 chant mariners, including those working to re-
4 ceive a Standards of Training, Certification and
5 Watchkeeping endorsement under subchapter B
6 of chapter 1 of title 46, Code of Federal Regu-
7 lations;

8 (B) identify individuals eligible for assist-
9 ance described in subparagraph (A); and

10 (C) develop recommendations to improve
11 licensed and unlicensed merchant mariner ac-
12 cess to assistance described in subparagraph
13 (A).

14 (2) REPORT AND BRIEFING.—Not later than
15 180 days after the date of the enactment of this Act,
16 the Administrator of the Maritime Administration
17 shall—

18 (A) provide to Committee on Transpor-
19 tation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a
22 briefing on the results of the study required
23 under paragraph (1); and

24 (B) make such results publicly available on
25 an appropriate website.

1 **SEC. 3509. PUBLICATION OF INFORMATION ABOUT STU-**
2 **DENTS AND RECENT GRADUATES OF MARI-**
3 **TIME ACADEMIES.**

4 Not later than one year after the date of the enact-
5 ment of this Act, the Maritime Administrator shall make
6 publicly available on an appropriate website data, as avail-
7 able, on the following:

8 (1) The number of individuals who graduated
9 from the United States Merchant Marine Academy
10 and from each State Maritime Academy during the
11 five-year period preceding the date of the enactment
12 of this Act.

13 (2) The number of such individuals who have
14 become employed in, or whose status qualifies under,
15 each of the following categories:

16 (A) Maritime Afloat.

17 (B) Maritime Ashore.

18 (C) Armed Forces of the United States.

19 (D) Non-maritime.

20 (E) Graduate studies.

21 (F) Unknown.

22 (3) The number of students in each class at
23 each State Maritime Academy who are receiving as
24 of the date of the enactment of this Act, or who re-
25 ceived during such five-year period, funds under the

1 student incentive payment program under section
2 51509 of title 46, United States Code.

3 (4) The number of students described under
4 paragraph (3) who used partial student incentive
5 payments and who graduated without an obligation
6 under such program.

7 (5) The number of students described under
8 paragraph (3) who graduated with an obligation
9 under such program.

10 **SEC. 3510. MARINER LICENSING AND CREDENTIALING FOR**
11 **M/V LISERON.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b) and subject to subsection (c), for purposes of licensing
14 and credentialing of mariners, the Secretary of Homeland
15 Security shall prescribe a tonnage measurement as a small
16 passenger vessel, as defined in section 2101 of title 46,
17 United States Code, for the M/V LISERON (United
18 States official number 971339) for purposes of applying
19 the optional regulatory measurement under section 14305
20 and under chapter 145 of such title.

21 (b) EXCEPTION.—Subsection (a) shall not apply with
22 respect to the vessel referred to in such subsection if the
23 length of the vessel exceeds its length on the date of enact-
24 ment of this Act.

1 (c) RESTRICTIONS.—The vessel referred to in sub-
2 section (a) is subject to the following restrictions:

3 (1) The vessel may not operate outside the in-
4 land waters of the United States, as established
5 under section 151 of title 33, United States Code,
6 when carrying passengers for hire and operating
7 under subsection (a).

8 (2) The Secretary may issue a restricted cre-
9 dential as appropriate for a licensed individual em-
10 ployed to serve on such vessel under prescribed regu-
11 lations.

12 **Subtitle B—Tanker Security Fleet**

13 **SEC. 3511. TANKER SECURITY FLEET.**

14 (a) IN GENERAL.—Part C of subtitle V of title 46,
15 United States Code, is amended by inserting after chapter
16 533 the following new chapter:

17 **“CHAPTER 534—TANKER SECURITY FLEET**

“53401. Definitions.

“53402. Establishment of the Tanker Security Fleet.

“53403. Award of operating agreements.

“53404. Effectiveness of operating agreements.

“53405. Obligations and rights under operating agreements.

“53406. Payments.

“53407. National security requirements.

“53408. Regulatory relief.

“53409. Special rule regarding age of participating Fleet vessels.

“53410. Regulations.

“53411. Authorization of appropriations.

“53412. Acquisition of Fleet vessels.

18 **“§ 53401. Definitions**

19 “In this chapter:

1 “(1) FOREIGN COMMERCE.—The term ‘foreign
2 commerce’ means—

3 “(A) commerce or trade between the
4 United States, its territories or possessions, or
5 the District of Columbia, and a foreign country;
6 and

7 “(B) commerce or trade between foreign
8 countries.

9 “(2) PARTICIPATING FLEET VESSEL.—The
10 term ‘participating Fleet vessel’ means any product
11 tank vessel covered by an operating agreement under
12 this chapter on or after January 1, 2022, that—

13 “(A) meets the requirements of one of
14 paragraphs (1) through (4) of section 53402(b)
15 of this title; and

16 “(B) is no more than 20 years of age.

17 “(3) PERSON.—The term ‘person’ includes cor-
18 porations, partnerships, and associations existing
19 under, or authorized by, laws of the United States,
20 or any State, territory, district, or possession there-
21 of, or any foreign country.

22 “(4) PRODUCT TANK VESSEL.—The term ‘prod-
23 uct tank vessel’ means a double-hulled tank vessel
24 capable of carrying simultaneously more than 2 sep-
25 arated grades of refined petroleum products.

1 “(5) PROGRAM PARTICIPANT.—The term ‘pro-
2 gram participant’ means an owner or operator of a
3 vessel that enters into an operating agreement cov-
4 ering a participating fleet vessel with the Secretary
5 under section 53403.

6 “(6) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of Transportation, unless the context
8 indicates otherwise.

9 “(7) UNITED STATES CITIZEN TRUST.—The
10 term ‘United States citizen trust’—

11 “(A) means a trust for which—

12 “(i) each of the trustees is a citizen of
13 the United States; and

14 “(ii) the application for documenta-
15 tion of the vessel under chapter 121 of this
16 title includes an affidavit of each trustee
17 stating that the trustee is not aware of any
18 reason involving a beneficiary of the trust
19 that is not a citizen of the United States,
20 or involving any other person who is not a
21 citizen of the United States, as a result of
22 which the beneficiary or other person
23 would hold more than 25 percent of the
24 aggregate power to influence or limit the
25 exercise of the authority of the trustee with

1 respect to matters involving any ownership
2 or operation of the vessel that may ad-
3 versely affect the interests of the United
4 States;

5 “(B) does not include a trust for which
6 any person that is not a citizen of the United
7 States has authority to direct, or participate in
8 directing, a trustee for a trust in matters in-
9 volving any ownership or operation of the vessel
10 that may adversely affect the interests of the
11 United States or in removing a trustee without
12 cause, either directly or indirectly through the
13 control of another person, unless the trust in-
14 strument provides that persons who are not citi-
15 zens of the United States may not hold more
16 than 25 percent of the aggregate authority to
17 so direct or remove a trustee; and

18 “(C) may include a trust for which a per-
19 son who is not a citizen of the United States
20 holds more than 25 percent of the beneficial in-
21 terest in the trust.

22 **“§ 53402. Establishment of the Tanker Security Fleet**

23 “(a) IN GENERAL.—The Secretary of Transpor-
24 tation, in consultation with the Secretary of Defense, shall
25 establish a fleet of active, commercially viable, militarily

1 useful, privately owned product tank vessels to meet na-
2 tional defense and other security requirements and main-
3 tain a United States presence in international commercial
4 shipping. The fleet shall consist of privately owned vessels
5 of the United States for which there are in effect operating
6 agreements under this chapter, and shall be known as the
7 ‘Tanker Security Fleet’ (hereafter in this chapter referred
8 to as the ‘Fleet’).

9 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
10 included in the Fleet if the vessel—

11 “(1) meets the requirements under paragraph
12 (1), (2), (3), or (4) of subsection (c);

13 “(2) is operated (or in the case of a vessel to
14 be constructed, will be operated) in providing trans-
15 portation in United States foreign commerce;

16 “(3) is self-propelled;

17 “(4) is not more than 10 years of age on the
18 date the vessel is first included in the Fleet;

19 “(5) is determined by the Secretary of Defense
20 to be suitable for use by the United States for na-
21 tional defense or military purposes in time of war or
22 national emergency;

23 “(6) is commercially viable, as determined by
24 the Secretary of Transportation; and

25 “(7) is—

1 “(A) a vessel of the United States; or

2 “(B) not a vessel of the United States,

3 but—

4 “(i) the owner of the vessel has dem-

5 onstrated an intent to have the vessel doc-

6 umented under chapter 121 of this title if

7 it is included in the Fleet; and

8 “(ii) at the time an operating agree-

9 ment is entered into under this chapter,

10 the vessel is eligible for documentation

11 under chapter 121 of this title.

12 “(c) REQUIREMENTS REGARDING CITIZENSHIP OF

13 OWNERS, CHARTERERS, AND OPERATORS.—

14 “(1) VESSELS OWNED AND OPERATED BY SEC-

15 TION 50501 CITIZENS.—A vessel meets the require-

16 ments of this paragraph if, during the period of an

17 operating agreement under this chapter that applies

18 to the vessel, the vessel will be owned and operated

19 by one or more persons that are citizens of the

20 United States under section 50501 of this title.

21 “(2) VESSELS OWNED BY A SECTION 50501 CIT-

22 IZEN, OR UNITED STATES CITIZEN TRUST, AND

23 CHARTERED TO A DOCUMENTATION CITIZEN.—A

24 vessel meets the requirements of this paragraph if—

1 “(A) during the period of an operating
2 agreement under this chapter that applies to
3 the vessel, the vessel will be—

4 “(i) owned by a person that is a cit-
5 izen of the United States under section
6 50501 of this title or that is a United
7 States citizen trust; and

8 “(ii) demise chartered to a person—

9 “(I) that is eligible to document
10 the vessel under chapter 121 of this
11 title;

12 “(II) the chairman of the board
13 of directors, chief executive officer,
14 and a majority of the members of the
15 board of directors of which are citi-
16 zens of the United States under sec-
17 tion 50501 of this title, and are ap-
18 pointed and subjected to removal only
19 upon approval by the Secretary of
20 Transportation; and

21 “(III) that certifies to the Sec-
22 retary of Transportation that there
23 are no treaties, statutes, regulations,
24 or other laws that would prohibit the
25 program participant for the vessel

1 from performing its obligations under
2 an operating agreement under this
3 chapter;

4 “(B) in the case of a vessel that will be de-
5 mise chartered to a person that is owned or
6 controlled by another person that is not a cit-
7 izen of the United States under section 50501
8 of this title, the other person enters into an
9 agreement with the Secretary of Transportation
10 not to influence the operation of the vessel in
11 a manner that will adversely affect the interests
12 of the United States; and

13 “(C) the Secretary of Transportation and
14 the Secretary of Defense notify the Committee
15 on Armed Services and the Committee on Com-
16 merce, Science, and Transportation of the Sen-
17 ate and the Committee on Armed Services and
18 the Committee on Transportation and Infra-
19 structure of the House of Representatives that
20 the Secretaries concur with the certification re-
21 quired under subparagraph (A)(ii)(III), and
22 have reviewed and agree that there are no legal,
23 operational, or other impediments that would
24 prohibit the owner or operator for the vessel

1 from performing its obligations under an oper-
2 ating agreement under this chapter.

3 “(3) VESSELS OWNED AND OPERATED BY A DE-
4 FENSE CONTRACTOR.—A vessel meets the require-
5 ments of this paragraph if—

6 “(A) during the period of an operating
7 agreement under this chapter that applies to
8 the vessel, the vessel will be owned and oper-
9 ated by a person that—

10 “(i) is eligible to document a vessel
11 under chapter 121 of this title;

12 “(ii) operates or manages other ves-
13 sels of the United States for the Secretary
14 of Defense, or charters other vessels to the
15 Secretary of Defense;

16 “(iii) has entered into a special secu-
17 rity agreement for the purpose of this
18 paragraph with the Secretary of Defense;

19 “(iv) makes the certification described
20 in paragraph (2)(A)(ii)(III); and

21 “(v) in the case of a vessel described
22 in paragraph (2)(B), enters into an agree-
23 ment referred to in that paragraph; and

24 “(B) the Secretary of Transportation and
25 the Secretary of Defense notify the Committee

1 on Armed Services and the Committee on Com-
2 merce, Science, and Transportation of the Sen-
3 ate and the Committee on Armed Services and
4 the Committee on Transportation and Infra-
5 structure of the House of Representatives that
6 they concur with the certification required
7 under subparagraph (A)(iv), and have reviewed
8 and agree that there are no legal, operational,
9 or other impediments that would prohibit the
10 program participant for the vessel from per-
11 forming its obligations under an operating
12 agreement under this chapter.

13 “(4) VESSELS OWNED BY DOCUMENTATION
14 CITIZENS AND CHARTERED TO SECTION 50501 CITI-
15 ZENS.—A vessel meets the requirements of this
16 paragraph if, during the period of an operating
17 agreement under this chapter, the vessel will be—

18 “(A) owned by a person who is eligible to
19 document a vessel under chapter 121 of this
20 title; and

21 “(B) demise chartered to a person that is
22 a citizen of the United States under section
23 50501 of this title.

24 “(d) REQUEST BY SECRETARY OF DEFENSE.—The
25 Secretary of Defense shall request that the Secretary of

1 Homeland Security issue any waiver under section 501 of
2 this title that the Secretary of Defense determines is nec-
3 essary for purposes of this chapter.

4 “(e) VESSEL STANDARDS.—

5 “(1) CERTIFICATE OF INSPECTION.—A vessel
6 used to provide oceangoing transportation the Sec-
7 retary of the department in which the Coast Guard
8 is operating determines meets the criteria of sub-
9 section (b) but which, on the date of enactment of
10 this section, is not documented under chapter 121,
11 shall be eligible for a certificate of inspection if the
12 Secretary of the department in which the Coast
13 Guard is operating determines that—

14 “(A) the vessel is classed by and designed
15 in accordance with the rules of the American
16 Bureau of Shipping, or another classification
17 society accepted by the Commandant of the
18 Coast Guard;

19 “(B) the vessel complies with applicable
20 international agreements and associated guide-
21 lines, as determined by the country in which the
22 vessel was documented immediately before be-
23 coming documented under chapter 121 of this
24 title; and

1 “(C) the country has not been identified by
2 the Commandant of the Coast Guard as inad-
3 equately enforcing international vessel regula-
4 tions as to that vessel.

5 “(2) CONTINUED ELIGIBILITY FOR CERTIFI-
6 CATE.—Subsection (a) shall not apply to any vessel
7 that has failed to comply with the applicable inter-
8 national agreements and associated guidelines re-
9 ferred to in paragraph (1)(B).

10 “(3) RELIANCE ON CLASSIFICATION SOCIETY.—

11 “(A) IN GENERAL.—The Commandant of
12 the Coast Guard may rely on a certification
13 from the American Bureau of Shipping or, sub-
14 ject to subparagraph (B), another classification
15 society accepted by the Commandant of the
16 Coast Guard, to establish that a vessel is in
17 compliance with the requirements of paragraph
18 (1).

19 “(B) FOREIGN CLASSIFICATION SOCI-
20 ETY.—The Commandant of the Coast Guard
21 may accept certification from a foreign classi-
22 fication society under subparagraph (A) only—

23 “(i) to the extent that the government
24 of the foreign country in which the society
25 is headquartered provides access on a re-

1 reciprocal basis to the American Bureau of
2 Shipping; and
3 “(ii) if the foreign classification soci-
4 ety has offices and maintains records in
5 the United States.

6 **“§ 53403. Award of operating agreements**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall require, as a condition of including any vessel in the
9 Fleet, that the program participant of the vessel enter into
10 an operating agreement with the Secretary under this sec-
11 tion.

12 “(b) PROCEDURE FOR APPLICATIONS.—

13 “(1) ELIGIBLE VESSELS.—The Secretary of
14 Transportation shall accept an application for an op-
15 erating agreement for an eligible product tank vessel
16 under the priority under paragraph (2) only from a
17 person that has authority to enter into an operating
18 agreement under this chapter.

19 “(2) ESTABLISHMENT OF PRIORITY.—The Sec-
20 retary of Transportation may enter into a new oper-
21 ating agreement with an applicant that meets the re-
22 quirements of section 53402(c) for a vessel that
23 meets the qualifications of section 53402(b), and
24 shall give priority to applications based on—

1 “(A) vessel capabilities, as established by
2 the Secretary of Defense; then

3 “(B) after consideration of vessel type, ac-
4 cording to an applicant’s record of owning and
5 operating vessels; then

6 “(C) after consideration of ownership and
7 operation, according to such additional prior-
8 ities as the Secretary of Transportation may
9 consider appropriate.

10 “(3) CONCURRENCE OF AWARD.—The Sec-
11 retary of Transportation may not approve an appli-
12 cation for an operating agreement without the con-
13 currence of the Secretary of Defense.

14 “(c) LIMITATION.—For any fiscal year, the Secretary
15 of Transportation may not award operating agreements
16 under this chapter that require payments under section
17 53406 of this title for more than 10 vessels.

18 “(d) JUDICIAL REVIEW.—No court shall have juris-
19 diction to review the Secretary’s decision with respect to
20 the award or non-award of an operating agreement issued
21 under this chapter.

22 **“§ 53404. Effectiveness of operating agreements**

23 “(a) IN GENERAL.—Subject to the availability of ap-
24 propriations for such purpose, the Secretary may enter
25 into an operating agreement under this chapter for fiscal

1 year 2022 and any subsequent fiscal year. The agreement
2 shall be effective only for 1 fiscal year, but shall be renew-
3 able, subject to the availability of appropriations, for each
4 fiscal year through the end of fiscal year 2035.

5 “(b) VESSELS UNDER CHARTER TO THE UNITED
6 STATES.—The program participant of a vessel under
7 charter to the United States is eligible to receive payments
8 pursuant to any operating agreement that covers such ves-
9 sel.

10 “(c) TERMINATION.—

11 “(1) TERMINATION BY SECRETARY FOR LACK
12 OF PROGRAM PARTICIPANT COMPLIANCE.—If the
13 program participant with respect to an operating
14 agreement materially fails to comply with the terms
15 of the agreement—

16 “(A) the Secretary shall notify the pro-
17 gram participant and provide a reasonable op-
18 portunity to comply with the operating agree-
19 ment; and

20 “(B) the Secretary shall terminate the op-
21 erating agreement if the program participant
22 fails to achieve such compliance.

23 “(2) TERMINATION BY PROGRAM PARTICI-
24 PANT.—If a program participant provides notice of
25 the intent to terminate an operating agreement

1 under this chapter on a date specified by not later
2 than 60 days prior to the date specified by the pro-
3 gram participant for such termination, such agree-
4 ment shall terminate on the date specified by the
5 program participant.

6 “(d) NONRENEWAL FOR LACK OF FUNDS.—If, by the
7 first day of a fiscal year, sufficient funds have not been
8 appropriated under the authority provided by this chapter
9 for that fiscal year, then the Secretary shall notify the
10 Committee on Armed Services and the Committee on
11 Commerce, Science, and Transportation of the Senate and
12 the Committee on Armed Services and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives that operating agreements authorized under
15 this chapter for which sufficient funds are not available
16 will not be renewed for that fiscal year if sufficient funds
17 are not appropriated by the 60th day of that fiscal year.

18 “(e) RELEASE OF VESSELS FROM OBLIGATIONS.—
19 If funds are not appropriated for payments under an oper-
20 ating agreement under this chapter for any fiscal year by
21 the 60th day of that fiscal year, then—

22 “(1) each vessel covered by the operating agree-
23 ment is thereby released from any further obligation
24 under the operating agreement;

1 “(2) the program participant for the vessel may
2 transfer and register such vessel under a foreign
3 registry that is acceptable to the Secretary of Trans-
4 portation and the Secretary of Defense, notwith-
5 standing section 56101 of this title; and

6 “(3) if chapter 563 of this title is applicable to
7 the vessel after registration, then the vessel is avail-
8 able to be requisitioned by the Secretary pursuant to
9 chapter 563 of this title.

10 **“§ 53405. Obligations and rights under operating**
11 **agreements**

12 “(a) OPERATION OF VESSEL.—An operating agree-
13 ment under this chapter shall require that, during the pe-
14 riod the vessel covered by the agreement is operating
15 under the agreement the vessel shall—

16 “(1) be operated in the United States foreign
17 commerce, mixed United States foreign commerce
18 and domestic trade allowed under a registry endorse-
19 ment issued under section 12111 of this title, in for-
20 eign-to-foreign commerce, or under a charter to the
21 United States;

22 “(2) not be operated in the coastwise trade ex-
23 cept as described in paragraph (1); and

24 “(3) be documented under chapter 121 of this
25 title.

1 “(b) ANNUAL PAYMENTS BY THE SECRETARY.—

2 “(1) IN GENERAL.—An operating agreement
3 under this chapter shall require, subject to the avail-
4 ability of appropriations, that the Secretary make a
5 payment to the program participant in accordance
6 with section 53406.

7 “(2) OPERATING AGREEMENT IS AN OBLIGA-
8 TION OF THE UNITED STATES GOVERNMENT.—An
9 operating agreement under this chapter constitutes a
10 contractual obligation of the United States Govern-
11 ment to pay the amounts provided for in the agree-
12 ment to the extent of actual appropriations.

13 “(c) DOCUMENTATION REQUIREMENT.—Each vessel
14 covered by the operating agreement, including an agree-
15 ment terminated under section 53404(c)(2), shall remain
16 documented under chapter 121 of this title until the date
17 the operating agreement would terminate according to its
18 terms.

19 “(d) NATIONAL SECURITY REQUIREMENTS.—

20 “(1) IN GENERAL.—A program participant with
21 respect to an operating agreement, including an
22 agreement terminated under section 53404(c)(2),
23 shall continue to be bound by the provisions of sec-
24 tion 53407 until the date the operating agreement
25 would terminate according to its terms.

1 “(2) EMERGENCY PREPAREDNESS AGREE-
2 MENT.—All terms and conditions of an Emergency
3 Preparedness Agreement entered into under section
4 53407 shall remain in effect until the date the oper-
5 ating agreement would terminate according to its
6 terms, except that the terms of such Emergency
7 Preparedness Agreement may be modified by the
8 mutual consent of the program participant, the Sec-
9 retary of Transportation, and the Secretary of De-
10 fense.

11 “(e) TRANSFER OF OPERATING AGREEMENTS.—A
12 program participant may transfer an operating agreement
13 (including all rights and obligations under the agreement)
14 to any person that is eligible to enter into that operating
15 agreement under this chapter, if the Secretary of Trans-
16 portation and the Secretary of Defense determine that the
17 transfer is in the best interests of the United States.

18 “(f) REPLACEMENT OF VESSELS COVERED BY
19 AGREEMENTS.—A program participant may replace the
20 vessel with another vessel that is eligible to be included
21 in the Fleet under section 53402(b), if the Secretary of
22 Transportation, in coordination with the Secretary of De-
23 fense, approves the replacement of the vessel. No court
24 shall have jurisdiction to review a decision by the Sec-

1 retary of Transportation or the Secretary of Defense per-
2 taining to the replacement of a vessel under this section.

3 **“§ 53406. Payments**

4 “(a) ANNUAL PAYMENT.—Subject to the availability
5 of appropriations for such purpose and the other provi-
6 sions of this chapter, the Secretary shall pay to program
7 participant for an operating agreement under this chapter
8 an amount equal to \$6,000,000 for each vessel covered
9 by the agreement for each fiscal year that the vessel is
10 covered by the agreement. Such amount shall be paid in
11 equal monthly installments on the last day of each month.
12 The amount payable under this subsection may not be re-
13 duced except as provided by this section.

14 “(b) CERTIFICATION REQUIRED FOR PAYMENT.—As
15 a condition of receiving payment under this section for a
16 fiscal year for a vessel, the program participant shall cer-
17 tify, in accordance with regulations issued by the Sec-
18 retary, that the vessel has been and will be operated in
19 accordance with section 53405(a) of this title for at least
20 320 days during the fiscal year. Days during which the
21 vessel is drydocked, surveyed, inspected, or repaired shall
22 be considered days of operation for purposes of this sub-
23 section.

1 “(c) GENERAL LIMITATIONS.—The Secretary may
2 not make any payment under this chapter for a vessel with
3 respect to any days for which the vessel is—

4 “(1) not operated or maintained in accordance
5 with an operating agreement under this chapter;

6 “(2) more than 20 years of age; or

7 “(3) simultaneously operating under an agree-
8 ment pursuant to chapter 531 of this title.

9 “(d) REDUCTIONS IN PAYMENTS.—With respect to
10 payments under this chapter for a vessel covered by an
11 operating agreement, the Secretary—

12 “(1) except as provided in paragraph (2), may
13 not reduce such a payment for—

14 “(A) the operation of the vessel to carry
15 military or other preference cargoes under sec-
16 tion 55302(a), 55304, 55305, or 55314 of this
17 title, section 2631 of title 10, or any other
18 cargo preference law of the United States; or

19 “(B) any days in which the vessel is oper-
20 ated under charter to the United States Gov-
21 ernment;

22 “(2) may not make such a payment for any day
23 that the vessel is engaged in transporting more than
24 7,500 tons of civilian bulk preference cargoes pursu-

1 ant to section 55302(a), 55305, or 55314 of this
2 title; and

3 “(3) shall make a pro rata reduction for each
4 day less than 320 in a fiscal year that the vessel is
5 not operated in accordance with section 53405 of
6 this title.

7 “(e) LIMITATIONS REGARDING NONCONTIGUOUS DO-
8 MESTIC TRADE.—

9 “(1) IN GENERAL.—No program participant
10 shall receive payments pursuant to this chapter dur-
11 ing a period in which it participates in noncontig-
12 uous domestic trade.

13 “(2) LIMITATION ON APPLICATION.—Paragraph
14 (1) shall not apply to a program participant that is
15 a citizen of the United States within the meaning of
16 section 50501 of this title, applying the 75 percent
17 ownership requirement of that section.

18 “(3) PARTICIPATES IN A NONCONTIGUOUS
19 TRADE DEFINED.—In this subsection the term ‘par-
20 ticipates in a noncontiguous domestic trade’ means
21 directly or indirectly owns, charters, or operates a
22 vessel engaged in transportation of cargo between a
23 point in the contiguous 48 States and a point in
24 Alaska, Hawaii, or Puerto Rico, other than a point
25 in Alaska north of the Arctic Circle.

1 **“§ 53407. National security requirements**

2 “(a) EMERGENCY PREPAREDNESS AGREEMENT RE-
3 QUIRED.—The Secretary of Transportation, in coordina-
4 tion with the Secretary of Defense, shall establish an
5 emergency preparedness program under this section under
6 which the program participant for an operating agreement
7 under this chapter shall agree, as a condition of the oper-
8 ating agreement, to enter into an emergency preparedness
9 agreement with the Secretary. The Secretary shall nego-
10 tiate and enter into an Emergency Preparedness Agree-
11 ment with each program participant as promptly as prac-
12 ticable after the program participant has entered into the
13 operating agreement.

14 “(b) TERMS OF AGREEMENT.—The terms of an
15 agreement under this section—

16 “(1) shall provide that upon request by the Sec-
17 retary of Defense during time of war or national
18 emergency, or whenever determined by the Secretary
19 of Defense to be necessary for national security or
20 contingency operation (as that term is defined in
21 section 101 of title 10), the program participant
22 shall make available commercial transportation re-
23 sources (including services) described in subsection
24 (d) to the Secretary of Defense;

1 “(2) shall include such additional terms as may
2 be established by the Secretary of Transportation
3 and the Secretary of Defense; and

4 “(3) shall allow for the modification or addition
5 of terms upon agreement by the Secretary of Trans-
6 portation and the program participant and the ap-
7 proval by the Secretary of Defense.

8 “(c) PARTICIPATION AFTER EXPIRATION OF OPER-
9 ATING AGREEMENT.—Except as provided by section
10 53406, the Secretary of Transportation may not require,
11 through an emergency preparedness agreement or an op-
12 erating agreement, that a program participant covered by
13 an operating agreement continue to participate in an
14 emergency preparedness agreement after the operating
15 agreement has expired according to its terms or is other-
16 wise no longer in effect. After the expiration of an emer-
17 gency preparedness agreement, a program participant
18 may voluntarily continue to participate in the agreement.

19 “(d) RESOURCES MADE AVAILABLE.—The commer-
20 cial transportation resources to be made available under
21 an emergency preparedness agreement shall include ves-
22 sels or capacity in vessels, terminal facilities, management
23 services, and other related services, or any agreed portion
24 of such nonvessel resources for activation as the Secretary
25 of Defense may determine to be necessary, seeking to min-

1 imize disruption of the program participant's service to
2 commercial customers.

3 “(e) COMPENSATION.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall include in each Emergency Preparedness
6 Agreement provisions approved by the Secretary of
7 Defense under which the Secretary of Defense shall
8 pay fair and reasonable compensation for all com-
9 mercial transportation resources provided pursuant
10 to this section.

11 “(2) SPECIFIC REQUIREMENTS.—Compensation
12 under this subsection—

13 “(A) shall not be less than the program
14 participant's commercial market charges for
15 like transportation resources;

16 “(B) shall be fair and reasonable consid-
17 ering all circumstances;

18 “(C) shall be provided from the time that
19 a vessel or resource is required by the Secretary
20 of Defense until the time it is redelivered to the
21 program participant and is available to reenter
22 commercial service; and

23 “(D) shall be in addition to and shall not
24 in any way reflect amounts payable under sec-
25 tion 53406 of this title.

1 “(f) TEMPORARY REPLACEMENT VESSELS.—Not-
2 withstanding section 55302(a), 55304, 55305, or 55314
3 of this title, section 2631 of title 10, or any other cargo
4 preference law of the United States—

5 “(1) a program participant may operate or em-
6 ploy in foreign commerce a foreign-flag vessel or for-
7 eign-flag vessel capacity as a temporary replacement
8 for a vessel of the United States or vessel of the
9 United States capacity that is activated by the Sec-
10 retary of Defense under an emergency preparedness
11 agreement or a primary Department of Defense sea-
12 lift-approved readiness program; and

13 “(2) such replacement vessel or vessel capacity
14 shall be eligible during the replacement period to
15 transport preference cargoes subject to sections
16 55302(a), 55304, 55305, and 55314 of this title and
17 section 2631 of title 10, United States Code, to the
18 same extent as the eligibility of the vessel or vessel
19 capacity replaced.

20 “(g) REDELIVERY AND LIABILITY OF THE UNITED
21 STATES FOR DAMAGES.—

22 “(1) IN GENERAL.—All commercial transpor-
23 tation resources activated under an emergency pre-
24 paredness agreement shall, upon termination of the
25 period of activation, be redelivered to the program

1 participant in the same good order and condition as
2 when received, less ordinary wear and tear, or the
3 Secretary of Defense shall fully compensate the pro-
4 gram participant for any necessary repair or replace-
5 ment.

6 “(2) LIMITATION ON UNITED STATES LIABIL-
7 ITY.—Except as may be expressly agreed in an
8 emergency preparedness agreement, or as otherwise
9 provided by law, the Government shall not be liable
10 for disruption of a program participant’s commercial
11 business or other consequential damages to the pro-
12 gram participant arising from the activation of com-
13 mercial transportation resources under an emer-
14 gency preparedness agreement.

15 **“§ 53408. Regulatory relief**

16 “(a) OPERATION IN FOREIGN COMMERCE.—A pro-
17 gram participant for a vessel included in an operating
18 agreement under this chapter may operate the vessel in
19 the foreign commerce of the United States without restric-
20 tion.

21 “(b) OTHER RESTRICTIONS.—The restrictions of sec-
22 tion 55305(a) of this title concerning the building, rebuild-
23 ing, or documentation of a vessel in a foreign country shall
24 not apply to a vessel for any day the operator of the vessel

1 is receiving payments for the operation of that vessel
2 under an operating agreement under this chapter.

3 “(c) TELECOMMUNICATIONS EQUIPMENT.—The tele-
4 communications and other electronic equipment on an ex-
5 isting vessel that is redocumented under the laws of the
6 United States for operation under an operating agreement
7 under this chapter shall be deemed to satisfy all Federal
8 Communications Commission equipment approval require-
9 ments, if—

10 “(1) such equipment complies with all applica-
11 ble international agreements and associated guide-
12 lines as determined by the country in which the ves-
13 sel was documented immediately before becoming
14 documented under the laws of the United States;

15 “(2) that country has not been identified by the
16 Secretary as inadequately enforcing international
17 regulations as to that vessel; and

18 “(3) at the end of its useful life, such equip-
19 ment shall be replaced with equipment that meets
20 Federal Communications Commission equipment ap-
21 proval standards.

22 **“§ 53409. Special rule regarding age of participating**
23 **Fleet vessels**

24 “Any age restriction under section 53402(b)(4) of
25 this title shall not apply to a participating Fleet vessel

1 during the 30-month period beginning on the date the ves-
2 sel begins operating under an operating agreement under
3 this chapter, if the Secretary determines that the program
4 participant for the vessel has entered into an arrangement
5 to obtain and operate under the operating agreement for
6 the participating Fleet vessel a replacement vessel that,
7 upon commencement of such operation, will be eligible to
8 be included in the Fleet under section 53402(b) of this
9 title.

10 **“§ 53410. Regulations**

11 “The Secretary of Transportation and the Secretary
12 of Defense may each prescribe rules as necessary to carry
13 out their respective responsibilities under this chapter.

14 **“§ 53411. Authorization of appropriations**

15 “There is authorized to be appropriated for payments
16 under section 53406, \$60,000,000 for each of fiscal years
17 2022 through 2035, to remain available until expended.

18 **“§ 53412. Acquisition of Fleet vessels**

19 “(a) IN GENERAL.—Upon replacement of a Fleet ves-
20 sel under an operating agreement under this chapter, and
21 subject to agreement by the program participant of the
22 vessel, the Secretary of Transportation is authorized, sub-
23 ject to the concurrence of the Secretary of Defense, ac-
24 quire the vessel being replaced for inclusion in the Na-
25 tional Defense Reserve Fleet.

1 “(b) REQUIREMENTS.—To be eligible for acquisition
2 by the Secretary of Transportation under this section a
3 vessel shall—

4 “(1) have been covered by an operating agree-
5 ment under this chapter for not less than 3 years;
6 and

7 “(2) meet recapitalization requirements for the
8 Ready Reserve Force.

9 “(c) FAIR MARKET VALUE.—A fair market value
10 shall be established by the Maritime Administration for
11 acquisition of an eligible vessel under this section.

12 “(d) APPROPRIATIONS.—Vessel acquisitions under
13 this section shall be subject to the availability of appro-
14 priations. Amounts made available to carry out this sec-
15 tion shall be derived from amounts authorized to be appro-
16 priated for the National Defense Reserve Fleet. Amounts
17 authorized to be appropriated to carry out the Maritime
18 Security Program may not be use to carry out this sec-
19 tion.”.

20 (b) CLERICAL AMENDMENT.—The table of chapters
21 for subtitle V of title 46, United States Code, is amended
22 by adding at the end the following:

“534. Tanker Security Fleet 53401”.

23 (c) DEADLINE FOR ACCEPTING APPLICATIONS.—

24 (1) IN GENERAL.—The Secretary of Transpor-
25 tation shall begin accepting applications for enroll-

1 ment of vessels in the Tanker Security Fleet estab-
2 lished under chapter 534 of title 46, United States
3 Code, as added by subsection (a), by not later than
4 60 days after the date of the enactment of this title.

5 (2) APPROVAL.—Not later than 90 days after
6 receipt of an application for the enrollment of a ves-
7 sel in the Tanker Security Fleet, the Secretary of
8 Transportation, in coordination with the Secretary
9 of Defense shall—

10 (A) approve the application and enter into
11 an operating agreement with the applicant; or

12 (B) provide to the applicant a written ex-
13 planation for the denial of the application.

14 (3) VESSELS OPERATING IN MARITIME SECU-
15 RITY FLEET.—Notwithstanding the requirements of
16 section 53402(b) of title 46, United States Code, the
17 Secretary of Transportation shall approve an appli-
18 cation submitted under chapter 534 of title 46,
19 United State Code, for a product tank vessel for
20 which there is, on the date of enactment of this title,
21 an effective operating agreement under chapter 531
22 of title 46, United States Code.

23 (d) EFFECTIVE DATE.—

24 (1) IN GENERAL.—This section shall take effect
25 on the date on which the Secretary of Defense—

1 (A) has completed the report on United
2 States flagged fuel tanker vessel capacity as re-
3 quired by section 3519 of the National Defense
4 Authorization Act for Fiscal Year 2020;

5 (B) has submitted that report to the ap-
6 propriate committees of Congress;

7 (C) publishes certification—

8 (i) that a program for United States-
9 flagged fuel tanker vessels as prescribed in
10 chapter 534 of title 46, United States
11 Code, as amended by this section, for the
12 purpose of providing additional United
13 States-flagged fuel tanker vessels is in the
14 national security interest of the United
15 State; and

16 (ii) of the number of such additional
17 tankers covered under such a program that
18 could be necessary to meet Department of
19 Defense wartime requirements.

20 (2) APPROPRIATE COMMITTEES OF CONGRESS
21 DEFINED.—In this section the term “appropriate
22 committees of Congress” means—

23 (A) the Committee on Commerce, Science,
24 and Transportation and the Committee on
25 Armed Services of the Senate; and

1 (B) the Committee on Transportation and
2 Infrastructure and the Committee on Armed
3 Services of the House of Representatives.

4 **Subtitle C—Other Matters**

5 **SEC. 3521. MARITIME SECURITY AND DOMAIN AWARENESS.**

6 (a) PROGRESS REPORT ON MARITIME SECURITY.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense, in coordination with the Secretary
10 of State, the Secretary of the Department in which
11 the Coast Guard is operating, and the heads of other
12 appropriate Federal agencies, shall submit to the
13 congressional defense committees, the Committee on
14 Foreign Affairs of the House of Representatives,
15 and the Committee on Foreign Relations of the Sen-
16 ate a report on the steps taken since December 20,
17 2019, to make further use of the following mecha-
18 nisms to combat IUU fishing:

19 (A) Inclusion of counter-IUU fishing in ex-
20 isting shiprider agreements to which the United
21 States is a party.

22 (B) Entry into shiprider agreements that
23 include counter-IUU fishing with priority flag
24 states and countries in priority regions with

1 which the United States does not already have
2 such agreements.

3 (C) Inclusion of counter-IUU fishing in the
4 mission of the Combined Maritime Forces.

5 (D) Inclusion of counter-IUU fishing exer-
6 cises in the annual at-sea exercises conducted
7 by the Department of Defense, in coordination
8 with the United States Coast Guard.

9 (E) Development of partnerships similar to
10 the Oceania Maritime Security Initiative and
11 the Africa Maritime Law Enforcement Partner-
12 ship in other priority regions.

13 (2) ELEMENT.—The report required by para-
14 graph (1) shall include a description of specific steps
15 taken by the Secretary of the Navy with respect to
16 each mechanism described in paragraph (1), includ-
17 ing a detailed description of any security cooperation
18 engagement undertaken to combat IUU fishing by
19 such mechanisms and resulting coordination between
20 the Department of the Navy and the Coast Guard.

21 (b) ASSESSMENT OF SERVICE COORDINATION ON
22 MARITIME DOMAIN AWARENESS.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary
25 of the Navy shall enter into an agreement with the

1 Secretary of the department in which the Coast
2 Guard is operating, in consultation with the Sec-
3 retary of Commerce, to assess the available commer-
4 cial solutions for collecting, sharing, and dissemi-
5 nating among United States maritime services and
6 partner countries maritime domain awareness infor-
7 mation relating to illegal maritime activities, includ-
8 ing IUU fishing.

9 (2) ELEMENTS.—The assessment carried out
10 pursuant to an agreement under paragraph (1)
11 shall—

12 (A) build on the ongoing Coast Guard as-
13 sessment related to autonomous vehicles;

14 (B) consider appropriate commercially and
15 academically available technological solutions;
16 and

17 (C) consider any limitation related to af-
18 fordability, exportability, maintenance, and
19 sustainment requirements and any other factor
20 that may constrain the suitability of such solu-
21 tions for use in a joint and combined environ-
22 ment, including the potential provision of such
23 solutions to one or more partner countries.

24 (3) SUBMITTAL TO CONGRESS.—Not later than
25 one year after entering into an agreement under

1 paragraph (1), the Secretary of the Navy shall sub-
2 mit to the Committee on Armed Services, the Com-
3 mittee on Commerce, Science, and Transportation,
4 the Committee on Foreign Relations, and the Com-
5 mittee on Appropriations of the Senate and the
6 Committee on Armed Services, the Committee on
7 Natural Resources, the Committee on Transpor-
8 tation and Infrastructure, the Committee on Foreign
9 Affairs, and the Committee on Appropriations of the
10 House of Representatives the assessment prepared
11 in accordance with the agreement.

12 (c) REPORT ON USE OF FISHING FLEETS BY FOR-
13 EIGN GOVERNMENTS.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Di-
16 rector of the Office of Naval Intelligence shall sub-
17 mit to the Committee on Armed Services, the Com-
18 mittee on Commerce, Science, and Transportation,
19 the Committee on Foreign Relations, and the Com-
20 mittee on Appropriations of the Senate and the
21 Committee on Armed Services, the Committee on
22 Natural Resources, the Committee on Transpor-
23 tation and Infrastructure, the Committee on Foreign
24 Affairs, and the Committee on Appropriations of the
25 House of Representatives a report on the use by

1 governments of foreign countries of distant-water
2 fishing fleets as extensions of the official maritime
3 security forces of such countries.

4 (2) ELEMENTS.—The report required by para-
5 graph (1) shall include the following:

6 (A) An analysis of the manner in which
7 fishing fleets are leveraged in support of the
8 naval operations and policies of foreign coun-
9 tries more generally.

10 (B) A consideration of—

11 (i) threats posed, on a country-by-
12 country basis, to the fishing vessels and
13 other vessels of the United States and
14 partner countries;

15 (ii) risks to Navy and Coast Guard
16 operations of the United States, and the
17 naval and coast guard operations of part-
18 ner countries; and

19 (iii) the broader challenge to the inter-
20 ests of the United States and partner
21 countries.

22 (3) FORM.—The report required by paragraph
23 (1) shall be submitted in unclassified form, but may
24 include a classified annex.

1 (d) DEFINITIONS.—In this section, any term that is
2 also used in the Maritime SAFE Act (subtitle C of title
3 XXXV of Public Law 116–92) shall have the meaning
4 given such term in that Act.

5 **SEC. 3522. SENSE OF CONGRESS REGARDING ROLE OF DO-**
6 **MESTIC MARITIME INDUSTRY IN NATIONAL**
7 **SECURITY.**

8 It is the sense of Congress that—

9 (1) United States coastwise trade laws promote
10 a strong domestic trade maritime industry, which
11 supports the national security and economic vitality
12 of the United States and the efficient operation of
13 the United States transportation system; and

14 (2) a strong commercial maritime industry
15 makes the United States more secure.

16 **DIVISION D—FUNDING TABLES**

17 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
18 **BLES.**

19 (a) IN GENERAL.—Whenever a funding table in this
20 division specifies a dollar amount authorized for a project,
21 program, or activity, the obligation and expenditure of the
22 specified dollar amount for the project, program, or activ-
23 ity is hereby authorized, subject to the availability of ap-
24 propriations.

1 (b) MERIT-BASED DECISIONS.—A decision to com-
2 mit, obligate, or expend funds with or to a specific entity
3 on the basis of a dollar amount authorized pursuant to
4 subsection (a) shall—

5 (1) be based on merit-based selection proce-
6 dures in accordance with the requirements of sec-
7 tions 2304(k) and 2374 of title 10, United States
8 Code, or on competitive procedures; and

9 (2) comply with other applicable provisions of
10 law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
12 MING AUTHORITY.—An amount specified in the funding
13 tables in this division may be transferred or repro-
14 grammed under a transfer or reprogramming authority
15 provided by another provision of this Act or by other law.
16 The transfer or reprogramming of an amount specified in
17 such funding tables shall not count against a ceiling on
18 such transfers or reprogrammings under section 1001 or
19 section 1512 of this Act or any other provision of law,
20 unless such transfer or reprogramming would move funds
21 between appropriation accounts.

22 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
23 section applies to any classified annex that accompanies
24 this Act.

- (e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

6 SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
003	FUTURE UAS FAMILY	1,100	1,100
004	RQ-11 (RAVEN)	20,851	20,851
ROTARY			
007	AH-64 APACHE BLOCK IIIA REMAN	792,027	792,027
008	AH-64 APACHE BLOCK IIIA REMAN AP	169,460	169,460
011	UH-60 BLACKHAWK M MODEL (MYP)	742,998	725,298
	Unjustified costs		[-17,700]
012	UH-60 BLACKHAWK M MODEL (MYP) AP	87,427	87,427
013	UH-60 BLACK HAWK L AND V MODELS	172,797	172,797
014	CH-47 HELICOPTER	160,750	296,750
	Program increase—F Block II		[136,000]
015	CH-47 HELICOPTER AP	18,372	47,372
	Program increase—F Block II		[29,000]
MODIFICATION OF AIRCRAFT			
018	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	7,509	7,509
019	GRAY EAGLE MODS2	16,280	16,280
020	MULTI SENSOR ABN RECON (MIP)	35,864	35,864
021	AH-64 MODS	118,316	110,576
	Sensors cost growth		[-7,740]
022	CH-47 CARGO HELICOPTER MODS (MYP)	15,548	15,548
023	GRCS SEMA MODS (MIP)	2,947	2,947
024	ARL SEMA MODS (MIP)	9,598	9,598
025	EMARSS SEMA MODS (MIP)	2,452	2,452
026	UTILITY/CARGO AIRPLANE MODS	13,868	13,868
027	UTILITY HELICOPTER MODS	25,842	31,342
	Program increase		[5,500]
028	NETWORK AND MISSION PLAN	77,432	77,432
029	COMMS, NAV SURVEILLANCE	101,355	101,355
031	AVIATION ASSURED PNT	54,609	54,609
032	GATM ROLLUP	12,180	12,180
034	UAS MODS	4,204	4,204
GROUND SUPPORT AVIONICS			
035	AIRCRAFT SURVIVABILITY EQUIPMENT	49,455	49,455
036	SURVIVABILITY CM	8,035	8,035
037	CMWS	10,567	10,567
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	237,467	237,467
OTHER SUPPORT			
UNDISTRIBUTED			
039	AVIONICS SUPPORT EQUIPMENT	1,789	1,789
040	COMMON GROUND EQUIPMENT	17,584	17,584
041	AIRCREW INTEGRATED SYSTEMS	48,265	48,265
042	AIR TRAFFIC CONTROL	26,408	26,408
044	LAUNCHER, 2.75 ROCKET	2,256	2,256
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	8,982	8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	3,074,594	3,219,654
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
002	M-SHORAD—PROCUREMENT	378,654	374,587
	Production costs previously funded		[-4,067]
003	MSE MISSILE	603,188	603,188
004	PRECISION STRIKE MISSILE (PRSM)	49,941	49,941
005	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I	106,261	65,469

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Army identified funds excess to need		[-40,792]
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	91,225	91,225
007	JOINT AIR-TO-GROUND MSLS (JAGM)	213,397	213,397
008	LONG RANGE PRECISION MUNITION	45,307	45,307
	ANTI-TANK/ASSAULT MISSILE SYS		
009	JAVELIN (AAWS-M) SYSTEM SUMMARY	190,325	190,325
010	TOW 2 SYSTEM SUMMARY	121,074	121,074
011	GUIDED MLRS ROCKET (GMLRS)	850,157	845,157
	Excess tooling request		[-5,000]
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	30,836	30,836
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	41,226	51,226
	Army requested transfer from OM,A line 121		[10,000]
	MODIFICATIONS		
016	PATRIOT MODS	278,050	278,050
017	ATACMS MODS	141,690	141,690
020	AVENGER MODS	13,942	13,942
021	ITAS/TOW MODS	5,666	5,666
022	MLRS MODS	310,419	310,419
023	HIMARS MODIFICATIONS	6,081	6,081
	SPARES AND REPAIR PARTS		
024	SPARES AND REPAIR PARTS	5,090	5,090
	SUPPORT EQUIPMENT & FACILITIES		
	UNDISTRIBUTED		
025	AIR DEFENSE TARGETS	8,978	8,978
	TOTAL MISSILE PROCUREMENT, ARMY	3,491,507	3,451,648
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	192,971	139,254
	Forward financing of vehicle manufacturing		[-53,717]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER UPGRADE	847,212	1,168,212
	CROWS-J program delay		[-39,160]
	Program increase—Army UPL		[375,000]
	Unit cost growth		[-14,840]
005	BRADLEY PROGRAM (MOD)	493,109	435,759
	Prior year carry-over		[-17,350]
	UBIS early to need		[-40,000]
006	M109 FOV MODIFICATIONS	26,893	26,893
007	PALADIN INTEGRATED MANAGEMENT (PIM)	435,825	435,825
009	ASSAULT BRIDGE (MOD)	5,074	5,074
010	ASSAULT BREACHER VEHICLE	19,500	19,500
011	M88 FOV MODS	18,382	18,382
012	JOINT ASSAULT BRIDGE	72,178	19,247
	Program delay		[-52,931]
013	M1 ABRAMS TANK (MOD)	392,013	392,013
014	ABRAMS UPGRADE PROGRAM	1,033,253	1,020,396
	Component cost savings		[-3,480]
	Prior year carry-over		[-9,377]
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	17,864	17,864
018	MORTAR SYSTEMS	10,288	10,288
019	XM320 GRENADE LAUNCHER MODULE (GLM)	5,969	5,969
020	PRECISION SNIPER RIFLE	10,137	10,137
021	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	999	999
022	CARBINE	7,411	7,411
023	NEXT GENERATION SQUAD WEAPON	35,822	35,822
024	COMMON REMOTELY OPERATED WEAPONS STATION	24,534	24,534
025	HANDGUN	4,662	4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH		
026	MK-19 GRENADE MACHINE GUN MODS	6,444	6,444
027	M777 MODS	10,983	10,983
028	M4 CARBINE MODS	4,824	4,824
031	M240 MEDIUM MACHINE GUN MODS	6,385	6,385
032	SNIPER RIFLES MODIFICATIONS	1,898	1,898
033	M119 MODIFICATIONS	2,009	2,009
034	MORTAR MODIFICATION	1,689	1,689
035	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	2,604	2,604
	SUPPORT EQUIPMENT & FACILITIES		
	UNDISTRIBUTED		
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,763	2,763
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045	3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,696,740	3,840,885
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	68,472	65,659

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	E95700 unit cost growth		[-2,813]
002	CTG, 7.62MM, ALL TYPES	109,933	109,933
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988	11,988
004	CTG, HANDGUN, ALL TYPES	853	853
005	CTG, .50 CAL, ALL TYPES	58,280	58,280
006	CTG, 20MM, ALL TYPES	31,708	31,708
007	CTG, 25MM, ALL TYPES	9,111	9,111
008	CTG, 30MM, ALL TYPES	58,172	58,172
009	CTG, 40MM, ALL TYPES	114,638	114,638
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	31,222	31,222
011	81MM MORTAR, ALL TYPES	42,857	42,857
012	120MM MORTAR, ALL TYPES	107,762	107,762
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444	232,226
	E73201 excess cost growth		[-1,218]
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963	35,963
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692	291,292
	Program delays		[-2,400]
016	PROJ 155MM EXTENDED RANGE M982	69,159	64,909
	E80103 unit cost growth		[-4,250]
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	232,913	232,913
	MINES		
018	MINES & CLEARING CHARGES, ALL TYPES	65,278	62,778
	Program decrease		[-2,500]
019	CLOSE TERRAIN SHAPING OBSTACLE	4,995	4,995
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	69,112	69,112
021	ROCKET, HYDRA 70, ALL TYPES	125,915	125,915
	OTHER AMMUNITION		
022	CAD/PAD, ALL TYPES	8,891	8,891
023	DEMOLITION MUNITIONS, ALL TYPES	54,043	54,043
024	GRENADES, ALL TYPES	28,931	28,931
025	SIGNALS, ALL TYPES	27,036	27,036
026	SIMULATORS, ALL TYPES	10,253	10,253
	MISCELLANEOUS		
027	AMMO COMPONENTS, ALL TYPES	3,476	3,476
029	ITEMS LESS THAN \$5 MILLION (AMMO)	10,569	10,569
030	AMMUNITION PECULIAR EQUIPMENT	12,338	12,338
031	FIRST DESTINATION TRANSPORTATION (AMMO)	15,908	15,908
032	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
	UNDISTRIBUTED		
033	INDUSTRIAL FACILITIES	592,224	696,724
	Program increase		[104,500]
034	CONVENTIONAL MUNITIONS DEMILITARIZATION	235,112	235,112
035	ARMS INITIATIVE	3,369	3,369
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,777,716	2,869,035
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	12,986	9,653
	Prior year carryover		[-3,333]
002	SEMITRAILERS, FLATBED:	31,443	31,443
003	SEMITRAILERS, TANKERS	17,082	17,082
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795
005	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414
009	TRUCK, DUMP, 20T (CCE)	29,368	29,368
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687
014	PLS ESP	21,969	21,969
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	99,135
	Program increase		[33,500]
016	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497
018	MODIFICATION OF IN SVC EQUIP	114,977	114,977
	NON-TACTICAL VEHICLES		
020	PASSENGER CARRYING VEHICLES	1,246	1,246
021	NONTACTICAL VEHICLES, OTHER	19,870	4,968
	Excess carryover		[-14,902]
	COMM—JOINT COMMUNICATIONS		
022	SIGNAL MODERNIZATION PROGRAM	160,469	151,179
	Unit cost growth		[-9,290]
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	347,782
	Program delays		[-5,380]

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Unit cost growth		[-7,217]
024	SITUATION INFORMATION TRANSPORT	63,396	63,396
026	JCSE EQUIPMENT (USRDECOM)	5,170	5,170
	COMM—SATELLITE COMMUNICATIONS		
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	72,450	69,750
	AFRICOM force protection upgrades		[1,000]
	Program delays		[-3,700]
031	SHF TERM	13,173	13,173
032	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928
033	SMART-T (SPACE)	8,611	8,611
034	GLOBAL BRDCST SVC—GBS	8,191	8,191
	COMM—C3 SYSTEM		
036	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	94,871	92,119
	Contract management growth		[-2,752]
	COMM—COMBAT COMMUNICATIONS		
037	HANDHELD MANPACK SMALL FORM FIT (HMS)	550,848	552,348
	AFRICOM force protection upgrades		[1,500]
038	RADIO TERMINAL SET, MIDS LVT(2)	8,237	8,237
041	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	13,967	0
	Program cancellation		[-13,967]
043	UNIFIED COMMAND SUITE	19,579	19,579
044	COTS COMMUNICATIONS EQUIPMENT	94,156	94,156
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	18,313	18,313
046	ARMY COMMUNICATIONS & ELECTRONICS	51,480	51,480
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	13,146	13,146
049	DEFENSE MILITARY DECEPTION INITIATIVE	5,624	5,624
	INFORMATION SECURITY		
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	4,596	4,596
052	COMMUNICATIONS SECURITY (COMSEC)	159,272	159,272
053	DEFENSIVE CYBER OPERATIONS	54,753	42,753
	Army requested transfer to RDTE army line 267 for program management		[-12,000]
054	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,760	1,760
056	ITEMS LESS THAN \$5M (INFO SECURITY)	260	260
	COMM—LONG HAUL COMMUNICATIONS		
057	BASE SUPPORT COMMUNICATIONS	29,761	30,761
	AFRICOM UFR force protection upgrades		[1,000]
	COMM—BASE COMMUNICATIONS		
058	INFORMATION SYSTEMS	147,696	147,696
059	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	0
	Excess carryover		[-4,900]
060	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227
061	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	280,035
	Unjustified growth		[-20,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M (MIP)	5,304	5,304
066	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081
068	DCGS-A (MIP)	151,886	151,886
070	TROJAN (MIP)	17,593	17,593
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849
077	AIR VIGILANCE (AV) (MIP)	8,160	8,160
079	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669
082	CI MODERNIZATION (MIP)	300	300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	58,884	58,884
084	NIGHT VISION DEVICES	1,127,375	897,375
	IVAS reduction		[-230,000]
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	14,069
	AFRICOM UFR force protection upgrades		[4,000]
089	FAMILY OF WEAPON SIGHTS (FWS)	133,590	115,090
	Program decrease		[-18,500]
091	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	243,850
092	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	50,541
	Early to need		[-19,100]
094	COMPUTER BALLISTICS: LHMCB XM32	7,509	7,509
095	MORTAR FIRE CONTROL SYSTEM	3,800	3,800
096	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292
097	COUNTERFIRE RADARS	72,421	71,421
	Excess to need		[-1,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
098	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....	49,947	49,947

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
099	FIRE SUPPORT C2 FAMILY	9,390	9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	47,374	47,374
101	LAMD BATTLE COMMAND SYSTEM	201,587	198,587
	Program reduction		[-3,000]
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,495	4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,651	18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	2,792	2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	9,071	9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	12,117	12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,004	5,004
	Program increase		[2,000]
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	14,574	14,574
110	AUTOMATED DATA PROCESSING EQUIP	140,619	138,841
	AIE travel costs excess		[-1,778]
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,448	4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	68,405	68,405
113	CONTRACT WRITING SYSTEM	8,459	8,459
114	CSS COMMUNICATIONS	57,651	57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	14,848	14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	4,995	4,995
	ELECT EQUIP—SUPPORT		
119	BCT EMERGING TECHNOLOGIES	16,983	8,983
	Program reduction		[-8,000]
	CLASSIFIED PROGRAMS		
19A	CLASSIFIED PROGRAMS	1,582	1,582
	CHEMICAL DEFENSIVE EQUIPMENT		
123	CBRN DEFENSE	28,456	28,456
124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	10,545	10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	99,069
	Program reduction		[-10,000]
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	174,744
	SMET contract delay		[-4,800]
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	8,200	8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625
143	GROUND SOLDIER SYSTEM	154,937	149,937
	Unit cost discrepancies		[-5,000]
144	MOBILE SOLDIER POWER	34,297	34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324
149	ITEMS LESS THAN \$5M (ENG SPT)	8,014	8,014
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,250
	tank rack module unit cost growth		[-198]
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	59,485	64,485
	Future Warfighter Shelter		[5,000]
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337
153	ITEMS LESS THAN \$5.0M (MAINT EQ)	5,386	5,386
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188
156	LOADERS	4,521	4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186
158	TRACTOR, FULL TRACKED	4,715	4,715
159	ALL TERRAIN CRANES	70,560	70,560
162	CONST EQUIP ESP	8,925	8,925
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
164	ARMY WATERCRAFT ESP	40,910	40,910
165	MANEUVER SUPPORT VESSEL (MSV)	76,576	76,576
166	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	1,844	1,844
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	53,433	53,433
168	TACTICAL ELECTRIC POWER RECAPITALIZATION	22,216	22,216

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	16,145	16,145
	TRAINING EQUIPMENT		
170	COMBAT TRAINING CENTERS SUPPORT	90,580	90,580
171	TRAINING DEVICES, NONSYSTEM	161,814	161,814
172	SYNTHETIC TRAINING ENVIRONMENT (STE)	13,063	13,063
175	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	1,950	1,950
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
176	CALIBRATION SETS EQUIPMENT	2,511	2,511
177	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	78,578	77,214
	ICE WATS previously funded		[-1,364]
178	TEST EQUIPMENT MODERNIZATION (TEMOD)	14,941	14,941
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,629	8,629
181	PHYSICAL SECURITY SYSTEMS (OPA3)	75,499	84,251
	AFRICOM UFR force protection upgrades		[12,000]
	Unjustified request		[-3,248]
182	BASE LEVEL COMMON EQUIPMENT	27,444	27,444
183	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	32,485	32,485
187	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	39,436	39,436
	OPA2		
	UNDISTRIBUTED		
189	INITIAL SPARES—C&E	9,950	9,950
	TOTAL OTHER PROCUREMENT, ARMY	8,625,206	8,281,777
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	1,761,146	1,725,400
	Ancillary equipment excess cost growth		[-13,367]
	Contract award savings		[-14,023]
	Rec flyaway ECO excess growth		[-8,356]
002	F/A-18E/F (FIGHTER) HORNET AP		28,100
	FY22 aircraft		[28,100]
003	JOINT STRIKE FIGHTER CV	2,181,780	2,371,897
	Additional aircraft		[200,000]
	Lot 15 target cost savings		[-9,883]
004	JOINT STRIKE FIGHTER CV AP	330,386	330,386
005	JSF STOVL	1,109,393	1,075,465
	Unit cost adjustment		[-33,928]
006	JSF STOVL AP	303,035	303,035
007	CH-53K (HEAVY LIFT)	813,324	800,634
	Force Design 2030 realignment NRE excess		[-12,690]
008	CH-53K (HEAVY LIFT) AP	201,188	201,188
009	V-22 (MEDIUM LIFT)	934,793	1,121,949
	CMV unit cost adjustment		[-24,244]
	Navy UPL		[211,400]
010	V-22 (MEDIUM LIFT) AP	39,547	39,547
011	H-1 UPGRADES (UH-1Y/AH-1Z)	7,267	7,267
013	P-8A POSEIDON	80,134	1,420,034
	Additional aircraft only for the Navy Reserve		[1,420,000]
	Line shutdown early to need		[-80,100]
015	E-2D ADV HAWKEYE	626,109	611,106
	unjustified growth peculiar training equipment		[-15,003]
016	E-2D ADV HAWKEYE AP	123,166	123,166
	TRAINER AIRCRAFT		
017	ADVANCED HELICOPTER TRAINING SYSTEM	269,867	236,146
	Other ILS excess growth		[-33,721]
	OTHER AIRCRAFT		
018	KC-130J	380,984	375,558
	Unit cost growth		[-5,426]
019	KC-130J AP	67,022	67,022
021	MQ-4 TRITON	150,570	244,464
	One additional aircraft		[130,000]
	Production line preservation costs excess to need		[-36,106]
023	MQ-8 UAV	40,375	40,375
024	STUASLO UAV	30,930	30,930
026	VH-92A EXECUTIVE HELO	610,231	589,042
	ECO price adjustment		[-1,010]
	Unit cost adjustment		[-20,179]
	MODIFICATION OF AIRCRAFT		
028	F-18 A-D UNIQUE	208,261	195,710
	USMC AESA radar excess unit cost growth (OSIP 21-00; ECP 583)		[-12,551]
029	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	468,954	429,460
	OSIP 11-10 support excess growth		[-14,723]
	OSIP 11-10 unit cost growth		[-15,787]
	OSIP 11-10 unstallation equipment excess growth		[-8,984]
030	AEA SYSTEMS	21,061	21,061
031	AV-8 SERIES	34,082	34,082

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
032	INFRARED SEARCH AND TRACK (IRST)	158,055	127,695
	Installation equipment excess growth		[-9,654]
	Support equipment excess growth		[-20,706]
033	ADVERSARY	42,946	42,946
034	F-18 SERIES	379,351	379,351
035	H-53 SERIES	74,771	74,771
036	MH-60 SERIES	131,584	136,584
	Program increase—Alternative low frequency active sonar for risk reduction ...		[5,000]
037	H-1 SERIES	185,140	152,562
	APR-39D(V)2 kits early to need		[-6,720]
	ECS thermal kits previously funded		[-1,245]
	FMV Phase 2.0 kits previously funded		[-2,440]
	Installation equipment NRE excess growth		[-4,379]
	Installation equipment NRE unjustified request		[-4,317]
	Other support excess growth		[-5,256]
	Rotor brake system kits previously funded		[-5,500]
	Target sight system block upgrade unit cost growth		[-2,721]
038	EP-3 SERIES	26,602	26,602
040	E-2 SERIES	175,540	175,540
041	TRAINER A/C SERIES	7,085	7,085
042	C-2A	9,525	9,525
043	C-130 SERIES	141,705	124,653
	GFE excess growth		[-8,509]
	Installation excess growth		[-1,802]
	JAGM A kit procurement and installation early to need		[-6,741]
044	FEWSG	684	684
045	CARGO/TRANSPORT A/C SERIES	8,911	8,911
046	E-6 SERIES	197,206	197,206
047	EXECUTIVE HELICOPTERS SERIES	29,086	29,086
049	T-45 SERIES	155,745	155,745
050	POWER PLANT CHANGES	24,633	24,633
051	JPATS SERIES	22,682	22,682
052	AVIATION LIFE SUPPORT MODS	40,401	45,401
	Aviation body armor vest		[5,000]
053	COMMON ECM EQUIPMENT	138,480	134,370
	H-1 kit cost growth (OSIP 014-90)		[-2,091]
	MV-22 kit cost growth (OSIP 014-90)		[-2,019]
054	COMMON AVIONICS CHANGES	143,322	143,322
055	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142
056	ID SYSTEMS	35,999	35,999
057	P-8 SERIES	180,530	172,821
	Increment 3 aircrew trainers previously funded		[-7,709]
058	MAGTF EW FOR AVIATION	27,794	27,794
059	MQ-8 SERIES	28,774	28,774
060	V-22 (TIL/TROTOR ACFT) OSPREY	334,405	334,405
061	NEXT GENERATION JAMMER (NGJ)	176,638	176,638
062	F-35 STOVL SERIES	153,588	146,388
	Block IV/TR3 upgrade delays		[-7,200]
063	F-35 CV SERIES	105,452	99,552
	Block IV/TR3 upgrade delays		[-5,900]
064	QRC	126,618	126,618
065	MQ-4 SERIES	12,998	9,969
	Operating base installation early to need		[-3,029]
066	RQ-21 SERIES	18,550	14,725
	SURFR payload suite unit cost growth		[-3,825]
AIRCRAFT SPARES AND REPAIR PARTS			
070	SPARES AND REPAIR PARTS	2,198,460	2,088,679
	Additional F-35B/C spares		[30,000]
	CH-53K spares excess growth		[-25,984]
	E-2D AHE spares excess growth		[-14,773]
	Spares for modifications excess growth		[-47,555]
	Spares for repair of repairables excess growth		[-15,300]
	VH-92 spares excess growth		[-36,169]
AIRCRAFT SUPPORT EQUIP & FACILITIES UNDISTRIBUTED			
071	COMMON GROUND EQUIPMENT	543,559	543,559
072	AIRCRAFT INDUSTRIAL FACILITIES	75,685	75,685
073	WAR CONSUMABLES	40,633	40,633
074	OTHER PRODUCTION CHARGES	21,194	21,194
075	SPECIAL SUPPORT EQUIPMENT	155,179	155,179
076	FIRST DESTINATION TRANSPORTATION	2,121	2,121
TOTAL AIRCRAFT PROCUREMENT, NAVY		17,127,378	18,545,253
WEAPONS PROCUREMENT, NAVY MODIFICATION OF MISSILES			
001	TRIDENT II MODS	1,173,837	1,173,837
SUPPORT EQUIPMENT & FACILITIES			
002	MISSILE INDUSTRIAL FACILITIES	7,275	7,275

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
STRATEGIC MISSILES			
003	TOMAHAWK	277,694	247,874
	Contract award delay		[-26,040]
	Unit cost carryover		[-3,780]
TACTICAL MISSILES			
004	AMRAAM	326,952	326,952
005	SIDEWINDER	126,485	126,485
007	STANDARD MISSILE	456,206	406,206
	Transition to production request unjustified		[-50,000]
008	STANDARD MISSILE AP	66,716	66,716
009	SMALL DIAMETER BOMB II	78,867	74,267
	Contract award delay		[-4,600]
010	RAM	90,533	90,533
011	JOINT AIR GROUND MISSILE (JAGM)	49,386	49,386
014	AERIAL TARGETS	174,336	171,408
	EM443 hardware procurements/modifications excess growth		[-2,375]
	EM702 ground equipment previously funded		[-553]
015	DRONES AND DECOYS	41,256	19,956
	MALD concurrency		[-21,300]
016	OTHER MISSILE SUPPORT	3,501	3,501
017	LRASM	168,845	168,845
018	LCS OTH MISSILE	32,910	32,910
MODIFICATION OF MISSILES			
019	TOMAHAWK MODS	164,915	161,308
	MST kits excess cost growth		[-3,607]
020	ESSM	215,375	212,637
	Excessive production support growth		[-2,738]
022	HARM MODS	147,572	122,649
	AARGM AUR installation kits excess cost growth		[-7,060]
	AARGM ER installation kits excess cost		[-16,657]
	AARGM ER long lead components unjustified request		[-1,206]
023	STANDARD MISSILES MODS	83,654	74,654
	SM-2 BLK II/AZ Modification unit cost growth		[-4,900]
	Unjustified DMS request		[-4,100]
SUPPORT EQUIPMENT & FACILITIES			
024	WEAPONS INDUSTRIAL FACILITIES	1,996	1,996
025	FLEET SATELLITE COMM FOLLOW-ON	53,401	53,401
ORDNANCE SUPPORT EQUIPMENT			
027	ORDNANCE SUPPORT EQUIPMENT	215,659	215,659
TORPEDOES AND RELATED EQUIP			
028	SSTD	5,811	5,811
029	MK-48 TORPEDO	284,901	284,901
030	ASW TARGETS	13,833	13,833
MOD OF TORPEDOES AND RELATED EQUIP			
031	MK-54 TORPEDO MODS	110,286	103,441
	HAAWC kits early to need		[-6,845]
032	MK-48 TORPEDO ADCAP MODS	57,214	57,214
033	MARITIME MINES	5,832	5,832
SUPPORT EQUIPMENT			
034	TORPEDO SUPPORT EQUIPMENT	97,581	97,581
035	ASW RANGE SUPPORT	4,159	4,159
DESTINATION TRANSPORTATION			
036	FIRST DESTINATION TRANSPORTATION	4,106	4,106
GUNS AND GUN MOUNTS			
037	SMALL ARMS AND WEAPONS	16,030	16,030
MODIFICATION OF GUNS AND GUN MOUNTS			
038	CIWS MODS	37,147	37,147
039	COAST GUARD WEAPONS	45,804	45,804
040	GUN MOUNT MODS	74,427	74,427
041	LCS MODULE WEAPONS	4,253	4,253
042	AIRBORNE MINE NEUTRALIZATION SYSTEMS	6,662	6,662
SPARES AND REPAIR PARTS			
UNDISTRIBUTED			
045	SPARES AND REPAIR PARTS	159,578	159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	4,884,995	4,729,234
PROCUREMENT OF AMMO, NAVY & MC			
NAVY AMMUNITION			
001	GENERAL PURPOSE BOMBS	41,496	41,496
002	JDAM	64,631	64,631
003	AIRBORNE ROCKETS, ALL TYPES	60,719	60,719
004	MACHINE GUN AMMUNITION	11,158	11,158
005	PRACTICE BOMBS	51,409	51,409
006	CARTRIDGES & CART ACTUATED DEVICES	64,694	64,694
007	AIR EXPENDABLE COUNTERMEASURES	51,523	51,523
008	JATOS	6,761	6,761
009	5 INCH/54 GUN AMMUNITION	31,517	29,474
	MK 187 mod 0 projectile unit cost growth		[-2,043]

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
010	INTERMEDIATE CALIBER GUN AMMUNITION	38,005	36,138
	BA23 contract award delay		[-1,867]
011	OTHER SHIP GUN AMMUNITION	40,626	40,626
012	SMALL ARMS & LANDING PARTY AMMO	48,202	48,202
013	PYROTECHNIC AND DEMOLITION	9,766	9,766
015	AMMUNITION LESS THAN \$5 MILLION	2,115	2,115
	MARINE CORPS AMMUNITION UNDISTRIBUTED		
016	MORTARS	46,781	46,781
017	DIRECT SUPPORT MUNITIONS	119,504	79,662
	USMC identified funds excess to need		[-39,842]
018	INFANTRY WEAPONS AMMUNITION	83,220	73,901
	A059 unit cost growth		[-8,195]
	A940 LAP contract price savings		[-79]
	AB57 unit cost growth		[-1,045]
019	COMBAT SUPPORT MUNITIONS	32,650	32,650
020	AMMO MODERNIZATION	15,144	15,144
021	ARTILLERY MUNITIONS	59,539	59,539
022	ITEMS LESS THAN \$5 MILLION	4,142	4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	883,602	830,531
	SHIPBUILDING AND CONVERSION, NAVY FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	2,891,475	2,891,475
002	OHIO REPLACEMENT SUBMARINE AP	1,123,175	1,253,175
	Submarine supplier stability		[130,000]
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	997,544	907,544
	Full funding early to need		[-90,000]
004	CVN-81	1,645,606	1,606,432
	Full funding early to need		[-39,174]
005	VIRGINIA CLASS SUBMARINE	2,334,693	4,620,471
	Restore second Virginia-class SSN		[2,296,000]
	Unjustified cost growth		[-10,222]
006	VIRGINIA CLASS SUBMARINE	1,901,187	2,173,187
	Restore second Virginia-class SSN		[272,000]
007	CVN REFUELING OVERHAULS	1,878,453	1,878,453
008	CVN REFUELING OVERHAULS AP	17,384	17,384
009	DDG 1000	78,205	78,205
010	DDG-51	3,040,270	3,010,270
	Available prior-year funds		[-30,000]
011	DDG-51 AP	29,297	334,297
	LLTM for FY22 DDG-51s		[130,000]
	Surface ship supplier stability		[175,000]
013	FFG-FRIGATE	1,053,123	1,053,123
	AMPHIBIOUS SHIPS		
014	LPD FLIGHT II	1,155,801	1,125,801
	Excessive unit cost growth		[-28,000]
	Transfer to Line 15		[-2,000]
015	LPD FLIGHT II AP		2,000
	Transfer from Line 14 for LPD-32 and LPD-33		[2,000]
017	LHA REPLACEMENT		500,000
	LHA-9 program increase		[500,000]
019	EXPEDITIONARY FAST TRANSPORT (EPF)		260,000
	One additional ship		[260,000]
	UNDISTRIBUTED		
022	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	168,209	168,209
023	LCU 1700	87,395	87,395
024	OUTFITTING	825,586	766,334
	Unjustified cost growth		[-59,252]
026	SERVICE CRAFT	249,781	249,781
027	LCAC SLEP	56,461	56,461
028	COMPLETION OF PY SHIPBUILDING PROGRAMS	369,112	369,112
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	19,902,757	23,409,109
	OTHER PROCUREMENT, NAVY SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	11,738	11,738
	GENERATORS		
002	SURFACE COMBATANT HM&E	58,497	54,810
	HM&E condition system unjustified growth		[-3,687]
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	74,084	74,084
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	204,806	204,806
005	DDG MOD	547,569	512,155
	Installation excess unit cost growth		[-35,414]
006	FIREFIGHTING EQUIPMENT	18,394	18,394

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
007	COMMAND AND CONTROL SWITCHBOARD	2,374	2,374
008	LHA/LHD MIDLIFE	78,265	78,265
009	POLLUTION CONTROL EQUIPMENT	23,035	23,035
010	SUBMARINE SUPPORT EQUIPMENT	64,632	64,632
011	VIRGINIA CLASS SUPPORT EQUIPMENT	22,868	22,868
012	LCS CLASS SUPPORT EQUIPMENT	3,976	3,976
013	SUBMARINE BATTERIES	31,322	31,322
014	LPD CLASS SUPPORT EQUIPMENT	50,475	55,475
	Electronic actuator pilot program		[5,000]
015	DDG 1000 CLASS SUPPORT EQUIPMENT	42,279	36,779
	Excess cost growth		[-5,500]
016	STRATEGIC PLATFORM SUPPORT EQUIP	15,429	15,429
017	DSSP EQUIPMENT	2,918	2,918
018	CG MODERNIZATION	87,978	87,978
019	LCAC	9,366	9,366
020	UNDERWATER EOD EQUIPMENT	16,842	16,842
021	ITEMS LESS THAN \$5 MILLION	105,715	105,715
022	CHEMICAL WARFARE DETECTORS	3,044	3,044
023	SUBMARINE LIFE SUPPORT SYSTEM	5,885	5,885
	REACTOR PLANT EQUIPMENT		
024	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,260,721	1,248,621
	LCS in-service modernization excess cost growth		[-12,100]
025	REACTOR POWER UNITS	5,305	5,305
026	REACTOR COMPONENTS	415,404	415,404
	OCEAN ENGINEERING		
027	DIVING AND SALVAGE EQUIPMENT	11,143	11,143
	SMALL BOATS		
028	STANDARD BOATS	52,371	52,371
	PRODUCTION FACILITIES EQUIPMENT		
029	OPERATING FORCES IPE	233,667	233,667
	OTHER SHIP SUPPORT		
030	LCS COMMON MISSION MODULES EQUIPMENT	39,714	39,714
031	LCS MCM MISSION MODULES	218,822	187,608
	Excess procurement ahead of satisfactory testing		[-31,214]
032	LCS ASW MISSION MODULES	61,759	38,359
	Excess procurement ahead of satisfactory testing		[-23,400]
033	LCS SUW MISSION MODULES	24,412	24,412
034	LCS IN-SERVICE MODERNIZATION	121,848	121,848
035	SMALL & MEDIUM UUV	67,709	37,609
	SMCM UUV excess procurement ahead of satisfactory testing		[-30,100]
	SHIP SONARS		
037	SPQ-9B RADAR	27,517	27,517
038	AN/SQQ-89 SURF ASW COMBAT SYSTEM	128,664	128,664
039	SSN ACOUSTIC EQUIPMENT	374,737	374,737
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066
042	SSTD	13,241	13,241
043	FIXED SURVEILLANCE SYSTEM	193,446	193,446
044	SURTASS	63,838	63,838
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ-32	387,195	353,961
	Early to need		[-33,234]
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	235,744	227,337
	Excess cost growth		[-8,407]
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	26,006
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385
050	ATDLS	103,835	103,835
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594
052	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744
053	SHALLOW WATER MCM	5,493	5,493
054	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043
055	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592
056	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	83,475	83,475
058	AFLOAT ATC EQUIPMENT	65,113	65,113
059	ID SYSTEMS	23,815	23,815
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....	100,751	100,751
061	NAVAL MISSION PLANNING SYSTEMS	13,947	13,947
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	MARITIME INTEGRATED BROADCAST SYSTEM	1,375	1,375
063	TACTICAL/MOBILE C4I SYSTEMS	22,771	22,771
064	DCGS-N	18,872	18,872
065	CANES	389,585	389,585

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
066	RADIAC	10,335	10,335
067	CANES-INTELL	48,654	48,654
068	GPETE	8,133	8,133
069	MASF	4,150	4,150
070	INTEG COMBAT SYSTEM TEST FACILITY	5,934	5,934
071	EMI CONTROL INSTRUMENTATION	4,334	4,334
072	ITEMS LESS THAN \$5 MILLION	159,815	154,572
	NGSSR available prior year funds		[-5,243]
	SHIPBOARD COMMUNICATIONS		
073	SHIPBOARD TACTICAL COMMUNICATIONS	56,106	56,106
074	SHIP COMMUNICATIONS AUTOMATION	124,288	124,288
075	COMMUNICATIONS ITEMS UNDER \$5M	45,120	45,120
	SUBMARINE COMMUNICATIONS		
076	SUBMARINE BROADCAST SUPPORT	31,133	31,133
077	SUBMARINE COMMUNICATION EQUIPMENT	62,214	62,214
	SATELLITE COMMUNICATIONS		
078	SATELLITE COMMUNICATIONS SYSTEMS	47,421	47,421
079	NAVY MULTIBAND TERMINAL (NMT)	64,552	64,552
	SHORE COMMUNICATIONS		
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,398	4,398
	CRYPTOGRAPHIC EQUIPMENT		
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)	157,551	157,551
082	MIO INTEL EXPLOITATION TEAM	985	985
	CRYPTOLOGIC EQUIPMENT		
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906
	OTHER ELECTRONIC SUPPORT		
090	COAST GUARD EQUIPMENT	70,689	70,689
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	237,639	286,739
	Program increase for sonobuoys		[49,100]
	AIRCRAFT SUPPORT EQUIPMENT		
093	MINOTAUR	5,077	5,077
094	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969
095	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758
096	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059
097	METEOROLOGICAL EQUIPMENT	15,192	15,192
099	LEGACY AIRBORNE MCM	6,674	6,674
100	LAMPS EQUIPMENT	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	50,970
	ARC-210 radio communication system excess to need		[-3,073]
	MUOS capable communication system excess to need		[-3,019]
	MUOS capable communication system unit cost growth		[-2,038]
	Ship change document excess growth		[-1,837]
	SHIP GUN SYSTEM EQUIPMENT		
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	HARPOON SUPPORT EQUIPMENT	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	252,077
	Excess cost growth		[-10,000]
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	80,482
	TMPC cost growth		[-3,605]
	FBM SUPPORT EQUIPMENT		
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910
	ASW SUPPORT EQUIPMENT		
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470
111	ITEMS LESS THAN \$5 MILLION	6,356	6,356
	OTHER EXPENDABLE ORDNANCE		
112	ANTI-SHIP MISSILE DECOY SYSTEM	86,356	72,056
	AOEW production ramp		[-10,800]
	AOEW production support		[-3,500]
113	SUBMARINE TRAINING DEVICE MODS	69,240	69,240
114	SURFACE TRAINING EQUIPMENT	192,245	192,245
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	6,123	6,123
116	GENERAL PURPOSE TRUCKS	2,693	2,693
117	CONSTRUCTION & MAINTENANCE EQUIP	47,301	47,301
118	FIRE FIGHTING EQUIPMENT	10,352	10,352
119	TACTICAL VEHICLES	31,475	31,475
121	POLLUTION CONTROL EQUIPMENT	2,630	2,630
122	ITEMS LESS THAN \$5 MILLION	47,972	47,972
123	PHYSICAL SECURITY VEHICLES	1,171	1,171
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	19,693	19,693
125	FIRST DESTINATION TRANSPORTATION	4,956	4,956

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
126	SPECIAL PURPOSE SUPPLY SYSTEMS	668,639	668,639
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	4,026	4,026
128	TRAINING AND EDUCATION EQUIPMENT	73,454	73,454
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	32,390	32,390
130	MEDICAL SUPPORT EQUIPMENT	974	974
132	NAVAL MIP SUPPORT EQUIPMENT	5,606	5,606
133	OPERATING FORCES SUPPORT EQUIPMENT	16,024	16,024
134	C4ISR EQUIPMENT	6,697	6,697
135	ENVIRONMENTAL SUPPORT EQUIPMENT	27,503	27,503
136	PHYSICAL SECURITY EQUIPMENT	138,281	138,281
137	ENTERPRISE INFORMATION TECHNOLOGY	42,680	42,680
	OTHER		
140	NEXT GENERATION ENTERPRISE SERVICE	184,443	184,443
141	CYBERSPACE ACTIVITIES	16,523	16,523
	CLASSIFIED PROGRAMS		
41A	CLASSIFIED PROGRAMS	18,446	18,446
	SPARES AND REPAIR PARTS		
142	SPARES AND REPAIR PARTS	374,195	374,195
	TOTAL OTHER PROCUREMENT, NAVY	10,948,518	10,776,447
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	87,476	87,476
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	478,874	456,328
	ILS excess growth		[-2,074]
	Peculiar training equipment and simulators previously funded		[-2,550]
	Production support previously funded		[-1,713]
	Surface vehicle cost prior year carryover		[-7,347]
	System engineering program management previously funded		[-8,862]
003	LAV PIP	41,988	41,988
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	59	59
005	ARTILLERY WEAPONS SYSTEM	174,687	112,187
	Missiles excess to need		[-62,500]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	24,867	23,957
	RHGPIC production units previously funded and cost growth		[-910]
	OTHER SUPPORT		
007	MODIFICATION KITS	3,067	0
	USMC funds identified excess to need		[-3,067]
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	18,920	18,920
009	ANTI-ARMOR MISSILE-JAVELIN	19,888	19,888
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,891	21,891
011	ANTI-ARMOR MISSILE-TOW	34,985	34,985
012	GUIDED MLRS ROCKET (GMLRS)	133,689	133,689
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,057	35,057
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	24,405	24,405
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	1,006	1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)	69,725	69,725
017	AIR OPERATIONS C2 SYSTEMS	15,611	15,611
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	284,283	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	1,587	1,587
021	FIRE SUPPORT SYSTEM	24,934	24,934
022	INTELLIGENCE SUPPORT EQUIPMENT	50,728	50,728
024	UNMANNED AIR SYSTEMS (INTEL)	24,853	24,853
025	DCGS-MC	38,260	38,260
026	UAS PAYLOADS	5,489	5,489
	OTHER SUPPORT (NON-TEL)		
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	78,922	76,411
	Network equipment tech refresh previously funded		[-2,511]
030	COMMON COMPUTER RESOURCES	35,349	35,349
031	COMMAND POST SYSTEMS	33,713	33,713
032	RADIO SYSTEMS	343,250	340,350
	Program decrease		[-2,900]
033	COMM SWITCHING & CONTROL SYSTEMS	40,627	40,627
034	COMM & ELEC INFRASTRUCTURE SUPPORT	43,782	43,782
035	CYBERSPACE ACTIVITIES	53,896	53,896
	CLASSIFIED PROGRAMS		
36A	CLASSIFIED PROGRAMS	3,797	3,797
	ADMINISTRATIVE VEHICLES		

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
037	COMMERCIAL CARGO VEHICLES	22,460	22,460
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	10,739	10,739
039	JOINT LIGHT TACTICAL VEHICLE	381,675	381,675
040	FAMILY OF TACTICAL TRAILERS	2,963	2,963
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	385	385
043	TACTICAL FUEL SYSTEMS	501	501
044	POWER EQUIPMENT ASSORTED	23,430	23,430
045	AMPHIBIOUS SUPPORT EQUIPMENT	5,752	5,752
046	EOD SYSTEMS	20,939	20,939
	MATERIALS HANDLING EQUIPMENT		
047	PHYSICAL SECURITY EQUIPMENT	23,063	23,063
	GENERAL PROPERTY		
048	FIELD MEDICAL EQUIPMENT	4,187	4,187
049	TRAINING DEVICES	101,765	101,765
050	FAMILY OF CONSTRUCTION EQUIPMENT	19,305	19,305
051	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	678	678
	OTHER SUPPORT		
052	ITEMS LESS THAN \$5 MILLION	9,174	9,174
	SPARES AND REPAIR PARTS		
	UNDISTRIBUTED		
053	SPARES AND REPAIR PARTS	27,295	27,295
	TOTAL PROCUREMENT, MARINE CORPS	2,903,976	2,809,542
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	4,567,018	5,286,566
	Additional 12 F-35As		[976,667]
	Excess miscellaneous support costs		[-156,000]
	Unit cost adjustment		[-101,119]
002	F-35 AP	610,800	610,800
004	F-15EX	1,269,847	1,242,247
	Airframe excess to need		[-27,600]
005	F-15EX AP	133,500	133,500
	TACTICAL AIRLIFT		
007	KC-46A MDAP	2,850,151	2,707,799
	Lot 7 funding excess to NTE ceiling		[-142,352]
	OTHER AIRLIFT		
008	C-130J	37,131	692,131
	Additional aircraft		[655,000]
010	MC-130J	362,807	345,107
	Air force identified excess to need		[-17,700]
011	MC-130J AP	39,987	30,000
	FY22 quantity reduction		[-9,987]
	HELICOPTERS		
012	UH-1N REPLACEMENT	194,016	194,016
013	COMBAT RESCUE HELICOPTER	973,473	909,909
	Modernization/upgrades ahead of need		[-63,564]
013A	CV-22		206,220
	SOCOM UPL		[206,220]
	MISSION SUPPORT AIRCRAFT		
015	CIVIL AIR PATROL A/C	2,811	11,200
	Program increase		[8,389]
	OTHER AIRCRAFT		
016	TARGET DRONES	133,273	133,273
018	COMPASS CALL	161,117	161,117
020	MQ-9	29,409	108,000
	Program increase		[108,000]
	Shutdown costs ahead of need		[-29,409]
	STRATEGIC AIRCRAFT		
022	B-1	3,853	0
	USAF-requested transfer to RDAF Line 174		[-3,853]
023	B-2A	31,476	31,476
024	B-1B	21,808	21,808
025	B-52	53,949	28,078
	Bomber TDL install funds ahead of need		[-2,000]
	GPS-IU funding ahead of need		[-23,871]
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999	9,999
	TACTICAL AIRCRAFT		
027	A-10	135,793	135,793
028	E-11 BACN/HAG	33,645	33,645
029	F-15	349,304	329,242
	APG-82 common configuration excess to need		[-12,012]
	MUOS ahead of need		[-8,050]
030	F-16	615,760	587,892
	Additional radars		[25,000]
	AIFF Mode 5—AF requested transfer to RDTE, AF line 187		[-9,868]

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Comm suite upgrade excess to need		[-43,000]
032	F-22A	387,905	361,705
	Contract delays		[-26,200]
033	F-35 MODIFICATIONS	322,185	290,485
	Block IV/TR3 delays		[-31,700]
034	F-15 EPAW	31,995	27,195
	Concurrency		[-4,800]
035	INCREMENT 3.2B	5,889	5,889
036	KC-46A MDAP	24,085	9,085
	Excessive airworthiness directives and service bulletins		[-15,000]
	AIRLIFT AIRCRAFT		
037	C-5	62,108	50,279
	Unjustified PMA cost growth		[-11,829]
038	C-17A	66,798	44,798
	BLOS ahead of need		[-22,000]
040	C-32A	2,947	2,947
041	C-37A	12,985	5,985
	SATCOM installs ahead of need		[-7,000]
	TRAINER AIRCRAFT		
042	GLIDER MODS	977	977
043	T-6	26,829	26,829
044	T-1	4,465	4,465
045	T-38	36,806	41,806
	T-38 ejection seats		[5,000]
	OTHER AIRCRAFT		
046	U-2 MODS	110,618	110,618
047	KC-10A (ATCA)	117	117
049	VC-25A MOD	1,983	1,983
050	C-40	9,252	7,252
	SATCOM installs ahead of need		[-2,000]
051	C-130	5,871	140,630
	AMP 1 excess to need		[-3,841]
	Eight-bladed propeller upgrade kits only		[55,000]
	Improved modular airborne fire fighting system (iMAFFS)		[4,600]
	T-56 3.5 engine mod		[79,000]
052	C-130J MODS	140,032	140,032
053	C-135	88,250	86,450
	Other government cost growth		[-1,800]
055	COMPASS CALL	193,389	169,653
	Baseline 3 installation delays		[-8,706]
	Baseline 4 cost discrepancies		[-15,030]
057	RC-135	191,332	191,332
058	E-3	172,141	135,740
	NATO AWACS—transfer to line 88		[-36,401]
059	E-4	58,803	44,140
	Funds rephased to future fiscal years		[-14,663]
060	E-8	11,037	38,037
	Program increase		[27,000]
061	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	53,343	53,343
062	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573	1,573
063	H-1	4,410	4,410
064	H-60	44,538	44,538
065	RQ-4 MODS	40,468	12,350
	ASIP SW/HW upgrades and support forward financed		[-2,000]
	Unjustified mod funding		[-26,118]
066	HC/MC-130 MODIFICATIONS	20,780	20,780
067	OTHER AIRCRAFT	100,774	100,774
068	MQ-9 MODS	188,387	188,387
070	CV-22 MODS	122,306	122,306
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	926,683	919,347
	F-15 EPAWSS spares excess to need		[-6,036]
	F-35A initial spares increase		[10,000]
	Unobligated balances—F-16s		[-11,300]
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719	132,719
	POST PRODUCTION SUPPORT		
074	B-2A	1,683	1,683
075	B-2B	46,734	46,734
076	B-52	1,034	1,034
079	E-11 BACN/HAG	63,419	63,419
080	F-15	2,632	2,632
081	F-16	14,163	14,163
083	OTHER AIRCRAFT	4,595	4,595
084	RQ-4 POST PRODUCTION CHARGES	32,585	32,585
	INDUSTRIAL PREPAREDNESS		
085	INDUSTRIAL RESPONSIVENESS	18,215	18,215
	WAR CONSUMABLES		

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
086	WAR CONSUMABLES	36,046	36,046
	OTHER PRODUCTION CHARGES		
087	OTHER PRODUCTION CHARGES	1,439,640	1,551,041
	Classified increase		[75,000]
	NATO AWACS—transfer from line 58		[36,401]
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
89A	CLASSIFIED PROGRAMS	21,692	21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	17,908,145	19,282,613
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	75,012	75,012
	TACTICAL		
002	REPLAC EQUIP & WAR CONSUMABLES	4,495	4,495
004	JOINT AIR-SURFACE STANDOFF MISSILE	475,949	475,949
005	LRASM0	19,800	19,800
006	SIDEWINDER (AIM-9X)	164,769	164,769
007	AMRAAM	453,223	451,923
	AUR u/c growth		[−1,300]
008	PREDATOR HELLFIRE MISSILE	40,129	40,129
009	SMALL DIAMETER BOMB	45,475	45,475
010	SMALL DIAMETER BOMB II	273,272	237,932
	Deliveries behind schedule		[−35,340]
	INDUSTRIAL FACILITIES		
011	INDUSTR'L PREPAREDNS/POL PREVENTION	814	814
	CLASS IV		
013	ICBM FUZE MOD	3,458	3,458
014	ICBM FUZE MOD AP	43,450	43,450
015	MM III MODIFICATIONS	85,310	81,137
	Initial spares—AF requested transfer to line 18		[−4,173]
016	AGM-65D MAVERICK	298	298
017	AIR LAUNCH CRUISE MISSILE (ALCM)	52,924	52,924
	MISSILE SPARES AND REPAIR PARTS		
018	MSL SPRS/REPAIR PARTS (INITIAL)	9,402	13,575
	Initial spares—AF requested transfer from line 15		[4,173]
019	MSL SPRS/REPAIR PARTS (REPLEN)	84,671	84,671
	SPECIAL PROGRAMS		
025	SPECIAL UPDATE PROGRAMS	23,501	23,501
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
25A	CLASSIFIED PROGRAMS	540,465	540,465
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,396,417	2,359,777
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	14,962	14,962
	CARTRIDGES		
002	CARTRIDGES	123,365	123,365
	BOMBS		
003	PRACTICE BOMBS	59,725	59,725
006	JOINT DIRECT ATTACK MUNITION	206,989	206,989
007	B61	35,634	35,634
	OTHER ITEMS		
009	CAD/PAD	47,830	47,830
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,232	6,232
011	SPARES AND REPAIR PARTS	542	542
012	MODIFICATIONS	1,310	1,310
013	ITEMS LESS THAN \$5,000,000	4,753	4,753
	FLARES		
015	FLARES	40,088	40,088
	FUZES		
016	FUZES	40,983	38,901
	C-HOBS ahead of need		[−2,082]
	SMALL ARMS		
	UNDISTRIBUTED		
017	SMALL ARMS	13,925	13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	596,338	594,256
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
001	ADVANCED EHF	14,823	14,823
002	AF SATELLITE COMM SYSTEM	48,326	48,326
003	COUNTERSPACE SYSTEMS	65,540	49,155
	Insufficient justification		[−16,385]
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	66,190	66,190
005	GENERAL INFORMATION TECH—SPACE	3,299	3,299
006	GPSIII FOLLOW ON	627,796	612,796

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Unjustified growth		[-15,000]
007	GPS III SPACE SEGMENT	20,122	20,122
008	GLOBAL POSITIONING (SPACE)	2,256	2,256
009	SPACEBORNE EQUIP (COMSEC)	35,495	35,495
010	MILSATCOM	15,795	15,795
011	SBIR HIGH (SPACE)	160,891	160,891
012	SPECIAL SPACE ACTIVITIES	78,387	78,387
013	NATIONAL SECURITY SPACE LAUNCH	1,043,171	948,171
	Launch services unjustified increase		[-95,000]
014	NUDET DETECTION SYSTEM	6,638	6,638
015	ROCKET SYSTEMS LAUNCH PROGRAM	47,741	47,741
016	SPACE FENCE	11,279	11,279
017	SPACE MODS	96,551	88,706
	Insufficient justification		[-10,000]
	Transfer from OP,AF line 22		[2,155]
018	SPACELIFT RANGE SYSTEM SPACE	100,492	90,492
	Underexecution		[-10,000]
	SPARES		
019	SPARES AND REPAIR PARTS	1,272	1,272
	TOTAL PROCUREMENT, SPACE FORCE	2,446,064	2,301,834
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	9,016	9,016
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	15,058	15,058
003	CAP VEHICLES	1,059	1,800
	Program increase		[741]
004	CARGO AND UTILITY VEHICLES	38,920	38,920
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	30,544	30,544
006	SECURITY AND TACTICAL VEHICLES	319	319
007	SPECIAL PURPOSE VEHICLES	43,157	43,157
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	12,897	12,897
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577
011	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	54,864	54,864
	INTELLIGENCE PROGRAMS		
014	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	10,783
	PDI: Mission Partner Environment BICES-X local upgrades		[1,500]
015	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849
016	INTELLIGENCE COMM EQUIPMENT	33,471	30,191
	IMAD acquisition materials		[-3,280]
	ELECTRONICS PROGRAMS		
017	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409
018	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909
019	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632
020	WEATHER OBSERVATION FORECAST	33,021	33,021
021	STRATEGIC COMMAND AND CONTROL	31,353	31,353
022	CHEYENNE MOUNTAIN COMPLEX	10,314	8,199
	Transfer to P,SF line 17		[-2,115]
023	MISSION PLANNING SYSTEMS	15,132	15,132
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	39,887	39,887
027	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602
029	MOBILITY COMMAND AND CONTROL	10,541	10,541
030	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	93,777
	Program decrease		[-2,500]
031	COMBAT TRAINING RANGES	195,185	193,185
	forward financing		[-2,000]
032	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	21,664
	Schedule slips		[-8,000]
033	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633
034	C3 COUNTERMEASURES	105,584	105,584
036	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899
038	THEATER BATTLE MGT C2 SYSTEM	3,392	3,392
039	AIR & SPACE OPERATIONS CENTER (AOC)	24,983	24,983
	AIR FORCE COMMUNICATIONS		
041	BASE INFORMATION TRANSPIT INFRAST (BITI) WIRED	19,147	19,147
042	AFNET	84,515	84,515
043	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,185	6,185
044	USCENTCOM	19,649	19,649

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
045	USSTRATCOM	4,337	4,337
	ORGANIZATION AND BASE		
046	TACTICAL C-E EQUIPMENT	137,033	137,033
047	RADIO EQUIPMENT	15,264	15,264
049	BASE COMM INFRASTRUCTURE	132,281	146,281
	PDI: Mission Partner Environment PACNET		[14,000]
	MODIFICATIONS		
050	COMM ELECT MODS	21,471	21,471
	PERSONAL SAFETY & RESCUE EQUIP		
051	PERSONAL SAFETY AND RESCUE EQUIPMENT	49,578	49,578
	DEPOT PLANT+MTRLS HANDLING EQ		
052	POWER CONDITIONING EQUIPMENT	11,454	11,454
053	MECHANIZED MATERIAL HANDLING EQUIP	12,110	12,110
	BASE SUPPORT EQUIPMENT		
054	BASE PROCURED EQUIPMENT	21,142	21,142
055	ENGINEERING AND EOD EQUIPMENT	7,700	7,700
056	MOBILITY EQUIPMENT	18,266	18,266
057	FUELS SUPPORT EQUIPMENT (FSE)	9,601	9,601
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	42,078	42,078
	SPECIAL SUPPORT PROJECTS		
060	DARP RC135	27,164	27,164
061	DCGS-AF	121,528	121,528
063	SPECIAL UPDATE PROGRAM	782,641	782,641
	CLASSIFIED PROGRAMS		
63A	CLASSIFIED PROGRAMS	21,086,112	21,041,612
	Program adjustment		[-44,500]
	SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS (CYBER)	1,664	1,664
065	SPARES AND REPAIR PARTS	15,847	15,847
	TOTAL OTHER PROCUREMENT, AIR FORCE	23,695,720	23,649,566
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
026	MAJOR EQUIPMENT, DPAA	500	500
049	MAJOR EQUIPMENT, OSD	3,099	3,099
	MAJOR EQUIPMENT, NSA		
048	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	101	101
	MAJOR EQUIPMENT, WHS		
053	MAJOR EQUIPMENT, WHS	515	515
	MAJOR EQUIPMENT, DISA		
011	INFORMATION SYSTEMS SECURITY	17,211	17,211
012	TELEPORT PROGRAM	29,841	29,841
013	JOINT FORCES HEADQUARTERS—DODIN	3,091	3,091
014	ITEMS LESS THAN \$5 MILLION	41,569	41,569
016	DEFENSE INFORMATION SYSTEM NETWORK	26,978	26,978
017	WHITE HOUSE COMMUNICATION AGENCY	44,161	44,161
018	SENIOR LEADERSHIP ENTERPRISE	35,935	35,935
019	JOINT REGIONAL SECURITY STACKS (JRSS)	88,741	88,741
020	JOINT SERVICE PROVIDER	157,538	157,538
021	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,084	42,084
	MAJOR EQUIPMENT, DLA		
023	MAJOR EQUIPMENT	417,459	410,459
	MGUE—DLA requested transfer to RDTE,DW line 54		[-7,000]
	MAJOR EQUIPMENT, DCSA		
003	MAJOR EQUIPMENT	2,212	2,212
	MAJOR EQUIPMENT, TJS		
050	MAJOR EQUIPMENT, TJS	8,329	8,329
051	MAJOR EQUIPMENT—TJS CYBER	1,247	1,247
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
031	THAAD	495,396	601,796
	8th THAAD battery components		[76,300]
	HEMTT life-of-type buy		[30,100]
034	AEGIS BMD	356,195	356,195
035	AEGIS BMD AP	44,901	44,901
036	BMDS AN/TPY-2 RADARS		243,300
	8th THAAD battery radar equipment		[243,300]
037	SM-3 IILAS	218,322	324,322
	Increase SM-3 Block IIA quantities		[106,000]
038	ARROW 3 UPPER TIER SYSTEMS	77,000	77,000
039	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
040	AEGIS ASHORE PHASE III	39,114	39,114
041	IRON DOME	73,000	73,000
042	AEGIS BMD HARDWARE AND SOFTWARE	104,241	104,241
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	4,213	4,213
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
028	VEHICLES	215	215
029	OTHER MAJOR EQUIPMENT	9,994	9,994

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
027	REGIONAL CENTER PROCUREMENT	1,598	1,598
	MAJOR EQUIPMENT, DODEA		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,319	1,319
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	1,398	1,398
	MAJOR EQUIPMENT, DMACT		
024	MAJOR EQUIPMENT	7,993	7,993
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	554,264	551,864
	Classified adjustment		[-2,400]
	AVIATION PROGRAMS		
055	ARMED OVERWATCH/TARGETING	101,000	0
	Program decrease		[-101,000]
059	ROTARY WING UPGRADES AND SUSTAINMENT	211,041	211,041
060	UNMANNED ISR	25,488	24,488
	Program decrease		[-1,000]
061	NON-STANDARD AVIATION	61,874	61,874
062	U-28	3,825	3,825
063	MH-47 CHINOOK	135,482	135,482
064	CV-22 MODIFICATION	14,829	14,829
065	MQ-9 UNMANNED AERIAL VEHICLE	6,746	6,746
066	PRECISION STRIKE PACKAGE	243,111	238,111
	Program decrease		[-5,000]
067	AC/MC-130J	163,914	153,914
	RFCM excess to need		[-10,000]
068	C-130 MODIFICATIONS	20,414	20,414
	SHIPBUILDING		
069	UNDERWATER SYSTEMS	20,556	20,556
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	186,197	186,197
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	94,982	94,982
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,645	11,645
073	OTHER ITEMS <\$5M	96,333	84,107
	MMP excess to need		[-12,226]
074	COMBATANT CRAFT SYSTEMS	17,278	17,278
075	SPECIAL PROGRAMS	78,865	71,365
	Program decrease		[-7,500]
076	TACTICAL VEHICLES	30,158	30,158
077	WARRIOR SYSTEMS <\$5M	260,733	260,733
078	COMBAT MISSION REQUIREMENTS	19,848	19,848
079	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	2,401	2,401
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	13,861	13,861
081	OPERATIONAL ENHANCEMENTS	247,038	247,038
	CBDP		
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	147,150	147,150
083	CB PROTECTION & HAZARD MITIGATION	149,944	149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,324,487	5,634,061
	TOTAL PROCUREMENT	130,684,160	136,585,222

1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY

2 OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
002	MQ-1 UAV		110,000
	Additional aircraft		[110,000]
	ROTARY		
009	AH-64 APACHE BLOCK IIIB NEW BUILD	69,154	69,154
014	CH-47 HELICOPTER	50,472	50,472
	MODIFICATION OF AIRCRAFT		
017	MQ-1 PAYLOAD (MIP)	5,968	0
	Justification does not match need		[-5,968]
020	MULTI SENSOR ABN RECON (MIP)	122,520	122,520
025	EMARSS SEMA MODS (MIP)	26,460	26,460
030	DEGRADED VISUAL ENVIRONMENT	1,916	1,916

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	GROUND SUPPORT AVIONICS		
037	CMWS	149,162	149,162
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	32,400	32,400
	OTHER SUPPORT UNDISTRIBUTED		
041	AIRCREW INTEGRATED SYSTEMS	3,028	3,028
	TOTAL AIRCRAFT PROCUREMENT, ARMY	461,080	565,112
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	158,300	158,300
003	MSE MISSILE	176,585	176,585
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
011	GUIDED MLRS ROCKET (GMLRS)	127,015	127,015
015	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	84,993	69,393
	Contract delays		[–15,600]
	MODIFICATIONS		
017	ATACMS MODS	78,434	78,434
022	MLRS MODS	20,000	20,000
	TOTAL MISSILE PROCUREMENT, ARMY	881,592	865,992
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	4,765	4,765
018	MORTAR SYSTEMS	10,460	10,460
	TOTAL PROCUREMENT OF W&TCV, ARMY	15,225	15,225
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	567	567
002	CTG, 7.62MM, ALL TYPES	40	40
004	CTG, HANDGUN, ALL TYPES	17	17
005	CTG, .50 CAL, ALL TYPES	189	189
008	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
016	PROJ 155MM EXTENDED RANGE M982	29,213	29,213
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	21,675	21,675
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
021	ROCKET, HYDRA 70, ALL TYPES	33,880	33,880
	MISCELLANEOUS		
029	ITEMS LESS THAN \$5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	110,668	110,668
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500
014	PLS ESP	15,163	15,163
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS		
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	2,700	2,700
032	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566
033	SMART-T (SPACE)	289	289
034	GLOBAL BRDCST SVC—GBS	319	319
	COMM—COMBAT COMMUNICATIONS		
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230
	INFORMATION SECURITY		
052	COMMUNICATIONS SECURITY (COMSEC)	128	128
	COMM—BASE COMMUNICATIONS		
058	INFORMATION SYSTEMS	15,277	15,277
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	74,004
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	47,709	47,709
070	TROJAN (MIP)	1,766	1,766
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
080	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	33,496	33,496
084	NIGHT VISION DEVICES	643	643
087	RADIATION MONITORING SYSTEMS	11	11
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
094	COMPUTER BALLISTICS: LHMC XM32	280	280
095	MORTAR FIRE CONTROL SYSTEM	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT		
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
122	BASE DEFENSE SYSTEMS (BDS)	98,960	98,960
123	CBRN DEFENSE	18,887	18,887
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	50,400	50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	370	370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	3,721	3,721
145	FORCE PROVIDER	56,400	56,400
146	FIELD FEEDING EQUIPMENT	2,279	2,279
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,374	4,374
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	6,390	6,390
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	7,769	7,769
153	ITEMS LESS THAN \$5.0M (MAINT EQ)	184	184
	CONSTRUCTION EQUIPMENT		
156	LOADERS	3,190	3,190
157	HYDRAULIC EXCAVATOR	7,600	7,600
158	TRACTOR, FULL TRACKED	7,450	7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	3,703	3,703
162	CONST EQUIP ESP	657	657
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	106	106
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	1,885	1,885
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
181	PHYSICAL SECURITY SYSTEMS (OPA3)	3,248	3,248
185	BUILDING, PRE-FAB, RELOCATABLE	31,845	31,845
	TOTAL OTHER PROCUREMENT, ARMY	924,077	924,077
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
024	STUASLO UAV	7,921	7,921
	MODIFICATION OF AIRCRAFT		
053	COMMON ECM EQUIPMENT	3,474	3,474
055	COMMON DEFENSIVE WEAPON SYSTEM	3,339	3,339
064	QRC	18,507	18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY	33,241	33,241
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
012	HELLFIRE	5,572	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	5,572	5,572
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	8,068	8,068
002	JDAM	15,529	15,529
003	AIRBORNE ROCKETS, ALL TYPES	23,000	23,000
004	MACHINE GUN AMMUNITION	22,600	22,600
006	CARTRIDGES & CART ACTUATED DEVICES	3,927	3,927
007	AIR EXPENDABLE COUNTERMEASURES	15,978	15,978
008	JATOS	2,100	2,100
011	OTHER SHIP GUN AMMUNITION	2,611	2,611
012	SMALL ARMS & LANDING PARTY AMMO	1,624	1,624
013	PYROTECHNIC AND DEMOLITION	505	505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	95,942	95,942
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
028	STANDARD BOATS	19,104	19,104
	OTHER SHIP SUPPORT		
035	SMALL & MEDIUM UUV	2,946	2,946
	ASW ELECTRONIC EQUIPMENT		

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
043	FIXED SURVEILLANCE SYSTEM	213,000	213,000
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	26,196	26,196
	AIRCRAFT SUPPORT EQUIPMENT		
095	AIRCRAFT SUPPORT EQUIPMENT	60,217	60,217
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	2,124	2,124
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	177	177
116	GENERAL PURPOSE TRUCKS	416	416
118	FIRE FIGHTING EQUIPMENT	801	801
	SUPPLY SUPPORT EQUIPMENT		
125	FIRST DESTINATION TRANSPORTATION	520	520
	TRAINING DEVICES		
128	TRAINING AND EDUCATION EQUIPMENT	11,500	11,500
	COMMAND SUPPORT EQUIPMENT		
130	MEDICAL SUPPORT EQUIPMENT	3,525	3,525
136	PHYSICAL SECURITY EQUIPMENT	3,000	3,000
	TOTAL OTHER PROCUREMENT, NAVY	343,526	343,526
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
012	GUIDED MLRS ROCKET (GMLRS)	17,456	17,456
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	4,200	4,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	INTELLIGENCE SUPPORT EQUIPMENT	10,124	10,124
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	16,183	16,183
	TOTAL PROCUREMENT, MARINE CORPS	47,963	47,963
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
013	COMBAT RESCUE HELICOPTER	174,000	174,000
	OTHER AIRCRAFT		
020	MQ-9	142,490	57,900
	ECP excess to need		[-8,600]
	Production line shutdown ahead of need		[-75,990]
021	RQ-20B PUMA	13,770	13,770
	STRATEGIC AIRCRAFT		
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,521	57,521
	OTHER AIRCRAFT		
046	U-2 MODS	9,600	9,600
055	COMPASS CALL	12,800	12,800
066	HC/MC-130 MODIFICATIONS	58,020	58,020
069	MQ-9 UAS PAYLOADS	46,100	63,500
	WAMI combat loss replacement		[17,400]
070	CV-22 MODS	6,290	6,290
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	10,700	10,700
072	MQ-9	12,250	12,250
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,614	25,614
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	569,155	501,965
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
004	JOINT AIR-SURFACE STANDOFF MISSILE	30,000	30,000
008	PREDATOR HELLFIRE MISSILE	143,420	143,420
009	SMALL DIAMETER BOMB	50,352	50,352
	TOTAL MISSILE PROCUREMENT, AIR FORCE	223,772	223,772
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	19,489	19,489
	CARTRIDGES		
002	CARTRIDGES	40,434	40,434
	BOMBS		
004	GENERAL PURPOSE BOMBS	369,566	369,566
006	JOINT DIRECT ATTACK MUNITION	237,723	237,723
	FLARES		
015	FLARES	21,171	21,171
	FUZES		
016	FUZES	107,855	107,855
	SMALL ARMS		
	UNDISTRIBUTED		
017	SMALL ARMS	6,217	6,217
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	802,455	802,455

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	1,302	1,302
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	3,400	3,400
004	CARGO AND UTILITY VEHICLES	12,475	12,475
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	26,150	26,150
007	SPECIAL PURPOSE VEHICLES	51,254	51,254
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	24,903	24,903
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	14,167	14,167
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	5,759	5,759
011	BASE MAINTENANCE SUPPORT VEHICLES	20,653	20,653
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	5,100	5,100
030	AIR FORCE PHYSICAL SECURITY SYSTEM	56,496	56,496
	ORGANIZATION AND BASE		
049	BASE COMM INFRASTRUCTURE	30,717	30,717
	BASE SUPPORT EQUIPMENT		
055	ENGINEERING AND EOD EQUIPMENT	13,172	13,172
056	MOBILITY EQUIPMENT	33,694	33,694
057	FUELS SUPPORT EQUIPMENT (FSE)	1,777	1,777
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	31,620	31,620
	SPECIAL SUPPORT PROJECTS		
061	DCGS-AF	18,700	18,700
	SPARES AND REPAIR PARTS		
065	SPARES AND REPAIR PARTS	4,000	4,000
	TOTAL OTHER PROCUREMENT, AIR FORCE	355,339	355,339
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
016	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
030	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	3,500	3,500
	AVIATION PROGRAMS		
056	MANNED ISR	5,000	45,100
	Combat loss replacement—DHC-8		[40,100]
057	MC-12	5,000	5,000
060	UNMANNED ISR	8,207	8,207
062	U-28		24,711
	Combat loss replacement		[24,711]
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	105,355	105,355
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	16,234	16,234
073	OTHER ITEMS <\$5M	984	984
076	TACTICAL VEHICLES	2,990	2,990
077	WARRIOR SYSTEMS <\$5M	32,573	32,573
078	COMBAT MISSION REQUIREMENTS	10,000	10,000
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724
081	OPERATIONAL ENHANCEMENTS	53,264	53,264
	TOTAL PROCUREMENT, DEFENSE-WIDE	258,491	323,302
	NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		150,000
	Program increase		[150,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT		150,000
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		150,000
	TOTAL PROCUREMENT	5,128,098	5,514,151

1 TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

4 SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
002	0601102A	DEFENSE RESEARCH SCIENCES	303,257	318,257
		Counter-UAS Army research lab		[5,000]
		Increase in basic research		[10,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	72,148
		Program increase		[5,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,877	101,877
		Automotive research center modeling and simulation		[5,000]
		Biotechnology advancements		[4,000]
		Program increase		[5,000]
005	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077
		SUBTOTAL BASIC RESEARCH	463,359	497,359
APPLIED RESEARCH				
007	0602115A	BIOMEDICAL TECHNOLOGY	11,835	11,835
011	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	2,000	2,000
012	0602141A	LETHALITY TECHNOLOGY	42,425	50,425
		Hybrid additive manufacturing		[3,000]
		Next generation additive manufacturing and 3-D printed electronics.		[5,000]
013	0602142A	ARMY APPLIED RESEARCH	30,757	33,757
		Pathfinder Air Assault		[3,000]
014	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	137,435
		HEROES program increase		[5,000]
		Pathfinder Airborne		[5,000]
		Syn-bio enabled functional materials for the soldier		[2,000]
015	0602144A	GROUND TECHNOLOGY	28,047	47,047
		Cold weather military research		[2,000]
		Ground technology advanced manufacturing, materials and process initiative.		[2,000]
		Materials recovery technologies for defense supply resiliency		[10,000]
		Polymeric composites via cold spray additive manufacturing		[5,000]
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	217,565	227,565
		Ground combat vehicle platform electrification		[2,000]
		Immersive virtual modeling and simulation techniques		[5,000]
		Next Generation Combat Vehicle modeling and simulation		[3,000]
017	0602146A	NETWORK C3I TECHNOLOGY	114,404	129,404
		Alternative positioning navigation and timing		[5,000]
		Defense resiliency platform against extreme cold weather		[3,000]
		Multi-drone multi-sensor ISR capability		[2,000]
		Program increase		[5,000]
018	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	65,553
		Composite artillery tube and propulsion prototyping		[5,000]
019	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	101,484
		High density eVOTL power source research		[5,000]
020	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	66,298
		Advanced beam control tracking and targeting		[5,000]
		High energy laser technology		[5,000]
022	0602213A	C3I APPLIED CYBER	18,816	18,816
040	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,766	20,766
042	0602787A	MEDICAL TECHNOLOGY	95,496	95,496
		SUBTOTAL APPLIED RESEARCH	920,881	1,007,881
ADVANCED TECHNOLOGY DEVELOPMENT				
044	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
049	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	11,659	11,659
052	0603115A	MEDICAL DEVELOPMENT	27,723	27,723
053	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	62,663	62,663
054	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	109,608	120,608
		3D advanced manufacturing		[2,000]
		Advanced AI/AA analytics for modernization and readiness		[5,000]
		Anthropomorphic study for body armor modernization		[4,000]
055	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	22,795
		Graphene applications for military engineering		[3,000]
		Rapid entry and sustainment for the arctic		[5,000]
059	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000
063	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357
064	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	188,024	193,024
		High performance computing modernization		[5,000]
065	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	199,358	231,858
		Carbon fiber and graphitic composites		[10,000]
		Fuel cell powered vehicle development		[10,000]
		Small unit ground robotic capabilities		[7,500]
		Virtual experimentations enhancement		[5,000]
066	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	163,608
		Tactical geospatial information development		[5,000]
067	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	121,060	131,060
		Hypervelocity projectile—extended range technologies		[10,000]
068	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	156,194	156,194
069	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	58,130	73,630
		High-energy laser system characterization lab		[10,500]
		Program acceleration		[5,000]
077	0603920A	HUMANITARIAN DEMINING	8,515	8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,203,590	1,290,590
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
078	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,062	24,062
		Accelerated test and integration		[10,000]
		Hypersonic hot air tunnel test environment		[3,000]
079	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	26,482	26,482
081	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,092	61,858
		Interim top attack support costs carryover		[−4,234]
		MICLIC replacement development		[2,000]
083	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753
084	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	151,478	136,478
		Program decrease		[−15,000]
085	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841
086	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	194,775	182,400
		MDSS sensor development contract ahead of need		[−12,375]
087	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	24,316	24,316
088	060379A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	13,387	13,387
089	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762
090	0603801A	AVIATION—ADV DEV	647,937	652,937
		Future Long Range Assault Aircraft (FLRAA)		[5,000]
091	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	4,761	4,761
092	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520
093	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	26,138	24,138
		IHPS program delays		[−2,000]
094	0604017A	ROBOTICS DEVELOPMENT	121,207	114,792
		Excess testing and evaluation growth		[−6,415]
096	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP)	22,840	22,840
097	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	22,678	22,678
098	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082
099	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,378	1,378
100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	40,083	40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	376,373	376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	146,834
		OpFires lack of transition pathway		[−10,000]
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	4,995	4,995
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	170,490	170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) ..	128,125	128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	129,547	129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,831	13,831

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
109	0604182A	HYPERSONICS	801,417	811,417
		Program increase		[10,000]
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	50,525	50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	3,421,608	3,401,584
SYSTEM DEVELOPMENT & DEMONSTRATION				
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	59,026
		MFEW developmenal test flight ahead of need		[-3,400]
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	89,770
		Advanced gunner protection kit development		[2,000]
		NGSW special purpose projectile development delay		[-8,804]
		Soldier Enhancement Program		[5,000]
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523
123	0604611A	JAVELIN	7,493	7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976
127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	135,488	135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	55,277
		FWS-S contract development excess to need		[-5,000]
		Heads up display product development previously funded		[-1,168]
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,814	2,814
130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTEL- LIGENCE—ENG DEV.	43,651	86,151
		Joint Counter-UAS Office acceleration		[17,500]
		Joint Counter-UAS Office SOCOM eUAS capabilities for austere locations abroad.		[25,000]
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	10,150	10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,892	7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,568	3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	19,268	19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	265,811
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	49,694	48,344
		194 excess support costs		[-1,350]
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	11,079	11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	49,870	49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	162,513	140,674
		Command post integrated infrastructure contract delay		[-10,000]
		Rephasing of MCE v3.2 development		[-7,909]
		TROPO IOT&E funded ahead of need		[-3,930]
144	0604820A	RADAR DEVELOPMENT	109,259	109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	21,201	21,201
146	0604823A	FIREFINDER	20,008	16,808
		Prior year carry-over		[-3,200]
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS— EMD.	82,459	124,380
		Prior year carry-over		[-5,079]
		Program increase for vehicle protection systems		[47,000]
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	124,612
		FL9 unjustified request		[-5,987]
		FM7 HRC core IT schedule discrepancy		[-8,915]
		FMS ATIS release 2 ahead of need		[-3,164]
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS- A).	115,286	115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	76,594
		Army identified funds excess to need		[-12,000]
		Test delays		[-8,000]
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM— EXPEDITIONARY (GBOSS-E).	5,976	5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	23,321	28,321
		AI virtual training environments		[5,000]
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VE- HICLE (NBCRV) SENSOR SUITE.	4,846	4,846

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	16,544
		Army Cyber SU program		[-12,000]
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,178	22,157
		Testing unjustified request		[-6,021]
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	235,770	188,008
		Army identified funds excess to need		[-47,762]
168	0605053A	GROUND ROBOTICS	13,710	13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	294,739
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOP- MENT.	954	954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	150,201	150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	5,999	5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	193,929	193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	244,500
		Army identified funds excess to need		[-83,232]
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	1,742	1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	1,467
180	0303032A	TROJAN—RH12	3,451	3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	3,199,798	3,064,377
MANAGEMENT SUPPORT				
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	111,270
		Program increase		[5,000]
188	0605103A	RAND ARROYO CENTER	13,481	13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	365,359
		Program increase—Army directed energy T&E		[15,000]
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TAR- GETS.	48,475	48,475
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,488	6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	2,572	2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,133	47,500
		Conventional ammunition demilitarization carryover		[-1,633]
		Development of polymer-cased ammunition		[5,000]
		Manufacturing technology for industrial base transformation car- ryover.		[-1,000]
		Program acceleration		[5,000]
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUP- PORT.	1,780	1,780
206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	55,045	55,045
208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE.	71,306	71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,063	1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	4,496	4,496
		SUBTOTAL MANAGEMENT SUPPORT	1,333,123	1,360,490
OPERATIONAL SYSTEMS DEVELOPMENT				
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	20,409	20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	107,733
		Program reduction		[-15,000]
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	11,236	11,236
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	51,091
		Carbon composite materials for wheels and brakes		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	245,509
		Unjustified matrixed engineering support growth		[-3,748]
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	17,155	17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	7,743	7,743
227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840
232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs).	44,691	44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	260,252
		Bradley excess carryover		[-3,000]
		CROWS-J program delay		[-5,667]
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	427,254	290,963
		Army identified as excess to need		[-130,000]
		Prior year carry-over		[-6,291]
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO- GRAMS.	11,688	11,688
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PRO- GRAM.	80	80
237	0203758A	DIGITIZATION	4,516	4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PRO- GRAM.	1,288	1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	79,424	19,424
		Program decrease		[-60,000]
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPER- ATIONAL SYSTEM DEV.	259	259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM ..	166	166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	75,575	75,575
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	47,204	47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,012	78,512
		Functional fabrics manufacturing		[7,500]
		Nanoscale materials manufacturing		[5,000]
		Tungsten manufacturing for armaments		[5,000]
266A	9999999999	CLASSIFIED PROGRAMS	3,983	3,983
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	1,998,539	1,797,333
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS UNDISTRIBUTED				
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOP- MENT.	46,445	58,445
		Army-requested transfer from Other Procurement, Army line 53 for program management.		[12,000]
		SUBTOTAL SOFTWARE AND DIGITAL TECH- NOLOGY PILOT PROGRAMS.	46,445	58,445
		SUBTOTAL UNDISTRIBUTED		12,000
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.			12,587,343	12,478,059
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY BASIC RESEARCH				
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	126,816
		Defense University Research and Instrumentation Program		[5,000]
		Program increase		[5,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,113	19,113
003	0601153N	DEFENSE RESEARCH SCIENCES	467,158	479,158
		Increase in basic research		[10,000]
		Predictive modeling for undersea vehicles		[2,000]
		SUBTOTAL BASIC RESEARCH	603,087	625,087
APPLIED RESEARCH				
004	0602114N	POWER PROTECTION APPLIED RESEARCH	17,792	17,792
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	141,281
		Additive manufacturing of unmanned maritime systems		[5,000]
		Direct Air Capture and Blue Carbon Removal Technology Pro- gram.		[9,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Talent and technology for power and energy systems		[5,000]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	50,623	55,623
		Unmanned logistics solutions		[5,000]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	67,765	74,765
		Humanoid robotics research		[5,000]
		Social networks and computational social science		[2,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	84,994	84,994
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RE- SEARCH.	63,392	73,392
		Extreme weather events research		[5,000]
		Program increase		[5,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,343	6,343
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	76,397
		Academic partnerships for undersea vehicle research		[10,000]
		Autonomous undersea robotics		[10,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	167,590	167,590
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RE- SEARCH.	30,715	30,715
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RE- SEARCH.	160,537	167,837
		Thermoplastic materials		[7,300]
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES.	76,745	76,745
		SUBTOTAL APPLIED RESEARCH	953,175	1,021,475
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	24,410	24,410
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY ..	8,008	8,008
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) ..	219,045	219,045
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOP- MENT.	13,301	13,301
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	246,054	242,365
		C-ENCAP program delays		[−3,689]
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,851	4,851
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRA- TIONS.	40,709	40,709
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECH- NOLOGY.	1,948	1,948
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECH- NOLOGY DEVELOPMENT.	141,948	161,948
		Accelerated railgun technology maturation		[20,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOP- MENT.	760,396	776,707
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES		
027	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS).	464,042	259,242
		LUSV additional prototypes		[−159,300]
		Unmanned surface vehicle enabling capabilities—payload pro- gram reduction.		[−45,500]
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386
029	0603216N	AVIATION SURVIVABILITY	13,428	13,428
030	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350
031	0603251N	AIRCRAFT SYSTEMS	418	418
032	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	63,218
		Project 3416: HJENKS insufficient schedule justification		[−7,000]
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTER- MEASURES.	52,358	47,808
		Project 2989: Barraeuda program delay		[−4,550]
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559
038	0603525N	PILOT FISH	358,757	278,557
		Excess cost growth		[−25,000]
		Program adjustment		[−55,200]
039	0603527N	RETRACT LARCH	12,562	12,562
040	0603536N	RETRACT JUNIPER	148,000	148,000
041	0603542N	RADIOLOGICAL CONTROL	778	778
042	0603553N	SURFACE ASW	1,161	1,161
043	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	185,356	157,926
		Project 9710 unjustified new start		[−27,430]
044	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528
045	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	111,396

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Polymorphic build farm for open source technologies		[5,000]
		Project 4044: Medium amphibious ship early to need		[-10,000]
		Project 4045: Medium logistics ship early to need		[-10,000]
046	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	70,270	36,970
		Project 0411: Preliminary design early to need		[-17,100]
		Project 0411: Requirements and concept analysis excess growth		[-16,200]
047	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188
048	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	45,449
		Accelerate qualification of silicon carbide power modules		[7,500]
		Power and energy systems contract award delay		[-500]
049	0603576N	CHALK EAGLE	71,181	71,181
050	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	32,178
051	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843
052	0603595N	OHIO REPLACEMENT	317,196	317,196
053	0603596N	LCS MISSION MODULES	67,875	67,875
054	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797
055	0603599N	FRIGATE DEVELOPMENT	82,309	82,309
056	0603609N	CONVENTIONAL MUNITIONS	9,922	9,922
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	189,603	182,603
		Program delay		[-7,000]
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT ...	43,084	43,084
059	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,346	6,346
060	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601
061	0603724N	NAVY ENERGY PROGRAM	23,422	23,422
062	0603725N	FACILITIES IMPROVEMENT	4,664	4,664
063	0603734N	CHALK CORAL	545,763	473,763
		Excess cost growth		[-72,000]
064	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884
065	0603746N	RETRACT MAPLE	353,226	348,690
		Program adjustment		[-4,536]
066	0603748N	LINK PLUMERIA	544,388	497,388
		Program adjustment		[-47,000]
067	0603751N	RETRACT ELM	86,730	86,730
068	0603764M	LINK EVERGREEN	236,234	231,770
		Program adjustment		[-4,464]
070	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880
071	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS— DEM/VAL	33,612	33,612
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	128,845	128,845
075	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190
076	0604027N	DIGITAL WARFARE OFFICE	54,699	37,998
		Project 3255 excess growth		[-9,979]
		Project 3425 excess growth		[-6,722]
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES ..	53,942	52,020
		Small unmanned underwater vehicles concurrency		[-1,922]
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES ..	40,060	40,060
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEM- ONSTRATION..	12,100	12,100
080	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	45,557
		Early to need, phase 1 results needed first		[-32,565]
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	107,895	107,895
082	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366
083	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM)	59,776	52,026
		DAIRCM hardware development contract award delay		[-7,750]
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664
088	0604454N	LX (R)	10,203	10,203
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	92,602
		Excess scope adjustments		[-23,256]
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	14,259	9,628
		System development excess growth		[-4,631]
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM ..	1,102,387	1,030,387
		CPGS initial integration efforts—transfer to line 165		[-15,000]
		Lack of hypersonic prototyping coordination		[-5,000]
		Project 3334: Excess Virginia-class CPS modification and instal- lation costs.		[-52,000]
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITEC- TURE/ENGINEERING SUPPORT.	7,657	7,657
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT.	35,750	46,750
		LRASM funds—Navy requested transfer from line 141		[11,000]
094	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151
095	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	22,589	29,589

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
097	0304270N	K-MAX		[7,000]
		ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	6,503,074	5,861,969
		SYSTEM DEVELOPMENT & DEMONSTRATION		
098	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332
099	0604212N	OTHER HELO DEVELOPMENT	18,133	18,133
100	0604214M	AV-8B AIRCRAFT—ENG DEV	20,054	20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT ...	27,340	27,340
104	0604221N	P-3 MODERNIZATION PROGRAM	606	606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968
107	0604234N	ADVANCED HAWKEYE	309,373	292,175
		Sensors excess growth		[−17,198]
108	0604245M	H-1 UPGRADES	62,310	62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182
110	0604262N	V-22A	132,624	132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445
112	0604269N	EA-18	106,134	106,134
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	477,680
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	232,818	232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	170,039	170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING ...	403,712	375,853
		Aegis development support excess growth		[−7,159]
		Capability upgrades unjustified growth		[−20,700]
119	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	945	945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	340,825
		SM-6 Block IB mission integration, development and operational test.		[−18,400]
		SM-6 excessive cost growth; program accountability		[−27,000]
122	0604373N	AIRBORNE MCM	10,909	10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	44,548	44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)	13,673	13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	71,449
		Shipboard passive EO/IR development concurrency		[−16,360]
126	0604503N	SSN-688 AND TRIDENT MODERNIZATION	93,097	93,097
127	0604504N	AIR CONTROL	38,863	38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	78,319	78,319
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834
132	0604558N	NEW DESIGN SSN	259,443	259,443
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	63,878
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	58,853
		Advanced Degaussing System		[7,000]
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853
136	0604601N	MINE DEVELOPMENT	92,607	83,505
		Encapsulate effector program delays		[−7,402]
		Historical underexecution		[−1,700]
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	124,250
		Advanced anti-submarine lightweight torpedo program delays		[−21,762]
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT ...	8,383	8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	33,784	33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	8,599	8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	62,744
		LRASM funds—Navy requested transfer to line 93		[−11,000]
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	19,620
		Autonomous aerial distributed logistics		[7,500]
		ETEC disease research		[10,000]
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250
150	0604850N	SSN(X)	1,000	1,000
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	330,431
		Historical underexecution		[−12,972]

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		NMMES-TR contract delays		[-6,308]
		NMMES-TR excess support growth		[-6,462]
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810
154	0605212M	CH-53K RDTE	406,406	406,406
155	0605215N	MISSION PLANNING	86,134	86,134
156	0605217N	COMMON AVIONICS	54,540	54,540
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155
158	0605327N	T-AO 205 CLASS	5,148	5,148
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,870	182,870
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	41,775	41,775
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,541	2,541
165	0204202N	DDG-1000	208,448	223,448
		CPGS initial integration efforts transfer from line 91		[15,000]
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,173	26,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,263,883	6,128,960
MANAGEMENT SUPPORT				
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224
173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813
183	0605863N	RDTE SHIP AND AIRCRAFT SUPPORT	104,822	104,822
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	419,212
		Navy requested transfer to OM,N line BSM1		[-27,748]
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	991,222	963,474
OPERATIONAL SYSTEMS DEVELOPMENT				
199	0604227N	HARPOON MODIFICATIONS	697	697
200	0604840M	F-35 C2D2	379,549	379,549
201	0604840N	F-35 C2D2	413,875	413,875
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	69,190	61,813
		Compact rapid attack weapon concurrency		[-12,377]
		Next-generation countermeasure acoustic device		[5,000]
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277
208	0204136N	F/A-18 SQUADRONS	171,030	175,030
		Jet noise reduction		[4,000]
210	0204228N	SURFACE SUPPORT	33,482	33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	200,308	200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	115,475
		Accelerate sensor and signal processing development		[12,500]
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	1,713	1,713
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	22,205
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	83,956	83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	56,791	50,905
		Project 2263: Unjustified growth		[-5,886]
219	0205601N	HARM IMPROVEMENT	146,166	146,166
221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,348	29,348
222	0205632N	MK-48 ADCAP	110,349	108,209
		APB 7 development early to need		[-2,140]
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953
224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	4,406	4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYS- TEMS.	61,381	61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	29,977	29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	44,323	44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	46,978
		Interference mitigation technology, test and verification		[5,000]
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERV- ICES (CANES).	29,684	29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,154	6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,500	21,500
244	0305220N	MQ-4C TRITON	11,120	11,120
245	0305231N	MQ-8 UAV	28,968	28,968
246	0305232M	RQ-11 UAV	537	537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	8,773	8,773
248	0305239M	RQ-21A	10,853	10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	60,413	60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	5,000	5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	34,967	34,967
252	0305421N	RQ-4 MODERNIZATION	178,799	178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	67,665
		MUOS historical underexecution		[-2,391]
257A	9999999999	CLASSIFIED PROGRAMS	1,795,032	1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	5,327,043	5,330,749
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS UNDISTRIBUTED				
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	14,300	14,300
259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)— SOFTWARE PILOT PROGRAM.	10,868	10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECH- NOLOGY PILOT PROGRAMS.	25,168	25,168
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	21,427,048	20,733,589
RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH				
001	0601102F	DEFENSE RESEARCH SCIENCES	315,348	325,348
		Increase in basic research		[10,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	171,861
		Program increase		[5,000]
		Solar block research		[5,000]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085
		SUBTOTAL BASIC RESEARCH	492,294	512,294
APPLIED RESEARCH				
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	100,000	100,000
005	0602102F	MATERIALS	140,781	162,781
		Advanced materials manufacturing flexible biosensors		[5,000]
		High-energy synchrotron x-ray program		[5,000]
		Materials maturation for high mach systems		[5,000]
		Qualification of additive manufacturing processes		[2,000]
		Thermal protection systems		[5,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	175,472
		Advanced batteries for directed energy		[5,000]
		High speed expendable turbine development		[4,000]
		Hypersonic materials		[4,000]
		Secure unmanned aerial vehicles		[10,000]
		Transfer to line 8		[-196,753]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222
008	0602203F	AEROSPACE PROPULSION		196,753

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
009	0602204F	Transfer from line 6		[196,753]
		AEROSPACE SENSORS	211,301	214,301
		National Center for Hardware and Embedded Systems Security and Trust.		[3,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926
012	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425
013	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	178,668	203,668
		Quantum Innovation Center		[5,000]
		Quantum network testbed		[10,000]
		Trusted UAS traffic management and C-UAS testbed		[10,000]
015	0602890F	HIGH ENERGY LASER RESEARCH	45,088	45,088
		SUBTOTAL APPLIED RESEARCH	1,409,749	1,482,749
ADVANCED TECHNOLOGY DEVELOPMENT				
017	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	0
		Transfer to line 22		[−35,169]
		Transfer to line 23		[−16,933]
		Transfer to line 30		[−10,777]
		Transfer to line 33		[−40,401]
018	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	157,619	−30,000
		Inappropriate use of S&T funds for Golden Horde demonstration & validation.		[−50,000]
		Transfer to line 25		[−40,900]
		Transfer to line 27		[−24,632]
		Transfer to line 31		[−72,087]
019	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	0
		Transfer to line 25		[−37,230]
		Transfer to line 26		[−105,058]
		Transfer to line 28		[−57,268]
020	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH	102,276	0
		Transfer to line 24		[−35,338]
		Transfer to line 27		[−4,699]
		Transfer to line 29		[−12,090]
		Transfer to line 30		[−20,948]
		Transfer to line 34		[−29,201]
021	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	0
		Transfer to line 27		[−31,207]
		Transfer to line 31		[−134,145]
		Transfer to line 32		[−31,445]
		Transfer to line 34		[−19,020]
022	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS		45,169
		Metals affordability research		[10,000]
		Transfer from line 17		[35,169]
023	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)		16,933
		Transfer from line 17		[16,933]
024	0603203F	ADVANCED AEROSPACE SENSORS		35,338
		Transfer from line 20		[35,338]
025	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO		78,130
		Transfer from line 18		[40,900]
		Transfer from line 19		[37,230]
026	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY		110,058
		Propulsion technologies		[5,000]
		Transfer from line 19		[105,058]
027	0603270F	ELECTRONIC COMBAT TECHNOLOGY		60,538
		Transfer from line 18		[24,632]
		Transfer from line 20		[4,699]
		Transfer from line 21		[31,207]
028	0603401F	ADVANCED SPACECRAFT TECHNOLOGY		57,268
		Transfer from line 19		[57,268]
029	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)		12,090
		Transfer from line 20		[12,090]
030	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DE- VELOPMENT.		31,725
		Transfer from line 17		[10,777]
		Transfer from line 20		[20,948]
031	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY		206,232
		Transfer from line 18		[72,087]
		Transfer from line 21		[134,145]
032	0603605F	ADVANCED WEAPONS TECHNOLOGY		31,445
		Transfer from line 21		[31,445]
033	0603680F	MANUFACTURING TECHNOLOGY PROGRAM		42,901
		Technologies to repair fastener holes		[2,500]
		Transfer from line 17		[40,401]
034	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEM- ONSTRATION.		48,221
		Transfer from line 20		[29,201]

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Transfer from line 21		[19,020]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	778,548	746,048
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
038	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320
039	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396
040	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647
041	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,959	32,959
043	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869
044	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	216,823
		Unjustified costs		[–85,500]
045	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	666,495
		AETP program acceleration		[30,000]
046	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,848,410
047	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	20,964
048	0604033F	HYPERSONICS PROTOTYPING	381,862	381,862
050	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747
051	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	76,417	76,417
052	0604317F	TECHNOLOGY TRANSFER	3,011	3,011
053	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	52,921	52,921
054	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783
055	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,835	25,835
056	0604858F	TECH TRANSITION PROGRAM	219,252	278,452
		Agile software development and operations		[4,500]
		Experimentation		[–20,000]
		Initial polar SATCOM capability		[46,000]
		LCAAT program acceleration		[50,000]
		Prototyping—hold to FY2020 level		[–27,300]
		Rapid repair of high performance materials		[6,000]
057	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,509,759
		Acquisition Strategy for planning and design		[–15,000]
059	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	974,089
		Forward financing of development efforts		[–70,000]
060	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	19,356	19,356
061	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737
062	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990
063	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	39,293	39,293
065	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430
066	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	259,823	259,823
067	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560
068	0401310F	C-32 EXECUTIVE TRANSPORT RECAPITALIZATION	9,908	7,808
		AoA funding carryover		[–2,100]
069	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	8,662	8,662
074	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	8,787	0
		Transfer to RD,SF line 6		[–8,787]
077	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	0
		Transfer to RD,SF line 11A		[–56,311]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	7,737,916	7,589,418
		SYSTEM DEVELOPMENT & DEMONSTRATION		
082	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	25,161	25,161
083	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564
084	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033
085	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098
086	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909
087	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752
088	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280
089	0604429F	AIRBORNE ELECTRONIC ATTACK		30,000
		STITCHES integration for USAF/PACAF interim capability ..		[30,000]
090	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076
091	0604604F	SUBMUNITIONS	3,091	3,091
092	0604617F	AGILE COMBAT SUPPORT	20,609	20,609
093	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926
094	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660
095	0604735F	COMBAT TRAINING RANGES	8,898	8,898
096	0604800F	F-35—EMD	5,423	5,423
097	0604932F	LONG RANGE STANDOFF WEAPON	474,430	444,430
		Acquisition strategy		[–30,000]
098	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	248,669
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683
106	0207171F	F-15 EPAWSS	170,679	170,679

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
107	0207328F	STAND IN ATTACK WEAPON	160,438	150,646
		Unjustified cost increase		[-9,792]
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973
111	0401221F	KC-46A TANKER SQUADRONS	106,262	86,262
		Slow execution		[-20,000]
113	0401319F	VC-25B	800,889	800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479
116	0901299F	AF AI SYSTEMS	8,467	8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	2,615,359	2,585,567
MANAGEMENT SUPPORT				
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	223,680
		Gulf Range telemetric modernization		[15,000]
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	764,606
137	0605826F	ACQ WORKFORCE- GLOBAL POWER		273,231
		Transfer from line 142		[273,231]
138	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS		262,119
		Transfer from line 142		[262,119]
139	0605828F	ACQ WORKFORCE- GLOBAL REACH		158,429
		Transfer from line 142		[158,429]
140	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS		247,468
		Transfer from line 142		[247,468]
141	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT		183,107
		Transfer from line 142		[183,107]
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	219,868
		Transfer to line 137		[-273,231]
		Transfer to line 138		[-262,119]
		Transfer to line 139		[-158,429]
		Transfer to line 140		[-247,468]
		Transfer to line 141		[-183,107]
		Transfer to line 143		[-17,816]
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	40,768	58,584
		Transfer from line 142		[17,816]
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,985	70,985
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUP- PORT.	29,880	29,880
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	24,564	24,564
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	9,883
152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599
		SUBTOTAL MANAGEMENT SUPPORT	2,891,280	2,906,280
OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED				
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,777	8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	499	499
165	0604840F	F-35 C2D2	785,336	785,336
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	27,035	27,035
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,508	50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,229	71,229
169	0605278F	HC/MC-130 RECAP RDT&E	24,705	24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356
172	0101113F	B-52 SQUADRONS	520,023	481,623
		CERP virtual prototype contract delay		[-25,500]
		No acquisition strategy for AEHF		[-2,000]
		Radar modernization program contract delays		[-10,900]
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433
174	0101126F	B-1B SQUADRONS	15,766	15,766
175	0101127F	B-2 SQUADRONS	187,399	187,399
176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	27,235	27,235
178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NET- WORK.	24,227	24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753
181	0102110F	UH-1N REPLACEMENT PROGRAM	44,464	44,464

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MOD-ERNIZATION PROGRAM.	5,929	5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100
184	0205219F	MQ-9 UAV	162,080	152,112
		Tech insertion request unjustified		[-9,968]
186	0207131F	A-10 SQUADRONS	24,535	24,535
187	0207133F	F-16 SQUADRONS	223,437	223,437
188	0207134F	F-15E SQUADRONS	298,908	298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960
190	0207138F	F-22A SQUADRONS	665,038	648,938
		Software delays		[-16,100]
191	0207142F	F-35 SQUADRONS	132,229	129,629
		Unjustified USAF ALIS unique funding		[-2,600]
192	0207146F	F-15EX	159,761	159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	51,799	51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669
196	0207247F	AF TENCAP	21,644	21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261
198	0207253F	COMPASS CALL	15,854	15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PRO-GRAM.	95,896	95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	70,792	70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	138,303	138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	16,564	16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906
210	0207452F	DCAPES	14,816	14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396
213	0207590F	SEEK EAGLE	29,680	29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768
219	0208007F	TACTICAL DECEPTION	2,370	0
		Ahead of need		[-2,370]
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645
230	0301025F	GEOBASE	2,767	2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	32,759	32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904
239	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	3,468	3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	61,887	44,722
		Acquisition strategy for GASNT Inc 2		[-14,215]
		CVR increment 2 schedule delays		[-2,950]
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	1,346	1,346
246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	128,110
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,649	1,649
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	19,265	19,265
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645
254	0305103F	CYBER SECURITY INITIATIVE	384	384
255	0305111F	WEATHER SERVICE	23,640	30,640
		Commercial weather pilot		[7,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYS-TEM (ATCALS).	6,553	6,553
257	0305116F	AERIAL TARGETS	449	449
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,890	4,890
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864
265	0305202F	DRAGON U-2	18,660	36,660
		Air Force requested transfer from line 267		[18,000]
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	121,512
		Air Force requested transfer to line 265		[-18,000]
		Gorgon Stare Wide Area Motion Imagery program increase		[10,000]
		Sensor Open Systems Architecture		[8,000]

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,152	14,152
270	0305220F	RQ-4 UAV	134,589	134,589
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	15,049	15,049
272	0305238F	NATO AGS	36,731	36,731
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	13,635	17,315
		PDI: Mission Partner Environment BICES-X Project 675898 ...		[3,680]
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,207	2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277
278	0401115F	C-130 AIRLIFT SQUADRON	41,973	41,973
279	0401119F	C-5 AIRLIFT SQUADRONS (IF)	32,560	32,560
280	0401130F	C-17 AIRCRAFT (IF)	9,991	9,991
281	0401132F	C-130J PROGRAM	10,674	10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,507	5,507
283	0401218F	KC-135S	4,591	4,591
286	0401318F	CV-22	18,419	18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	35,225	31,525
		Prior year carryover		[-3,700]
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	7,006	7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS) ...	45,638	45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	1,889	0
		Transfer to Space Force		[-1,889]
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	993	993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	0
		Transfer to RD,SF line 41B		[-16,810]
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	0
		Transfer to RD,SF line 41A		[-2,687]
318	1203906F	NCMC—TW/AA SYSTEM	6,990	0
		Transfer to RD,SF line 41C		[-6,990]
322A	999999999	CLASSIFIED PROGRAMS	15,777,856	15,217,856
		Classified adjustment		[-560,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	21,466,680	20,816,681
		SUBTOTAL UNDISTRIBUTED		-649,999
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	37,391,826	36,639,037
		RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE		
		APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	130,874	146,874
		Rapid development of low-cost, small satellite technology		[10,000]
		Small satellite mission operations center		[6,000]
		SUBTOTAL APPLIED RESEARCH	130,874	146,874
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
002	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	390,704	380,704
		MGUE program slip		[-10,000]
003	1203710SF	EO/IR WEATHER SYSTEMS	131,000	131,000
004	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384
005	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359
006	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	142,808	151,595
		Transfer from RD,AF line 74		[8,787]
007	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575
008	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	114,390	109,390
		Unjustified growth		[-5,000]
009	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	200,178
		Unjustified growth		[-5,000]
010	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395
011	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518
011A	999999999	SPACE SECURITY AND DEFENSE PROGRAMS (SSDP)		56,311
		Transfer from RDTE,AF line 77		[56,311]

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,311,311	1,356,409
		SYSTEM DEVELOPMENT & DEMONSTRATION		
012	1203269SF	GPS III FOLLOW-ON (GPS IIF)	263,496	255,496
		Execution lagging		[-8,000]
013	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897
014	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689
015	1206422SF	WEATHER SYSTEM FOLLOW-ON	2,526	2,526
016	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074
017	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	128,257
		Program delays		[-10,000]
018	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235
019	1206442SF	NEXT GENERATION OPIR	2,318,864	2,318,864
020	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	560,978	650,978
		NSSL Phase 3 integration activities program		[90,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,744,016	3,816,016
		MANAGEMENT SUPPORT		
021	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	20,281	20,281
022	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	183,930	183,930
023	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765
024	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	17,993
024A	9999999999	TACTICALLY RESPONSIVE LAUNCH		5,000
		Program increase		[5,000]
025	1206864SF	SPACE TEST PROGRAM (STP)	26,541	26,541
		SUBTOTAL MANAGEMENT SUPPORT	258,510	263,510
		OPERATIONAL SYSTEM DEVELOPMENT UNDISTRIBUTED		
026	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,708	5,597
		Transfer from Air Force		[1,889]
027	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	247,229	234,729
		Prior year carryover		[-12,500]
028	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	60,480
		Program decrease		[-15,000]
029	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	1,984	1,984
030	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,397	4,397
031	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	44,746	39,746
		Underexecution		[-5,000]
032	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	16,020
		Space launch range services and capabilities		[5,000]
033	1203265SF	GPS III SPACE SEGMENT	10,777	10,777
034	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	28,179
035	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157
036	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	44,809	40,809
		Underexecution		[-4,000]
037	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	481,999	416,999
		Funds available prioritized to other space missions		[-65,000]
041	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791
041A	9999999999	NATIONAL SPACE DEFENSE CENTER (NSDC)		2,687
		Transfer from RDTE,AF line 316		[2,687]
041B	9999999999	SPACE SUPERIORITY INTELLIGENCE (SSI)		16,810
		Transfer from RDTE,AF line 314		[16,810]
041C	9999999999	NCMC—TW/AA SYSTEM		6,990
		Transfer from RDTE,AF line 318		[6,990]
041D	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	4,733,142	4,665,018
		SUBTOTAL UNDISTRIBUTED		-68,124
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
042	1203614SF	JSPOC MISSION SYSTEM	149,742	164,742
		Commercial space situational awareness		[20,000]
		Unjustified increase		[-5,000]
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	149,742	164,742
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE.	10,327,595	10,412,569
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
BASIC RESEARCH				
001	0601000BR	DTRA BASIC RESEARCH	14,617	14,617
002	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958
003	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	67,565
		DEPSCoR		[15,000]
		Restore Minerva research initiative		[17,000]
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	53,730	53,730
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	102,241
		Civics education pilot		[2,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MI- NORITY INSTITUTIONS.	30,975	57,975
		Aerospace education, research, and innovation activities		[2,000]
		HBCU/Minority Institutions		[5,000]
		Program increase		[20,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,300	45,300
		SUBTOTAL BASIC RESEARCH	760,386	821,386
APPLIED RESEARCH				
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	19,409
009	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568
011	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000
012	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080
013	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	60,722	54,335
		Excess growth		[–6,387]
014	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	435,920	423,920
		Program decrease		[–12,000]
015	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,807	201,807
017	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255
018	0602702E	TACTICAL TECHNOLOGY	233,271	233,271
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	250,107
020	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693
021	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	174,571	174,571
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RE- SEARCH.	9,573	9,573
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	52,464
		START research consortium of excellence for irregular warfare and advanced analytics.		[5,000]
		Sustained Human Performance and Resilience		[5,000]
		SUBTOTAL APPLIED RESEARCH	1,976,390	1,968,003
ADVANCED TECHNOLOGY DEVELOPMENT				
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920
025	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	51,089	51,089
027	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183
029	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	14,910	14,910
032	0603180C	ADVANCED RESEARCH	18,687	18,687
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOP- MENT.	18,873	18,873
034	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	220,978
		OpFires lack of transition pathway		[–10,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439
036	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775
037	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	36,524	36,524
038	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA	14,703	14,703
039	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058
040	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	133,375	123,673
		Lack of hypersonic prototype coordination efforts		[–19,702]
		Stratospheric balloon research		[10,000]
042	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141
043	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709
044	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—AD- VANCED DEVELOPMENT.	188,001	188,001
045	0603527D8Z	RETRACT LARCH	130,283	130,283
046	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164
047	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	85,452	85,452
048	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	5,882	5,882
049	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECH- NOLOGY PROGRAM.	93,817	135,817
		Accelerating rapid prototyping by integrating high performance computing and advanced manufacturing.		[5,000]
		Additive manufacturing training		[2,000]
		Advanced structural manufacturing technologies		[25,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Flexible hybrid electronics		[5,000]
		Hypersonic thermal management research		[5,000]
050	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	55,025
		Defense supply chain technologies		[5,000]
		Steel performance initiative		[10,000]
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	10,235	10,235
053	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	53,862	108,862
		AFFF replacement		[25,000]
		PFAS Innovation Award Fund		[5,000]
		PFAS remediation and disposal technology		[25,000]
054	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	124,049	131,049
		MGUE—DLA requested transfer from P,DW line 23		[7,000]
055	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871
056	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864
057	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	221,724	221,724
058	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	646,158
		Lack of coordination		[−10,000]
		Unjustified increase		[−5,000]
059	0603767E	SENSOR TECHNOLOGY	200,220	200,220
060	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	6,765	6,765
061	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598
064	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	105,410	92,270
		Excess growth		[−13,140]
065	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	187,065	154,365
		Directed energy test workloads		
		Excess growth electronic warfare test		[−32,700]
066	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK		40,000
		Restore program		[40,000]
067	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT		65,000
		Program increase		[65,000]
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	89,072
071	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	72,422	72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,588,876	3,732,334
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
072	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,636	32,636
073	0603600D8Z	WALKOFF	106,529	106,529
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	61,345	98,345
		AFFF replacement		[10,000]
		PFAS remediation and disposal technology		[25,000]
		Program increase		[2,000]
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	412,627	312,627
		Insufficient justification—homeland defense underlay		[−100,000]
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,004,305	924,305
		Unjustified cost growth		[−80,000]
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	76,167	76,167
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957
080	0603890C	BMD ENABLING PROGRAMS	599,380	599,380
081	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216
082	0603892C	AEGBIS BMD	814,936	775,266
		Insufficient justification Aegis underlay and unjustified cost growth.		[−39,670]
083	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS.	593,353	593,353
084	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	49,560	49,560
085	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	55,356	55,356
086	0603906C	REGARDING TRENCH	11,863	11,863
087	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318
088	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
089	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302
090	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133
092	0603923D8Z	COALITION WARFARE	10,129	10,129
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	449,000	430,000

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Program decrease for Restoring S&T		[-19,000]
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,325	3,325
095	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	109,389
		Restore DPAL Effort		[42,000]
098	0604181C	HYPERSONIC DEFENSE	206,832	206,832
099	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	702,008
		Micro nuclear reactors		[50,000]
		Program decrease		[-78,500]
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023
		Program decrease for Restoring S&T		[-20,000]
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	13,255	16,255
		Talent optimization pilot program		[3,000]
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,787	2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)		65,000
		Continue radar development and siting efforts		[65,000]
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,469	3,469
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	664,138	450,138
		NGI contract delays		[-214,000]
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEG- MENT TEST.	7,768	7,768
113	0604878C	AEGIS BMD TEST	170,880	95,880
		Unjustified cost growth		[-75,000]
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456
115	0604880C	LAND-BASED SM-3 (LB5M3)	56,628	56,628
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	67,071	67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,198	2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	997	997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	215,994	195,994
		HBTSS—transfer to 1206895C		[-20,000]
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	32,068	152,068
		HBTSS—transfer from 1206410SDA		[20,000]
		HBTSS sensor payload development		[100,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	9,416,712	9,087,542
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,173	7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD ..	319,976	324,976
		Decontamination technologies for civilian pandemic preparedness		[5,000]
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	54,985	54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	15,650	15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441
130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,287	7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928
132	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	10,259	10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEM- ONSTRATION.	1,377	1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYS- TEM.	20,537	20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	1,638	1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	5,500	5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILI- TIES.	8,279	8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,685	3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	3,275	3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEM- ONSTRATION.	20,585	20,585
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	603,808	608,808
		MANAGEMENT SUPPORT		
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	9,793	9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,497	8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP). Telemetry range extension wave glider relay	422,451	427,451
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379
150	0605001E	MISSION SUPPORT	74,334	74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC). JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO). SYSTEMS ENGINEERING	79,046	79,046
153	0605126J	STUDIES AND ANALYSIS SUPPORT—OSD	50,255	50,255
155	0605142D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	49,376	49,376
156	0605151D8Z	Excess growth	5,777	5,777
157	0605161D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION. GENERAL SUPPORT TO USD (INTELLIGENCE)	16,552	13,991
158	0605170D8Z	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	9,582	9,582
159	0605200D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER. MAINTAINING TECHNOLOGY ADVANTAGE	1,940	1,940
160	0605384BP	DEFENSE TECHNOLOGY ANALYSIS	122,951	122,951
167	0605790D8Z	Excess growth	3,582	3,582
168	0605797D8Z	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	29,566	29,566
169	0605798D8Z	Program decrease	29,059	24,059
170	0605801KA	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION. DEVELOPMENT TEST AND EVALUATION	59,369	57,716
171	0605803SE	MANAGEMENT HQ—R&D	29,420	29,420
172	0605804D8Z	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC). BUDGET AND PROGRAM ASSESSMENTS	27,198	27,198
173	0605898E	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	13,434	13,434
174	0605998KA	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT. DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,837	2,837
175	0606100D8Z	JOINT STAFF ANALYTICAL SUPPORT	13,173	13,173
176	0606225D8Z	C4I INTEROPERABILITY	3,200	3,200
177	0606589D8W	INFORMATION SYSTEMS SECURITY PROGRAM	999	999
180	0203345D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES. DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO). COMBINED ADVANCED APPLICATIONS	545	545
181	0204571J	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,036	1,036
182	0208045K	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA. DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI). MANAGEMENT HQ—MDA	30,824	30,824
185	0303140SE	JOINT SERVICE PROVIDER (JSP)	3,048	3,048
186	0303166J	CLASSIFIED PROGRAMS	31,125	31,125
187	0303260D8Z	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI). MANAGEMENT HQ—MDA	100	100
188	0305172K	JOINT SERVICE PROVIDER (JSP)	26,902	26,902
190	0305208K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138
194	0804768J	CLASSIFIED PROGRAMS	41,583	41,583
195	0808709SE	SUBTOTAL MANAGEMENT SUPPORT	1,297,392	1,293,178
OPERATIONAL SYSTEMS DEVELOPMENT				
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA. OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS). INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT. Advanced machine tool research	1,986	1,986
202	0605147T	Ultra-hard armor	316	316
203	0607210D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT). Cold spray manufacturing technologies	9,151	90,151
204	0607310D8Z	Domestic organic light emitting diode microdisplay manufacturing. Domestic tungsten		[20,000]
205	0607327T	Manufacturing for reuse of NdFeB magnets		[5,000]
206	0607384BP	Program increase		[5,000]
		Submarine workforce development and training		[15,000]
		Ultra-hard armor		[20,000]
		CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT). Cold spray manufacturing technologies	19,082	19,082
		Domestic organic light emitting diode microdisplay manufacturing. Domestic tungsten	3,992	3,992
		Manufacturing for reuse of NdFeB magnets		[5,000]
		Program increase		[15,000]
		Submarine workforce development and training		[20,000]
		Ultra-hard armor		[5,000]
		CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT). Cold spray manufacturing technologies	19,082	19,082
		Domestic organic light emitting diode microdisplay manufacturing. Domestic tungsten	3,992	3,992
		Manufacturing for reuse of NdFeB magnets		[5,000]
		Program increase		[15,000]
		Submarine workforce development and training		[20,000]
		Ultra-hard armor		[5,000]
		CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT). Cold spray manufacturing technologies	19,082	19,082
		Domestic organic light emitting diode microdisplay manufacturing. Domestic tungsten	3,992	3,992
		Manufacturing for reuse of NdFeB magnets		[5,000]
		Program increase		[15,000]
		Submarine workforce development and training		[20,000]
		Ultra-hard armor		[5,000]

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND IN- TEGRATION.	16,324	16,324
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,560	5,560
215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	46,577
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	394,713
		GenCyber		[18,000]
		Workforce Transformation Cyber Initiative Pilot Program		[20,000]
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	8,922
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728	9,728
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	6,301
		Program decrease		[–843]
236	0305199D8Z	NET CENTRICITY	21,793	21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,066	6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PRO- GRAM.	2,190	2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	7,301	7,301
256	1105219BB	MQ–9 UAV	21,265	21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	146,041
		Machine learning and AI technologies to enable operational ma- neuver.		[10,000]
261	1160431BB	WARRIOR SYSTEMS	59,511	58,333
		MMP excess to need		[–1,178]
262	1160432BB	SPECIAL PROGRAMS	10,500	7,500
		Classified adjustment—excess to need		[–3,000]
263	1160434BB	UNMANNED ISR	19,154	15,154
		Underexecution		[–4,000]
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263
265	1160483BB	MARITIME SYSTEMS	59,882	56,882
		DCS Block II studies unjustified growth		[–3,000]
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,612	11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239
268A	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	6,161,946	6,278,925
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES— SOFTWARE PILOT PROGRAM.	121,676	101,676
		Unjustified increase		[–20,000]
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	16,848	16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	76,750
		Program decrease		[–10,000]
272	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS— SOFTWARE PILOT PROGRAM.	250,107	250,107
		SUBTOTAL SOFTWARE AND DIGITAL TECH- NOLOGY PILOT PROGRAMS.	475,381	445,381
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	24,280,891	24,235,557
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	100,021	100,021
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	70,933	70,933
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	39,136	39,136
		SUBTOTAL MANAGEMENT SUPPORT	210,090	210,090
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	210,090	210,090
		TOTAL RDT&E	106,224,793	104,708,901

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION FOR OVERSEAS CONTINGENCY OPER-**
3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
APPLIED RESEARCH				
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	2,000	2,000
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,520	2,520
SYSTEM DEVELOPMENT & DEMONSTRATION				
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV.	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	97,825	97,825
MANAGEMENT SUPPORT				
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	5,137	5,137
OPERATIONAL SYSTEMS DEVELOPMENT				
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	75,342	75,342
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	182,824	182,824
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
039	0603527N	RETRACT LARCH	36,500	36,500
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	14,461	14,461
063	0603734N	CHALK CORAL	3,000	3,000
071	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	55,418	55,418
SYSTEM DEVELOPMENT & DEMONSTRATION				
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	1,144	1,144
OPERATIONAL SYSTEMS DEVELOPMENT				
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	3,000	3,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	59,562	59,562
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
UNDISTRIBUTED				
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	5,304	5,304
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	5,304	5,304
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
APPLIED RESEARCH				

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SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	Conference Authorized
010	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	3,699	3,699
		SUBTOTAL APPLIED RESEARCH	3,699	3,699
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603122DSZ	COMBATING TERRORISM TECHNOLOGY SUPPORT	19,288	19,288
028	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	23,149	23,149
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
097	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	19,931	19,931
		OPERATIONAL SYSTEMS DEVELOPMENT		
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796
263	1160434BB	UNMANNED ISR	5,000	5,000
268A	9999999999	CLASSIFIED PROGRAMS	24,057	24,057
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	36,039	36,039
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	82,818	82,818
		TOTAL RDT&E	330,508	330,508

1 TITLE XLIII—OPERATION AND

2 MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

3 SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY OPERATING FORCES		
020	MODULAR SUPPORT BRIGADES	159,834	149,534
	Unjustified funding for Dynamic Force Employment		[−10,300]
030	ECHELONS ABOVE BRIGADE	663,751	661,938
	Unjustified funding for Dynamic Force Employment		[−1,813]
040	THEATER LEVEL ASSETS	956,477	936,477
	Unjustified growth		[−20,000]
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,157,635
060	AVIATION ASSETS	1,453,024	1,348,649
	Unjustified funding for Dynamic Force Employment		[−32,375]
	Unjustified growth		[−72,000]
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,673,660
	PDI: Army UFR INDOPACOM MDTF #1		[45,000]
	Transfer to MP,A line 13		[−10,000]
	Unjustified growth		[−75,000]
080	LAND FORCES SYSTEMS READINESS	404,161	404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,378,359
	Unjustified growth		[−35,000]
100	BASE OPERATIONS SUPPORT	8,220,093	8,340,093
	Army Community Services		[30,000]
	Child Youth Services program increase		[90,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,581,071	3,815,531
	Program increase		[234,460]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	411,844	411,844

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
160	US AFRICA COMMAND	239,387	277,887
	Force protection upgrades—personnel recovery/casualty evacuation		[2,500]
	Program increase—personnel recovery and casualty evacuation		[36,000]
170	US EUROPEAN COMMAND	160,761	160,761
180	US SOUTHERN COMMAND	197,826	197,826
190	US FORCES KOREA	65,152	65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	430,109
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117
	SUBTOTAL OPERATING FORCES	24,692,261	24,873,733
MOBILIZATION			
220	STRATEGIC MOBILITY	402,236	402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653
	SUBTOTAL MOBILIZATION	730,195	730,195
TRAINING AND RECRUITING			
250	OFFICER ACQUISITION	165,142	165,142
260	RECRUIT TRAINING	76,509	76,509
270	ONE STATION UNIT TRAINING	88,523	88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436
300	FLIGHT TRAINING	1,204,768	1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195
320	TRAINING SUPPORT	575,232	575,232
330	RECRUITING AND ADVERTISING	722,612	717,612
	Unjustified growth		[−5,000]
340	EXAMINING	185,522	185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286
	SUBTOTAL TRAINING AND RECRUITING	5,299,957	5,294,957
ADMIN & SRVWIDE ACTIVITIES			
390	SERVICEWIDE TRANSPORTATION	491,926	491,926
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178
420	AMMUNITION MANAGEMENT	437,774	437,774
430	ADMINISTRATION	438,048	438,048
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,618,872
	Unjustified growth		[−20,000]
450	MANPOWER MANAGEMENT	300,046	300,046
460	OTHER PERSONNEL SUPPORT	701,103	701,103
470	OTHER SERVICE SUPPORT	1,887,133	1,886,133
	Excess personnel increase		[−4,000]
	Servicewoman's Commemorative Partnership		[3,000]
480	ARMY CLAIMS ACTIVITIES	195,291	195,291
490	REAL ESTATE MANAGEMENT	229,537	229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719
565	CLASSIFIED PROGRAMS	1,069,915	1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	9,590,555	9,569,555
UNDISTRIBUTED			
570	UNDISTRIBUTED		−395,600
	COVID-related ops/training slowdown		[−258,300]
	Foreign Currency adjustments		[−137,300]
	SUBTOTAL UNDISTRIBUTED		−395,600
	TOTAL OPERATION & MAINTENANCE, ARMY	40,312,968	40,072,840
OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES			
010	MODULAR SUPPORT BRIGADES	10,784	10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425
030	THEATER LEVEL ASSETS	123,737	123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	579,582
	Unjustified growth		[−8,400]

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Unjustified personnel growth		[-1,600]
050	AVIATION ASSETS	89,332	89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	327,180	333,239
	Program increase for additional facility requirements		[6,059]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	28,783	28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438
	SUBTOTAL OPERATING FORCES	2,825,366	2,821,425
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,530	15,530
150	ADMINISTRATION	17,761	17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256
170	MANPOWER MANAGEMENT	6,564	6,564
180	RECRUITING AND ADVERTISING	55,240	55,240
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	109,351	109,351
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-33,500
	COVID-related ops/training slowdown		[-33,500]
	SUBTOTAL UNDISTRIBUTED		-33,500
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,934,717	2,897,276
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	769,449	769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072
040	THEATER LEVEL ASSETS	103,650	101,150
	Insufficient justification		[-2,500]
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485
060	AVIATION ASSETS	1,011,142	1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	876,032	892,254
	Program increase for additional facility requirements		[16,222]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,050,257	1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	8,998
	Program increase—cyber security training center		[1,000]
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756
	SUBTOTAL OPERATING FORCES	7,008,170	7,022,892
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,018	8,018
160	ADMINISTRATION	74,309	74,309
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140
180	MANPOWER MANAGEMENT	9,087	9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	411,844	411,844
	UNDISTRIBUTED		
220	UNDISTRIBUTED		-66,100
	COVID-related ops/training slowdown		[-66,100]
	SUBTOTAL UNDISTRIBUTED		-66,100
	TOTAL OPERATION & MAINTENANCE, ARNG	7,420,014	7,368,636
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,373,746
	Transfer to OCO		[-300,000]
	Unjustified increase		[-65,000]
020	FLEET AIR TRAINING	2,213,673	2,163,673
	Restoration of Congressional mark		[-50,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	57,144	57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949
050	AIR SYSTEMS SUPPORT	838,767	834,067
	Restoration of Congressional mark		[-4,700]
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,454,447
	Unjustified growth		[-5,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789
080	AVIATION LOGISTICS	1,264,665	1,234,665
	Restoration of Congressional mark		[-30,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,107,067
	Unjustified increase		[-10,000]
110	SHIP DEPOT MAINTENANCE	7,859,104	7,859,104
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,242,196
	Unjustified increase		[-13,000]
	Unjustified personnel growth		[-7,000]
125	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN		90,000
	Realignment from Sustainment, Readiness, and Modernization ...		[90,000]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE ..	1,521,360	1,502,360
	Unjustified increase		[-19,000]
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087
150	WARFARE TACTICS	741,609	741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382
170	COMBAT SUPPORT FORCES	1,546,273	936,273
	Restoration of Congressional mark		[-60,000]
	Transfer to OCO		[-550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	66,084
	PDI: Asia-Pacific Regional Initiative		[4,600]
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	102,330	110,630
	PDI: Indo-Pacific Counter-Terrorism Information Facility		[2,000]
	PDI: Indo-Pacific Special Operations Joint Task Force		[6,300]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	8,810
220	CYBERSPACE ACTIVITIES	567,496	567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102
240	WEAPONS MAINTENANCE	995,762	950,762
	Restoration of Congressional mark		[-45,000]
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008
260	ENTERPRISE INFORMATION	1,229,056	1,204,056
	Program decrease		[-5,000]
	Restoration of Congressional mark		[-20,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,454,793
	Navy requested transfer from RDTE,N line 184		[27,748]
	Program increase for additional facility requirements		[63,946]
	Realignment to Shipyard Infrastructure Optimization Plan		[-90,000]
280	BASE OPERATING SUPPORT	4,627,966	4,603,966
	Restoration of Congressional mark		[-24,000]
	SUBTOTAL OPERATING FORCES	40,701,322	39,598,216
MOBILIZATION			
290	SHIP PREPOSITIONING AND SURGE	849,993	657,900
	Realignment to National Defense Sealift Fund		[-314,193]
	Restoration of Congressional mark		[-20,000]
	Strategic sealift (MSC surge) annual operating result loss		[57,000]
	Surge sealift readiness		[85,100]
300	READY RESERVE FORCE	436,029	376,029
	Acquisition and conversion of additional used vessels		[60,000]
	Realignment to National Defense Sealift Fund		[-120,000]
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	258,416
	Restoration of Congressional mark		[-28,000]
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	99,402
330	COAST GUARD SUPPORT	25,235	25,235
	SUBTOTAL MOBILIZATION	1,697,075	1,416,982
TRAINING AND RECRUITING			

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
340	OFFICER ACQUISITION	186,117	186,117
350	RECRUIT TRAINING	13,206	13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683
370	SPECIALIZED SKILL TRAINING	947,841	930,841
	Restoration of Congressional mark		[-17,000]
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	369,147
	Sea Cadets		[1,500]
390	TRAINING SUPPORT	254,928	254,928
400	RECRUITING AND ADVERTISING	206,305	206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060
430	JUNIOR ROTC	56,276	56,276
	SUBTOTAL TRAINING AND RECRUITING	2,365,862	2,350,362
ADMIN & SRVWD ACTIVITIES			
440	ADMINISTRATION	1,249,410	1,203,410
	Program decrease		[-13,000]
	Restoration of Congressional mark		[-33,000]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	189,625	189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	499,904	499,904
470	MEDICAL ACTIVITIES	196,747	196,747
480	SERVICEWIDE TRANSPORTATION	165,708	162,410
	Unjustified funding for Dynamic Force Employment		[-3,298]
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	519,716	519,716
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	740,184
	Program decrease unaccounted for		[-11,000]
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	747,519
625	CLASSIFIED PROGRAMS	608,670	608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,928,483	4,868,185
UNDISTRIBUTED			
770	UNDISTRIBUTED		-126,000
	COVID-related ops/training slowdown		[-77,500]
	Foreign Currency adjustments		[-48,500]
	SUBTOTAL UNDISTRIBUTED		-126,000
	TOTAL OPERATION & MAINTENANCE, NAVY	49,692,742	48,107,745
OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES			
010	OPERATIONAL FORCES	941,143	517,464
	Deactivation of 2X companies		[-1,761]
	Insufficient justification		[-10,300]
	Transfer to OCO		[-400,000]
	Unit deactivation		[-2,942]
	Unjustified funding for Dynamic Force Employment		[-8,676]
020	FIELD LOGISTICS	1,277,798	1,277,798
030	DEPOT MAINTENANCE	206,907	168,414
	USMC-identified asset for FY21 depot maintenance workload		[-38,493]
040	MARITIME PREPOSITIONING	103,614	103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	955,434
	Program increase for additional facility requirements		[17,371]
070	BASE OPERATING SUPPORT	2,264,680	2,365,680
	Program increase		[101,000]
	SUBTOTAL OPERATING FORCES	5,948,179	5,604,378
TRAINING AND RECRUITING			
080	RECRUIT TRAINING	20,751	20,751
090	OFFICER ACQUISITION	1,193	1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509
120	TRAINING SUPPORT	412,613	412,613
130	RECRUITING AND ADVERTISING	215,464	215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719
150	JUNIOR ROTC	25,784	25,784
	SUBTOTAL TRAINING AND RECRUITING	889,182	889,182
ADMIN & SRVWD ACTIVITIES			
160	SERVICEWIDE TRANSPORTATION	32,005	32,005

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
170	ADMINISTRATION	399,363	399,363
215	CLASSIFIED PROGRAMS	59,878	59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	491,246	491,246
	UNDISTRIBUTED		
230	UNDISTRIBUTED		-34,200
	COVID-related ops/training slowdown		[-20,800]
	Foreign Currency adjustments		[-13,400]
	SUBTOTAL UNDISTRIBUTED		-34,200
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	7,328,607	6,950,606
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	632,070
	Insufficient justification		[-3,000]
020	INTERMEDIATE MAINTENANCE	8,713	8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398
050	AVIATION LOGISTICS	27,284	27,284
070	COMBAT COMMUNICATIONS	17,894	17,894
080	COMBAT SUPPORT FORCES	132,862	132,862
090	CYBERSPACE ACTIVITIES	453	453
100	ENTERPRISE INFORMATION	26,073	26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	49,665
	Program increase for additional facility requirements		[903]
120	BASE OPERATING SUPPORT	103,580	103,580
	SUBTOTAL OPERATING FORCES	1,106,177	1,104,080
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,927	1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	15,895	15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,869	20,869
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-12,700
	COVID-related ops/training slowdown		[-12,700]
	SUBTOTAL UNDISTRIBUTED		-12,700
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,127,046	1,112,249
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	104,616	104,616
020	DEPOT MAINTENANCE	17,053	17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	42,179
	Program increase for additional facility requirements		[767]
040	BASE OPERATING SUPPORT	107,773	107,773
	SUBTOTAL OPERATING FORCES	270,854	271,621
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,802	13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	13,802	13,802
	UNDISTRIBUTED		
70	UNDISTRIBUTED		-2,500
	COVID-related ops/training slowdown		[-2,500]
	SUBTOTAL UNDISTRIBUTED		-2,500
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	284,656	282,923
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	731,511	733,181
	A-10 retention		[1,670]
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,272,985

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Unjustified personnel growth		[-2,500]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,441,525
	A-10 retention		[12,430]
	Insufficient justification		[-8,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE		117,375
	A-10 retention		[65,575]
	KC-10 aircraft retention		[48,400]
	KC-135 aircraft retention		[3,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	3,241,216	3,343,016
	Program increase		[101,800]
060	CYBERSPACE SUSTAINMENT	235,816	235,816
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	1,524,227
	A-10 aircraft retention		[15,885]
080	FLYING HOUR PROGRAM	4,458,457	4,564,117
	A-10 aircraft retention		[52,860]
	KC-10 tanker divestment reversal		[16,200]
	KC-135 tanker divestment reversal		[36,600]
090	BASE SUPPORT	7,497,288	7,468,684
	Insufficient justification		[-22,000]
	Unjustified funding for Dynamic Force Employment		[-6,604]
100	GLOBAL C3I AND EARLY WARNING	849,842	871,642
	Insufficient justification		[-9,000]
	PDI: Mission Partner Environment implementation		[30,800]
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	868,476
	Program decrease unaccounted for		[-3,000]
	Realignment from Base to OCO		[-195,579]
120	CYBERSPACE ACTIVITIES	698,579	698,579
150	SPACE CONTROL SYSTEMS	34,194	34,194
160	US NORTHCOM/NORAD	204,268	204,268
170	US STRATCOM	526,809	526,809
180	US CYBERCOM	314,524	314,524
190	US CENTCOM	186,116	186,116
200	US SOCOM	9,881	9,881
210	US TRANSCOM	1,046	1,046
230	USSPACECOM	249,022	249,022
235	CLASSIFIED PROGRAMS	1,289,339	1,289,339
	SUBTOTAL OPERATING FORCES	25,815,885	25,954,822
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,350,031	1,150,031
	Realignment from Base to OCO		[-200,000]
250	MOBILIZATION PREPAREDNESS	647,168	647,168
	SUBTOTAL MOBILIZATION	1,997,199	1,797,199
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	142,548	142,548
270	RECRUIT TRAINING	25,720	25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335
300	FLIGHT TRAINING	615,033	615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795
320	TRAINING SUPPORT	85,844	85,844
330	RECRUITING AND ADVERTISING	155,065	155,065
340	EXAMINING	4,474	4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	358,570
	Insufficient justification		[-3,000]
370	JUNIOR ROTC	72,126	72,126
	SUBTOTAL TRAINING AND RECRUITING	2,526,154	2,523,154
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	145,130
400	ADMINISTRATION	851,251	829,251
	Program decrease		[-22,000]
410	SERVICEWIDE COMMUNICATIONS	28,554	28,554
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,183,814
	Program decrease		[-4,600]
430	CIVIL AIR PATROL	28,772	43,205

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Program increase		[14,433]
450	INTERNATIONAL SUPPORT	158,803	158,803
455	CLASSIFIED PROGRAMS	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,411,359	4,399,192
	UNDISTRIBUTED		
550	UNDISTRIBUTED		-225,800
	COVID-related ops/training slowdown		[-110,600]
	COVID-related throughput carryover adjustment		[-75,800]
	Foreign Currency adjustments		[-39,400]
	SUBTOTAL UNDISTRIBUTED		-225,800
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	34,750,597	34,448,567
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338
050	EDUCATION & TRAINING	18,660	18,660
060	SPECIAL PROGRAMS	137,315	137,315
070	DEPOT MAINTENANCE	250,324	250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,063,969
	SUBTOTAL OPERATING FORCES	2,398,771	2,398,771
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES		
090	ADMINISTRATION	132,523	123,523
	Unjustified growth		[-9,000]
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	132,523	123,523
	UNDISTRIBUTED		
110	UNDISTRIBUTED		-8,000
	COVID-related ops/training slowdown		[-8,000]
	SUBTOTAL UNDISTRIBUTED		-8,000
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	2,531,294	2,514,294
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,782,016	1,767,016
	Insufficient justification		[-15,000]
020	MISSION SUPPORT OPERATIONS	215,209	214,209
	Insufficient justification		[-1,000]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	453,896
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	103,414	107,614
	Program increase for additional facility requirements		[4,200]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	224,977	224,977
060	BASE SUPPORT	452,468	452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259
	SUBTOTAL OPERATING FORCES	3,234,239	3,222,439
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	ADMINISTRATION	74,258	74,258
090	RECRUITING AND ADVERTISING	23,121	23,121
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165
120	AUDIOVISUAL	495	495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	116,045	116,045
	UNDISTRIBUTED		
130	UNDISTRIBUTED		-30,300
	COVID-related ops/training slowdown		[-30,300]
	SUBTOTAL UNDISTRIBUTED		-30,300

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, AF RE-SERVE	3,350,284	3,308,184
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205
020	MISSION SUPPORT OPERATIONS	611,325	611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,138,919
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	323,605	362,505
	Installation recovery		[30,000]
	Program increase for additional facility requirements		[8,900]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,828	1,100,828
060	BASE SUPPORT	962,438	962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028
080	CYBERSPACE ACTIVITIES	16,380	16,380
	SUBTOTAL OPERATING FORCES	6,656,728	6,695,628
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
090	ADMINISTRATION	48,218	48,218
100	RECRUITING AND ADVERTISING	48,696	45,696
	Insufficient justification		[-3,000]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	96,914	93,914
	UNDISTRIBUTED		
110	UNDISTRIBUTED		-44,300
	COVID-related ops/training slowdown		[-44,300]
	SUBTOTAL UNDISTRIBUTED		-44,300
	TOTAL OPERATION & MAINTENANCE, ANG	6,753,642	6,745,242
	OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	439,111	424,111
	Insufficient justification		[-15,000]
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,069,971	1,072,931
	SOCOM Syria exfiltration reconstitution		[2,960]
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVI- TIES	9,800	9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	555,907
	DOMEX insufficient budget justification		[-6,000]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	705,814
	Program increase		[22,000]
	Unjustified DCS growth		[-1,283]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPER- ATIONAL HEADQUARTERS	158,971	158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,062,748	1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,598,385	2,583,952
	Flying hours program excess to need		[-12,400]
	Overestimation of civilian personnel costs		[-2,033]
	SUBTOTAL OPERATING FORCES	7,146,446	7,134,690
	TRAINING AND RECRUITING		
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301
	SUBTOTAL TRAINING AND RECRUITING	291,948	291,948
	ADMIN & SRVWIDE ACTIVITIES		
160	CIVIL MILITARY PROGRAMS	147,993	179,878
	Innovative Readiness Training		[16,885]
	Program increase—STARBASE		[15,000]
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	623,835
	Program increase—DWR reductions funding restoration		[19,000]
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,412,681

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	Restoration of DWR reductions		[42,000]
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY		
	CY	949,008	949,008
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY		
	CY—CYBER	9,577	9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	800,356
	Defense Flagship Language and Project Global Officer program		
	increase		[13,404]
	Insufficient justification		[−13,000]
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,853,190
	JAIC insufficient justification		[−30,000]
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	582,639	577,939
	JRSS SIPR funding		[−4,700]
330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637
340	DEFENSE LOGISTICS AGENCY	382,084	415,584
	Maternity Uniform Pilot Program		[10,000]
	Program increase—homeless blankets program		[3,500]
	Program increase—PTAP		[20,000]
350	DEFENSE MEDIA ACTIVITY	196,997	205,997
	Stars and Stripes		[9,000]
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	129,225
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	588,559
	Unjustified growth for Institute for Security Governance		[−10,000]
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	38,432	38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	3,011,429
	Impact Aid		[50,000]
	Impact Aid for children with disabilities		[20,000]
450	MISSILE DEFENSE AGENCY	505,858	505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	134,272
	Defense Community Infrastructure Program		[50,000]
	Guam Public Health Laboratory		[19,000]
	Military Aircraft Noise Mitigation		[5,000]
	Restoration of DWR reduction		[20,000]
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,588,696
	Additional FTEs, Office of the Deputy Assistant Secretary for		
	Environment		[2,000]
	Bien Hoa dioxin cleanup		[15,000]
	CDC PFAS health assessment		[15,000]
	Cooperative program for Vietnam personnel MIA		[2,000]
	DOD Congressional reports process modernization		[1,000]
	FY20 NDAA Sec. 575 interstate spousal licensing		[2,750]
	JASON scientific advisory group		[3,000]
	National Security Commission on Artificial Intelligence (NSCAI)		[2,500]
	Pilot program for cyber cooperation		[2,500]
	Program increase—Readiness and Environmental Protection Initiative		[25,000]
	Unjustified growth		[−22,500]
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630
510	SPACE DEVELOPMENT AGENCY	48,166	36,166
	Reduction for studies		[−7,000]
	Unjustified growth		[−5,000]
530	WASHINGTON HEADQUARTERS SERVICES	340,291	333,291
	Insufficient justification		[−7,000]
535	CLASSIFIED PROGRAMS	17,348,749	17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	31,210,685	31,495,024
UNDISTRIBUTED			
600	UNDISTRIBUTED		−248,500
	COVID-related ops/training slowdown		[−229,800]
	Foreign Currency adjustments		[−18,700]
	SUBTOTAL UNDISTRIBUTED		−248,500
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	38,649,079	38,673,162
US COURT OF APPEALS FOR ARMED FORCES, DEF			

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	ADMINISTRATION AND ASSOCIATED ACTIVITIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	15,211	15,211
	SUBTOTAL ADMINISTRATION AND ASSOCIATED ACTIVITIES	15,211	15,211
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	15,211	15,211
	DOD ACQUISITION WORKFORCE DEVELOPMENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	58,181	108,181
	DWR restore OSD-level acquisition workforce activities		[50,000]
	SUBTOTAL ACQUISITION WORKFORCE DEVEL- OPMENT	58,181	108,181
	TOTAL DOD ACQUISITION WORKFORCE DE- VELOPMENT FUND	58,181	108,181
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900
	SUBTOTAL HUMANITARIAN ASSISTANCE	109,900	109,900
	TOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	109,900	109,900
	COOPERATIVE THREAT REDUCTION ACCOUNT		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	238,490	360,190
	Restoration of funding		[121,700]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	238,490	360,190
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	238,490	360,190
	ENVIRONMENTAL RESTORATION DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518
	SUBTOTAL DEPARTMENT OF THE ARMY	207,518	207,518
	DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932
	SUBTOTAL DEPARTMENT OF THE NAVY	335,932	335,932
	DEPARTMENT OF THE AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	303,926	303,926
	DEFENSE-WIDE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105
	SUBTOTAL DEFENSE-WIDE	9,105	9,105
	DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	216,587
	SUBTOTAL DEFENSE-WIDE	216,587	216,587
	TOTAL ENVIRONMENTAL RESTORATION	1,073,068	1,073,068
	TOTAL OPERATION & MAINTENANCE	196,630,496	192,436,494
	UNDISTRIBUTED		
010	UNDISTRIBUTED		-1,711,780
	Excessive standard price for fuel		[-1,711,780]
	SUBTOTAL UNDISTRIBUTED		-1,711,780
	TOTAL UNDISTRIBUTED		-1,711,780

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1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	4,114,001	3,862,628
	Drawdown from Operation Freedom's Sentinel		[-89,500]
	Unjustified funding for Dynamic Force Employment		[-161,873]
030	ECHELONS ABOVE BRIGADE	32,811	32,811
040	THEATER LEVEL ASSETS	2,542,760	2,052,760
	Drawdown from Operation Freedom's Sentinel		[-480,000]
	Unjustified growth		[-10,000]
050	LAND FORCES OPERATIONS SUPPORT	162,557	112,557
	Drawdown from Operation Freedom's Sentinel		[-50,000]
060	AVIATION ASSETS	204,396	179,572
	Drawdown from Operation Freedom's Sentinel		[-24,824]
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	4,136,734
	Drawdown from Operation Freedom's Sentinel		[-1,500,000]
	Unjustified growth		[-80,000]
080	LAND FORCES SYSTEMS READINESS	180,048	80,048
	Drawdown from Operation Freedom's Sentinel		[-100,000]
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125
100	BASE OPERATIONS SUPPORT	219,029	187,029
	Drawdown from Operation Freedom's Sentinel		[-32,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	301,017	260,017
	Drawdown from Operation Freedom's Sentinel		[-41,000]
130	ADDITIONAL ACTIVITIES	966,649	782,649
	Drawdown from Operation Freedom's Sentinel		[-184,000]
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,000
	Excess to need		[-500]
150	RESET	403,796	1,003,796
	Retrograde from Operation Freedom's Sentinel		[600,000]
160	US AFRICA COMMAND	100,422	100,422
170	US EUROPEAN COMMAND	120,043	120,043
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256
	SUBTOTAL OPERATING FORCES	15,267,605	13,113,908
MOBILIZATION			
230	ARMY PREPOSITIONED STOCKS	103,052	103,052
	SUBTOTAL MOBILIZATION	103,052	103,052
TRAINING AND RECRUITING			
290	SPECIALIZED SKILL TRAINING	89,943	89,943
320	TRAINING SUPPORT	2,550	2,550
	SUBTOTAL TRAINING AND RECRUITING	92,493	92,493
ADMIN & SRVWIDE ACTIVITIES			
390	SERVICEWIDE TRANSPORTATION	521,090	921,090
	Retrograde from Operation Freedom's Sentinel		[400,000]
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423
420	AMMUNITION MANAGEMENT	29,162	29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447
470	OTHER SERVICE SUPPORT	5,839	5,839
490	REAL ESTATE MANAGEMENT	48,782	48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000
565	CLASSIFIED PROGRAMS	895,964	895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,674,604	2,074,604
	TOTAL OPERATION & MAINTENANCE, ARMY	17,137,754	15,384,057
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
020	ECHELONS ABOVE BRIGADE	17,193	17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440
090	BASE OPERATIONS SUPPORT	15,766	15,766

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	SUBTOTAL OPERATING FORCES	33,399	33,399
	TOTAL OPERATION & MAINTENANCE, ARMY RES	33,399	33,399
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	25,746	25,746
020	MODULAR SUPPORT BRIGADES	40	40
030	ECHELONS ABOVE BRIGADE	983	983
040	THEATER LEVEL ASSETS	22	22
060	AVIATION ASSETS	20,624	20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417
	SUBTOTAL OPERATING FORCES	79,746	79,746
	ADMIN & SRVWD ACTIVITIES		
170	SERVICEWIDE COMMUNICATIONS	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	46	46
	TOTAL OPERATION & MAINTENANCE, ARNG	79,792	79,792
	AFGHANISTAN SECURITY FORCES FUND AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	1,235,067	1,235,067
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	434,500	434,500
060	INFRASTRUCTURE	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231
080	TRAINING AND OPERATIONS	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	602,172	602,172
	AFGHAN AIR FORCE		
090	SUSTAINMENT	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	835,924	835,924
	AFGHAN SPECIAL SECURITY FORCES UNDISTRIBUTED		
130	SUSTAINMENT	680,024	680,024
140	INFRASTRUCTURE	2,532	2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808
160	TRAINING AND OPERATIONS	173,085	173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	1,342,449	1,342,449
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,015,612	4,015,612
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF) COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	645,000	322,500
	Transfer for 10 USC 333 Iraq security cooperation activities		[-322,500]
020	SYRIA	200,000	200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	522,500
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	522,500
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	682,062
	Transfer from base		[300,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692
060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854
080	AVIATION LOGISTICS	33,707	33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,717,696
	Insufficient justification		[-100,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	17,324	17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581
170	COMBAT SUPPORT FORCES	772,441	1,312,441
	Insufficient justification		[-10,000]
	Transfer from base		[550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUP- PORT	5,788	5,788
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	369	369
240	WEAPONS MAINTENANCE	567,247	567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041
280	BASE OPERATING SUPPORT	218,792	218,792
	SUBTOTAL OPERATING FORCES	10,521,682	11,261,682
	MOBILIZATION		
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589
	SUBTOTAL MOBILIZATION	22,589	22,589
	TRAINING AND RECRUITING		
370	SPECIALIZED SKILL TRAINING	53,204	53,204
	SUBTOTAL TRAINING AND RECRUITING	53,204	53,204
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	9,983	9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	102,830	102,830
	TOTAL OPERATION & MAINTENANCE, NAVY	10,700,305	11,440,305
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	727,989	1,127,989
	Transfer from base		[400,000]
020	FIELD LOGISTICS	195,001	195,001
030	DEPOT MAINTENANCE	55,183	55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000
070	BASE OPERATING SUPPORT	24,569	24,569
	SUBTOTAL OPERATING FORCES	1,012,742	1,412,742
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	28,458	28,458
	SUBTOTAL TRAINING AND RECRUITING	28,458	28,458
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	61,400	61,400
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,102,600	1,502,600
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	522	522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861
080	COMBAT SUPPORT FORCES	9,109	9,109

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	SUBTOTAL OPERATING FORCES	21,492	21,492
	TOTAL OPERATION & MAINTENANCE, NAVY RES	21,492	21,492
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	8,707	8,707
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	8,707	8,707
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	125,551	125,551
020	COMBAT ENHANCEMENT FORCES	916,538	978,538
	MQ-9 government owned-contractor operated combat line oper- ations in U.S. Central Command		[62,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,187,100	7,187,100
080	FLYING HOUR PROGRAM	2,031,548	2,031,548
090	BASE SUPPORT	1,540,444	1,480,444
	Program decrease		[-60,000]
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	549,379
	Department requested transfer from SAG 44A		[28,000]
	Insufficient justification		[-20,000]
	Realignment from Base to OCO		[195,579]
120	CYBERSPACE ACTIVITIES	17,936	17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820
140	LAUNCH FACILITIES	70	70
150	SPACE CONTROL SYSTEMS	1,450	1,450
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	856	856
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	126,934	171,134
	Department requested transfer from line 42G		[44,200]
	SUBTOTAL OPERATING FORCES	16,160,805	16,410,584
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,271,439	1,471,439
	Realignment from Base to OCO		[200,000]
250	MOBILIZATION PREPAREDNESS	120,866	120,866
	SUBTOTAL MOBILIZATION	1,392,305	1,592,305
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	27,010	27,010
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	30,925	30,925
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782
400	ADMINISTRATION	3,886	3,886
410	SERVICEWIDE COMMUNICATIONS	355	355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	56,631
	Department requested transfer to line 15F		[-44,200]
450	INTERNATIONAL SUPPORT	29,928	1,928
	Department requested transfer to line 12C		[-28,000]
455	CLASSIFIED PROGRAMS	34,502	34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	345,985	273,785

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	17,930,020	18,307,599
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	227	227
030	SPACE LAUNCH OPERATIONS	321	321
040	SPACE OPERATIONS	15,135	15,135
070	DEPOT MAINTENANCE	18,268	18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164
	SUBTOTAL OPERATING FORCES	77,115	77,115
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	77,115	77,115
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408
060	BASE SUPPORT	5,682	5,682
	SUBTOTAL OPERATING FORCES	30,090	30,090
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	30,090	30,090
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,739	3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT ..	97,108	97,108
060	BASE SUPPORT	12,933	12,933
	SUBTOTAL OPERATING FORCES	175,642	175,642
	TOTAL OPERATION & MAINTENANCE, ANG	175,642	175,642
	OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	3,799	3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	898,024
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,243,618
	Program decrease		[−935]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	354,951
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT ..	104,535	104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	752,744
	Unjustified growth		[−5,000]
	SUBTOTAL OPERATING FORCES	3,370,240	3,364,305
	ADMIN & SRVWIDE ACTIVITIES		
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373
350	DEFENSE MEDIA ACTIVITY	3,555	9,555
	Stars and Stripes		[6,000]
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,630,263
	Transfer from CTEF for 10 USC 333 Iraq security cooperation activities		[322,500]
	Transfer to Ukraine Security Assistance		[−250,000]
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997
535	CLASSIFIED PROGRAMS	535,106	535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	2,652,014	2,730,514
	TOTAL OPERATION AND MAINTENANCE, DE- FENSE-WIDE	6,022,254	6,094,819

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	Conference Authorized
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		250,000
	Transfer from Defense Security Cooperation Agency		[250,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		250,000
	TOTAL UKRAINE SECURITY ASSISTANCE		250,000
	TOTAL OPERATION & MAINTENANCE	58,179,782	57,943,729

1 **TITLE XLIV—MILITARY**

2 **PERSONNEL**

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)			
	Item	FY 2021 Request	Conference Authorized
	Military Personnel Appropriations	150,524,104	149,185,852
	Historical unobligated balances		-1,168,452
	Foreign currency adjustments		-169,800
	Medicare-Eligible Retiree Health Fund Contributions	8,372,741	8,372,741

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**

5 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
	Item	FY 2021 Request	Conference Authorized
	Military Personnel Appropriations	4,602,593	4,602,593

6 **TITLE XLV—OTHER**

7 **AUTHORIZATIONS**

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

8 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
	Program Title	FY 2021 Request	Conference Authorized
	WORKING CAPITAL FUND, ARMY		
	ARMY ARSENALS INITIATIVE	32,551	32,551
	ARMY SUPPLY MANAGEMENT	24,166	24,166
	TOTAL WORKING CAPITAL FUND, ARMY	56,717	56,717

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SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2021 Request	Conference Authorized
WORKING CAPITAL FUND, AIR FORCE		
WORKING CAPITAL FUND		
WORKING CAPITAL FUND	95,712	95,712
TOTAL WORKING CAPITAL FUND, AIR FORCE	95,712	95,712
WORKING CAPITAL FUND, DEFENSE-WIDE		
WORKING CAPITAL FUND SUPPORT		
WORKING CAPITAL FUND SUPPORT	49,821	49,821
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	49,821	49,821
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND SUPPORT	1,146,660	1,146,660
TOTAL WORKING CAPITAL FUND, DECA	1,146,660	1,146,660
NATIONAL DEFENSE SEALIFT FUND		
SEALIFT RECAPITALIZATION		120,000
Transfer from OMN-300 for acquisition of four used sealift vessels		[120,000]
SHIP PREPOSITIONING AND SURGE		314,193
Transfer from OMN-290		[314,193]
TOTAL NATIONAL DEFENSE SEALIFT FUND		434,193
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	106,691	106,691
CHEM DEMILITARIZATION—RDT&E	782,193	782,193
CHEM DEMILITARIZATION—PROC	616	616
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION ...	889,500	889,500
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	546,203	562,003
PDI: Joint Interagency Task Force—West Project 3309		[13,000]
PDI: Joint Interagency Task Force—West Project 9202		[2,800]
DRUG DEMAND REDUCTION PROGRAM	123,704	123,704
NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVI- TIES, DEF	769,629	785,429
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	368,279	368,279
OFFICE OF THE INSPECTOR GENERAL—CYBER		
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204
OFFICE OF THE INSPECTOR GENERAL—RDTE	1,098	1,098
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	858	858
TOTAL OFFICE OF THE INSPECTOR GENERAL	371,439	371,439
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,560,564	9,271,064
Equipment purchases excess growth		[–29,500]
Medical reform implementation—excess funding to replace military medical end strength		[–296,000]
Reverse DWR savings from downsizing MTFs		[36,000]
PRIVATE SECTOR CARE	15,841,887	15,826,887
Program decrease		[–15,000]
CONSOLIDATED HEALTH SUPPORT	1,338,269	1,314,169
Historical underexecution		[–24,100]
INFORMATION MANAGEMENT	2,039,910	2,039,910
MANAGEMENT ACTIVITIES	330,627	330,627
EDUCATION AND TRAINING	315,691	331,691
Health Professions Scholarship Program		[6,000]
Reverse DWR cuts to USUHS		[10,000]
BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,922,605
R&D RESEARCH	8,913	13,913
Pancreatic cancer research		[5,000]
R&D EXPLORATORY DEVELOPMENT	73,984	73,984
R&D ADVANCED DEVELOPMENT	225,602	225,602
R&D DEMONSTRATION/VALIDATION	132,331	132,331
R&D ENGINEERING DEVELOPMENT	55,748	55,748
R&D MANAGEMENT AND SUPPORT	48,672	48,672
R&D CAPABILITIES ENHANCEMENT	17,215	17,215
PROC INITIAL OUTFITTING	22,932	22,932

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SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2021 Request	Conference Authorized
PROC REPLACEMENT & MODERNIZATION	215,618	215,618
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZA- TION	308,504	245,854
Excess to need		[-62,650]
SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	160,428	160,428
UNDISTRIBUTED		200
Foreign Currency adjustments		[-9,800]
Triple negative breast cancer		[10,000]
TOTAL DEFENSE HEALTH PROGRAM	32,690,372	32,320,322
TOTAL OTHER AUTHORIZATIONS	36,069,850	36,149,793

1 SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-

2 TINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2021 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE		
ARMY SUPPLY MANAGEMENT	20,090	20,090
TOTAL WORKING CAPITAL FUND, ARMY	20,090	20,090
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
TOTAL OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	65,072	65,072
PRIVATE SECTOR CARE	296,828	296,828
CONSOLIDATED HEALTH SUPPORT	3,198	3,198
TOTAL DEFENSE HEALTH PROGRAM	365,098	365,098
TOTAL OTHER AUTHORIZATIONS	409,257	409,257

3 TITLE XLVI—MILITARY

4 CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

5 SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	Alaska			
Military Construc- tion, Army	Fort Wainwright	Child Development Center	0	55,000
Military Construc- tion, Army	Fort Wainwright	Unaccompanied Enlisted Personnel Housing	0	59,000
	Arizona			
Military Construc- tion, Army	Yuma Proving Ground	Ready Building	14,000	14,000
	California			
Military Construc- tion, Army	Military Ocean Ter- minal Concord	Ammunition Holding Facility	0	46,000
	Colorado			

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army	Fort Carson, Colorado	Physical Fitness Facility	28,000	28,000
Military Construction, Army	Florida Jiatf-S Operations Center	Planning and Design	0	8,000
Military Construction, Army	Georgia Fort Gillem	Forensic Laboratory	71,000	71,000
Military Construction, Army	Fort Gordon	Adv Individual Training Barracks Cplx, Ph3	80,000	80,000
Military Construction, Army	Hawaii Fort Shafter	Child Development Center—School Age	0	65,000
Military Construction, Army	Schofield Barracks	Child Development Center	0	39,000
Military Construction, Army	Wheeler Army Air Field	Aircraft Maintenance Hangar	89,000	89,000
Military Construction, Army	Italy Casmera Renato DAL Din	Access Control Point	0	10,200
Military Construction, Army	Louisiana Fort Polk, Louisiana	Information Systems Facility	25,000	25,000
Military Construction, Army	Oklahoma McAlester AAP	Ammunition Demolition Shop	35,000	35,000
Military Construction, Army	Pennsylvania Carlisle Barracks	General Instruction Building, Incr2	38,000	25,540
Military Construction, Army	South Carolina Fort Jackson	Trainee Barracks Complex 3, Ph2	0	7,000
Military Construction, Army	Virginia Humphreys Engineer Center	Training Support Facility	51,000	51,000
Military Construction, Army	Worldwide Unspecified Unspecified Worldwide Locations	Host Nation Support	39,000	39,000
Military Construction, Army	Unspecified Worldwide Locations	Planning and Design	129,436	64,436
Military Construction, Army	Unspecified Worldwide Locations	Unspecified Minor Construction	50,900	68,900
Military Construction, Army TOTAL			650,336	880,076
Military Construction, Navy	Arizona Yuma	Bachelor Enlisted Quarters Replacement	0	0
Military Construction, Navy	Bahrain Island SW Asia	Ship to Shore Utility Services	68,340	68,340
Military Construction, Navy	California Camp Pendleton	Combat Water Survival Training Facility	0	25,200
Military Construction, Navy	Camp Pendleton	Warehouse Consolidation and Modernization	0	21,800
Military Construction, Navy	Camp Pendleton, California	1st MARDIV Operations Complex	68,530	68,530
Military Construction, Navy	Camp Pendleton, California	I MEF Consolidated Information Center (Inc)	37,000	37,000
Military Construction, Navy	Lemoore	F-35C Hangar 6 Phase 2 (Mod 3/4)	128,070	53,000
Military Construction, Navy	Lemoore	F-35C Simulator Facility & Electrical Upgrade	59,150	59,150
Military Construction, Navy	Point Mugu	Directed Energy Test Facility	0	26,700
Military Construction, Navy	Port Hueneme	Combat Vehicle Maintenance Facilities	0	43,500
Military Construction, Navy	San Diego	Pier 6 Replacement	128,500	63,500
Military Construction, Navy	Seal Beach	Magazines	0	46,800
Military Construction, Navy	Twentynine Palms, California	Wastewater Treatment Plant	76,500	76,500
Military Construction, Navy	El Salvador Comolapa	Long Range Maritime Patrol Aircraft Hangar and Ramp.	0	28,000
	Greece			

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construc- tion, Navy	Souda Bay	Communication Center	50,180	50,180
	Guam			
Military Construc- tion, Navy	Andersen AFB	Ordnance Operations Admin	21,280	21,280
Military Construc- tion, Navy	Joint Region Marianas	Bachelor Enlisted Quarters H (Inc)	80,000	68,649
Military Construc- tion, Navy	Joint Region Marianas	Base Warehouse	55,410	55,410
Military Construc- tion, Navy	Joint Region Marianas	Central Fuel Station	35,950	35,950
Military Construc- tion, Navy	Joint Region Marianas	Central Issue Facility	45,290	45,290
Military Construc- tion, Navy	Joint Region Marianas	Combined EOD Facility	37,600	37,600
Military Construc- tion, Navy	Joint Region Marianas	DAR Bridge Improvements	40,180	40,180
Military Construc- tion, Navy	Joint Region Marianas	DAR Road Strengthening	70,760	70,760
Military Construc- tion, Navy	Joint Region Marianas	Distribution Warehouse	77,930	77,930
Military Construc- tion, Navy	Joint Region Marianas	Individual Combat Skills Training	17,430	17,430
Military Construc- tion, Navy	Joint Region Marianas	Joint Communication Upgrade	166,000	22,000
	Hawaii			
Military Construc- tion, Navy	Joint Base Pearl Har- bor-Hickam	Waterfront Improve, Wharves S1,S11-13,S20-21 ..	48,990	48,990
Military Construc- tion, Navy	Joint Base Pearl Har- bor-Hickam	Waterfront Improvements Wharves S8-S10	65,910	65,910
	Japan			
Military Construc- tion, Navy	Yokosuka	Pier 5 (Berths 2 and 3) (Inc)	74,692	74,692
	Maine			
Military Construc- tion, Navy	Kittery	Multi-Mission Drydock #1 Exten., Ph 1 (Inc)	160,000	160,000
Military Construc- tion, Navy	Netams Lant Detach- ment Center	Perimeter Security	0	26,100
	Nevada			
Military Construc- tion, Navy	Fallon	Range Training Complex, Phase 1	29,040	29,040
	North Carolina			
Military Construc- tion, Navy	Camp Lejeune, North Carolina	II MEF Operations Center Replacement (Inc)	20,000	20,000
Military Construc- tion, Navy	Cherry Point	Fitness Center Replacement and Training Pool	0	51,900
	Spain			
Military Construc- tion, Navy	Rota	MH-60r Squadron Support Facilities	60,110	60,110
	Virginia			
Military Construc- tion, Navy	Norfolk	E-2D Training Facility	30,400	30,400
Military Construc- tion, Navy	Norfolk	MH60 & CMV-22B Corrosion Control & Paint Fac	17,671	17,671
Military Construc- tion, Navy	Norfolk	Sub Logistics Support	0	9,400
	Worldwide Unspecified			
Military Construc- tion, Navy	Unspecified Worldwide Locations	Planning & Design	165,710	160,710
Military Construc- tion, Navy	Unspecified Worldwide Locations	Pdi: Planning & Design—Indo-Pacific Command Posture Initiatives.	0	7,500
Military Construc- tion, Navy	Unspecified Worldwide Locations	Siop Planning & Design	0	45,000
Military Construc- tion, Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	38,983	38,983
Military Construction, Navy TOTAL			1,975,606	2,007,085
	California			
Military Construc- tion, Air Force	Edwards AFB	Flight Test Engineering Laboratory Complex	0	40,000
	Colorado			
Military Construc- tion, Air Force	Schriever AFB	Consolidated Space Operations Facility, Inc 2	88,000	88,000
Military Construc- tion, Air Force	U.S. Air Force Acad- emy	Cadet Preparatory School Dormitory	0	0
	Florida			
Military Construc- tion, Air Force	Eglin	Advanced Munitions Technology Complex	0	35,000

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construc- tion, Air Force	Guam Joint Region Marianas	Stand Off Weapons Complex, MSA 2	56,000	56,000
Military Construc- tion, Air Force	Illinois Scott	Add/Alter Consolidated Communications Facility	0	0
Military Construc- tion, Air Force	Mariana Islands Tinian	Airfield Development Phase 1, Inc 2	20,000	39,500
Military Construc- tion, Air Force	Tinian	Fuel Tanks With Pipeline & Hydrant Sys, Inc 2	7,000	0
Military Construc- tion, Air Force	Tinian	Parking Apron, Inc 2	15,000	21,500
Military Construc- tion, Air Force	Maryland Joint Base Andrews	Consolidated Communications Center	0	13,000
Military Construc- tion, Air Force	Montana Malmstrom AFB	Weapons Storage & Maintenance Facility, Inc 2	25,000	0
Military Construc- tion, Air Force	New Jersey Joint Base McGuire- Dix-Lakehurst	Munitions Storage Area	22,000	22,000
Military Construc- tion, Air Force	Qatar Al Udeid, Qatar	Cargo Marshalling Yard	26,000	26,000
Military Construc- tion, Air Force	South Dakota Ellsworth AFB	B-21 2-Bay LO Restoration Facility	0	10,000
Military Construc- tion, Air Force	Texas Joint Base San Anto- nio	BMT Recruit Dormitory 8, Inc 2	36,000	36,000
Military Construc- tion, Air Force	Joint Base San Anto- nio	T-X ADAL Ground Based Trng Sys Sim	19,500	19,500
Military Construc- tion, Air Force	Utah Hill AFB	GBSD Mission Integration Facility, Inc 2	68,000	68,000
Military Construc- tion, Air Force	Hill AFB	GBSD Organic Software Sustainment Center	0	18,800
Military Construc- tion, Air Force	Virginia Joint Base Langley- Eustis	Access Control Point Main Gate With Land Acq	19,500	19,500
Military Construc- tion, Air Force	Worldwide Unspecified Unspecified Worldwide Locations	Cost to Complete	0	0
Military Construc- tion, Air Force	Unspecified Worldwide Locations	Planning & Design	296,532	116,532
Military Construc- tion, Air Force	Unspecified Worldwide Locations	Pdi: Planning & Design—Indo-Pacific Command Posture Initiatives.	0	7,500
Military Construc- tion, Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction	68,600	68,600
Military Construc- tion, Air Force	Wyoming Ft Warren	Weapons Storage Facility	0	12,000
Military Construction, Air Force TOTAL			767,132	717,432
Military Construc- tion, Defense- Wide	Alabama Anniston Army Depot	Demilitarization Facility	18,000	18,000
Military Construc- tion, Defense- Wide	Fort Rucker	Construct 10mw Generation & Microgrid	0	24,000
Military Construc- tion, Defense- Wide	Alaska Fort Greely	Communications Center	48,000	48,000
Military Construc- tion, Defense- Wide	Arizona Fort Huachuca	Laboratory Building	33,728	33,728
Military Construc- tion, Defense- Wide	Yuma	SOF Hangar	49,500	49,500
Military Construc- tion, Defense- Wide	Arkansas Fort Smith ANG	PV Arrays and Battery Storage	0	2,600

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	California			
Military Construction, Defense-Wide	Beale AFB	Bulk Fuel Tank	22,800	22,800
Military Construction, Defense-Wide	Marine Corps Air Combat Center / Twenty Nine Palms	Install 10 Mw Battery Energy Storage for Various Buildings.	11,646	11,646
Military Construction, Defense-Wide	Military Ocean Terminal Concord	Military Ocean Terminal Concord Microrid	29,000	29,000
Military Construction, Defense-Wide	NAWS China Lake	Solar Energy Storage System	0	0
Military Construction, Defense-Wide	NSA Monterey	Cogeneration Plant at B236	10,540	0
	Colorado			
Military Construction, Defense-Wide	Fort Carson, Colorado	SOF Tactical Equipment Maintenance Facility	15,600	15,600
	Conus Unspecified			
Military Construction, Defense-Wide	Conus Unspecified	Training Target Structure	14,400	14,400
	District of Columbia			
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Dia HQ Cooling Towersand Cond Pumps	0	1,963
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization	10,343	10,343
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization	0	8,749
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	PV Carports	0	25,221
	Florida			
Military Construction, Defense-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron-North	38,310	38,310
Military Construction, Defense-Wide	Hurlburt Field	SOF Special Tactics Ops Facility (23 STS)	44,810	44,810
	Georgia			
Military Construction, Defense-Wide	Fort Benning	Construct 4.8mw Generation & Microgrid	0	17,000
	Germany			
Military Construction, Defense-Wide	Rhine Ordnance Barracks	Medical Center Replacement Inc 9	200,000	82,433
	Italy			
Military Construction, Defense-Wide	NSA Naples	Smart Grid	3,490	3,490
	Japan			
Military Construction, Defense-Wide	Def Fuel Support Point Tsurumi	Fuel Wharf	49,500	49,500
Military Construction, Defense-Wide	Yokosuka	Kinnick High School Inc	30,000	0
	Kentucky			
Military Construction, Defense-Wide	Fort Knox	Van Voorhis Elementary School	69,310	69,310
	Maryland			
Military Construction, Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 4	180,000	50,000
Military Construction, Defense-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc	250,000	250,000
Military Construction, Defense-Wide	NSA Bethesda	Nsab-16 Replace Chillers 3 Through 9	0	0

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Defense-Wide	NSA South Potomac	CBIRF / IHEODTD / Housing Potable Water	18,460	18,460
	Mississippi			
Military Construction, Defense-Wide	Camp Shelby	Construct 10 Mw Generation & Microgrid System ..	0	30,000
	Missouri			
Military Construction, Defense-Wide	Fort Leonard Wood	Hospital Replacement Inc 3	40,000	40,000
Military Construction, Defense-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 Inc	119,000	60,000
Military Construction, Defense-Wide	Whiteman AFB	Install 10 Mw Combined Heat and Power Plant	17,310	17,310
	Nevada			
Military Construction, Defense-Wide	Creech AFB	Central Standby Generators	32,000	32,000
	New Mexico			
Military Construction, Defense-Wide	Kirtland AFB	Administrative Building	46,600	46,600
	North Carolina			
Military Construction, Defense-Wide	Fort Bragg	SOF Group Headquarters	53,100	53,100
Military Construction, Defense-Wide	Fort Bragg	SOF Military Working Dog Facility	17,700	17,700
Military Construction, Defense-Wide	Fort Bragg	SOF Operations Facility	43,000	43,000
Military Construction, Defense-Wide	Fort Bragg	Soft Chilled Water Upgrade	0	6,100
	Ohio			
Military Construction, Defense-Wide	Wright-Patterson AFB	Construct Intelligence Facility Central Utility Plant	0	35,000
Military Construction, Defense-Wide	Wright-Patterson AFB	Hydrant Fuel System	23,500	23,500
	Tennessee			
Military Construction, Defense-Wide	Memphis ANG	PV Arrays and Battery Storage	0	4,780
	Texas			
Military Construction, Defense-Wide	Fort Hood, Texas	Fuel Facilities	32,700	32,700
	Virginia			
Military Construction, Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF Des Operations Fac. and Command Center	54,500	54,500
Military Construction, Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG-2 Nswtg Css Facilities	58,000	58,000
Military Construction, Defense-Wide	Nine Portsmouth	Retro Air Handling Units From Constant Volume Reheat to Variable Air Volume.	611	611
Military Construction, Defense-Wide	Wallops Island	Generation and Distribution Resiliency Improvements.	9,100	9,100
	Washington			
Military Construction, Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis Main)	10,900	10,900
Military Construction, Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis North)	10,900	10,900
Military Construction, Defense-Wide	Manchester	Bulk Fuel Storage Tanks Phase 1	82,000	82,000
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Defense-Wide	Unspecified Worldwide Locations	ERCIP Design	14,250	39,790
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,840	5,840
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Indo-Pacific Command Posture Initiatives.	0	0
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Military Installation Resiliency	0	25,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	27,746	27,746
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,303	10,303
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,647	10,647
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,922	4,922
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	17,698	17,698
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000
Military Construction, Defense-Wide	Various Worldwide Locations	Planning and Design	64,406	64,406
Military Construction, Defense-Wide	Various Worldwide Locations	Planning and Design	32,624	32,624
Military Construction, Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction	9,726	9,726
Military Construction, Defense-Wide TOTAL			2,027,520	1,886,366
NATO Security Investment Program	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	173,030	173,030
NATO Security Investment Program TOTAL			173,030	173,030
Military Construction, Army National Guard	Arizona Tucson	National Guard Readiness Center	18,100	18,100
Military Construction, Army National Guard	Arkansas Fort Chaffee	National Guard Readiness Center	0	15,000
Military Construction, Army National Guard	California Bakersfield	National Guard Vehicle Maintenance Shop	0	9,300
Military Construction, Army National Guard	Colorado Peterson AFB	National Guard Readiness Center	15,000	15,000
Military Construction, Army National Guard	Indiana Shelbyville	National Guard/Reserve Center Building Add/Al	12,000	12,000
Kentucky				

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army National Guard	Frankfort	National Guard/Reserve Center Building	15,000	15,000
Military Construction, Army National Guard	Mississippi Brandon	National Guard Vehicle Maintenance Shop	10,400	10,400
Military Construction, Army National Guard	Nebraska North Platte	National Guard Vehicle Maintenance Shop	9,300	9,300
Military Construction, Army National Guard	New Jersey Joint Base McGuire-Dix-Lakehurst	National Guard Readiness Center	15,000	15,000
Military Construction, Army National Guard	Ohio Columbus	National Guard Readiness Center	15,000	15,000
Military Construction, Army National Guard	Oklahoma Ardmore	National Guard Vehicle Maintenance Shop	0	9,800
Military Construction, Army National Guard	Oregon Hermiston	Enlisted Barracks, Transient Training	9,300	9,300
Military Construction, Army National Guard	Hermiston	Enlisted Barracks, Transient Training	0	15,735
Military Construction, Army National Guard	Puerto Rico Fort Allen	National Guard Readiness Center	37,000	37,000
Military Construction, Army National Guard	South Carolina Joint Base Charleston	National Guard Readiness Center	15,000	15,000
Military Construction, Army National Guard	Tennessee Memnville	National Guard Readiness Center	11,200	11,200
Military Construction, Army National Guard	Texas Fort Worth	Aircraft Maintenance Hangar Addition/Alt	6,000	6,000
Military Construction, Army National Guard	Fort Worth	National Guard Vehicle Maintenance Shop	7,800	7,800
Military Construction, Army National Guard	Utah Nephi	National Guard Readiness Center	12,000	12,000
Military Construction, Army National Guard	Virgin Islands St. Croix	Army Aviation Support Facility (Aasf)	28,000	28,000
Military Construction, Army National Guard	St. Croix	CST Ready Building	11,400	11,400
Military Construction, Army National Guard	Wisconsin Appleton	National Guard Readiness Center Add/Alt	11,600	11,600
Military Construction, Army National Guard	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	29,593	29,593
Military Construction, Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	32,744	32,744
Military Construction, Army National Guard TOTAL			321,437	371,272
Military Construction, Army Reserve	Florida Gainesville	ECS TEMF/Warehouse	36,000	36,000

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army Reserve	Massachusetts Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range	8,700	8,700
Military Construction, Army Reserve	North Carolina Asheville	Army Reserve Center/Land	24,000	24,000
Military Construction, Army Reserve	Wisconsin Fort McCoy	Scout Reconnaissance Range	14,600	14,600
Military Construction, Army Reserve	Fort McCoy	Transient Trainee Barracks	0	2,500
Military Construction, Army Reserve	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	1,218	1,218
Military Construction, Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	3,819	3,819
Military Construction, Army Reserve TOTAL			88,337	90,837
Military Construction, Naval Reserve	Maryland Reisterstown	Reserve Training Center, Camp Fretterd, MD	39,500	39,500
Military Construction, Naval Reserve	Minnesota Minneapolis	Joint Reserve Intel Center	0	12,800
Military Construction, Naval Reserve	Utah Hill AFB	Naval Operational Support Center	25,010	25,010
Military Construction, Naval Reserve	Worldwide Unspecified Unspecified Worldwide Locations	MCNR Minor Construction	3,000	3,000
Military Construction, Naval Reserve	Unspecified Worldwide Locations	MCNR Planning & Design	3,485	3,485
Military Construction, Naval Reserve TOTAL			70,995	83,795
Military Construction, Air National Guard	Alabama Montgomery Regional Airport (ANG) Base	Base Supply Complex	0	12,000
Military Construction, Air National Guard	Montgomery Regional Airport (ANG) Base	F-35 Simulator Facility	11,600	11,600
Military Construction, Air National Guard	Guam Joint Region Marianas	Space Control Facility #5	20,000	20,000
Military Construction, Air National Guard	Maryland Joint Base Andrews	F-16 Mission Training Center	9,400	9,400
Military Construction, Air National Guard	South Dakota Hector International Airport	Consolidated RPA Operations Facility	0	17,500
Military Construction, Air National Guard	Texas Joint Base San Antonio	F-16 Mission Training Center	10,800	10,800
Military Construction, Air National Guard	Worldwide Unspecified Unspecified Worldwide Locations	Unspecified Minor Construction	9,000	9,000
Military Construction, Air National Guard	Various Worldwide Locations	Planning and Design	3,414	3,414

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Air National Guard TOTAL			64,214	93,714
Texas				
Military Construc- tion, Air Force Reserve	Fort Worth	F-35 Squadron Ops/Aircraft Maintenance Unit	0	25,000
Military Construc- tion, Air Force Reserve	Fort Worth	F-35A Simulator Facility	14,200	14,200
Worldwide Unspecified				
Military Construc- tion, Air Force Reserve	Unspecified Worldwide Locations	Planning & Design	3,270	3,270
Military Construc- tion, Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	5,647	5,647
Military Construction, Air Force Reserve TOTAL			23,117	48,117
Italy				
Family Housing Construction, Army	Vicenza	Family Housing New Construction	84,100	84,100
Kwajalein				
Family Housing Construction, Army	Kwajalein Atoll	Family Housing Replacement Construction	32,000	32,000
Worldwide Unspecified				
Family Housing Construction, Army	Unspecified Worldwide Locations	Family Housing P & D	3,300	3,300
Family Housing Construction, Army TOTAL			119,400	119,400
Worldwide Unspecified				
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Furnishings	18,004	18,004
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Housing Privatization Support	37,948	63,948
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Leasing	123,841	123,841
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Maintenance	97,789	97,789
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Management	39,716	39,716
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Miscellaneous	526	526
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Services	8,135	8,135
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Utilities	41,183	41,183
Family Housing Operation And Maintenance, Army TOTAL			367,142	393,142
Worldwide Unspecified				
Family Housing Construction, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Construction Improvements	37,043	37,043

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Family Housing Construction, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Planning & Design	3,128	3,128
Family Housing Construction, Navy And Ma- rine Corps	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	2,726	2,726
Family Housing Construction, Navy And Marine Corps TOTAL			42,897	42,897
Worldwide Unspecified				
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Furnishings	17,977	17,977
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Housing Privatization Support	53,700	78,700
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Leasing	62,658	62,658
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Maintenance	85,630	85,630
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Management	51,006	51,006
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Miscellaneous	350	350
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Services	16,743	16,743
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	Unspecified Worldwide Locations	Utilities	58,429	58,429
Family Housing Operation And Maintenance, Navy And Marine Corps TOTAL			346,493	371,493
Worldwide Unspecified				
Family Housing Construction, Air Force	Unspecified Worldwide Locations	Construction Improvements	94,245	94,245
Family Housing Construction, Air Force	Unspecified Worldwide Locations	Planning & Design	2,969	2,969
Family Housing Construction, Air Force TOTAL			97,214	97,214
Worldwide Unspecified				
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Furnishings	25,805	25,805
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Housing Privatization	23,175	32,175
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Leasing	9,318	9,318

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Maintenance	140,666	140,666
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Management	64,732	64,732
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Miscellaneous	2,184	2,184
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Services	7,968	7,968
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Utilities	43,173	43,173
Family Housing Operation And Maintenance, Air Force TOTAL			317,021	326,021
Worldwide Unspecified				
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Furnishings	645	645
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Furnishings	82	82
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Leasing	36,860	36,860
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Leasing	12,996	12,996
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Maintenance	32	32
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Utilities	13	13
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Utilities	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide TOTAL			54,728	54,728
Worldwide Unspecified				
DOD Family Housing Im- provement Fund	Unspecified Worldwide Locations	Administrative Expenses—FHIF	5,897	5,897
DOD Family Housing Improvement Fund TOTAL			5,897	5,897
Worldwide Unspecified				
Unaccompanied Housing Im- provement Fund	Unspecified Worldwide Locations	Administrative Expenses—UHIF	600	600
Unaccompanied Housing Improvement Fund TOTAL			600	600
Worldwide Unspecified				
Base Realignment and Closure— Army	Base Realignment & Closure, Army	Base Realignment and Closure	66,060	66,060
Base Realignment and Closure— Navy	Unspecified Worldwide Locations	Base Realignment & Closure	125,165	125,165

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Base Realignment and Closure— Air Force	Unspecified Worldwide Locations	Dod BRAC Activities—Air Force	109,222	109,222
Base Realignment and Closure TOTAL			300,447	300,447

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**
2 **TINGENCY OPERATIONS.**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Service	State/Country and Installation	Project	FY 2021 Request	Conference Authorized
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Minor Construction	3,970	3,970
Army	Unspecified Worldwide Locations	EDI: Planning and Design	11,903	11,903
	Spain			
Navy	Rota	EDI: EOD Boat Shop	31,760	31,760
Navy	Rota	EDI: Expeditionary Maintenance Facility	27,470	27,470
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning & Design	10,790	10,790
	Germany			
AF	Ramstein	EDI: Rapid Airfield Damage Repair Storage	36,345	36,345
AF	Spangdahlem AB	EDI: Rapid Airfield Damage Repair Storage	25,824	25,824
	Romania			
AF	Campia Turzii	EDI: Dangerous Cargo Pad	11,000	11,000
AF	Campia Turzii	EDI: ECAOS DABS-FEV Storage Complex	68,000	68,000
AF	Campia Turzii	EDI: Parking Apron	19,500	19,500
AF	Campia Turzii	EDI: POL Increase Capacity	32,000	32,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	EDI: Unspecified Minor Military Construction	16,400	16,400
AF	Various Worldwide Locations	EDI: Planning & Design	54,800	54,800

3 **TITLE XLVII—DEPARTMENT OF**
4 **ENERGY NATIONAL SECURITY**
5 **PROGRAMS**

Sec. 4701. Department of energy national security programs.

6 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
7 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	137,800	137,800
Atomic Energy Defense Activities		
National nuclear security administration:		

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Weapons activities	15,602,000	15,550,428
Defense nuclear nonproliferation	2,031,000	2,041,000
Naval reactors	1,684,000	1,684,000
Federal salaries and expenses	454,000	454,000
Total, National nuclear security administration	19,771,000	19,729,428
Environmental and other defense activities:		
Defense environmental cleanup	4,983,608	5,815,767
Other defense activities	1,054,727	901,048
Total, Environmental & other defense activities	6,038,335	6,716,815
Total, Atomic Energy Defense Activities	25,809,335	26,446,243
Total, Discretionary Funding	25,947,135	26,584,043
Nuclear Energy		
Idaho sitewide safeguards and security	137,800	137,800
Total, Nuclear Energy	137,800	137,800
Stockpile Management		
Stockpile Major Modernization		
B61-12 Life extension program	815,710	815,710
W76-2 Modification program	0	0
W88 Alt 370	256,922	256,922
W80-4 Life extension program	1,000,314	1,000,314
W87-1 Modification Program	541,000	541,000
W93	53,000	53,000
Total, Stockpile Major Modernization	2,666,946	2,666,946
Stockpile services		
Production Operations	568,941	568,941
Stockpile Sustainment	998,357	998,357
Weapons Dismantlement and Disposition	50,000	50,000
Subtotal, Stockpile Services	1,617,298	1,617,298
Total, Stockpile Management	4,284,244	4,284,244
Weapons Activities		
Production Modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	610,599	610,599
21-D-512 Plutonium Pit Production Project, LANL	226,000	226,000
Subtotal, Los Alamos Plutonium Modernization	836,599	836,599
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	200,000	200,000
21-D-511 Savannah River Plutonium Processing Facility, SRS	241,896	241,896
Subtotal, Savannah River Plutonium Moderniza- tion	441,896	441,896
Enterprise Plutonium Support	90,782	90,782
Total, Plutonium Modernization	1,369,277	1,369,277
High Explosives and Energetics	67,370	67,370
Total, Primary Capability Modernization	1,436,647	1,436,647
Secondary Capability Modernization	457,004	457,004
Tritium and Domestic Uranium Enrichment	457,112	457,112
Non-Nuclear Capability Modernization	107,137	107,137
Total, Production Modernization	2,457,900	2,457,900
Stockpile Research, Technology, and Engineering		
Assessment Science	773,111	773,111
Engineering and Integrated Assessments	337,404	337,404
Inertial Confinement Fusion	554,725	554,725
Advanced Simulation and Computing	732,014	732,014
Weapon Technology and Manufacturing Maturation	297,965	297,965
Academic Programs	86,912	86,912
Total, Stockpile Research, Technology, and Engineering	2,782,131	2,782,131
Infrastructure and Operations		
Operations of facilities	1,014,000	1,014,000
Safety and environmental operations	165,354	165,354

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Maintenance and repair of facilities	792,000	755,428
Recapitalization:		
Infrastructure and safety	670,000	670,000
Capability based investments	149,117	149,117
Planning for Programmatic Construction (Pre-CD-1)	84,787	84,787
Total, Recapitalization	903,904	903,904
Construction:		
21-D-510 HE Synthesis, Formulation, and Production, PX	31,000	31,000
19-D-670 138kV Power Transmission System Replacement, NNSS	59,000	59,000
18-D-690 Lithium Processing Facility, Y-12	109,405	109,405
18-D-620 Exascale Computing Facility Modernization Project, LLNL	29,200	29,200
18-D-650 Tritium Finishing Facility, SRS	27,000	27,000
17-D-640, U1a Complex Enhancements Project, NNSS	160,600	160,600
15-D-612 Emergency Operations Center, LLNL	27,000	27,000
15-D-611 Emergency Operations Center, SNL	36,000	36,000
15-D-302, TA-55 Reinvestments Project, Phase 3, LANL	30,000	30,000
15-D-301, HE Science & Engineering Facility, PX	43,000	43,000
07-D-220-04 Transuranic Liquid Waste Facility, LANL	36,687	36,687
06-D-141 Uranium processing facility Y-12, Oak Ridge, TN	750,000	750,000
04-D-125 Chemistry and Metallurgy Research Replacement Project, LANL	169,427	169,427
Total, Construction	1,508,319	1,508,319
Total, Infrastructure and operations	4,383,577	4,347,005
Secure transportation asset		
Operations and equipment	266,390	266,390
Program direction	123,684	123,684
Total, Secure transportation asset	390,074	390,074
Defense Nuclear Security		
Operations and maintenance	815,895	800,895
Construction:		
17-D-710 West end protected area reduction project, Y-12	11,000	11,000
Total, Defense nuclear security	826,895	800,895
Information technology and cybersecurity	375,511	375,511
Legacy contractor pensions	101,668	101,668
Total, Weapons Activities	15,602,000	15,550,428
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	66,391	66,391
Domestic radiological security	101,000	131,000
Container breach in Seattle, WA		[30,000]
International radiological security	73,340	73,340
Nuclear smuggling detection and deterrence	159,749	159,749
Total, Global material security	400,480	430,480
Material management and minimization		
HEU reactor conversion	170,000	110,000
Nuclear material removal	40,000	40,000
Material disposition	190,711	190,711
Total, Material management & minimization	400,711	340,711
Nonproliferation and arms control	138,708	138,708
National Technical Nuclear Forensics R&D	40,000	40,000
Defense nuclear nonproliferation R&D		
Proliferation Detection	235,220	255,220
Nuclear verification and detection, next-gen technologies		[20,000]
Nuclear Detonation Detection	236,531	236,531
Nonproliferation Stewardship Program	59,900	59,900
LEU Research and Development	0	20,000
LEU R&D for Naval Pressurized Water Reactors		[20,000]

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Total, Defense nuclear nonproliferation R&D	531,651	571,651
Nonproliferation Construction:		
18-D-150 Surplus Plutonium Disposition Project, SRS	148,589	148,589
Total, Nonproliferation construction	148,589	148,589
Total, Defense Nuclear Nonproliferation Programs	1,660,139	1,670,139
Legacy contractor pensions	14,348	14,348
Nuclear counterterrorism and incident response program	377,513	377,513
Use of Prior Year Balances	-21,000	-21,000
Total, Defense Nuclear Nonproliferation	2,031,000	2,041,000
Naval Reactors		
Naval reactors development	590,306	590,306
Columbia-Class reactor systems development	64,700	64,700
S&G Prototype refueling	135,000	135,000
Naval reactors operations and infrastructure	506,294	506,294
Construction:		
21-D-530 KL Steam and Condensate Upgrades	4,000	4,000
14-D-901 Spent fuel handling recapitalization project, NRF	330,000	330,000
Total, Construction	334,000	334,000
Program direction	53,700	53,700
Total, Naval Reactors	1,684,000	1,684,000
Federal Salaries And Expenses		
Program direction	454,000	454,000
Total, Office Of The Administrator	454,000	454,000
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	54,949	235,949
Program restoration		[180,000]
Central plateau remediation	498,335	658,335
Program restoration		[160,000]
Richland community and regulatory support	2,500	10,100
Program restoration		[7,600]
Total, Hanford site	555,784	904,384
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	597,757	775,000
Tank farm activities	0	
Construction:		
18-D-16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	776,000
Program restoration		[166,076]
01-D-16 D High-Level Waste Facility		
Total, Construction	609,924	776,000
Total, Office of River Protection	1,257,681	1,601,000
Idaho National Laboratory:		
Idaho cleanup and waste disposition	257,554	257,554
Idaho community and regulatory support	2,400	2,400
Total, Idaho National Laboratory	259,954	259,954
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,764	1,764
Separations Process Research Unit	15,000	15,000
Nevada	60,737	60,737
Sandia National Laboratories	4,860	4,860
Los Alamos National Laboratory	120,000	220,000
Execute achievable scope of work		[100,000]
Total, NNSA sites and Nevada off-sites	202,361	302,361

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Oak Ridge Reservation:		
OR Nuclear facility D & D	109,077	109,077
Total, OR Nuclear facility D & D	109,077	109,077
U233 Disposition Program	45,000	45,000
OR cleanup and disposition	58,000	58,000
Construction:		
17-D-401 On-site waste disposal facility	22,380	22,380
14-D-403 Outfall 200 Mercury Treatment Facility	20,500	20,500
Total, Construction	42,880	42,880
Total, OR cleanup and waste disposition	145,880	145,880
OR community & regulatory support	4,930	4,930
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	262,887	262,887
Savannah River Sites:		
Savannah River risk management operations		
Savannah River risk management operations	455,122	495,122
H-Canyon not placed into stand-by condition		[40,000]
Total, risk management operations	455,122	495,122
SR community and regulatory support	4,989	11,489
Secure payment in lieu of taxes funding		[6,500]
Radioactive liquid tank waste stabilization and disposition	970,332	964,072
Construction:		
20-D-402 Advanced Manufacturing Collaborative Facility (AMC)	25,000	25,000
18-D-402 Saltstone Disposal Unit #8/9	65,500	65,500
17-D-402 Saltstone Disposal Unit #7	10,716	10,716
Total, Construction	101,216	101,216
Total, Savannah River site	1,531,659	1,571,899
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	323,260	323,260
Construction:		
15-D-412 Utility Shaft	50,000	50,000
21-D-401 Hoisting Capability Project	10,000	10,000
Total, Construction	60,000	60,000
Total, Waste Isolation Pilot Plant	383,260	383,260
Program direction	275,285	275,285
Program support	12,979	12,979
Technology development	25,000	25,000
Safeguards and Security		
Safeguards and Security	320,771	320,771
Total, Safeguards and Security	320,771	320,771
Prior year balances credited	-109,000	-109,000
Total, Defense Environmental Cleanup	4,983,608	5,815,767
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	134,320	134,320
Program direction	75,368	75,368
Total, Environment, Health, safety and security	209,688	209,688
Independent enterprise assessments		
Independent enterprise assessments	26,949	26,949
Program direction	54,635	54,635
Total, Independent enterprise assessments	81,584	81,584
Specialized security activities	258,411	258,411
Office of Legacy Management		
Legacy management	293,873	140,194
Rejection of proposed transfer		[-153,679]
Program direction	23,120	23,120
Total, Office of Legacy Management	316,993	163,314

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	Conference Authorized
Defense related administrative support	183,789	183,789
Office of hearings and appeals	4,262	4,262
Subtotal, Other defense activities	1,054,727	901,048
Total, Other Defense Activities	1,054,727	901,048

1 **DIVISION E—NATIONAL ARTIFI-**
2 **CIAL INTELLIGENCE INITIA-**
3 **TIVE ACT OF 2020**

4 **SEC. 5001. SHORT TITLE.**

5 This division may be cited as the “National Artificial
6 Intelligence Initiative Act of 2020”.

7 **SEC. 5002. DEFINITIONS.**

8 In this division:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-
10 sory Committee” means the National Artificial Intel-
11 ligence Advisory Committee established under sec-
12 tion 5104(a).

13 (2) **AGENCY HEAD.**—The term “agency head”
14 means the head of any Executive agency (as defined
15 in section 105 of title 5, United States Code).

16 (3) **ARTIFICIAL INTELLIGENCE.**—The term “ar-
17 tificial intelligence” means a machine-based system
18 that can, for a given set of human-defined objectives,
19 make predictions, recommendations or decisions in-
20 fluencing real or virtual environments. Artificial in-

1 intelligence systems use machine and human-based in-
2 puts to—

3 (A) perceive real and virtual environments;

4 (B) abstract such perceptions into models
5 through analysis in an automated manner; and

6 (C) use model inference to formulate op-
7 tions for information or action.

8 (4) COMMUNITY COLLEGE.—The term “commu-
9 nity college” means a public institution of higher
10 education at which the highest degree that is pre-
11 dominantly awarded to students is an associate’s de-
12 gree, including 2-year Tribal Colleges or Universities
13 under section 316 of the Higher Education Act of
14 1965 (20 U.S.C. 1059c) and public 2-year State in-
15 stitutions of higher education.

16 (5) INITIATIVE.—The term “Initiative” means
17 the National Artificial Intelligence Initiative estab-
18 lished under section 5101(a).

19 (6) INITIATIVE OFFICE.—The term “Initiative
20 Office” means the National Artificial Intelligence
21 Initiative Office established under section 5102(a).

22 (7) INSTITUTE.—The term “Institute” means
23 an Artificial Intelligence Research Institute de-
24 scribed in section 5201(b)(2).

1 (8) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101 and section
4 102(c) of the Higher Education Act of 1965 (20
5 U.S.C. 1001).

6 (9) INTERAGENCY COMMITTEE.—The term
7 “Interagency Committee” means the interagency
8 committee established under section 5103(a).

9 (10) K-12 EDUCATION.—The term “K-12 edu-
10 cation” means elementary school and secondary
11 school education provided by local educational agen-
12 cies, as such agencies are defined in section 8101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 (11) MACHINE LEARNING.—The term “machine
16 learning” means an application of artificial intel-
17 ligence that is characterized by providing systems
18 the ability to automatically learn and improve on the
19 basis of data or experience, without being explicitly
20 programmed.

21 **TITLE LI—NATIONAL ARTIFI-**
22 **CIAL INTELLIGENCE INITIA-**
23 **TIVE**

Sec. 5101. National Artificial Intelligence Initiative.

Sec. 5102. National Artificial Intelligence Initiative Office.

Sec. 5103. Coordination by Interagency Committee.

Sec. 5104. National Artificial Intelligence Advisory Committee.

Sec. 5105. National Academies artificial intelligence impact study on workforce.

Sec. 5106. National AI Research Resource Task Force.

1 **SEC. 5101. NATIONAL ARTIFICIAL INTELLIGENCE INITIA-**
2 **TIVE.**

3 (a) ESTABLISHMENT; PURPOSES.—The President
4 shall establish and implement an initiative to be known
5 as the “National Artificial Intelligence Initiative”. The
6 purposes of the Initiative shall be to—

7 (1) ensure continued United States leadership
8 in artificial intelligence research and development;

9 (2) lead the world in the development and use
10 of trustworthy artificial intelligence systems in the
11 public and private sectors;

12 (3) prepare the present and future United
13 States workforce for the integration of artificial in-
14 telligence systems across all sectors of the economy
15 and society; and

16 (4) coordinate ongoing artificial intelligence re-
17 search, development, and demonstration activities
18 among the civilian agencies, the Department of De-
19 fense and the Intelligence Community to ensure that
20 each informs the work of the others.

21 (b) INITIATIVE ACTIVITIES.—In carrying out the Ini-
22 tiative, the President, acting through the Initiative Office,
23 the Interagency Committee, and agency heads as the

1 President considers appropriate, shall carry out activities
2 that include the following:

3 (1) Sustained and consistent support for artifi-
4 cial intelligence research and development through
5 grants, cooperative agreements, testbeds, and access
6 to data and computing resources.

7 (2) Support for K-12 education and postsec-
8 ondary educational programs, including workforce
9 training and career and technical education pro-
10 grams, and informal education programs to prepare
11 the American workforce and the general public to be
12 able to create, use, and interact with artificial intel-
13 ligence systems.

14 (3) Support for interdisciplinary research, edu-
15 cation, and workforce training programs for stu-
16 dents and researchers that promote learning in the
17 methods and systems used in artificial intelligence
18 and foster interdisciplinary perspectives and collabo-
19 rations among subject matter experts in relevant
20 fields, including computer science, mathematics, sta-
21 tistics, engineering, social sciences, health, psy-
22 chology, behavioral science, ethics, security, legal
23 scholarship, and other disciplines that will be nec-
24 essary to advance artificial intelligence research and
25 development responsibly.

1 (4) Interagency planning and coordination of
2 Federal artificial intelligence research, development,
3 demonstration, standards engagement, and other ac-
4 tivities under the Initiative, as appropriate.

5 (5) Outreach to diverse stakeholders, including
6 citizen groups, industry, and civil rights and dis-
7 ability rights organizations, to ensure public input is
8 taken into account in the activities of the Initiative.

9 (6) Leveraging existing Federal investments to
10 advance objectives of the Initiative.

11 (7) Support for a network of interdisciplinary
12 artificial intelligence research institutes, as described
13 in section 5201(b)(7)(B).

14 (8) Support opportunities for international co-
15 operation with strategic allies, as appropriate, on the
16 research and development, assessment, and re-
17 sources for trustworthy artificial intelligence sys-
18 tems.

19 (c) LIMITATION.—The Initiative shall not impact
20 sources and methods, as determined by the Director of
21 National Intelligence.

22 (d) RULES OF CONSTRUCTION.—Nothing in this divi-
23 sion shall be construed as—

24 (1) modifying any authority or responsibility,
25 including any operational authority or responsibility

1 of any head of a Federal department or agency, with
2 respect to intelligence or the intelligence community,
3 as those terms are defined in 50 U.S.C. 3003;

4 (2) authorizing the Initiative, or anyone associ-
5 ated with its derivative efforts to approve, interfere
6 with, direct or to conduct an intelligence activity, re-
7 source, or operation; or

8 (3) authorizing the Initiative, or anyone associ-
9 ated with its derivative efforts to modify the classi-
10 fication of intelligence information.

11 (e) SUNSET.—The Initiative established in this divi-
12 sion shall terminate on the date that is 10 years after the
13 date of enactment of this Act.

14 **SEC. 5102. NATIONAL ARTIFICIAL INTELLIGENCE INITIA-**
15 **TIVE OFFICE.**

16 (a) IN GENERAL.—The Director of the Office of
17 Science and Technology Policy shall establish or designate,
18 and appoint a director of, an office to be known as the
19 “National Artificial Intelligence Initiative Office” to carry
20 out the responsibilities described in subsection (b) with re-
21 spect to the Initiative. The Initiative Office shall have suf-
22 ficient staff to carry out such responsibilities, including
23 staff detailed from the Federal departments and agencies
24 described in section 5103(c), as appropriate.

1 (b) RESPONSIBILITIES.—The Director of the Initia-
2 tive Office shall—

3 (1) provide technical and administrative support
4 to the Interagency Committee and the Advisory
5 Committee;

6 (2) serve as the point of contact on Federal ar-
7 tificial intelligence activities for Federal departments
8 and agencies, industry, academia, nonprofit organi-
9 zations, professional societies, State governments,
10 and such other persons as the Initiative Office con-
11 sider appropriate to exchange technical and pro-
12 grammatic information;

13 (3) conduct regular public outreach to diverse
14 stakeholders, including civil rights and disability
15 rights organizations; and

16 (4) promote access to the technologies, innova-
17 tions, best practices, and expertise derived from Ini-
18 tiative activities to agency missions and systems
19 across the Federal Government.

20 (c) FUNDING ESTIMATE.—The Director of the Office
21 of Science and Technology Policy, in coordination with
22 each participating Federal department and agency, as ap-
23 propriate, shall develop and annually update an estimate
24 of the funds necessary to carry out the activities of the
25 Initiative Coordination Office and submit such estimate

1 with an agreed summary of contributions from each agen-
2 cy to Congress as part of the President's annual budget
3 request to Congress.

4 **SEC. 5103. COORDINATION BY INTERAGENCY COMMITTEE.**

5 (a) INTERAGENCY COMMITTEE.—The Director of the
6 Office of Science and Technology Policy, acting through
7 the National Science and Technology Council, shall estab-
8 lish or designate an Interagency Committee to coordinate
9 Federal programs and activities in support of the Initia-
10 tive.

11 (b) Co-CHAIRS.—The Interagency Committee shall
12 be co-chaired by the Director of the Office of Science and
13 Technology Policy and, on an annual rotating basis, a rep-
14 resentative from the Department of Commerce, the Na-
15 tional Science Foundation, or the Department of Energy,
16 as selected by the Director of the Office of Science and
17 Technology Policy.

18 (c) AGENCY PARTICIPATION.—The Committee shall
19 include representatives from Federal agencies as consid-
20 ered appropriate by determination and agreement of the
21 Director of the Office of Science and Technology Policy
22 and the head of the affected agency.

23 (d) RESPONSIBILITIES.—The Interagency Committee
24 shall—

1 (1) provide for interagency coordination of Fed-
2 eral artificial intelligence research, development, and
3 demonstration activities and education and work-
4 force training activities and programs of Federal de-
5 partments and agencies undertaken pursuant to the
6 Initiative;

7 (2) not later than 2 years after the date of the
8 enactment of this Act, develop a strategic plan for
9 artificial intelligence (to be updated not less than
10 every 3 years) that establishes goals, priorities, and
11 metrics for guiding and evaluating how the agencies
12 carrying out the Initiative will—

13 (A) determine and prioritize areas of artifi-
14 cial intelligence research, development, and
15 demonstration requiring Federal Government
16 leadership and investment;

17 (B) support long-term funding for inter-
18 disciplinary artificial intelligence research, de-
19 velopment, demonstration, and education;

20 (C) support research and other activities
21 on ethical, legal, environmental, safety, security,
22 bias, and other appropriate societal issues re-
23 lated to artificial intelligence;

24 (D) provide or facilitate the availability of
25 curated, standardized, secure, representative,

1 aggregate, and privacy-protected data sets for
2 artificial intelligence research and development;

3 (E) provide or facilitate the necessary com-
4 puting, networking, and data facilities for artifi-
5 cial intelligence research and development;

6 (F) support and coordinate Federal edu-
7 cation and workforce training activities related
8 to artificial intelligence; and

9 (G) support and coordinate the network of
10 artificial intelligence research institutes de-
11 scribed in section 5201(b)(7)(B);

12 (3) as part of the President's annual budget re-
13 quest to Congress, propose an annually coordinated
14 interagency budget for the Initiative to the Office of
15 Management and Budget that is intended to ensure
16 that the balance of funding across the Initiative is
17 sufficient to meet the goals and priorities established
18 for the Initiative; and

19 (4) in carrying out this section, take into con-
20 sideration the recommendations of the Advisory
21 Committee, existing reports on related topics, and
22 the views of academic, State, industry, and other ap-
23 propriate groups.

24 (e) ANNUAL REPORT.—For each fiscal year begin-
25 ning with fiscal year 2022, not later than 90 days after

1 submission of the President's annual budget request for
2 such fiscal year, the Interagency Committee shall prepare
3 and submit to the Committee on Science, Space, and
4 Technology, the Committee on Energy and Commerce, the
5 Committee on Transportation and Infrastructure, the
6 Committee on Armed Services, the House Permanent Se-
7 lect Committee on Intelligence, the Committee on the Ju-
8 diciary, and the Committee on Appropriations of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation, the Committee on
11 Health, Education, Labor, and Pensions, the Committee
12 on Energy and Natural Resources, the Committee on
13 Homeland Security and Governmental Affairs, the Com-
14 mittee on Armed Services, the Senate Select Committee
15 on Intelligence, the Committee on the Judiciary, and the
16 Committee on Appropriations of the Senate a report that
17 includes a summarized budget in support of the Initiative
18 for such fiscal year and the preceding fiscal year, including
19 a disaggregation of spending and a description of any In-
20 stitutes established under section 5201 for the Depart-
21 ment of Commerce, the Department of Defense, the De-
22 partment of Energy, the Department of Agriculture, the
23 Department of Health and Human Services, and the Na-
24 tional Science Foundation.

1 **SEC. 5104. NATIONAL ARTIFICIAL INTELLIGENCE ADVI-**
2 **SORY COMMITTEE.**

3 (a) IN GENERAL.—The Secretary of Commerce shall,
4 in consultation with the Director of the Office of Science
5 and Technology Policy, the Secretary of Defense, the Sec-
6 retary of Energy, the Secretary of State, the Attorney
7 General, and the Director of National Intelligence estab-
8 lish an advisory committee to be known as the “National
9 Artificial Intelligence Advisory Committee”.

10 (b) QUALIFICATIONS.—The Advisory Committee
11 shall consist of members, appointed by the Secretary of
12 Commerce, who are representing broad and interdiscipli-
13 nary expertise and perspectives, including from academic
14 institutions, companies across diverse sectors, nonprofit
15 and civil society entities, including civil rights and dis-
16 ability rights organizations, and Federal laboratories, who
17 are representing geographic diversity, and who are quali-
18 fied to provide advice and information on science and tech-
19 nology research, development, ethics, standards, edu-
20 cation, technology transfer, commercial application, secu-
21 rity, and economic competitiveness related to artificial in-
22 telligence.

23 (c) MEMBERSHIP CONSIDERATION.—In selecting the
24 members of the Advisory Committee, the Secretary of
25 Commerce shall seek and give consideration to rec-
26 ommendations from Congress, industry, nonprofit organi-

1 zations, the scientific community (including the National
2 Academies of Sciences, Engineering, and Medicine, sci-
3 entific professional societies, and academic institutions),
4 the defense and law enforcement communities, and other
5 appropriate organizations.

6 (d) DUTIES.—The Advisory Committee shall advise
7 the President and the Initiative Office on matters related
8 to the Initiative, including recommendations related to—

9 (1) the current state of United States competi-
10 tiveness and leadership in artificial intelligence, in-
11 cluding the scope and scale of United States invest-
12 ments in artificial intelligence research and develop-
13 ment in the international context;

14 (2) the progress made in implementing the Ini-
15 tiative, including a review of the degree to which the
16 Initiative has achieved the goals according to the
17 metrics established by the Interagency Committee
18 under section 5103(d)(2);

19 (3) the state of the science around artificial in-
20 telligence, including progress toward artificial gen-
21 eral intelligence;

22 (4) issues related to artificial intelligence and
23 the United States workforce, including matters relat-
24 ing to the potential for using artificial intelligence
25 for workforce training, the possible consequences of

1 technological displacement, and supporting work-
2 force training opportunities for occupations that lead
3 to economic self-sufficiency for individuals with bar-
4 riers to employment and historically underrep-
5 resented populations, including minorities, Indians
6 (as defined in 25 U.S.C. 5304), low-income popu-
7 lations, and persons with disabilities.

8 (5) how to leverage the resources of the initia-
9 tive to streamline and enhance operations in various
10 areas of government operations, including health
11 care, cybersecurity, infrastructure, and disaster re-
12 covery;

13 (6) the need to update the Initiative;

14 (7) the balance of activities and funding across
15 the Initiative;

16 (8) whether the strategic plan developed or up-
17 dated by the Interagency Committee established
18 under section 5103(d)(2) is helping to maintain
19 United States leadership in artificial intelligence;

20 (9) the management, coordination, and activi-
21 ties of the Initiative;

22 (10) whether ethical, legal, safety, security, and
23 other appropriate societal issues are adequately ad-
24 dressed by the Initiative;

1 (11) opportunities for international cooperation
2 with strategic allies on artificial intelligence research
3 activities, standards development, and the compat-
4 ibility of international regulations;

5 (12) accountability and legal rights, including
6 matters relating to oversight of artificial intelligence
7 systems using regulatory and nonregulatory ap-
8 proaches, the responsibility for any violations of ex-
9 isting laws by an artificial intelligence system, and
10 ways to balance advancing innovation while pro-
11 tecting individual rights; and

12 (13) how artificial intelligence can enhance op-
13 portunities for diverse geographic regions of the
14 United States, including urban, Tribal, and rural
15 communities.

16 (e) SUBCOMMITTEE ON ARTIFICIAL INTELLIGENCE
17 AND LAW ENFORCEMENT.—

18 (1) ESTABLISHMENT.—The chairperson of the
19 Advisory Committee shall establish a subcommittee
20 on matters relating to the development of artificial
21 intelligence relating to law enforcement matters.

22 (2) ADVICE.—The subcommittee shall provide
23 advice to the President on matters relating to the
24 development of artificial intelligence relating to law
25 enforcement, including advice on the following:

1 (A) Bias, including whether the use of fa-
2 cial recognition by government authorities, in-
3 cluding law enforcement agencies, is taking into
4 account ethical considerations and addressing
5 whether such use should be subject to addi-
6 tional oversight, controls, and limitations.

7 (B) Security of data, including law en-
8 forcement's access to data and the security pa-
9 rameters for that data.

10 (C) Adoptability, including methods to
11 allow the United States Government and indus-
12 try to take advantage of artificial intelligence
13 systems for security or law enforcement pur-
14 poses while at the same time ensuring the po-
15 tential abuse of such technologies is sufficiently
16 mitigated.

17 (D) Legal standards, including those de-
18 signed to ensure the use of artificial intelligence
19 systems are consistent with the privacy rights,
20 civil rights and civil liberties, and disability
21 rights issues raised by the use of these tech-
22 nologies.

23 (f) REPORTS.—Not later than 1 year after the date
24 of the enactment of this Act, and not less frequently than
25 once every 3 years thereafter, the Advisory Committee

1 shall submit to the President, the Committee on Science,
2 Space, and Technology, the Committee on Energy and
3 Commerce, the House Permanent Select Committee on In-
4 telligence, the Committee on the Judiciary, and the Com-
5 mittee on Armed Services of the House of Representatives,
6 and the Committee on Commerce, Science, and Transpor-
7 tation, the Senate Select Committee on Intelligence, the
8 Committee on Homeland Security and Governmental Af-
9 fairs, the Committee on the Judiciary, and the Committee
10 on Armed Services of the Senate, a report on the Advisory
11 Committee's findings and recommendations under sub-
12 section (d) and subsection (e).

13 (g) TRAVEL EXPENSES OF NON-FEDERAL MEM-
14 BERS.—Non-Federal members of the Advisory Committee,
15 while attending meetings of the Advisory Committee or
16 while otherwise serving at the request of the head of the
17 Advisory Committee away from their homes or regular
18 places of business, may be allowed travel expenses, includ-
19 ing per diem in lieu of subsistence, as authorized by sec-
20 tion 5703 of title 5, United States Code, for individuals
21 in the Government serving without pay. Nothing in this
22 subsection shall be construed to prohibit members of the
23 Advisory Committee who are officers or employees of the
24 United States from being allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, in accordance with ex-
2 isting law.

3 (h) FACA EXEMPTION.—The Secretary of Commerce
4 shall charter the Advisory Committee in accordance with
5 the Federal Advisory Committee Act (5 U.S.C. App.), ex-
6 cept that the Advisory Committee shall be exempt from
7 section 14 of such Act.

8 **SEC. 5105. NATIONAL ACADEMIES ARTIFICIAL INTEL-**
9 **LIGENCE IMPACT STUDY ON WORKFORCE.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the National Science
12 Foundation shall enter into a contract with the National
13 Research Council of the National Academies of Sciences,
14 Engineering, and Medicine to conduct a study of the cur-
15 rent and future impact of artificial intelligence on the
16 workforce of the United States across sectors.

17 (b) CONTENTS.—The study shall address—

18 (1) workforce impacts across sectors caused by
19 the increased adoption of artificial intelligence, auto-
20 mation, and other related trends;

21 (2) workforce needs and employment opportuni-
22 ties generated by the increased adoption of artificial
23 intelligence across sectors;

24 (3) research gaps and data needed to better un-
25 derstand and track paragraphs (1) and (2); and

1 (4) recommendations to address the challenges
2 and opportunities described in paragraphs (1), (2),
3 and (3).

4 (c) STAKEHOLDERS.—In conducting the study, the
5 National Academies of Sciences, Engineering, and Medi-
6 cine shall seek input from a wide range of stakeholders
7 in the public and private sectors.

8 (d) REPORT TO CONGRESS.—The contract entered
9 into under subsection (a) shall require the National Acad-
10 emies of Sciences, Engineering, and Medicine, not later
11 than 2 years after the date of the enactment of this Act,
12 to—

13 (1) submit to the Committee on Science, Space,
14 and Technology and the Committee on Education
15 and Labor of the House of Representatives and the
16 Committee on Commerce, Science, and Transpor-
17 tation and the Committee on Health, Education,
18 Pension, and Labor of the Senate a report con-
19 taining the findings and recommendations of the
20 study conducted under subsection (a); and

21 (2) make a copy of such report available on a
22 publicly accessible website.

23 **SEC. 5106. NATIONAL AI RESEARCH RESOURCE TASK**
24 **FORCE.**

25 (a) ESTABLISHMENT OF TASK FORCE.—

1 (1) ESTABLISHMENT.—

2 (A) IN GENERAL.—The Director of the
3 National Science Foundation, in coordination
4 with the Office of Science and Technology Pol-
5 icy, shall establish a task force—

6 (i) to investigate the feasibility and
7 advisability of establishing and sustaining
8 a National Artificial Intelligence Research
9 Resource; and

10 (ii) to propose a roadmap detailing
11 how such resource should be established
12 and sustained.

13 (B) DESIGNATION.—The task force estab-
14 lished by subparagraph (A) shall be known as
15 the “National Artificial Intelligence Research
16 Resource Task Force” (in this section referred
17 to as the “Task Force”).

18 (2) MEMBERSHIP.—

19 (A) COMPOSITION.—The Task Force shall
20 be composed of 12 members selected by the co-
21 chairpersons of the Task Force from among
22 technical experts in artificial intelligence or re-
23 lated subjects, of whom—

24 (i) 4 shall be representatives from the
25 Interagency Committee established in sec-

1 tion 5103, including the co-chairpersons of
2 the Task Force;

3 (ii) 4 shall be representatives from in-
4 stitutions of higher education; and

5 (iii) 4 shall be representatives from
6 private organizations.

7 (B) APPOINTMENT.—Not later than 120
8 days after enactment of this Act, the co-chair-
9 persons of the Task Force shall appoint mem-
10 bers to the Task Force pursuant to subpara-
11 graph (A).

12 (C) TERM OF APPOINTMENT.—Members of
13 the Task Force shall be appointed for the life
14 of the Task Force.

15 (D) VACANCY.—Any vacancy occurring in
16 the membership of the Task Force shall be
17 filled in the same manner in which the original
18 appointment was made.

19 (E) CO-CHAIRPERSONS.—The Director of
20 the Office of Science and Technology Policy and
21 the Director of the National Sciences Founda-
22 tion, or their designees, shall be the co-chair-
23 persons of the Task Force. If the role of the
24 Director of the National Science Foundation is

1 vacant, the Chair of the National Science Board
2 shall act as a co-chairperson of the Task Force.

3 (F) EXPENSES FOR NON-FEDERAL MEM-
4 BERS.—

5 (i) Except as provided in clause (ii),
6 non-Federal Members of the Task Force
7 shall not receive compensation for their
8 participation on the Task Force.

9 (ii) Non-Federal Members of the Task
10 Force shall be allowed travel expenses, in-
11 cluding per diem in lieu of subsistence, at
12 rates authorized for employees under sub-
13 chapter I of chapter 57 of title 5, United
14 States Code, while away from their homes
15 or regular places of business in the per-
16 formance of services for the Task Force.

17 (b) ROADMAP AND IMPLEMENTATION PLAN.—

18 (1) IN GENERAL.—The Task Force shall de-
19 velop a coordinated roadmap and implementation
20 plan for creating and sustaining a National Artificial
21 Intelligence Research Resource.

22 (2) CONTENTS.—The roadmap and plan re-
23 quired by paragraph (1) shall include the following:

1 (A) Goals for establishment and
2 sustainment of a National Artificial Intelligence
3 Research Resource and metrics for success.

4 (B) A plan for ownership and administra-
5 tion of the National Artificial Intelligence Re-
6 search Resource, including—

7 (i) an appropriate agency or organiza-
8 tion responsible for the implementation,
9 deployment, and administration of the Re-
10 source; and

11 (ii) a governance structure for the Re-
12 source, including oversight and decision-
13 making authorities.

14 (C) A model for governance and oversight
15 to establish strategic direction, make pro-
16 grammatic decisions, and manage the allocation
17 of resources;

18 (D) Capabilities required to create and
19 maintain a shared computing infrastructure to
20 facilitate access to computing resources for re-
21 searchers across the country, including
22 scalability, secured access control, resident data
23 engineering and curation expertise, provision of
24 curated data sets, compute resources, edu-

1 cational tools and services, and a user interface
2 portal.

3 (E) An assessment of, and recommended
4 solutions to, barriers to the dissemination and
5 use of high-quality government data sets as
6 part of the National Artificial Intelligence Re-
7 search Resource.

8 (F) An assessment of security require-
9 ments associated with the National Artificial
10 Intelligence Research Resource and its research
11 and a recommendation for a framework for the
12 management of access controls.

13 (G) An assessment of privacy and civil
14 rights and civil liberties requirements associated
15 with the National Artificial Intelligence Re-
16 search Resource and its research.

17 (H) A plan for sustaining the Resource, in-
18 cluding through Federal funding and partner-
19 ships with the private sector.

20 (I) Parameters for the establishment and
21 sustainment of the National Artificial Intel-
22 ligence Research Resource, including agency
23 roles and responsibilities and milestones to im-
24 plement the Resource.

1 (c) CONSULTATIONS.—In conducting its duties re-
2 quired under subsection (b), the Task Force shall consult
3 with the following:

4 (1) The National Science Foundation.

5 (2) The Office of Science and Technology Pol-
6 icy.

7 (3) The National Academies of Sciences, Engi-
8 neering, and Medicine.

9 (4) The National Institute of Standards and
10 Technology.

11 (5) The Director of National Intelligence.

12 (6) The Department of Energy.

13 (7) The Department of Defense.

14 (8) The General Services Administration.

15 (9) The Department of Justice.

16 (10) The Department of Homeland Security.

17 (11) The Department of Health and Human
18 Services.

19 (12) Private industry.

20 (13) Institutions of higher education.

21 (14) Civil and disabilities rights organizations.

22 (15) Such other persons as the Task Force con-
23 siders appropriate.

24 (d) STAFF.—Staff of the Task Force shall comprise
25 detailees with expertise in artificial intelligence, or related

1 fields from the Office of Science and Technology Policy,
2 the National Science Foundation, or any other agency the
3 co-chairs deem appropriate, with the consent of the head
4 of the agency.

5 (e) TASK FORCE REPORTS.—

6 (1) INITIAL REPORT.—Not later than 12
7 months after the date on which all of the appoint-
8 ments have been made under subsection (a)(2)(B),
9 the Task Force shall submit to Congress and the
10 President an interim report containing the findings,
11 conclusions, and recommendations of the Task
12 Force. The report shall include specific recommenda-
13 tions regarding steps the Task Force believes nec-
14 essary for the establishment and sustainment of a
15 National Artificial Intelligence Research Resource.

16 (2) FINAL REPORT.—Not later than 6 months
17 after the submittal of the interim report under para-
18 graph (1), the Task Force shall submit to Congress
19 and the President a final report containing the find-
20 ings, conclusions, and recommendations of the Task
21 Force, including the specific recommendations re-
22 quired by subsection (b).

23 (f) TERMINATION.—

1 (1) IN GENERAL.—The Task Force shall termi-
2 nate 90 days after the date on which it submits the
3 final report under subsection (e)(2).

4 (2) RECORDS.—Upon termination of the Task
5 Force, all of its records shall become the records of
6 the National Archives and Records Administration.

7 (g) DEFINITIONS.—In this section:

8 (1) NATIONAL ARTIFICIAL INTELLIGENCE RE-
9 SEARCH RESOURCE AND RESOURCE.—The terms
10 “National Artificial Intelligence Research Resource”
11 and “Resource” mean a system that provides re-
12 searchers and students across scientific fields and
13 disciplines with access to compute resources, co-lo-
14 cated with publicly-available, artificial intelligence-
15 ready government and non-government data sets and
16 a research environment with appropriate educational
17 tools and user support.

18 (2) OWNERSHIP.—The term “ownership”
19 means responsibility and accountability for the im-
20 plementation, deployment, and ongoing development
21 of the National Artificial Intelligence Research Re-
22 source, and for providing staff support to that ef-
23 fort.

1 **TITLE LII—NATIONAL ARTIFI-**
2 **CIAL INTELLIGENCE RE-**
3 **SEARCH INSTITUTES**

Sec. 5201. National Artificial Intelligence Research Institutes.

4 **SEC. 5201. NATIONAL ARTIFICIAL INTELLIGENCE RE-**
5 **SEARCH INSTITUTES.**

6 (a) IN GENERAL.—Subject to the availability of
7 funds appropriated for this purpose, the Director of the
8 National Science Foundation shall establish a program to
9 award financial assistance for the planning, establishment,
10 and support of a network of Institutes (as described in
11 subsection (b)(2)) in accordance with this section.

12 (b) FINANCIAL ASSISTANCE TO ESTABLISH AND
13 SUPPORT NATIONAL ARTIFICIAL INTELLIGENCE RE-
14 SEARCH INSTITUTES.—

15 (1) IN GENERAL.—Subject to the availability of
16 funds appropriated for this purpose, the Secretary of
17 Energy, the Secretary of Commerce, the Director of
18 the National Science Foundation, and every other
19 agency head may award financial assistance to an el-
20 igible entity, or consortia thereof, as determined by
21 an agency head, to establish and support an Insti-
22 tute.

1 (2) ARTIFICIAL INTELLIGENCE INSTITUTES.—

2 An Institute described in this subsection is an artifi-
3 cial intelligence research institute that—

4 (A) is focused on—

5 (i) a particular economic or social sec-
6 tor, including health, education, manufac-
7 turing, agriculture, security, energy, and
8 environment, and includes a component
9 that addresses the ethical, societal, safety,
10 and security implications relevant to the
11 application of artificial intelligence in that
12 sector; or

13 (ii) a cross-cutting challenge for artifi-
14 cial intelligence systems, including trust-
15 worthiness, or foundational science;

16 (B) requires partnership among public and
17 private organizations, including, as appropriate,
18 Federal agencies, institutions of higher edu-
19 cation, including community colleges, nonprofit
20 research organizations, Federal laboratories,
21 State, local, and Tribal governments, industry,
22 including startup companies, and civil society
23 organizations, including civil rights and dis-
24 ability rights organizations (or consortia there-
25 of);

1 (C) has the potential to create an innova-
2 tion ecosystem, or enhance existing ecosystems,
3 to translate Institute research into applications
4 and products, as appropriate to the topic of
5 each Institute;

6 (D) supports interdisciplinary research and
7 development across multiple institutions of
8 higher education and organizations;

9 (E) supports interdisciplinary education
10 activities, including curriculum development, re-
11 search experiences, and faculty professional de-
12 velopment across undergraduate, graduate, and
13 professional academic programs; and

14 (F) supports workforce development in ar-
15 tificial intelligence related disciplines in the
16 United States, including increasing participa-
17 tion of historically underrepresented commu-
18 nities.

19 (3) USE OF FUNDS.—Financial assistance
20 awarded under paragraph (1) may be used by an In-
21 stitute for—

22 (A) managing and making available to re-
23 searchers accessible, curated, standardized, se-
24 cure, and privacy protected data sets from the
25 public and private sectors for the purposes of

1 training and testing artificial intelligence sys-
2 tems and for research using artificial intel-
3 ligence systems, pursuant to subsections (c),
4 (e), and (f) of section 22A the National Insti-
5 tute of Standards and Technology Act (as
6 added by section 5301 of this division);

7 (B) developing and managing testbeds for
8 artificial intelligence systems, including sector-
9 specific test beds, designed to enable users to
10 evaluate artificial intelligence systems prior to
11 deployment;

12 (C) conducting research and education ac-
13 tivities involving artificial intelligence systems
14 to solve challenges with social, economic, health,
15 scientific, and national security implications;

16 (D) providing or brokering access to com-
17 puting resources, networking, and data facilities
18 for artificial intelligence research and develop-
19 ment relevant to the Institute's research goals;

20 (E) providing technical assistance to users,
21 including software engineering support, for arti-
22 ficial intelligence research and development rel-
23 evant to the Institute's research goals;

24 (F) engaging in outreach and engagement
25 to broaden participation in artificial intelligence

1 research and the artificial intelligence work-
2 force; and

3 (G) such other activities that an agency
4 head, whose agency's missions contribute to or
5 are affected by artificial intelligence, considers
6 consistent with the purposes described in sec-
7 tion 5101(a).

8 (4) DURATION.—

9 (A) INITIAL PERIODS.—An award of finan-
10 cial assistance under paragraph (1) shall be
11 awarded for an initial period of 5 years.

12 (B) EXTENSION.—An established Institute
13 may apply for, and the agency head may grant,
14 extended funding for periods of 5 years on a
15 merit-reviewed basis using the merit review cri-
16 teria of the sponsoring agency.

17 (5) APPLICATION FOR FINANCIAL ASSIST-
18 ANCE.—A person seeking financial assistance under
19 paragraph (1) shall submit to an agency head an ap-
20 plication at such time, in such manner, and con-
21 taining such information as the agency head may re-
22 quire.

23 (6) COMPETITIVE, MERIT REVIEW.—In award-
24 ing financial assistance under paragraph (1), the
25 agency head shall—

1 (A) use a competitive, merit review process
2 that includes peer review by a diverse group of
3 individuals with relevant expertise from both
4 the private and public sectors; and

5 (B) ensure the focus areas of the Institute
6 do not substantially and unnecessarily duplicate
7 the efforts of any other Institute.

8 (7) COLLABORATION.—

9 (A) IN GENERAL.—In awarding financial
10 assistance under paragraph (1), an agency head
11 may collaborate with Federal departments and
12 agencies whose missions contribute to or are af-
13 fected by artificial intelligence systems.

14 (B) COORDINATING NETWORK.—The Di-
15 rector of the National Science Foundation shall
16 establish a network of Institutes receiving fi-
17 nancial assistance under this subsection, to be
18 known as the “Artificial Intelligence Leadership
19 Network”, to coordinate cross-cutting research
20 and other activities carried out by the Insti-
21 tutes.

22 (8) LIMITATION.—No funds authorized in this
23 title shall be awarded to Institutes outside of the
24 United States. All awardees and subawardees for
25 such Institute shall be based in the United States,

1 in addition to any other eligibility criteria as estab-
2 lished by each agency head.

3 **TITLE LIII—DEPARTMENT OF**
4 **COMMERCE ARTIFICIAL IN-**
5 **TELLIGENCE ACTIVITIES**

Sec. 5301. National institute of standards and technology activities.

Sec. 5302. Stakeholder outreach.

Sec. 5303. National oceanic and atmospheric administration artificial intel-
ligence center.

6 **SEC. 5301. NATIONAL INSTITUTE OF STANDARDS AND**
7 **TECHNOLOGY ACTIVITIES.**

8 The National Institute of Standards and Technology
9 Act (15 U.S.C. 271 et seq.) is amended by inserting after
10 section 22 the following:

11 **“SEC. 22A. STANDARDS FOR ARTIFICIAL INTELLIGENCE.**

12 “(a) MISSION.—The Institute shall—

13 “(1) advance collaborative frameworks, stand-
14 ards, guidelines, and associated methods and tech-
15 niques for artificial intelligence;

16 “(2) support the development of a risk-mitiga-
17 tion framework for deploying artificial intelligence
18 systems;

19 “(3) support the development of technical
20 standards and guidelines that promote trustworthy
21 artificial intelligence systems; and

1 “(4) support the development of technical
2 standards and guidelines by which to test for bias in
3 artificial intelligence training data and applications.

4 “(b) SUPPORTING ACTIVITIES.—The Director of the
5 National Institute of Standards and Technology may—

6 “(1) support measurement research and devel-
7 opment of best practices and voluntary standards for
8 trustworthy artificial intelligence systems, which
9 may include—

10 “(A) privacy and security, including for
11 datasets used to train or test artificial intel-
12 ligence systems and software and hardware
13 used in artificial intelligence systems;

14 “(B) advanced computer chips and hard-
15 ware designed for artificial intelligence systems;

16 “(C) data management and techniques to
17 increase the usability of data, including strate-
18 gies to systematically clean, label, and stand-
19 ardize data into forms useful for training artifi-
20 cial intelligence systems and the use of com-
21 mon, open licenses;

22 “(D) safety and robustness of artificial in-
23 telligence systems, including assurance,
24 verification, validation, security, control, and
25 the ability for artificial intelligence systems to

1 withstand unexpected inputs and adversarial at-
2 tacks;

3 “(E) auditing mechanisms and bench-
4 marks for accuracy, transparency, verifiability,
5 and safety assurance for artificial intelligence
6 systems;

7 “(F) applications of machine learning and
8 artificial intelligence systems to improve other
9 scientific fields and engineering;

10 “(G) model documentation, including per-
11 formance metrics and constraints, measures of
12 fairness, training and testing processes, and re-
13 sults;

14 “(H) system documentation, including con-
15 nections and dependences within and between
16 systems, and complications that may arise from
17 such connections; and

18 “(I) all other areas deemed by the Director
19 to be critical to the development and deploy-
20 ment of trustworthy artificial intelligence;

21 “(2) produce curated, standardized, representa-
22 tive, high-value, secure, aggregate, and privacy pro-
23 tected data sets for artificial intelligence research,
24 development, and use;

1 “(3) support one or more institutes as described
2 in section 5201(b) of the National Artificial Intel-
3 ligence Initiative Act of 2020 for the purpose of ad-
4 vancing measurement science, voluntary consensus
5 standards, and guidelines for trustworthy artificial
6 intelligence systems;

7 “(4) support and strategically engage in the de-
8 velopment of voluntary consensus standards, includ-
9 ing international standards, through open, trans-
10 parent, and consensus-based processes; and

11 “(5) enter into and perform such contracts, in-
12 cluding cooperative research and development ar-
13 rangements and grants and cooperative agreements
14 or other transactions, as may be necessary in the
15 conduct of the work of the National Institute of
16 Standards and Technology and on such terms as the
17 Director considers appropriate, in furtherance of the
18 purposes of this division.

19 “(c) RISK MANAGEMENT FRAMEWORK.—Not later
20 than 2 years after the date of the enactment of this Act,
21 the Director shall work to develop, and periodically up-
22 date, in collaboration with other public and private sector
23 organizations, including the National Science Foundation
24 and the Department of Energy, a voluntary risk manage-

1 ment framework for trustworthy artificial intelligence sys-
2 tems. The framework shall—

3 “(1) identify and provide standards, guidelines,
4 best practices, methodologies, procedures and proc-
5 esses for—

6 “(A) developing trustworthy artificial intel-
7 ligence systems;

8 “(B) assessing the trustworthiness of arti-
9 ficial intelligence systems; and

10 “(C) mitigating risks from artificial intel-
11 ligence systems;

12 “(2) establish common definitions and charac-
13 terizations for aspects of trustworthiness, including
14 explainability, transparency, safety, privacy, security,
15 robustness, fairness, bias, ethics, validation,
16 verification, interpretability, and other properties re-
17 lated to artificial intelligence systems that are com-
18 mon across all sectors;

19 “(3) provide case studies of framework imple-
20 mentation;

21 “(4) align with international standards, as ap-
22 propriate;

23 “(5) incorporate voluntary consensus standards
24 and industry best practices; and

1 “(6) not prescribe or otherwise require the use
2 of specific information or communications technology
3 products or services.

4 “(d) PARTICIPATION IN STANDARD SETTING ORGA-
5 NIZATIONS.—

6 “(1) REQUIREMENT.—The Institute shall par-
7 ticipate in the development of standards and speci-
8 fications for artificial intelligence.

9 “(2) PURPOSE.—The purpose of this participa-
10 tion shall be to ensure—

11 “(A) that standards promote artificial in-
12 telligence systems that are trustworthy; and

13 “(B) that standards relating to artificial
14 intelligence reflect the state of technology and
15 are fit-for-purpose and developed in transparent
16 and consensus-based processes that are open to
17 all stakeholders.

18 “(e) DATA SHARING BEST PRACTICES.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Director shall, in collaboration with other public and pri-
21 vate sector organizations, develop guidance to facilitate
22 the creation of voluntary data sharing arrangements be-
23 tween industry, federally funded research centers, and
24 Federal agencies for the purpose of advancing artificial
25 intelligence research and technologies, including options

1 for partnership models between government entities, in-
2 dustry, universities, and nonprofits that incentivize each
3 party to share the data they collected.

4 “(f) BEST PRACTICES FOR DOCUMENTATION OF
5 DATA SETS.—Not later than 1 year after the date of en-
6 actment of this Act, the Director shall, in collaboration
7 with other public and private sector organizations, develop
8 best practices for datasets used to train artificial intel-
9 ligence systems, including—

10 “(1) standards for metadata that describe the
11 properties of datasets, including—

12 “(A) the origins of the data;

13 “(B) the intent behind the creation of the
14 data;

15 “(C) authorized uses of the data;

16 “(D) descriptive characteristics of the
17 data, including what populations are included
18 and excluded from the datasets; and

19 “(E) any other properties as determined by
20 the Director; and

21 “(2) standards for privacy and security of
22 datasets with human characteristics.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the National Institute
25 of Standards and Technology to carry out this section—

- 1 “(1) \$64,000,000 for fiscal year 2021;
2 “(2) \$70,400,000 for fiscal year 2022;
3 “(3) \$77,440,000 for fiscal year 2023;
4 “(4) \$85,180,000 for fiscal year 2024; and
5 “(5) \$93,700,000 for fiscal year 2025.”.

6 **SEC. 5302. STAKEHOLDER OUTREACH.**

7 In carrying out the activities under section 22A of
8 the National Institute of Standards and Technology Act
9 (15 U.S.C. 271 et seq.) as amended by title III of this
10 Act, the Director shall—

11 (1) solicit input from university researchers,
12 private sector experts, relevant Federal agencies,
13 Federal laboratories, State, Tribal, and local govern-
14 ments, civil society groups, and other relevant stake-
15 holders;

16 (2) solicit input from experts in relevant fields
17 of social science, technology ethics, and law; and

18 (3) provide opportunity for public comment on
19 guidelines and best practices developed as part of
20 the Initiative, as appropriate.

21 **SEC. 5303. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
22 **ISTRATION ARTIFICIAL INTELLIGENCE CEN-**
23 **TER.**

24 (a) IN GENERAL.—The Administrator of the Na-
25 tional Oceanic and Atmospheric Administration (hereafter

1 referred to as “the Administrator”) shall establish, a Cen-
2 ter for Artificial Intelligence (hereafter referred to as “the
3 Center”).

4 (b) CENTER GOALS.—The goals of the Center shall
5 be to—

6 (1) coordinate and facilitate the scientific and
7 technological efforts related to artificial intelligence
8 across the National Oceanic and Atmospheric Ad-
9 ministration; and

10 (2) expand external partnerships, and build
11 workforce proficiency to effectively transition artifi-
12 cial intelligence research and applications to oper-
13 ations.

14 (c) COMPREHENSIVE PROGRAM.—Through the Cen-
15 ter, the Administrator shall implement a comprehensive
16 program to improve the use of artificial intelligence sys-
17 tems across the agency in support of the mission of the
18 National Oceanic and Atmospheric Administration.

19 (d) CENTER PRIORITIES.—The priorities of the Cen-
20 ter shall be to—

21 (1) coordinate and facilitate artificial intel-
22 ligence research and innovation, tools, systems, and
23 capabilities across the National Oceanic and Atmos-
24 pheric Administration;

1 (2) establish data standards and develop and
2 maintain a central repository for agency-wide artificial
3 intelligence applications;

4 (3) accelerate the transition of artificial intel-
5 ligence research to applications in support of the
6 mission of the National Oceanic and Atmospheric
7 Administration;

8 (4) develop and conduct training for the work-
9 force of the National Oceanic and Atmospheric Ad-
10 ministration related to artificial intelligence research
11 and application of artificial intelligence for such
12 agency;

13 (5) facilitate partnerships between the National
14 Oceanic and Atmospheric Administration and other
15 public sector organizations, private sector organiza-
16 tions, and institutions of higher education for re-
17 search, personnel exchange, and workforce develop-
18 ment with respect to artificial intelligence systems;
19 and

20 (6) make data of the National Oceanic and At-
21 mospheric Administration accessible, available, and
22 ready for artificial intelligence applications.

23 (e) **STAKEHOLDER ENGAGEMENT.**—In carrying out
24 the activities authorized in this section, the Administrator
25 shall—

1 (1) collaborate with a diverse set of stake-
2 holders including private sector entities and institu-
3 tions of higher education;

4 (2) leverage the collective body of research on
5 artificial intelligence and machine learning; and

6 (3) engage with relevant Federal agencies, re-
7 search communities, and potential users of data and
8 methods made available through the Center.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Administrator to
11 carry out this section \$10,000,000 for fiscal year 2021.

12 (g) PROTECTION OF NATIONAL SECURITY INTER-
13 ESTS.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of this section, the Administrator, in con-
16 sultation with the Secretary of Defense as appro-
17 priate, may withhold models or data used by the
18 Center if the Administrator determines doing so to
19 be necessary to protect the national security inter-
20 ests of the United States.

21 (2) RULE OF CONSTRUCTION.—Nothing in this
22 section shall be construed to supersede any other
23 provision of law governing the protection of the na-
24 tional security interests of the United States.

1 **TITLE LIV—NATIONAL SCIENCE**
2 **FOUNDATION ARTIFICIAL IN-**
3 **TELLIGENCE ACTIVITIES**

Sec. 5401. Artificial intelligence research and education.

4 **SEC. 5401. ARTIFICIAL INTELLIGENCE RESEARCH AND**
5 **EDUCATION.**

6 (a) IN GENERAL.—the Director of the National
7 Science Foundation shall fund research and education ac-
8 tivities in artificial intelligence systems and related fields,
9 including competitive awards or grants to institutions of
10 higher education or eligible nonprofit organizations (or
11 consortia thereof).

12 (b) USES OF FUNDS.—In carrying out the activities
13 under subsection (a), the Director of the National Science
14 Foundation shall—

15 (1) support research, including interdisciplinary
16 research, on artificial intelligence systems and re-
17 lated areas, including fields and research areas that
18 will contribute to the development and deployment of
19 trustworthy artificial intelligence systems, and fields
20 and research areas that address the application of
21 artificial intelligence systems to scientific discovery
22 and societal challenges;

1 (2) use the existing programs of the National
2 Science Foundation, in collaboration with other Fed-
3 eral departments and agencies, as appropriate to—

4 (A) improve the teaching and learning of
5 topics related to artificial intelligence systems in
6 K-12 education and postsecondary educational
7 programs, including workforce training and ca-
8 reer and technical education programs, under-
9 graduate and graduate education programs,
10 and in informal settings; and

11 (B) increase participation in artificial intel-
12 ligence related fields, including by individuals
13 identified in sections 33 and 34 of the Science
14 and Engineering Equal Opportunity Act (42
15 U.S.C. 1885a, 1885b);

16 (3) support partnerships among institutions of
17 higher education, Federal laboratories, nonprofit or-
18 ganizations, State, local, and Tribal governments, in-
19 dustry, and potential users of artificial intelligence
20 systems that facilitate collaborative research, per-
21 sonnel exchanges, and workforce development and
22 identify emerging research needs with respect to ar-
23 tificial intelligence systems;

24 (4) ensure adequate access to research and edu-
25 cation infrastructure with respect to artificial intel-

1 ligence systems, which may include the development
2 of new computing resources and partnership with
3 the private sector for the provision of cloud-based
4 computing services;

5 (5) conduct prize competitions, as appropriate,
6 pursuant to section 24 of the Stevenson-Wydler
7 Technology Innovation Act of 1980 (15 U.S.C.
8 3719);

9 (6) coordinate research efforts funded through
10 existing programs across the directorates of the Na-
11 tional Science Foundation;

12 (7) provide guidance on data sharing by grant-
13 ees to public and private sector organizations con-
14 sistent with the standards and guidelines developed
15 under section 22A(e) of the National Institute of
16 Standards and Technology Act (as added by section
17 5301 of this division); and

18 (8) evaluate opportunities for international col-
19 laboration with strategic allies on artificial intel-
20 ligence research and development.

21 (c) ENGINEERING SUPPORT.—In general, the Direc-
22 tor shall permit applicants to include in their proposed
23 budgets funding for software engineering support to assist
24 with the proposed research.

25 (d) ETHICS.—

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

3 (A) a number of emerging areas of re-
4 search, including artificial intelligence, have po-
5 tential ethical, social, safety, and security risks
6 that might be apparent as early as the basic re-
7 search stage;

8 (B) the incorporation of ethical, social,
9 safety, and security considerations into the re-
10 search design and review process for Federal
11 awards may help mitigate potential harms be-
12 fore they happen;

13 (C) the National Science Foundation's
14 agreement with the National Academies of
15 Sciences, Engineering, and Medicine to conduct
16 a study and make recommendations with re-
17 spect to governance of research in computing
18 and computing technologies is a positive step
19 toward accomplishing this goal; and

20 (D) the National Science Foundation
21 should continue to work with stakeholders to
22 understand and adopt policies that promote
23 best practices for governance of research in
24 emerging technologies at every stage of re-
25 search.

1 (2) REPORT ON ETHICS STATEMENTS.—No
2 later than 6 months after publication of the study
3 described in paragraph (1)(C), the Director shall re-
4 port to Congress on options for requiring an ethics
5 or risk statement as part of all or a subset of appli-
6 cations for research funding to the National Science
7 Foundation.

8 (e) EDUCATION.—

9 (1) IN GENERAL.—The Director of the National
10 Science Foundation shall award grants for artificial
11 intelligence education research, development and re-
12 lated activities to support K-12 and postsecondary
13 education programs and activities, including work-
14 force training and career and technical education
15 programs and activities, undergraduate, graduate,
16 and postdoctoral education, and informal education
17 programs and activities that—

18 (A) support the development of a diverse
19 workforce pipeline for science and technology
20 with respect to artificial intelligence systems;

21 (B) increase awareness of potential ethical,
22 social, safety, and security risks of artificial in-
23 telligence systems;

1 (C) promote curriculum development for
2 teaching topics related to artificial intelligence,
3 including in the field of technology ethics;

4 (D) support efforts to achieve equitable ac-
5 cess to K-12 artificial intelligence education in
6 diverse geographic areas and for populations
7 historically underrepresented in science, engi-
8 neering, and artificial intelligence fields; and

9 (E) promote the widespread understanding
10 of artificial intelligence principles and methods
11 to create an educated workforce and general
12 public able to use products enabled by artificial
13 intelligence systems and adapt to future societal
14 and economic changes caused by artificial intel-
15 ligence systems.

16 (2) ARTIFICIAL INTELLIGENCE FACULTY FEL-
17 LOWSHIPS.—

18 (A) FACULTY RECRUITMENT FELLOW-
19 SHIPS.—

20 (i) IN GENERAL.—The Director of the
21 National Science Foundation shall estab-
22 lish a program to award grants to eligible
23 institutions of higher education to recruit
24 and retain tenure-track or tenured faculty
25 in artificial intelligence and related fields.

1 (ii) USE OF FUNDS.—An institution
2 of higher education shall use grant funds
3 provided under clause (i) for the purposes
4 of—

5 (I) recruiting new tenure-track or
6 tenured faculty members that conduct
7 research and teaching in artificial in-
8 telligence and related fields and re-
9 search areas, including technology
10 ethics; and

11 (II) paying salary and benefits
12 for the academic year of newly re-
13 cruited tenure-track or tenured fac-
14 ulty members for a duration of up to
15 three years.

16 (iii) ELIGIBLE INSTITUTIONS OF
17 HIGHER EDUCATION.—For purposes of
18 this subparagraph, an eligible institution of
19 higher education is—

20 (I) a Historically Black College
21 and University (within the meaning of
22 the term “part B institution” under
23 section 322 of the Higher Education
24 Act of 1965), Tribal College or Uni-
25 versity, or other minority-serving in-

1 stitution, as defined in section 371(a)
2 of the Higher Education Act of 1965;

3 (II) an institution classified
4 under the Carnegie Classification of
5 Institutions of Higher Education as a
6 doctorate-granting university with a
7 high level of research activity; or

8 (III) an institution located in a
9 State jurisdiction eligible to partici-
10 pate in the National Science Founda-
11 tion's Established Program to Stimu-
12 late Competitive Research.

13 (B) FACULTY TECHNOLOGY ETHICS FEL-
14 LOWSHIPS.—

15 (i) IN GENERAL.—The Director of the
16 National Science Foundation shall estab-
17 lish a program to award fellowships to ten-
18 ure-track and tenured faculty in social and
19 behavioral sciences, ethics, law, and related
20 fields to develop new research projects and
21 partnerships in technology ethics.

22 (ii) PURPOSES.—The purposes of such
23 fellowships are to enable researchers in so-
24 cial and behavioral sciences, ethics, law,
25 and related fields to establish new research

1 and education partnerships with research-
2 ers in artificial intelligence and related
3 fields; learn new techniques and acquire
4 systematic knowledge in artificial intel-
5 ligence and related fields; and mentor and
6 advise graduate students and postdocs pur-
7 suing research in technology ethics.

8 (iii) USES OF FUNDS.—A fellowship
9 may include salary and benefits for up to
10 one academic year, expenses to support
11 coursework or equivalent training in artifi-
12 cial intelligence systems, and additional
13 such expenses that the Director deems ap-
14 propriate.

15 (C) UPDATE TO ROBERT NOYCE TEACHER
16 SCHOLARSHIP PROGRAM.—Section 10(i)(5) of
17 the National Science Foundation Authorization
18 Act of 2002 (42 U.S.C. 1862n–1(i)(5)) is
19 amended by inserting “and artificial intel-
20 ligence” after “computer science”.

21 (3) UPDATE TO ADVANCED TECHNOLOGICAL
22 EDUCATION PROGRAM.—

23 (A) IN GENERAL.—Section 3(b) of the Sci-
24 entific and Advanced-Technology Act of 1992

1 (42 U.S.C. 1862(i)) is amended by striking
2 “10” and inserting “12”.

3 (B) ARTIFICIAL INTELLIGENCE CENTERS
4 OF EXCELLENCE.—The Director of the Na-
5 tional Science Foundation shall establish na-
6 tional centers of scientific and technical edu-
7 cation to advance education and workforce de-
8 velopment in areas related to artificial intel-
9 ligence pursuant to section 3 of the Scientific
10 and Advanced-Technology Act of 1992 (42
11 U.S.C. 1862(i)). Activities of such centers may
12 include—

13 (i) the development, dissemination,
14 and evaluation of curriculum and other
15 educational tools and methods in artificial
16 intelligence related fields and research
17 areas, including technology ethics;

18 (ii) the development and evaluation of
19 artificial intelligence related certifications
20 for 2-year programs; and

21 (iii) interdisciplinary science and engi-
22 neering research in employment-based
23 adult learning and career retraining re-
24 lated to artificial intelligence fields.

1 (f) NATIONAL SCIENCE FOUNDATION PILOT PRO-
2 GRAM OF GRANTS FOR RESEARCH IN RAPIDLY EVOLVING,
3 HIGH PRIORITY TOPICS.—

4 (1) PILOT PROGRAM REQUIRED.—The Director
5 of the National Science Foundation shall establish a
6 pilot program to assess the feasibility and advis-
7 ability of awarding grants for the conduct of re-
8 search in rapidly evolving, high priority topics using
9 funding mechanisms that require brief project de-
10 scriptions and internal merit review, and that may
11 include accelerated external review.

12 (2) DURATION.—

13 (A) IN GENERAL.—The Director shall
14 carry out the pilot program required by para-
15 graph (1) during the 5-year period beginning on
16 the date of the enactment of this Act.

17 (B) ASSESSMENT AND CONTINUATION AU-
18 THORITY.—After the period set forth in para-
19 graph (2)(A)—

20 (i) the Director shall assess the pilot
21 program; and

22 (ii) if the Director determines that it
23 is both feasible and advisable to do so, the
24 Director may continue the pilot program.

1 (3) GRANTS.—In carrying out the pilot pro-
2 gram, the Director shall award grants for the con-
3 duct of research in topics selected by the Director in
4 accordance with paragraph (4).

5 (4) TOPIC SELECTION.—The Director shall se-
6 lect topics for research under the pilot program in
7 accordance with the following:

8 (A) The Director shall select artificial in-
9 telligence as the initial topic for the pilot pro-
10 gram.

11 (B) The Director may select additional
12 topics that the Director determines are—

13 (i) rapidly evolving; and

14 (ii) of high importance to the economy
15 and security of the United States.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the National Science
18 Foundation to carry out this section—

19 (1) \$868,000,000 for fiscal year 2021;

20 (2) \$911,400,000 for fiscal year 2022;

21 (3) \$956,970,000 for fiscal year 2023;

22 (4) \$1,004,820,000 for fiscal year 2024; and

23 (5) \$1,055,060,000 for fiscal year 2025.

1 **TITLE LV—DEPARTMENT OF EN-**
2 **ERGY ARTIFICIAL INTEL-**
3 **LIGENCE RESEARCH PRO-**
4 **GRAM**

Sec. 5501. Department of energy artificial intelligence research program.

5 **SEC. 5501. DEPARTMENT OF ENERGY ARTIFICIAL INTEL-**
6 **LIGENCE RESEARCH PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall carry out a
8 cross-cutting research and development program to ad-
9 vance artificial intelligence tools, systems, capabilities, and
10 workforce needs and to improve the reliability of artificial
11 intelligence methods and solutions relevant to the mission
12 of the Department. In carrying out this program, the Sec-
13 retary shall coordinate across all relevant offices and pro-
14 grams at the Department, including the Office of Science,
15 the Office of Energy Efficiency and Renewable Energy,
16 the Office of Nuclear Energy, the Office of Fossil Energy,
17 the Office of Electricity, the Office of Cybersecurity, En-
18 ergy Security, and Emergency Response, the Advanced
19 Research Projects Agency-Energy, and any other relevant
20 office determined by the Secretary.

21 (b) RESEARCH AREAS.—In carrying out the program
22 under subsection (a), the Secretary shall award financial
23 assistance to eligible entities to carry out research projects
24 on topics including—

1 (1) the application of artificial intelligence sys-
2 tems to improve large-scale simulations of natural
3 and other phenomena;

4 (2) the study of applied mathematics, computer
5 science, and statistics, including foundations of
6 methods and systems of artificial intelligence, causal
7 and statistical inference, and the development of al-
8 gorithms for artificial intelligence systems;

9 (3) the analysis of existing large-scale datasets
10 from science and engineering experiments and sim-
11 ulations, including energy simulations and other pri-
12 orities at the Department as determined by the Sec-
13 retary using artificial intelligence tools and tech-
14 niques;

15 (4) the development of operation and control
16 systems that enhance automated, intelligent deci-
17 sionmaking capabilities;

18 (5) the development of advanced computing
19 hardware and computer architecture tailored to arti-
20 ficial intelligence systems, including the codesign of
21 networks and computational hardware;

22 (6) the development of standardized datasets
23 for emerging artificial intelligence research fields
24 and applications, including methods for addressing
25 data scarcity; and

1 (7) the development of trustworthy artificial in-
2 telligence systems, including—

3 (A) algorithmic explainability;

4 (B) analytical methods for identifying and
5 mitigating bias in artificial intelligence systems;
6 and

7 (C) safety and robustness, including assur-
8 ance, verification, validation, security, and con-
9 trol.

10 (c) TECHNOLOGY TRANSFER.—In carrying out the
11 program under subsection (a), the Secretary shall support
12 technology transfer of artificial intelligence systems for the
13 benefit of society and United States economic competitive-
14 ness.

15 (d) FACILITY USE AND UPGRADES.—In carrying out
16 the program under subsection (a), the Secretary shall—

17 (1) make available high-performance computing
18 infrastructure at national laboratories;

19 (2) make any upgrades necessary to enhance
20 the use of existing computing facilities for artificial
21 intelligence systems, including upgrades to hard-
22 ware;

23 (3) establish new computing capabilities nec-
24 essary to manage data and conduct high perform-

1 ance computing that enables the use of artificial in-
2 telligence systems; and

3 (4) maintain and improve, as needed, net-
4 working infrastructure, data input and output mech-
5 anisms, and data analysis, storage, and service capa-
6 bilities.

7 (e) REPORT ON ETHICS STATEMENTS.—Not later
8 than 6 months after publication of the study described in
9 section 5401(d)(1)(C), the Secretary shall report to Con-
10 gress on options for requiring an ethics or risk statement
11 as part of all or a subset of applications for research ac-
12 tivities funded by the Department of Energy and per-
13 formed at Department of Energy national laboratories and
14 user facilities.

15 (f) RISK MANAGEMENT.—The Secretary shall review
16 agency policies for risk management in artificial intel-
17 ligence related projects and issue as necessary policies and
18 principles that are consistent with the framework devel-
19 oped under section 22A(c) of the National Institute of
20 Standards and Technology Act (as added by section 5301
21 of this division).

22 (g) DATA PRIVACY AND SHARING.—The Secretary
23 shall review agency policies for data sharing with other
24 public and private sector organizations and issue as nec-
25 essary policies and principles that are consistent with the

1 standards and guidelines submitted under section 22A(e)
2 of the National Institute of Standards and Technology Act
3 (as added by section 5301 of this division). In addition,
4 the Secretary shall establish a streamlined mechanism for
5 approving research projects or partnerships that require
6 sharing sensitive public or private data with the Depart-
7 ment.

8 (h) PARTNERSHIPS WITH OTHER FEDERAL AGEN-
9 CIES.—The Secretary may request, accept, and provide
10 funds from other Federal departments and agencies,
11 State, United States territory, local, or Tribal government
12 agencies, private sector for-profit entities, and nonprofit
13 entities, to be available to the extent provided by appro-
14 priations Acts, to support a research project or partner-
15 ship carried out under this section. The Secretary may not
16 give any special consideration to any agency or entity in
17 return for a donation.

18 (i) STAKEHOLDER ENGAGEMENT.—In carrying out
19 the activities authorized in this section, the Secretary
20 shall—

21 (1) collaborate with a range of stakeholders in-
22 cluding small businesses, institutes of higher edu-
23 cation, industry, and the National Laboratories;

1 (2) leverage the collective body of knowledge
2 from existing artificial intelligence and machine
3 learning research; and

4 (3) engage with other Federal agencies, re-
5 search communities, and potential users of informa-
6 tion produced under this section.

7 (j) DEFINITIONS.—In this section:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of Energy.

10 (2) DEPARTMENT.—The term “Department”
11 means the Department of Energy.

12 (3) NATIONAL LABORATORY.—The term “na-
13 tional laboratory” has the meaning given such term
14 in section 2 of the Energy Policy Act of 2005 (42
15 U.S.C. 15801).

16 (4) ELIGIBLE ENTITIES.—The term “eligible
17 entities” means—

18 (A) an institution of higher education;

19 (B) a National Laboratory;

20 (C) a Federal research agency;

21 (D) a State research agency;

22 (E) a nonprofit research organization;

23 (F) a private sector entity; or

24 (G) a consortium of 2 or more entities de-
25 scribed in subparagraphs (A) through (F).

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Department to
3 carry out this section—

4 (1) \$200,000,000 for fiscal year 2021;

5 (2) \$214,000,000 for fiscal year 2022;

6 (3) \$228,980,000 for fiscal year 2023;

7 (4) \$245,000,000 for fiscal year 2024; and

8 (5) \$262,160,000 for fiscal year 2025.

9 **DIVISION F—ANTI-MONEY**
10 **LAUNDERING**

11 **SEC. 6001. SHORT TITLE.**

12 This division may be cited as the “Anti-Money Laun-
13 dering Act of 2020”.

14 **SEC. 6002. PURPOSES.**

15 The purposes of this division are—

16 (1) to improve coordination and information
17 sharing among the agencies tasked with admin-
18 istering anti-money laundering and countering the
19 financing of terrorism requirements, the agencies
20 that examine financial institutions for compliance
21 with those requirements, Federal law enforcement
22 agencies, national security agencies, the intelligence
23 community, and financial institutions;

24 (2) to modernize anti-money laundering and
25 countering the financing of terrorism laws to adapt

1 the government and private sector response to new
2 and emerging threats;

3 (3) to encourage technological innovation and
4 the adoption of new technology by financial institu-
5 tions to more effectively counter money laundering
6 and the financing of terrorism;

7 (4) to reinforce that the anti-money laundering
8 and countering the financing of terrorism policies,
9 procedures, and controls of financial institutions
10 shall be risk-based;

11 (5) to establish uniform beneficial ownership in-
12 formation reporting requirements to—

13 (A) improve transparency for national se-
14 curity, intelligence, and law enforcement agen-
15 cies and financial institutions concerning cor-
16 porate structures and insight into the flow of il-
17 licit funds through those structures;

18 (B) discourage the use of shell corpora-
19 tions as a tool to disguise and move illicit
20 funds;

21 (C) assist national security, intelligence,
22 and law enforcement agencies with the pursuit
23 of crimes; and

24 (D) protect the national security of the
25 United States; and

1 (6) to establish a secure, nonpublic database at
2 FinCEN for beneficial ownership information.

3 **SEC. 6003. DEFINITIONS.**

4 In this division:

5 (1) BANK SECRECY ACT.—The term “Bank Se-
6 crecy Act” means—

7 (A) section 21 of the Federal Deposit In-
8 surance Act (12 U.S.C. 1829b);

9 (B) chapter 2 of title I of Public Law 91–
10 508 (12 U.S.C. 1951 et seq.); and

11 (C) subchapter II of chapter 53 of title 31,
12 United States Code.

13 (2) ELECTRONIC FUND TRANSFER.—The term
14 “electronic fund transfer” has the meaning given the
15 term in section 903 of the Electronic Fund Transfer
16 Act (15 U.S.C. 1693a).

17 (3) FEDERAL FUNCTIONAL REGULATOR.—The
18 term “Federal functional regulator”—

19 (A) has the meaning given the term in sec-
20 tion 509 of the Gramm-Leach-Bliley Act (15
21 U.S.C. 6809); and

22 (B) includes any Federal regulator that ex-
23 amines a financial institution for compliance
24 with the Bank Secrecy Act.

1 (4) FINANCIAL AGENCY.—The term “financial
2 agency” has the meaning given the term in section
3 5312(a) of title 31, United States Code, as amended
4 by section 6102 of this division.

5 (5) FINANCIAL INSTITUTION.—The term “fi-
6 nancial institution”—

7 (A) has the meaning given the term in sec-
8 tion 5312 of title 31, United States Code; and

9 (B) includes—

10 (i) an electronic fund transfer net-
11 work; and

12 (ii) a clearing and settlement system.

13 (6) FINCEN.—The term “FinCEN” means the
14 Financial Crimes Enforcement Network of the De-
15 partment of the Treasury.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of the Treasury.

18 (8) STATE BANK SUPERVISOR.—The term
19 “State bank supervisor” has the meaning given the
20 term in section 3 of the Federal Deposit Insurance
21 Act (12 U.S.C. 1813).

22 (9) STATE CREDIT UNION SUPERVISOR.—The
23 term “State credit union supervisor” means a State
24 official described in section 107A(e) of the Federal
25 Credit Union Act (12 U.S.C. 1757a(e)).

1 **TITLE LXI—STRENGTHENING**
2 **TREASURY FINANCIAL INTEL-**
3 **LIGENCE, ANTI-MONEY LAUN-**
4 **DERING, AND COUNTERING**
5 **THE FINANCING OF TER-**
6 **RORISM PROGRAMS**

Sec. 6101. Establishment of national exam and supervision priorities.

Sec. 6102. Strengthening FinCEN.

Sec. 6103. FinCEN Exchange.

Sec. 6104. Interagency anti-money laundering and countering the financing of terrorism personnel rotation program.

Sec. 6105. Terrorism and financial intelligence special hiring authority.

Sec. 6106. Treasury Attaché program.

Sec. 6107. Establishment of FinCEN Domestic Liaisons.

Sec. 6108. Foreign Financial Intelligence Unit Liaisons.

Sec. 6109. Protection of information exchanged with foreign law enforcement and financial intelligence units.

Sec. 6110. Bank Secrecy Act application to dealers in antiquities and assessment of Bank Secrecy Act application to dealers in arts.

Sec. 6111. Increasing technical assistance for international cooperation.

Sec. 6112. International coordination.

7 **SEC. 6101. ESTABLISHMENT OF NATIONAL EXAM AND SU-**
8 **PERVISION PRIORITIES.**

9 (a) DECLARATION OF PURPOSE.—Subchapter II of
10 chapter 53 of title 31, United States Code, is amended
11 by striking section 5311 and inserting the following:

12 **“§ 5311. Declaration of purpose**

13 “It is the purpose of this subchapter (except section
14 5315) to—

15 “(1) require certain reports or records that are
16 highly useful in—

17 “(A) criminal, tax, or regulatory investiga-
18 tions, risk assessments, or proceedings; or

1 “(B) intelligence or counterintelligence ac-
2 tivities, including analysis, to protect against
3 terrorism;

4 “(2) prevent the laundering of money and the
5 financing of terrorism through the establishment by
6 financial institutions of reasonably designed risk-
7 based programs to combat money laundering and
8 the financing of terrorism;

9 “(3) facilitate the tracking of money that has
10 been sourced through criminal activity or is intended
11 to promote criminal or terrorist activity;

12 “(4) assess the money laundering, terrorism fi-
13 nance, tax evasion, and fraud risks to financial insti-
14 tutions, products, or services to—

15 “(A) protect the financial system of the
16 United States from criminal abuse; and

17 “(B) safeguard the national security of the
18 United States; and

19 “(5) establish appropriate frameworks for infor-
20 mation sharing among financial institutions, their
21 agents and service providers, their regulatory au-
22 thorities, associations of financial institutions, the
23 Department of the Treasury, and law enforcement
24 authorities to identify, stop, and apprehend money
25 launderers and those who finance terrorists.”.

1 (b) ANTI-MONEY LAUNDERING PROGRAMS.—Section
2 5318 of title 31, United States Code, is amended—

3 (1) in subsection (a)(1), by striking “subsection
4 (b)(2)” and inserting “subsections (b)(2) and
5 (h)(4)”; and

6 (2) in subsection (h)—

7 (A) in paragraph (1), in the matter pre-
8 ceding subparagraph (A)—

9 (i) by inserting “and the financing of
10 terrorism” after “money laundering”; and

11 (ii) by inserting “and countering the
12 financing of terrorism” after “anti-money
13 laundering”;

14 (B) in paragraph (2)—

15 (i) by striking “The Secretary” and
16 inserting the following:

17 “(A) IN GENERAL.—The Secretary”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) FACTORS.—In prescribing the min-
21 imum standards under subparagraph (A), and
22 in supervising and examining compliance with
23 those standards, the Secretary of the Treasury,
24 and the appropriate Federal functional regu-
25 lator (as defined in section 509 of the Gramm-

1 Leach-Bliley Act (12 U.S.C. 6809)) shall take
2 into account the following:

3 “(i) Financial institutions are spend-
4 ing private compliance funds for a public
5 and private benefit, including protecting
6 the United States financial system from il-
7 licit finance risks.

8 “(ii) The extension of financial serv-
9 ices to the underbanked and the facilita-
10 tion of financial transactions, including re-
11 mittances, coming from the United States
12 and abroad in ways that simultaneously
13 prevent criminal persons from abusing for-
14 mal or informal financial services networks
15 are key policy goals of the United States.

16 “(iii) Effective anti-money laundering
17 and countering the financing of terrorism
18 programs safeguard national security and
19 generate significant public benefits by pre-
20 venting the flow of illicit funds in the fi-
21 nancial system and by assisting law en-
22 forcement and national security agencies
23 with the identification and prosecution of
24 persons attempting to launder money and

1 undertake other illicit activity through the
2 financial system.

3 “(iv) Anti-money laundering and
4 countering the financing of terrorism pro-
5 grams described in paragraph (1) should
6 be—

7 “(I) reasonably designed to as-
8 sure and monitor compliance with the
9 requirements of this subchapter and
10 regulations promulgated under this
11 subchapter; and

12 “(II) risk-based, including ensur-
13 ing that more attention and resources
14 of financial institutions should be di-
15 rected toward higher-risk customers
16 and activities, consistent with the risk
17 profile of a financial institution, rath-
18 er than toward lower-risk customers
19 and activities.”; and

20 (C) by adding at the end the following:

21 “(4) PRIORITIES.—

22 “(A) IN GENERAL.—Not later than 180
23 days after the date of enactment of this para-
24 graph, the Secretary of the Treasury, in con-
25 sultation with the Attorney General, Federal

1 functional regulators (as defined in section 509
2 of the Gramm-Leach-Bliley Act (15 U.S.C.
3 6809)), relevant State financial regulators, and
4 relevant national security agencies, shall estab-
5 lish and make public priorities for anti-money
6 laundering and countering the financing of ter-
7 rorism policy.

8 “(B) UPDATES.—Not less frequently than
9 once every 4 years, the Secretary of the Treas-
10 ury, in consultation with the Attorney General,
11 Federal functional regulators (as defined in sec-
12 tion 509 of the Gramm-Leach-Bliley Act (15
13 U.S.C. 6809)), relevant State financial regu-
14 lators, and relevant national security agencies,
15 shall update the priorities established under
16 subparagraph (A).

17 “(C) RELATION TO NATIONAL STRAT-
18 EGY.—The Secretary of the Treasury shall en-
19 sure that the priorities established under sub-
20 paragraph (A) are consistent with the national
21 strategy for countering the financing of ter-
22 rorism and related forms of illicit finance devel-
23 oped under section 261 of the Countering Rus-
24 sian Influence in Europe and Eurasia Act of
25 2017 (Public Law 115–44; 131 Stat. 934).

1 “(D) RULEMAKING.—Not later than 180
2 days after the date on which the Secretary of
3 the Treasury establishes the priorities under
4 subparagraph (A), the Secretary of the Treas-
5 ury, acting through the Director of the Finan-
6 cial Crimes Enforcement Network and in con-
7 sultation with the Federal functional regulators
8 (as defined in section 509 of the Gramm-Leach-
9 Bliley Act (15 U.S.C. 6809)) and relevant State
10 financial regulators, shall, as appropriate, pro-
11 mulgate regulations to carry out this para-
12 graph.

13 “(E) SUPERVISION AND EXAMINATION.—
14 The review by a financial institution of the pri-
15 orities established under subparagraph (A) and
16 the incorporation of those priorities, as appro-
17 priate, into the risk-based programs established
18 by the financial institution to meet obligations
19 under this subchapter, the USA PATRIOT Act
20 (Public Law 107–56; 115 Stat. 272), and other
21 anti-money laundering and countering the fi-
22 nancing of terrorism laws and regulations shall
23 be included as a measure on which a financial
24 institution is supervised and examined for com-
25 pliance with those obligations.

1 “(5) DUTY.—The duty to establish, maintain
2 and enforce an anti-money laundering and coun-
3 tering the financing of terrorism program as re-
4 quired by this subsection shall remain the responsi-
5 bility of, and be performed by, persons in the United
6 States who are accessible to, and subject to over-
7 sight and supervision by, the Secretary of the Treas-
8 ury and the appropriate Federal functional regulator
9 (as defined in section 509 of the Gramm-Leach-Bliley
10 Act (15 U.S.C. 6809)).”.

11 (c) FINANCIAL CRIMES ENFORCEMENT NETWORK.—
12 Section 310(b)(2) of title 31, United States Code, is
13 amended—

14 (1) by redesignating subparagraph (J) as sub-
15 paragraph (O); and

16 (2) by inserting after subparagraph (I) the fol-
17 lowing:

18 “(J) Promulgate regulations under section
19 5318(h)(4)(D), as appropriate, to implement
20 the government-wide anti-money laundering and
21 countering the financing of terrorism priorities
22 established by the Secretary of the Treasury
23 under section 5318(h)(4)(A).

24 “(K) Communicate regularly with financial
25 institutions and Federal functional regulators

1 that examine financial institutions for compli-
2 ance with subchapter II of chapter 53 and reg-
3 ulations promulgated under that subchapter
4 and law enforcement authorities to explain the
5 United States Government’s anti-money laun-
6 dering and countering the financing of ter-
7 rorism priorities.

8 “(L) Give and receive feedback to and
9 from financial institutions, State bank super-
10 visors, and State credit union supervisors (as
11 those terms are defined in section 6003 of the
12 Anti-Money Laundering Act of 2020) regarding
13 the matters addressed in subchapter II of chap-
14 ter 53 and regulations promulgated under that
15 subchapter.

16 “(M) Maintain money laundering and ter-
17 rorist financing investigation financial experts
18 capable of identifying, tracking, and analyzing
19 financial crime networks and identifying emerg-
20 ing threats to support Federal civil and crimi-
21 nal investigations.

22 “(N) Maintain emerging technology ex-
23 perts to encourage the development of and iden-
24 tify emerging technologies that can assist the
25 United States Government or financial institu-

1 tions in countering money laundering and the
2 financing of terrorism.”.

3 **SEC. 6102. STRENGTHENING FINCEN.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the mission of FinCEN should be to con-
7 tinue to safeguard the financial system from illicit
8 activity, counter money laundering and the financing
9 of terrorism, and promote national security through
10 strategic use of financial authorities and the collec-
11 tion, analysis, and dissemination of financial intel-
12 ligence;

13 (2) in its mission to safeguard the financial sys-
14 tem from the abuses of financial crime, the United
15 States should prioritize working with partners in
16 Federal, State, local, Tribal, and foreign law en-
17 forcement authorities;

18 (3) although the use and trading of virtual cur-
19 rencies are legal practices, some terrorists and crimi-
20 nals, including transnational criminal organizations,
21 seek to exploit vulnerabilities in the global financial
22 system and increasingly rely on substitutes for cur-
23 rency, including emerging payment methods (such as
24 virtual currencies), to move illicit funds; and

1 (4) in carrying out its mission, FinCEN should
2 ensure that its efforts fully support countering the
3 financing of terrorism efforts, including making sure
4 that steps to address emerging methods of such il-
5 licit financing are high priorities.

6 (b) EXPANDING INFORMATION SHARING WITH TRIB-
7 AL AUTHORITIES.—Section 310(b)(2) of title 31, United
8 States Code, is amended—

9 (1) in subparagraphs (C), (E), and (F), by in-
10 serting “Tribal,” after “local,” each place that term
11 appears; and

12 (2) in subparagraph (C)(vi), by striking “inter-
13 national”.

14 (c) EXPANSION OF REPORTING AUTHORITIES TO
15 COMBAT MONEY LAUNDERING.—Section 5318(a)(2) of
16 title 31, United States Code, is amended—

17 (1) by inserting “, including the collection and
18 reporting of certain information as the Secretary of
19 the Treasury may prescribe by regulation,” after
20 “appropriate procedures”; and

21 (2) by inserting “, the financing of terrorism,
22 or other forms of illicit finance” after “money laun-
23 dering”.

24 (d) VALUE THAT SUBSTITUTES FOR CURRENCY.—

1 (1) DEFINITIONS.—Section 5312(a) of title 31,
2 United States Code, is amended—

3 (A) in paragraph (1), by striking “, or a
4 transaction in money, credit, securities, or
5 gold” and inserting “, a transaction in money,
6 credit, securities or gold, or a service provided
7 with respect to money, securities, futures, pre-
8 cious metals, stones and jewels, or value that
9 substitutes for currency”;

10 (B) in paragraph (2)—

11 (i) in subparagraph (J), by inserting
12 “, or a business engaged in the exchange
13 of currency, funds, or value that sub-
14 stitutes for currency or funds” before the
15 semicolon at the end; and

16 (ii) in subparagraph (R), by striking
17 “funds,” and inserting “currency, funds,
18 or value that substitutes for currency,”;
19 and

20 (C) in paragraph (3)—

21 (i) in subparagraph (B), by striking
22 “and” at the end;

23 (ii) in subparagraph (C), by striking
24 the period at the end and inserting “;
25 and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(D) as the Secretary shall provide by reg-
4 ulation, value that substitutes for any monetary
5 instrument described in subparagraph (A), (B),
6 or (C).”.

7 (2) REGISTRATION OF MONEY TRANSMITTING
8 BUSINESSES.—Section 5330(d) of title 31, United
9 States Code, is amended—

10 (A) in paragraph (1)(A)—

11 (i) by striking “funds,” and inserting
12 “currency, funds, or value that substitutes
13 for currency,”; and

14 (ii) by striking “system;” and insert-
15 ing “system;” and

16 (B) in paragraph (2)—

17 (i) by striking “currency or funds de-
18 nominated in the currency of any country”
19 and inserting “currency, funds, or value
20 that substitutes for currency”;

21 (ii) by striking “currency or funds, or
22 the value of the currency or funds,” and
23 inserting “currency, funds, or value that
24 substitutes for currency”; and

1 (iii) by inserting “, including” after
2 “means”.

3 **SEC. 6103. FINCEN EXCHANGE.**

4 Section 310 of title 31, United States Code, is
5 amended—

6 (1) by redesignating subsection (d) as sub-
7 section (l); and

8 (2) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) FINCEN EXCHANGE.—

11 “(1) ESTABLISHMENT.—The FinCEN Ex-
12 change is hereby established within FinCEN.

13 “(2) PURPOSE.—The FinCEN Exchange shall
14 facilitate a voluntary public-private information
15 sharing partnership among law enforcement agen-
16 cies, national security agencies, financial institu-
17 tions, and FinCEN to—

18 “(A) effectively and efficiently combat
19 money laundering, terrorism financing, orga-
20 nized crime, and other financial crimes, includ-
21 ing by promoting innovation and technical ad-
22 vances in reporting—

23 “(i) under subchapter II of chapter 53
24 and the regulations promulgated under
25 that subchapter; and

1 “(ii) with respect to other anti-money
2 laundering requirements;

3 “(B) protect the financial system from il-
4 licit use; and

5 “(C) promote national security.

6 “(3) REPORT.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this subsection,
9 and once every 2 years thereafter for the next
10 5 years, the Secretary of the Treasury shall
11 submit to the Committee on Banking, Housing,
12 and Urban Affairs of the Senate and the Com-
13 mittee on Financial Services of the House of
14 Representatives a report containing—

15 “(i) an analysis of the efforts under-
16 taken by the FinCEN Exchange, which
17 shall include an analysis of—

18 “(I) the results of those efforts;
19 and

20 “(II) the extent and effectiveness
21 of those efforts, including any benefits
22 realized by law enforcement agencies
23 from partnering with financial institu-
24 tions, which shall be consistent with

1 standards protecting sensitive infor-
2 mation; and

3 “(ii) any legislative, administrative, or
4 other recommendations the Secretary may
5 have to strengthen the efforts of the
6 FinCEN Exchange.

7 “(B) CLASSIFIED ANNEX.—Each report
8 under subparagraph (A) may include a classi-
9 fied annex.

10 “(4) INFORMATION SHARING REQUIREMENT.—
11 Information shared under this subsection shall be
12 shared—

13 “(A) in compliance with all other applica-
14 ble Federal laws and regulations;

15 “(B) in such a manner as to ensure the
16 appropriate confidentiality of personal informa-
17 tion; and

18 “(C) at the discretion of the Director, with
19 the appropriate Federal functional regulator, as
20 defined in section 6003 of the Anti-Money
21 Laundering Act of 2020.

22 “(5) PROTECTION OF SHARED INFORMATION.—

23 “(A) REGULATIONS.—FinCEN shall, as
24 appropriate, promulgate regulations that estab-
25 lish procedures for the protection of information

1 shared and exchanged between FinCEN and
2 the private sector in accordance with this sec-
3 tion, consistent with the capacity, size, and na-
4 ture of the financial institution to which the
5 particular procedures apply.

6 “(B) USE OF INFORMATION.—Information
7 received by a financial institution pursuant to
8 this section shall not be used for any purpose
9 other than identifying and reporting on activi-
10 ties that may involve the financing of terrorism,
11 money laundering, proliferation financing, or
12 other financial crimes.

13 “(6) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed to create new in-
15 formation sharing authorities or requirements relat-
16 ing to the Bank Secrecy Act.”.

17 **SEC. 6104. INTERAGENCY ANTI-MONEY LAUNDERING AND**
18 **COUNTERING THE FINANCING OF TER-**
19 **RORISM PERSONNEL ROTATION PROGRAM.**

20 To promote greater effectiveness and efficiency in
21 combating money laundering, the financing of terrorism,
22 proliferation financing, serious tax fraud, trafficking,
23 sanctions evasion and other financial crimes, the Secretary
24 shall maintain and accelerate efforts to strengthen anti-
25 money laundering and countering the financing of ter-

1 rorism efforts through a personnel rotation program be-
2 tween the Federal functional regulators and the Depart-
3 ment of Justice, the Federal Bureau of Investigation, the
4 Department of Homeland Security, the Department of
5 Defense, and such other agencies as the Secretary deter-
6 mines are appropriate.

7 **SEC. 6105. TERRORISM AND FINANCIAL INTELLIGENCE**
8 **SPECIAL HIRING AUTHORITY.**

9 (a) FINCEN.—Section 310 of title 31, United States
10 Code, as amended by section 6103 of this division, is
11 amended by inserting after subsection (d) the following:

12 “(e) SPECIAL HIRING AUTHORITY.—

13 “(1) IN GENERAL.—The Secretary of the
14 Treasury may appoint, without regard to the provi-
15 sions of sections 3309 through 3318 of title 5, can-
16 didates directly to positions in the competitive serv-
17 ice, as defined in section 2102 of that title, in
18 FinCEN.

19 “(2) PRIMARY RESPONSIBILITIES.—The pri-
20 mary responsibility of candidates appointed under
21 paragraph (1) shall be to provide substantive sup-
22 port in support of the duties described in subpara-
23 graphs (A) through (O) of subsection (b)(2).”.

1 (b) OFFICE OF TERRORISM AND FINANCIAL INTEL-
2 LIGENCE.—Section 312 of title 31, United States Code,
3 is amended by adding at the end the following:

4 “(g) SPECIAL HIRING AUTHORITY.—

5 “(1) IN GENERAL.—The Secretary of the
6 Treasury may appoint, without regard to the provi-
7 sions of sections 3309 through 3318 of title 5, can-
8 didates directly to positions in the competitive serv-
9 ice, as defined in section 2102 of that title, in the
10 OTFI.

11 “(2) PRIMARY RESPONSIBILITIES.—The pri-
12 mary responsibility of candidates appointed under
13 paragraph (1) shall be to provide substantive sup-
14 port in support of the duties described in subpara-
15 graphs (A) through (G) of subsection (a)(4).

16 “(h) DEPLOYMENT OF STAFF.—The Secretary of the
17 Treasury may detail, without regard to the provisions of
18 section 300.301 of title 5, Code of Federal Regulations,
19 any employee in the OTFI to any position in the OTFI
20 for which the Secretary has determined there is a need.”.

21 (c) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, and every 2 years thereafter for
23 5 years, the Secretary shall submit to the Committee on
24 Banking, Housing, and Urban Affairs of the Senate and
25 the Committee on Financial Services of the House of Rep-

1 representatives a report that includes the number of new em-
2 ployees hired during the previous year under the authori-
3 ties described in sections 310 and 312 of title 31, United
4 States Code, along with position titles and associated pay
5 grades for such hires.

6 **SEC. 6106. TREASURY ATTACHÉ PROGRAM.**

7 (a) IN GENERAL.—Subchapter I of chapter 3 of title
8 31, United States Code, is amended by adding at the end
9 the following:

10 **“§ 316. Treasury Attaché Program**

11 “(a) IN GENERAL.—There is established the Treas-
12 ury Financial Attaché Program, under which the Sec-
13 retary of the Treasury shall appoint employees of the De-
14 partment of the Treasury as a Treasury Financial
15 Attaché, who shall—

16 “(1) further the work of the Department of the
17 Treasury in developing and executing the financial
18 and economic policy of the United States Govern-
19 ment and the international fight against terrorism,
20 money laundering, and other illicit finance;

21 “(2) be co-located in a United States Embassy,
22 a similar United States Government facility, or a
23 foreign government facility, as the Secretary deter-
24 mines is appropriate;

1 “(3) establish and maintain relationships with
2 foreign counterparts, including employees of min-
3 istries of finance, central banks, international finan-
4 cial institutions, and other relevant official entities;

5 “(4) conduct outreach to local and foreign fi-
6 nancial institutions and other commercial actors;

7 “(5) coordinate with representatives of the De-
8 partment of Justice at United States Embassies who
9 perform similar functions on behalf of the United
10 States Government; and

11 “(6) perform such other actions as the Sec-
12 retary determines are appropriate.

13 “(b) NUMBER OF ATTACHÉS.—

14 “(1) IN GENERAL.—The number of Treasury
15 Financial Attachés appointed under this section at
16 any one time shall be not fewer than 6 more employ-
17 ees than the number of employees of the Depart-
18 ment of the Treasury serving as Treasury attachés
19 on the date of enactment of this section.

20 “(2) ADDITIONAL POSTS.—The Secretary of the
21 Treasury may establish additional posts subject to
22 the availability of appropriations.

23 “(c) COMPENSATION.—

24 “(1) IN GENERAL.—Each Treasury Financial
25 Attaché appointed under this section and located at

1 a United States Embassy shall receive compensation,
2 including allowances, at the higher of—

3 “(A) the rate of compensation, including
4 allowances, provided to a Foreign Service offi-
5 cer serving at the same embassy; and

6 “(B) the rate of compensation, including
7 allowances, the Treasury Financial Attaché
8 would otherwise have received, absent the appli-
9 cation of this subsection.

10 “(2) PHASE IN.—The compensation described
11 in paragraph (1) shall be phased in over 2 years.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 3 of title 31, United States Code, is amended
14 by inserting after the item relating to section 315 the fol-
15 lowing:

“316. Treasury Attaché Program.”.

16 **SEC. 6107. ESTABLISHMENT OF FINCEN DOMESTIC LIAI-**
17 **SONS.**

18 Section 310 of title 31, United States Code, as
19 amended by sections 6103 and 6105 of this division, is
20 amended by inserting after subsection (e) the following:

21 “(f) FINCEN DOMESTIC LIAISONS.—

22 “(1) ESTABLISHMENT OF OFFICE.—There is
23 established in FinCEN an Office of Domestic Liai-
24 son, which shall be headed by the Chief Domestic
25 Liaison.

1 “(2) LOCATION.—The Office of the Domestic
2 Liaison shall be located in the District of Columbia.

3 “(g) CHIEF DOMESTIC LIAISON.—

4 “(1) IN GENERAL.—The Chief Domestic Liai-
5 son, shall—

6 “(A) report directly to the Director; and

7 “(B) be appointed by the Director, from
8 among individuals with experience or familiarity
9 with anti-money laundering program examina-
10 tions, supervision, and enforcement.

11 “(2) COMPENSATION.—The annual rate of pay
12 for the Chief Domestic Liaison shall be equal to the
13 highest rate of annual pay for similarly situated sen-
14 ior executives who report to the Director.

15 “(3) STAFF OF OFFICE.—The Chief Domestic
16 Liaison, with the concurrence of the Director, may
17 retain or employ counsel, research staff, and service
18 staff, as the Liaison determines necessary to carry
19 out the functions, powers, and duties under this sub-
20 section.

21 “(4) DOMESTIC LIAISONS.—The Chief Domestic
22 Liaison, with the concurrence of the Director, shall
23 appoint not fewer than 6 senior FinCEN employees
24 as FinCEN Domestic Liaisons, who shall—

25 “(A) report to the Chief Domestic Liaison;

1 “(B) each be assigned to focus on a spe-
2 cific region of the United States; and

3 “(C) be located at an office in such region
4 or co-located at an office of the Board of Gov-
5 ernors of the Federal Reserve System in such
6 region.

7 “(5) FUNCTIONS OF THE DOMESTIC LIAI-
8 SONS.—

9 “(A) IN GENERAL.—Each Domestic Liai-
10 son shall—

11 “(i) in coordination with relevant Fed-
12 eral functional regulators, perform out-
13 reach to BSA officers at financial institu-
14 tions, including nonbank financial institu-
15 tions, and persons that are not financial
16 institutions, especially with respect to ac-
17 tions taken by FinCEN that require spe-
18 cific actions by, or have specific effects on,
19 such institutions or persons, as determined
20 by the Director;

21 “(ii) in accordance with applicable
22 agreements, receive feedback from finan-
23 cial institutions and examiners of Federal
24 functional regulators regarding their ex-
25 aminations under the Bank Secrecy Act

1 and communicate that feedback to
2 FinCEN, the Federal functional regu-
3 lators, and State bank supervisors;

4 “(iii) promote coordination and con-
5 sistency of supervisory guidance from
6 FinCEN, the Federal functional regu-
7 lators, State bank supervisors, and State
8 credit union supervisors regarding the
9 Bank Secrecy Act;

10 “(iv) act as a liaison between financial
11 institutions and their Federal functional
12 regulators, State bank supervisors, and
13 State credit union supervisors with respect
14 to information sharing matters involving
15 the Bank Secrecy Act and regulations pro-
16 mulgated thereunder;

17 “(v) establish safeguards to maintain
18 the confidentiality of communications be-
19 tween the persons described in clause (ii)
20 and the Office of Domestic Liaison;

21 “(vi) to the extent practicable, periodi-
22 cally propose to the Director changes in
23 the regulations, guidance, or orders of
24 FinCEN, including any legislative or ad-
25 ministrative changes that may be appro-

1 prate to ensure improved coordination and
2 expand information sharing under this
3 paragraph; and

4 “(vii) perform such other duties as
5 the Director determines to be appropriate.

6 “(B) RULE OF CONSTRUCTION.—Nothing
7 in this paragraph may be construed to permit
8 the Domestic Liaisons to have authority over
9 supervision, examination, or enforcement proc-
10 esses.

11 “(6) ACCESS TO DOCUMENTS.—FinCEN, to the
12 extent practicable and consistent with appropriate
13 safeguards for sensitive enforcement-related, pre-
14 decisional, or deliberative information, shall ensure
15 that the Domestic Liaisons have full access to the
16 documents of FinCEN, as necessary to carry out the
17 functions of the Office of Domestic Liaison.

18 “(7) ANNUAL REPORTS.—

19 “(A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this subsection
21 and every 2 years thereafter for 5 years, the
22 Director shall submit to the Committee on
23 Banking, Housing, and Urban Affairs of the
24 Senate and the Committee on Financial Serv-
25 ices of the House of Representatives a report on

1 the objectives of the Office of Domestic Liaison
2 for the following fiscal year and the activities of
3 the Office during the immediately preceding fis-
4 cal year.

5 “(B) CONTENTS.—Each report required
6 under subparagraph (A) shall include—

7 “(i) appropriate statistical information
8 and full and substantive analysis;

9 “(ii) information on steps that the Of-
10 fice of Domestic Liaison has taken during
11 the reporting period to address feedback
12 received by financial institutions and exam-
13 iners of Federal functional regulators re-
14 lating to examinations under the Bank Se-
15 crecy Act;

16 “(iii) recommendations to the Director
17 for such administrative and legislative ac-
18 tions as may be appropriate to address in-
19 formation sharing and coordination issues
20 encountered by financial institutions or ex-
21 aminers of Federal functional regulators;
22 and

23 “(iv) any other information, as deter-
24 mined appropriate by the Director.

1 “(C) SENSITIVE INFORMATION.—Notwith-
2 standing subparagraph (D), FinCEN shall re-
3 view each report required under subparagraph
4 (A) before the report is submitted to ensure the
5 report does not disclose sensitive information.

6 “(D) INDEPENDENCE.—

7 “(i) IN GENERAL.—Each report re-
8 quired under subparagraph (A) shall be
9 provided directly to the committees listed
10 in that subparagraph, except that a rel-
11 evant Federal functional regulator, State
12 bank supervisor, Office of Management
13 and Budget, or State credit union super-
14 visor shall have an opportunity for review
15 and comment before the submission of the
16 report.

17 “(ii) RULE OF CONSTRUCTION.—
18 Nothing in clause (i) may be construed to
19 preclude FinCEN or any other department
20 or agency from reviewing a report required
21 under subparagraph (A) for the sole pur-
22 pose of protecting—

23 “(I) sensitive information ob-
24 tained by a law enforcement agency;
25 and

1 “(II) classified information.

2 “(E) CLASSIFIED INFORMATION.—No re-
3 port required under subparagraph (A) may con-
4 tain classified information.

5 “(8) DEFINITION.—In this subsection, the term
6 ‘Federal functional regulator’ has the meaning given
7 the term in section 6003 of the Anti-Money Laun-
8 dering Act of 2020.”.

9 **SEC. 6108. FOREIGN FINANCIAL INTELLIGENCE UNIT LIAI-**
10 **SONS.**

11 Section 310 of title 31, United States Code, as
12 amended by sections 6103, 6105, and 6107 of this divi-
13 sion, is amended by inserting after subsection (g) the fol-
14 lowing:

15 “(h) FINCEN FOREIGN FINANCIAL INTELLIGENCE
16 UNIT LIAISONS.—

17 “(1) IN GENERAL.—The Director of FinCEN
18 shall appoint not fewer than 6 Foreign Financial In-
19 telligence Unit Liaisons, who shall—

20 “(A) be knowledgeable about domestic or
21 international anti-money laundering or coun-
22 tering the financing of terrorism laws and regu-
23 lations;

24 “(B) possess a technical understanding of
25 the Bank Secrecy Act, the protocols of the

1 Egmont Group of Financial Intelligence Units,
2 and the Financial Action Task Force and the
3 recommendations issued by that Task Force;

4 “(C) be co-located in a United States em-
5 bassy, a similar United States Government fa-
6 cility, or a foreign government facility, as ap-
7 propriate;

8 “(D) facilitate capacity building and per-
9 form outreach with respect to anti-money laun-
10 dering and countering the financing of ter-
11 rorism regulatory and analytical frameworks;

12 “(E) establish and maintain relationships
13 with officials from foreign intelligence units,
14 regulatory authorities, ministries of finance,
15 central banks, law enforcement agencies, and
16 other competent authorities;

17 “(F) participate in industry outreach en-
18 gagements with foreign financial institutions
19 and other commercial actors on anti-money
20 laundering and countering the financing of ter-
21 rorism issues;

22 “(G) coordinate with representatives of the
23 Department of Justice at United States Embas-
24 sies who perform similar functions on behalf of
25 the United States Government; and

1 “(H) perform such other duties as the Di-
2 rector determines to be appropriate.

3 “(2) COMPENSATION.—Each Foreign Financial
4 Intelligence Unit Liaison appointed under paragraph
5 (1) shall receive compensation at the higher of—

6 “(A) the rate of compensation paid to a
7 Foreign Service officer at a comparable career
8 level serving at the same embassy or facility, as
9 applicable; or

10 “(B) the rate of compensation that the Li-
11 aision would have otherwise received.”.

12 **SEC. 6109. PROTECTION OF INFORMATION EXCHANGED**
13 **WITH FOREIGN LAW ENFORCEMENT AND FI-**
14 **NANCIAL INTELLIGENCE UNITS.**

15 (a) IN GENERAL.—Section 310 of title 31, United
16 States Code, as amended by sections 6103, 6105, 6107,
17 and 6108 of this division, is amended by inserting after
18 subsection (h) the following:

19 “(i) PROTECTION OF INFORMATION OBTAINED BY
20 FOREIGN LAW ENFORCEMENT AND FINANCIAL INTEL-
21 LIGENCE UNITS; FREEDOM OF INFORMATION ACT.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) FOREIGN ANTI-MONEY LAUNDERING
24 AND COUNTERING THE FINANCING OF TER-
25 RORISM AUTHORITY.—The term ‘foreign anti-

1 money laundering and countering the financing
2 of terrorism authority’ means any foreign agen-
3 cy or authority that is empowered under foreign
4 law to regulate or supervise foreign financial in-
5 stitutions (or designated non-financial busi-
6 nesses and professions) with respect to laws
7 concerning anti-money laundering and coun-
8 tering the financing of terrorism and prolifera-
9 tion.

10 “(B) FOREIGN FINANCIAL INTELLIGENCE
11 UNIT.—The term ‘foreign financial intelligence
12 unit’ means any foreign agency or authority, in-
13 cluding a foreign financial intelligence unit that
14 is a member of the Egmont Group of Financial
15 Intelligence Units, that is empowered under for-
16 eign law as a jurisdiction’s national center
17 for—

18 “(i) receipt and analysis of suspicious
19 transaction reports and other information
20 relevant to money laundering, associated
21 predicate offenses, and the financing of
22 terrorism; and

23 “(ii) the dissemination of the results
24 of the analysis described in clause (i).

1 “(C) FOREIGN LAW ENFORCEMENT AU-
2 THORITY.—The term ‘foreign law enforcement
3 authority’ means any foreign agency or author-
4 ity that is empowered under foreign law to de-
5 tect, investigate, or prosecute potential viola-
6 tions of law.

7 “(2) INFORMATION EXCHANGED WITH FOREIGN
8 LAW ENFORCEMENT AUTHORITIES, FOREIGN FINAN-
9 CIAL INTELLIGENCE UNITS, AND FOREIGN ANTI-
10 MONEY LAUNDERING AND COUNTERING THE FI-
11 NANCING OF TERRORISM AUTHORITIES.—

12 “(A) IN GENERAL.—The Department of
13 the Treasury may not be compelled to search
14 for or disclose information exchanged with a
15 foreign law enforcement authority, foreign fi-
16 nancial intelligence unit, or foreign anti-money
17 laundering and countering the financing of ter-
18 rorism authority.

19 “(B) INAPPLICABILITY OF FREEDOM OF
20 INFORMATION ACT.—

21 “(i) IN GENERAL.—Section 552(a)(3)
22 of title 5 (commonly known as the ‘Free-
23 dom of Information Act’) shall not apply to
24 any request for records or information ex-
25 changed between the Department of the

1 Treasury and a foreign law enforcement
2 authority, foreign financial intelligence
3 unit, or foreign anti-money laundering and
4 countering the financing of terrorism au-
5 thority.

6 “(ii) SPECIFICALLY EXEMPTED BY
7 STATUTE.—For purposes of section 552 of
8 title 5, this paragraph shall be considered
9 a statute described in subsection (b)(3)(B)
10 of that section.

11 “(C) CLARIFICATION ON INFORMATION
12 LIMITATIONS AND PROTECTIONS.—

13 “(i) IN GENERAL.—The provisions of
14 this paragraph shall apply only to informa-
15 tion necessary to exercise the duties and
16 powers described under subsection (b).

17 “(ii) APPROPRIATE CONFIDENTIALITY,
18 CLASSIFICATION, AND DATA SECURITY RE-
19 QUIREMENTS.—The Secretary, in consulta-
20 tion with the Director, shall ensure that in-
21 formation provided to a foreign law en-
22 forcement authority, foreign financial intel-
23 ligence unit, or foreign anti-money laun-
24 dering and countering the financing of ter-
25 rorism authority, is subject to appropriate

1 confidentiality, classification, and data se-
2 curity requirements.

3 “(3) SAVINGS PROVISION.—Nothing in this sec-
4 tion shall authorize the Department of the Treasury
5 to withhold information from Congress, decline to
6 carry out a search for information requested by Con-
7 gress, or prevent the Department of the Treasury
8 from complying with an order of a court of the
9 United States in an action commenced by the United
10 States.”.

11 (b) AVAILABILITY OF REPORTS.—Section 5319 of
12 title 31, United States Code, is amended, in the fourth
13 sentence, by inserting “search and” before “disclosure”.

14 **SEC. 6110. BANK SECRECY ACT APPLICATION TO DEALERS**
15 **IN ANTIQUITIES AND ASSESSMENT OF BANK**
16 **SECRECY ACT APPLICATION TO DEALERS IN**
17 **ARTS.**

18 (a) BANK SECRECY ACT AMENDMENT.—

19 (1) IN GENERAL.—Section 5312(a)(2) of title
20 31, United States Code, is amended—

21 (A) by redesignating subparagraphs (Y)
22 and (Z) as subparagraphs (Z) and (AA), re-
23 spectively; and

24 (B) by inserting after subparagraph (X)
25 the following:

1 “(Y) a person engaged in the trade of an-
2 tiquities, including an advisor, consultant, or
3 any other person who engages as a business in
4 the solicitation or the sale of antiquities, subject
5 to regulations prescribed by the Secretary;”.

6 (2) EFFECTIVE DATE.—Section 5312(a)(2)(Y)
7 of title 31, United States Code, as added by para-
8 graph (1), shall take effect on the effective date of
9 the final rules issued by the Secretary of the Treas-
10 ury pursuant to subsection (b).

11 (b) RULEMAKING.—

12 (1) IN GENERAL.—Not later than 360 days
13 after the date of enactment of this Act, the Sec-
14 retary of the Treasury shall issue proposed rules to
15 carry out the amendments made by subsection (a).

16 (2) CONSIDERATIONS.—Before issuing a pro-
17 posed rule under paragraph (1), the Secretary of the
18 Treasury (acting through the Director of the
19 FinCEN), in coordination with the Federal Bureau
20 of Investigation, the Attorney General, and Home-
21 land Security Investigations, shall consider—

22 (A) the appropriate scope for the rule-
23 making, including determining which persons
24 should be subject to the rulemaking, by size,

1 type of business, domestic or international geo-
2 graphical locations, or otherwise;

3 (B) the degree to which the regulations
4 should focus on high-value trade in antiquities,
5 and on the need to identify the actual pur-
6 chasers of such antiquities, in addition to the
7 agents or intermediaries acting for or on behalf
8 of such purchasers;

9 (C) the need, if any, to identify persons
10 who are dealers, advisors, consultants, or any
11 other persons who engage as a business in the
12 trade in antiquities;

13 (D) whether thresholds should apply in de-
14 termining which persons to regulate;

15 (E) whether certain exemptions should
16 apply to the regulations; and

17 (F) any other matter the Secretary deter-
18 mines appropriate.

19 (c) STUDY OF THE FACILITATION OF MONEY LAUN-
20 DERING AND TERROR FINANCE THROUGH THE TRADE IN
21 WORKS OF ART.—The Secretary, in coordination with the
22 Director of the Federal Bureau of Investigation, the At-
23 torney General, and the Secretary of Homeland Security,
24 shall perform a study of the facilitation of money laun-

1 dering and the financing of terrorism through the trade
2 in works of art, including an analysis of—

3 (1) the extent to which the facilitation of money
4 laundering and terror finance through the trade in
5 works of art may enter or affect the financial system
6 of the United States, including any qualitative or
7 quantitative data or statistics;

8 (2) an evaluation of which markets, by size, en-
9 tity type, domestic or international geographical lo-
10 cations, or otherwise, should be subject to any regu-
11 lations;

12 (3) the degree to which the regulations, if any,
13 should focus on high-value trade in works of art, and
14 on the need to identify the actual purchasers of such
15 works, in addition to the agents or intermediaries
16 acting for or on behalf of such purchasers;

17 (4) the need, if any, to identify persons who are
18 dealers, advisors, consultants, or any other persons
19 who engage as a business in the trade in works of
20 art;

21 (5) whether thresholds and definitions should
22 apply in determining which entities, if any, to regu-
23 late;

24 (6) an evaluation of whether certain exemptions
25 should apply;

1 (7) whether information on certain transactions
2 in the trade in works of art has a high degree of
3 usefulness in criminal, tax, or regulatory matters;
4 and

5 (8) any other matter the Secretary determines
6 is appropriate.

7 (d) REPORT.—Not later than 360 days after the date
8 of enactment of this Act, the Secretary, in coordination
9 with the Director of the Federal Bureau of Investigation,
10 the Attorney General, and the Secretary of Homeland Se-
11 curity, shall submit to the Committee on Banking, Hous-
12 ing, and Urban Affairs of the Senate and the Committee
13 on Financial Services of the House of Representatives a
14 report that contains all findings and determinations made
15 in carrying out the study required under subsection (c).

16 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) The Comprehensive Iran Sanctions, Ac-
18 countability, and Divestment Act of 2010 (22 U.S.C.
19 8501 et seq.) is amended—

20 (A) in section 104(i)(1)(C) (22 U.S.C.
21 8513(i)(1)(C)), by striking “(Y)” and inserting
22 “(Z)”; and

23 (B) in section 104A(d)(1) (22 U.S.C.
24 8513b(d)(1)), by striking “(Y)” and inserting
25 “(Z)”.

1 (2) Section 2(4) of the Ukraine Freedom Sup-
2 port Act of 2014 (22 U.S.C. 8921(4)) is amended
3 by striking “(Y)” and inserting “(Z)”.

4 **SEC. 6111. INCREASING TECHNICAL ASSISTANCE FOR**
5 **INTERNATIONAL COOPERATION.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to the Secretary for the purpose de-
9 scribed in paragraph (2) \$60,000,000 for each of
10 fiscal years 2020 through 2024.

11 (2) PURPOSE DESCRIBED.—The purpose de-
12 scribed in this paragraph is the provision of tech-
13 nical assistance to foreign countries, and financial
14 institutions in foreign countries, that promotes com-
15 pliance with international standards and best prac-
16 tices, including in particular international standards
17 and best practices relating to the establishment of
18 effective anti-money laundering programs and pro-
19 grams for countering the financing of terrorism.

20 (3) SENSE OF CONGRESS.—It is the sense of
21 Congress that this subsection could affect a number
22 of Federal agencies and departments and the Sec-
23 retary should, as appropriate, consult with the heads
24 of those affected agencies and departments, includ-

1 ing the Attorney General, in providing the technical
2 assistance required under this subsection.

3 (b) REPORT ON TECHNICAL ASSISTANCE PROVIDED
4 BY OFFICE OF TECHNICAL ASSISTANCE.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, and every 2 years
7 thereafter for 5 years, the Secretary shall submit to
8 Congress a report on the assistance described in
9 subsection (a)(2) provided by the Office of Technical
10 Assistance of the Department of the Treasury.

11 (2) ELEMENTS.—Each report required under
12 paragraph (1) shall include—

13 (A) a description of the strategic goals of
14 the Office of Technical Assistance in the year
15 preceding submission of the report, including an
16 explanation of how technical assistance provided
17 by the Office in that year advanced those goals;

18 (B) a description of technical assistance
19 provided by the Office in that year, including
20 the objectives and delivery methods of the as-
21 sistance;

22 (C) a list of beneficiaries and providers
23 (other than Office staff) of the technical assist-
24 ance during that year; and

25 (D) a description of how—

- 1 (i) technical assistance provided by
2 the Office complements, duplicates, or oth-
3 erwise affects or is affected by technical
4 assistance provided by the international fi-
5 nancial institutions (as defined in section
6 1701(c) of the International Financial In-
7 stitutions Act (22 U.S.C. 262r(c))); and
8 (ii) efforts to coordinate the technical
9 assistance described in clause (i).

10 **SEC. 6112. INTERNATIONAL COORDINATION.**

11 (a) IN GENERAL.—The Secretary shall work with for-
12 eign counterparts of the Secretary, including through bi-
13 lateral contacts, the Financial Action Task Force, the
14 International Monetary Fund, the World Bank, the
15 Egmont Group of Financial Intelligence Units, the
16 Organisation for Economic Co-operation and Develop-
17 ment, the Basel Committee on Banking Supervision, and
18 the United Nations, to promote stronger anti-money laun-
19 dering frameworks and enforcement of anti-money laun-
20 dering laws.

21 (b) SUPPORT FOR STRENGTHENING THE CAPACITY
22 OF THE INTERNATIONAL MONETARY FUND TO PREVENT
23 MONEY LAUNDERING AND THE FINANCING OF TER-
24 RORISM.—Section 7125 of the Otto Warmbier North
25 Korea Nuclear Sanctions and Enforcement Act of 2019

1 (title LXXI of division F of Public Law 116–92; 133 Stat.
2 2249) is amended—

3 (1) in subsection (b), by striking “5” and in-
4 serting “6”; and

5 (2) in subsection (c), by striking “2023” and
6 inserting “2024”.

7 **TITLE LXII—MODERNIZING THE**
8 **ANTI-MONEY LAUNDERING**
9 **AND COUNTERING THE FI-**
10 **NANCING OF TERRORISM SYS-**
11 **TEM**

Sec. 6201. Annual reporting requirements.

Sec. 6202. Additional considerations for suspicious activity reporting require-
ments.

Sec. 6203. Law enforcement feedback on suspicious activity reports.

Sec. 6204. Streamlining requirements for currency transaction reports and sus-
picious activity reports.

Sec. 6205. Currency transaction reports and suspicious activity reports thresh-
olds review.

Sec. 6206. Sharing of threat pattern and trend information.

Sec. 6207. Subcommittee on Innovation and Technology.

Sec. 6208. Establishment of Bank Secrecy Act Innovation Officers.

Sec. 6209. Testing methods rulemaking.

Sec. 6210. Financial technology assessment.

Sec. 6211. Financial crimes tech symposium.

Sec. 6212. Pilot program on sharing of information related to suspicious activ-
ity reports within a financial group.

Sec. 6213. Sharing of compliance resources.

Sec. 6214. Encouraging information sharing and public-private partnerships.

Sec. 6215. Financial services de-risking.

Sec. 6216. Review of regulations and guidance.

12 **SEC. 6201. ANNUAL REPORTING REQUIREMENTS.**

13 (a) **ANNUAL REPORT.**—Not later than 1 year after
14 the date of enactment of this Act, and annually thereafter,
15 the Attorney General, in consultation with the Secretary,
16 Federal law enforcement agencies, the Director of Na-

1 tional Intelligence, Federal functional regulators, and the
2 heads of other appropriate Federal agencies, shall submit
3 to the Secretary a report that contains statistics, metrics,
4 and other information on the use of data derived from fi-
5 nancial institutions reporting under the Bank Secrecy Act
6 (referred to in this subsection as the “reported data”), in-
7 cluding—

8 (1) the frequency with which the reported data
9 contains actionable information that leads to—

10 (A) further procedures by law enforcement
11 agencies, including the use of a subpoena, war-
12 rant, or other legal process; or

13 (B) actions taken by intelligence, national
14 security, or homeland security agencies;

15 (2) calculations of the time between the date on
16 which the reported data is reported and the date on
17 which the reported data is used by law enforcement,
18 intelligence, national security, or homeland security
19 agencies, whether through the use of—

20 (A) a subpoena or warrant; or

21 (B) other legal process or action;

22 (3) an analysis of the transactions associated
23 with the reported data, including whether—

1 (A) the suspicious accounts that are the
2 subject of the reported data were held by legal
3 entities or individuals; and

4 (B) there are trends and patterns in cross-
5 border transactions to certain countries;

6 (4) the number of legal entities and individuals
7 identified by the reported data;

8 (5) information on the extent to which arrests,
9 indictments, convictions, criminal pleas, civil enforce-
10 ment or forfeiture actions, or actions by national se-
11 curity, intelligence, or homeland security agencies
12 were related to the use of the reported data; and

13 (6) data on the investigations carried out by
14 State and Federal authorities resulting from the re-
15 ported data.

16 (b) REPORT.—Beginning with the fifth report sub-
17 mitted under subsection (a), and once every 5 years there-
18 after, that report shall include a section describing the use
19 of data derived from reporting by financial institutions
20 under the Bank Secrecy Act over the 5 years preceding
21 the date on which the report is submitted, which shall in-
22 clude a description of long-term trends and the use of
23 long-term statistics, metrics, and other information.

24 (c) TRENDS, PATTERNS, AND THREATS.—Each re-
25 port required under subsection (a) and each section in-

1 cluded under subsection (b) shall contain a description of
2 retrospective trends and emerging patterns and threats in
3 money laundering and the financing of terrorism, includ-
4 ing national and regional trends, patterns, and threats rel-
5 evant to the classes of financial institutions that the Attor-
6 ney General determines appropriate.

7 (d) USE OF REPORT INFORMATION.—The Secretary
8 shall use the information reported under subsections (a),
9 (b), and (c)—

10 (1) to help assess the usefulness of reporting
11 under the Bank Secrecy Act to—

12 (A) criminal and civil law enforcement
13 agencies;

14 (B) intelligence, defense, and homeland se-
15 curity agencies; and

16 (C) Federal functional regulators;

17 (2) to enhance feedback and communications
18 with financial institutions and other entities subject
19 to requirements under the Bank Secrecy Act, includ-
20 ing by providing more detail in the reports published
21 and distributed under section 314(d) of the USA
22 PATRIOT Act (31 U.S.C. 5311 note);

23 (3) to assist FinCEN in considering revisions to
24 the reporting requirements promulgated under sec-

1 tion 314(d) of the USA PATRIOT Act (31 U.S.C.
2 5311 note); and

3 (4) for any other purpose the Secretary deter-
4 mines is appropriate.

5 (e) CONFIDENTIALITY.—Any information received by
6 a financial institution under this section shall be subject
7 to confidentiality requirements established by the Sec-
8 retary.

9 **SEC. 6202. ADDITIONAL CONSIDERATIONS FOR SUSPICIOUS**
10 **ACTIVITY REPORTING REQUIREMENTS.**

11 Section 5318(g) of title 31, United States Code, is
12 amended by adding at the end the following:

13 “(5) CONSIDERATIONS IN IMPOSING REPORTING
14 REQUIREMENTS.—

15 “(A) DEFINITIONS.—In this paragraph,
16 the terms ‘Bank Secrecy Act’, ‘Federal func-
17 tional regulator’, ‘State bank supervisor’, and
18 ‘State credit union supervisor’ have the mean-
19 ings given the terms in section 6003 of the
20 Anti-Money Laundering Act of 2020.

21 “(B) REQUIREMENTS.—In imposing any
22 requirement to report any suspicious trans-
23 action under this subsection, the Secretary of
24 the Treasury, in consultation with the Attorney
25 General, appropriate representatives of State

1 bank supervisors, State credit union super-
2 visors, and the Federal functional regulators,
3 shall consider items that include—

4 “(i) the national priorities established
5 by the Secretary;

6 “(ii) the purposes described in section
7 5311; and

8 “(iii) the means by or form in which
9 the Secretary shall receive such reporting,
10 including the burdens imposed by such
11 means or form of reporting on persons re-
12 quired to provide such reporting, the effi-
13 ciency of the means or form, and the bene-
14 fits derived by the means or form of re-
15 porting by Federal law enforcement agen-
16 cies and the intelligence community in
17 countering financial crime, including
18 money laundering and the financing of ter-
19 rorism.

20 “(C) COMPLIANCE PROGRAM.—Reports
21 filed under this subsection shall be guided by
22 the compliance program of a covered financial
23 institution with respect to the Bank Secrecy
24 Act, including the risk assessment processes of
25 the covered institution that should include a

1 consideration of priorities established by the
2 Secretary of the Treasury under section 5318.

3 “(D) STREAMLINED DATA AND REAL-TIME
4 REPORTING.—

5 “(i) REQUIREMENT TO ESTABLISH
6 SYSTEM.—In considering the means by or
7 form in which the Secretary of the Treas-
8 ury shall receive reporting pursuant to
9 subparagraph (B)(iii), the Secretary of the
10 Treasury, acting through the Director of
11 the Financial Crimes Enforcement Net-
12 work, and in consultation with appropriate
13 representatives of the State bank super-
14 visors, State credit union supervisors, and
15 Federal functional regulators, shall—

16 “(I) establish streamlined, includ-
17 ing automated, processes to, as appro-
18 priate, permit the filing of noncomplex
19 categories of reports that—

20 “(aa) reduce burdens im-
21 posed on persons required to re-
22 port; and

23 “(bb) do not diminish the
24 usefulness of the reporting to
25 Federal law enforcement agen-

1 cies, national security officials,
2 and the intelligence community
3 in combating financial crime, in-
4 cluding the financing of ter-
5 rorism;

6 “(II) subject to clause (ii)—

7 “(aa) permit streamlined,
8 including automated, reporting
9 for the categories described in
10 subclause (I); and

11 “(bb) establish the condi-
12 tions under which the reporting
13 described in item (aa) is per-
14 mitted; and

15 “(III) establish additional sys-
16 tems and processes as necessary to
17 allow for the reporting described in
18 subclause (II)(aa).

19 “(ii) STANDARDS.—The Secretary of
20 the Treasury—

21 “(I) in carrying out clause (i),
22 shall establish standards to ensure
23 that streamlined reports relate to sus-
24 picious transactions relevant to poten-

1 tial violations of law (including regula-
2 tions); and

3 “(II) in establishing the stand-
4 ards under subclause (I), shall con-
5 sider transactions, including struc-
6 tured transactions, designed to evade
7 any regulation promulgated under this
8 subchapter, certain fund and asset
9 transfers with little or no apparent
10 economic or business purpose, trans-
11 actions without lawful purposes, and
12 any other transaction that the Sec-
13 retary determines to be appropriate.

14 “(iii) RULE OF CONSTRUCTION.—
15 Nothing in this subparagraph may be con-
16 strued to preclude the Secretary of the
17 Treasury from—

18 “(I) requiring reporting as pro-
19 vided for in subparagraphs (B) and
20 (C); or

21 “(II) notifying Federal law en-
22 forcement with respect to any trans-
23 action that the Secretary has deter-
24 mined implicates a national priority
25 established by the Secretary.”.

1 **SEC. 6203. LAW ENFORCEMENT FEEDBACK ON SUSPICIOUS**
2 **ACTIVITY REPORTS.**

3 (a) FEEDBACK.—

4 (1) IN GENERAL.—FinCEN shall, to the extent
5 practicable, periodically solicit feedback from individ-
6 uals designated under section 5318(h)(1)(B) of title
7 31, United States Code, by a variety of financial in-
8 stitutions representing a cross-section of the report-
9 ing industry to review the suspicious activity reports
10 filed by those financial institutions and discuss
11 trends in suspicious activity observed by FinCEN.

12 (2) COORDINATION WITH FEDERAL FUNC-
13 TIONAL REGULATORS AND STATE BANK SUPER-
14 VISORS AND STATE CREDIT UNION SUPERVISORS.—

15 FinCEN shall provide any feedback solicited under
16 paragraph (1) to the appropriate Federal functional
17 regulator, State bank supervisor, or State credit
18 union supervisor during the regularly scheduled ex-
19 amination of the applicable financial institution by
20 the Federal functional regulator, State bank super-
21 visor, or State credit union supervisor, as applicable.

22 (b) DISCLOSURE REQUIRED.—

23 (1) IN GENERAL.—

24 (A) PERIODIC DISCLOSURE.—Except as
25 provided in paragraph (2), FinCEN shall, to
26 the extent practicable, periodically disclose to

1 each financial institution, in summary form, in-
2 formation on suspicious activity reports filed
3 that proved useful to Federal or State criminal
4 or civil law enforcement agencies during the pe-
5 riod since the most recent disclosure under this
6 paragraph to the financial institution.

7 (B) RULE OF CONSTRUCTION.—Nothing in
8 this paragraph may be construed to require the
9 public disclosure of any information filed with
10 the Department of the Treasury under the
11 Bank Secrecy Act.

12 (2) EXCEPTION FOR ONGOING OR CLOSED IN-
13 VESTIGATIONS AND TO PROTECT NATIONAL SECU-
14 RITY.—FinCEN shall not be required to disclose to
15 a financial institution any information under para-
16 graph (1) that relates to an ongoing or closed inves-
17 tigation or implicates the national security of the
18 United States.

19 (3) MAINTENANCE OF STATISTICS.—With re-
20 spect to the actions described in paragraph (1),
21 FinCEN shall keep records of all such actions taken
22 to assist with the production of the reports described
23 in paragraph (5) of section 5318(g) of title 31,
24 United States Code, as added by section 6202 of
25 this division, and for other purposes.

1 (4) COORDINATION WITH DEPARTMENT OF JUS-
2 TICE.—The information disclosed by FinCEN under
3 this subsection shall include information from the
4 Department of Justice regarding—

5 (A) the review and use by the Department
6 of suspicious activity reports filed by the appli-
7 cable financial institution during the period
8 since the most recent disclosure under this sub-
9 section; and

10 (B) any trends in suspicious activity ob-
11 served by the Department.

12 **SEC. 6204. STREAMLINING REQUIREMENTS FOR CURRENCY**
13 **TRANSACTION REPORTS AND SUSPICIOUS**
14 **ACTIVITY REPORTS.**

15 (a) REVIEW.—The Secretary, in consultation with the
16 Attorney General, Federal law enforcement agencies, the
17 Secretary of Homeland Security, the Federal functional
18 regulators, State bank supervisors, State credit union su-
19 pervisors, and other relevant stakeholders, shall undertake
20 a formal review of the financial institution reporting re-
21 quirements relating to currency transaction reports and
22 suspicious activity reports, as in effect on the date of en-
23 actment of this Act, including the processes used to sub-
24 mit reports under the Bank Secrecy Act, regulations im-
25 plementing the Bank Secrecy Act, and related guidance,

1 and propose changes to those reports to reduce any unnec-
2 essarily burdensome regulatory requirements and ensure
3 that the information provided fulfills the purposes de-
4 scribed in section 5311 of title 31, United States Code,
5 as amended by section 6101(a) of this division.

6 (b) CONTENTS.—The review required under sub-
7 section (a) shall—

8 (1) rely substantially on information obtained
9 through the BSA Data Value Analysis Project con-
10 ducted by FinCEN; and

11 (2) include a review of—

12 (A) whether the circumstances under
13 which a financial institution determines whether
14 to file a continuing suspicious activity report,
15 including insider abuse, or the processes fol-
16 lowed by a financial institution in determining
17 whether to file a continuing suspicious activity
18 report, or both, should be streamlined or other-
19 wise adjusted;

20 (B) whether different thresholds should
21 apply to different categories of activities;

22 (C) the fields designated as critical on the
23 suspicious activity report form, the fields on the
24 currency transaction report form, and whether

1 the number or nature of the fields on those
2 forms should be adjusted;

3 (D) the categories, types, and characteris-
4 tics of suspicious activity reports and currency
5 transaction reports that are of the greatest
6 value to, and that best support, investigative
7 priorities of law enforcement and national secu-
8 rity agencies;

9 (E) the increased use or expansion of ex-
10 emption provisions to reduce currency trans-
11 action reports that may be of little or no value
12 to the efforts of law enforcement agencies;

13 (F) the most appropriate ways to promote
14 financial inclusion and address the adverse con-
15 sequences of financial institutions de-risking en-
16 tire categories of relationships, including char-
17 ities, embassy accounts, and money service
18 businesses (as defined in section 1010.100(ff)
19 of title 31, Code of Federal Regulations), and
20 certain groups of correspondent banks without
21 conducting a proper assessment of the specific
22 risk of each individual member of these popu-
23 lations;

24 (G) the current financial institution report-
25 ing requirements under the Bank Secrecy Act

1 and regulations and guidance implementing the
2 Bank Secrecy Act;

3 (H) whether the process for the electronic
4 submission of reports could be improved for
5 both financial institutions and law enforcement
6 agencies, including by allowing greater integra-
7 tion between financial institution systems and
8 the electronic filing system to allow for auto-
9 matic population of report fields and the auto-
10 matic submission of transaction data for sus-
11 picious transactions, without bypassing the obli-
12 gation of each reporting financial institution to
13 assess the specific risk of the transactions re-
14 ported;

15 (I) the appropriate manner in which to en-
16 sure the security and confidentiality of personal
17 information;

18 (J) how to improve the cross-referencing of
19 individuals or entities operating at multiple fi-
20 nancial institutions and across international
21 borders;

22 (K) whether there are ways to improve
23 currency transaction report aggregation for en-
24 tities with common ownership;

1 (L) whether financial institutions should
2 be permitted to streamline or otherwise adjust,
3 with respect to particular types of customers or
4 transactions, the process for determining
5 whether activity is suspicious or the information
6 included in the narrative of a suspicious activity
7 report; and

8 (M) any other matter the Secretary deter-
9 mines is appropriate.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Secretary, in consultation
12 with the Attorney General, Federal law enforcement agen-
13 cies, the Director of National Intelligence, the Secretary
14 of Homeland Security, and the Federal functional regu-
15 lators, shall—

16 (1) submit to Congress a report that contains
17 all findings and determinations made in carrying out
18 the review required under subsection (a); and

19 (2) propose rulemakings, as appropriate, to im-
20 plement the findings and determinations described in
21 paragraph (1).

1 **SEC. 6205. CURRENCY TRANSACTION REPORTS AND SUS-**
2 **PICIOUS ACTIVITY REPORTS THRESHOLDS**
3 **REVIEW.**

4 (a) REVIEW OF THRESHOLDS FOR CERTAIN CUR-
5 RENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIV-
6 ITY REPORTS.—The Secretary, in consultation with the
7 Attorney General, the Director of National Intelligence,
8 the Secretary of Homeland Security, the Federal func-
9 tional regulators, State bank supervisors, State credit
10 union supervisors, and other relevant stakeholders, shall
11 review and determine whether the dollar thresholds, in-
12 cluding aggregate thresholds, under sections 5313,
13 5318(g), and 5331 of title 31, United States Code, includ-
14 ing regulations issued under those sections, should be ad-
15 justed.

16 (b) CONSIDERATIONS.—In making the determina-
17 tions required under subsection (a), the Secretary, in con-
18 sultation with the Attorney General, the Director of Na-
19 tional Intelligence, the Secretary of Homeland Security,
20 the Federal functional regulators, State bank supervisors,
21 State credit union supervisors, and other relevant stake-
22 holders, shall—

23 (1) rely substantially on information obtained
24 through the BSA Data Value Analysis Project con-
25 ducted by FinCEN and on information obtained
26 through the Currency Transaction Report analyses

1 conducted by the Comptroller General of the United
2 States; and

3 (2) consider—

4 (A) the effects that adjusting the thresh-
5 olds would have on law enforcement, intel-
6 ligence, national security, and homeland secu-
7 rity agencies;

8 (B) the costs likely to be incurred or saved
9 by financial institutions from any adjustment to
10 the thresholds;

11 (C) whether adjusting the thresholds would
12 better conform the United States with inter-
13 national norms and standards to counter money
14 laundering and the financing of terrorism;

15 (D) whether currency transaction report
16 thresholds should be tied to inflation or other-
17 wise be adjusted based on other factors con-
18 sistent with the purposes of the Bank Secrecy
19 Act;

20 (E) any other matter that the Secretary
21 determines is appropriate.

22 (c) REPORT AND RULEMAKINGS.—Not later than 1
23 year after the date of enactment of this Act, the Secretary,
24 in consultation with the Attorney General, the Director
25 of National Intelligence, the Secretary of Homeland Secu-

1 rity, the Federal functional regulators, State bank super-
2 visors, State credit union supervisors, and other relevant
3 stakeholders, shall—

4 (1) publish a report of the findings from the re-
5 view required under subsection (a); and

6 (2) propose rulemakings, as appropriate, to im-
7 plement the findings and determinations described in
8 paragraph (1).

9 (d) UPDATES.—Not less frequently than once every
10 5 years during the 10-year period beginning on the date
11 of enactment of this Act, the Secretary shall—

12 (1) evaluate findings and rulemakings described
13 in subsection (c); and

14 (2) transmit a written summary of the evalua-
15 tion to the Committee on Financial Services of the
16 House of Representatives and the Committee on
17 Banking, Housing, and Urban Affairs of the Senate;
18 and

19 (3) propose rulemakings, as appropriate, in re-
20 sponse to the evaluation required under paragraph
21 (1).

1 **SEC. 6206. SHARING OF THREAT PATTERN AND TREND IN-**
2 **FORMATION.**

3 Section 5318(g) of title 31, United States Code, as
4 amended by section 6202 of this division, is amended by
5 adding at the end the following:

6 “(6) SHARING OF THREAT PATTERN AND
7 TREND INFORMATION.—

8 “(A) DEFINITIONS.—In this paragraph—

9 “(i) the terms ‘Bank Secrecy Act’ and
10 ‘Federal functional regulator’ have the
11 meanings given the terms in section 6003
12 of the Anti-Money Laundering Act of
13 2020; and

14 “(ii) the term ‘typology’ means a tech-
15 nique to launder money or finance ter-
16 rorism.

17 “(B) SUSPICIOUS ACTIVITY REPORT ACTIV-
18 ITY REVIEW.—Not less frequently than semi-
19 annually, the Director of the Financial Crimes
20 Enforcement Network shall publish threat pat-
21 tern and trend information to provide meaning-
22 ful information about the preparation, use, and
23 value of reports filed under this subsection by
24 financial institutions, as well as other reports
25 filed by financial institutions under the Bank
26 Secrecy Act.

1 “(C) INCLUSION OF TYPOLOGIES.—In each
2 publication published under subparagraph (B),
3 the Director shall provide financial institutions
4 and the Federal functional regulators with
5 typologies, including data that can be adapted
6 in algorithms if appropriate, relating to emerg-
7 ing money laundering and terrorist financing
8 threat patterns and trends.

9 “(7) RULES OF CONSTRUCTION.—Nothing in
10 this subsection may be construed as precluding the
11 Secretary of the Treasury from—

12 “(A) requiring reporting as provided under
13 subparagraphs (A) and (B) of paragraph (6);
14 or

15 “(B) notifying a Federal law enforcement
16 agency with respect to any transaction that the
17 Secretary has determined directly implicates a
18 national priority established by the Secretary.”.

19 **SEC. 6207. SUBCOMMITTEE ON INNOVATION AND TECH-**
20 **NOLOGY.**

21 Section 1564 of the Annunzio-Wylie Anti-Money
22 Laundrying Act (31 U.S.C. 5311 note) is amended by
23 adding at the end the following:

24 “(d) SUBCOMMITTEE ON INNOVATION AND TECH-
25 NOLOGY.—

1 “(1) DEFINITIONS.—In this subsection, the
2 terms ‘Bank Secrecy Act’, ‘State bank supervisor’,
3 and ‘State credit union supervisor’ have the mean-
4 ings given the terms in section 6003 of the Anti-
5 Money Laundering Act of 2020.

6 “(2) ESTABLISHMENT.—There shall be within
7 the Bank Secrecy Act Advisory Group a sub-
8 committee to be known as the ‘Subcommittee on In-
9 novation and Technology’ to—

10 “(A) advise the Secretary of the Treasury
11 regarding means by which the Department of
12 the Treasury, FinCEN, the Federal functional
13 regulators, State bank supervisors, and State
14 credit union supervisors, as appropriate, can
15 most effectively encourage and support techno-
16 logical innovation in the area of anti-money
17 laundering and countering the financing of ter-
18 rorism and proliferation; and

19 “(B) reduce, to the extent practicable, ob-
20 stacles to innovation that may arise from exist-
21 ing regulations, guidance, and examination
22 practices related to compliance of financial in-
23 stitutions with the Bank Secrecy Act.

24 “(3) MEMBERSHIP.—

1 “(A) IN GENERAL.—The subcommittee es-
2 tablished under paragraph (1) shall consist of
3 the representatives of the heads of the Federal
4 functional regulators, including, as appropriate,
5 the Bank Secrecy Act Innovation Officers as es-
6 tablished in section 6208 of the Anti-Money
7 Laundering Act of 2020, a representative of
8 State bank supervisors, a representative of
9 State credit union supervisors, representatives
10 of a cross-section of financial institutions sub-
11 ject to the Bank Secrecy Act, law enforcement,
12 FinCEN, and any other representative as deter-
13 mined by the Secretary of the Treasury.

14 “(B) REQUIREMENTS.—Each agency rep-
15 resentative described in subparagraph (A) shall
16 be an individual who has demonstrated knowl-
17 edge and competence concerning the application
18 of the Bank Secrecy Act.

19 “(4) SUNSET.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Subcommittee on Inno-
22 vation and Technology shall terminate on the
23 date that is 5 years after the date of enactment
24 of this subsection.

1 “(B) EXCEPTION.—The Secretary of the
2 Treasury may renew the Subcommittee on In-
3 novation for 1-year periods beginning on the
4 date that is 5 years after the date of enactment
5 of this subsection.”.

6 **SEC. 6208. ESTABLISHMENT OF BANK SECRECY ACT INNO-**
7 **VATION OFFICERS.**

8 (a) APPOINTMENT OF OFFICERS.—Not later than 1
9 year after the effective date of the regulations promul-
10 gated under subsection (d) of section 310 of title 31,
11 United States Code, as added by section 6103 of this divi-
12 sion, an Innovation Officer shall be appointed within
13 FinCEN and each Federal functional regulator.

14 (b) INNOVATION OFFICER.—The Innovation Officer
15 shall be appointed by, and report to, the Director of
16 FinCEN or the head of the Federal functional regulator,
17 as applicable.

18 (c) DUTIES.—Each Innovation Officer, in coordina-
19 tion with other Innovation Officers and the agencies of
20 the Innovation Officers, shall—

21 (1) provide outreach to law enforcement agen-
22 cies, State bank supervisors, financial institutions
23 and associations of financial institutions, agents of
24 financial institutions, and other persons (including
25 service providers, vendors and technology companies)

1 with respect to innovative methods, processes, and
2 new technologies that may assist in compliance with
3 the requirements of the Bank Secrecy Act;

4 (2) provide technical assistance or guidance re-
5 lating to the implementation of responsible innova-
6 tion and new technology by financial institutions and
7 associations of financial institutions, agents of finan-
8 cial institutions, and other persons (including service
9 providers, vendors and technology companies), in a
10 manner that complies with the requirements of the
11 Bank Secrecy Act;

12 (3) if appropriate, explore opportunities for
13 public-private partnerships; and

14 (4) if appropriate, develop metrics of success.

15 **SEC. 6209. TESTING METHODS RULEMAKING.**

16 (a) IN GENERAL.—Section 5318 of title 31, United
17 States Code is amended by adding at the end the fol-
18 lowing:

19 “(o) TESTING.—

20 “(1) IN GENERAL.—The Secretary of the
21 Treasury, in consultation with the head of each
22 agency to which the Secretary has delegated duties
23 or powers under subsection (a), shall issue a rule to
24 specify with respect to technology and related tech-
25 nology internal processes designed to facilitate com-

1 pliance with the requirements under this subchapter,
2 the standards by which financial institutions are to
3 test the technology and related technology internal
4 processes.

5 “(2) STANDARDS.—The standards described in
6 paragraph (1) may include—

7 “(A) an emphasis on using innovative ap-
8 proaches such as machine learning or other en-
9 hanced data analytics processes;

10 “(B) risk-based testing, oversight, and
11 other risk management approaches of the re-
12 gime, prior to and after implementation, to fa-
13 cilitate calibration of relevant systems and pru-
14 dently evaluate and monitor the effectiveness of
15 their implementation;

16 “(C) specific criteria for when and how
17 risk-based testing against existing processes
18 should be considered to test and validate the ef-
19 fectiveness of relevant systems and situations
20 and standards for when other risk management
21 processes, including those developed by or
22 through third party risk and compliance man-
23 agement systems, and oversight may be more
24 appropriate;

1 “(D) specific standards for a risk govern-
2 ance framework for financial institutions to pro-
3 vide oversight and to prudently evaluate and
4 monitor systems and testing processes both pre-
5 and post-implementation;

6 “(E) requirements for appropriate data
7 privacy and information security; and

8 “(F) a requirement that the system con-
9 figurations, including any applicable algorithms
10 and any validation of those configurations used
11 by the regime be disclosed to the Financial
12 Crimes Enforcement Network and the appro-
13 priate Federal functional regulator upon re-
14 quest.

15 “(3) CONFIDENTIALITY OF ALGORITHMS.—

16 “(A) IN GENERAL.—If a financial institu-
17 tion or any director, officer, employee, or agent
18 of any financial institution, voluntarily or pur-
19 suant to this subsection or any other authority,
20 discloses the algorithms of the financial institu-
21 tion to a government agency, the algorithms
22 and any materials associated with the creation
23 or adaption of such algorithms shall be consid-
24 ered confidential and not subject to public dis-
25 closure.

1 “(B) FREEDOM OF INFORMATION ACT.—

2 Section 552(a)(3) of title 5 (commonly known
3 as the ‘Freedom of Information Act’) shall not
4 apply to any request for algorithms described in
5 subparagraph (A) and any materials associated
6 with the creation or adaptation of the algo-
7 rithms.

8 “(4) DEFINITION.—In this subsection, the term
9 ‘Federal functional regulator’ means—

10 “(A) the Board of Governors of the Fed-
11 eral Reserve System;

12 “(B) the Office of the Comptroller of the
13 Currency;

14 “(C) the Federal Deposit Insurance Cor-
15 poration;

16 “(D) the National Credit Union Adminis-
17 tration;

18 “(E) the Securities and Exchange Commis-
19 sion; and

20 “(F) the Commodity Futures Trading
21 Commission.”.

22 (b) UPDATE OF MANUAL.—The Financial Institu-
23 tions Examination Council shall ensure that any manual
24 prepared by the Council is—

1 (1) updated to reflect the rulemaking required
2 by subsection (o) section 5318 of title 31, United
3 States Code, as added by subsection (a) of this sec-
4 tion; and

5 (2) consistent with relevant FinCEN and Fed-
6 eral functional regulator guidance, including the De-
7 cember 2018 Joint Statement on Innovative Efforts
8 to Combat Money Laundering and Terrorist Financ-
9 ing.

10 **SEC. 6210. FINANCIAL TECHNOLOGY ASSESSMENT.**

11 (a) IN GENERAL.—The Secretary, in consultation
12 with financial regulators, technology experts, national se-
13 curity experts, law enforcement, and any other group the
14 Secretary determines is appropriate, shall analyze the im-
15 pact of financial technology on financial crimes compli-
16 ance, including with respect to money laundering, the fi-
17 nancing of terrorism, proliferation finance, serious tax
18 fraud, trafficking, sanctions evasion, and other illicit fi-
19 nance.

20 (b) COORDINATION.—In carrying out the duties re-
21 quired under this section, the Secretary shall consult with
22 relevant agency officials and consider other interagency ef-
23 forts and data relating to examining the impact of finan-
24 cial technology, including activities conducted by—

1 (1) cyber security working groups at the De-
2 partment of the Treasury;

3 (2) cyber security experts identified by the At-
4 torney General and the Secretary of Homeland Se-
5 curity;

6 (3) the intelligence community; and

7 (4) the Financial Stability Oversight Council.

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall submit to
10 the Committee on Banking, Housing, and Urban Affairs
11 and the Committee on Foreign Relations of the Senate
12 and the Committee on Financial Services and the Com-
13 mittee on Foreign Affairs of the House of Representatives
14 a report containing any findings under subsection (a), in-
15 cluding legislative and administrative recommendations.

16 **SEC. 6211. FINANCIAL CRIMES TECH SYMPOSIUM.**

17 (a) PURPOSE.—The purposes of this section are to—

18 (1) promote greater international collaboration
19 in the effort to prevent and detect financial crimes
20 and suspicious activities; and

21 (2) facilitate the investigation, development,
22 and timely adoption of new technologies aimed at
23 preventing and detecting financial crimes and other
24 illicit activities.

1 (b) PERIODIC MEETINGS.—The Secretary shall, in
2 coordination with the Subcommittee on Innovation and
3 Technology established under subsection (d) of section
4 1564 of the Annunzio-Wylie Anti-Money Laundering Act,
5 as added by section 6207 of this division, periodically con-
6 vene a global anti-money laundering and financial crime
7 symposium focused on how new technology can be used
8 to more effectively combat financial crimes and other illicit
9 activities.

10 (c) ATTENDEES.—Attendees at each symposium con-
11 vened under this section shall include domestic and inter-
12 national financial regulators, senior executives from regu-
13 lated firms, technology providers, representatives from law
14 enforcement and national security agencies, academic and
15 other experts, and other individuals that the Secretary de-
16 termines are appropriate.

17 (d) PANELS.—At each symposium convened under
18 this section, the Secretary shall convene panels in order
19 to review new technologies and permit attendees to dem-
20 onstrate proof of concept.

21 (e) IMPLEMENTATION AND REPORTS.—The Sec-
22 retary shall, to the extent practicable and necessary, work
23 to provide policy clarity, which may include providing re-
24 ports or guidance to stakeholders, regarding innovative
25 technologies and practices presented at each symposium

1 convened under this section, to the extent that those tech-
2 nologies and practices further the purposes of this section.

3 (f) FINCEN BRIEFING.—Not later than 90 days
4 after the date of enactment of this Act, the Director of
5 FinCEN shall brief the Committee on Banking, Housing,
6 and Urban Affairs of the Senate and the Committee on
7 Financial Services of the House of Representatives on the
8 use of emerging technologies, including—

9 (1) the status of implementation and internal
10 use of emerging technologies, including artificial in-
11 telligence, digital identity technologies, distributed
12 ledger technologies, and other innovative tech-
13 nologies within FinCEN;

14 (2) whether artificial intelligence, digital iden-
15 tity technologies, distributed ledger technologies, and
16 other innovative technologies can be further lever-
17 aged to make data analysis by FinCEN more effi-
18 cient and effective;

19 (3) whether FinCEN could better use artificial
20 intelligence, digital identity technologies, distributed
21 ledger technologies, and other innovative tech-
22 nologies to—

23 (A) more actively analyze and disseminate
24 the information FinCEN collects and stores to
25 provide investigative leads to Federal, State,

1 Tribal, and local law enforcement agencies and
2 other Federal agencies; and

3 (B) better support ongoing investigations
4 by FinCEN when referring a case to the agen-
5 cies described in subparagraph (A);

6 (4) with respect to each of paragraphs (1), (2),
7 and (3), any best practices or significant concerns
8 identified by the Director, and their applicability to
9 artificial intelligence, digital identity technologies,
10 distributed ledger technologies, and other innovative
11 technologies with respect to United States efforts to
12 combat money laundering and other forms of illicit
13 finance;

14 (5) any policy recommendations that could fa-
15 cilitate and improve communication and coordination
16 between the private sector, FinCEN, and the agen-
17 cies described in paragraph (3) through the imple-
18 mentation of innovative approaches to meet the obli-
19 gations of the agencies under the Bank Secrecy Act
20 and anti-money laundering compliance; and

21 (6) any other matter the Director determines is
22 appropriate.

1 **SEC. 6212. PILOT PROGRAM ON SHARING OF INFORMATION**
2 **RELATED TO SUSPICIOUS ACTIVITY REPORTS**
3 **WITHIN A FINANCIAL GROUP.**

4 (a) SHARING WITH FOREIGN BRANCHES AND AF-
5 FILIALTES.—Section 5318(g) of title 31, United States
6 Code, as amended by sections 6202 and 6206 of this divi-
7 sion, is amended by adding at the end the following:

8 “(8) PILOT PROGRAM ON SHARING WITH FOR-
9 EIGN BRANCHES, SUBSIDIARIES, AND AFFILIATES.—

10 “(A) IN GENERAL.—

11 “(i) ISSUANCE OF RULES.—Not later
12 than 1 year after the date of enactment of
13 this paragraph, the Secretary of the Treas-
14 ury shall issue rules, in coordination with
15 the Director of the Financial Crimes En-
16 forcement Network, establishing the pilot
17 program described in subparagraph (B).

18 “(ii) CONSIDERATIONS.—In issuing
19 the rules required under clause (i), the
20 Secretary shall ensure that the sharing of
21 information described in subparagraph
22 (B)—

23 “(I) is limited by the require-
24 ments of Federal and State law en-
25 forcement operations;

1 “(II) takes into account potential
2 concerns of the intelligence commu-
3 nity; and

4 “(III) is subject to appropriate
5 standards and requirements regarding
6 data security and the confidentiality
7 of personally identifiable information.

8 “(B) PILOT PROGRAM DESCRIBED.—The
9 pilot program described in this paragraph
10 shall—

11 “(i) permit a financial institution with
12 a reporting obligation under this sub-
13 section to share information related to re-
14 ports under this subsection, including that
15 such a report has been filed, with the insti-
16 tution’s foreign branches, subsidiaries, and
17 affiliates for the purpose of combating il-
18 licit finance risks, notwithstanding any
19 other provision of law except subparagraph
20 (A) or (C);

21 “(ii) permit the Secretary to consider,
22 implement, and enforce provisions that
23 would hold a foreign affiliate of a United
24 States financial institution liable for the

1 disclosure of information related to reports
2 under this section;

3 “(iii) terminate on the date that is 3
4 years after the date of enactment of this
5 paragraph, except that the Secretary of the
6 Treasury may extend the pilot program for
7 not more than 2 years upon submitting to
8 the Committee on Banking, Housing, and
9 Urban Affairs of the Senate and the Com-
10 mittee on Financial Services of the House
11 of Representatives a report that includes—

12 “(I) a certification that the ex-
13 tension is in the national interest of
14 the United States, with a detailed ex-
15 planation of the reasons that the ex-
16 tension is in the national interest of
17 the United States;

18 “(II) after appropriate consulta-
19 tion by the Secretary with partici-
20 pants in the pilot program, an evalua-
21 tion of the usefulness of the pilot pro-
22 gram, including a detailed analysis of
23 any illicit activity identified or pre-
24 vented as a result of the program; and

1 “(III) a detailed legislative pro-
2 posal providing for a long-term exten-
3 sion of activities under the pilot pro-
4 gram, measures to ensure data secu-
5 rity, and confidentiality of personally
6 identifiable information, including ex-
7 pected budgetary resources for those
8 activities, if the Secretary of the
9 Treasury determines that a long-term
10 extension is appropriate.

11 “(C) PROHIBITION INVOLVING CERTAIN
12 JURISDICTIONS.—

13 “(i) IN GENERAL.—In issuing the
14 rules required under subparagraph (A), the
15 Secretary of the Treasury may not permit
16 a financial institution to share information
17 on reports under this subsection with a
18 foreign branch, subsidiary, or affiliate lo-
19 cated in—

20 “(I) the People’s Republic of
21 China;

22 “(II) the Russian Federation; or

23 “(III) a jurisdiction that—

24 “(aa) is a state sponsor of
25 terrorism;

1 “(bb) is subject to sanctions
2 imposed by the Federal Govern-
3 ment; or

4 “(cc) the Secretary has de-
5 termined cannot reasonably pro-
6 tect the security and confiden-
7 tiality of such information.

8 “(ii) EXCEPTIONS.—The Secretary is
9 authorized to make exceptions, on a case-
10 by-case basis, for a financial institution lo-
11 cated in a jurisdiction listed in subclause
12 (I) or (II) of clause (i), if the Secretary no-
13 tifies the Committee on Banking, Housing,
14 and Urban Affairs of the Senate and the
15 Committee on Financial Services of the
16 House of Representatives that such an ex-
17 ception is in the national security interest
18 of the United States.

19 “(D) IMPLEMENTATION UPDATES.—Not
20 later than 360 days after the date on which
21 rules are issued under subparagraph (A), and
22 annually thereafter for 3 years, the Secretary of
23 the Treasury, or the designee of the Secretary,
24 shall brief the Committee on Banking, Housing,
25 and Urban Affairs of the Senate and the Com-

1 mittee on Financial Services of the House of
2 Representatives on—

3 “(i) the degree of any information
4 sharing permitted under the pilot program
5 and a description of criteria used by the
6 Secretary to evaluate the appropriateness
7 of the information sharing;

8 “(ii) the effectiveness of the pilot pro-
9 gram in identifying or preventing the viola-
10 tion of a United States law or regulation
11 and mechanisms that may improve that ef-
12 fectiveness; and

13 “(iii) any recommendations to amend
14 the design of the pilot program.

15 “(9) TREATMENT OF FOREIGN JURISDICTION-
16 ORIGINATED REPORTS.—Information related to a re-
17 port received by a financial institution from a for-
18 eign affiliate with respect to a suspicious transaction
19 relevant to a possible violation of law or regulation
20 shall be subject to the same confidentiality require-
21 ments provided under this subsection for a report of
22 a suspicious transaction described in paragraph (1).

23 “(10) NO OFFSHORING COMPLIANCE.—No fi-
24 nancial institution may establish or maintain any op-
25 eration located outside of the United States the pri-

1 mary purpose of which is to ensure compliance with
2 the Bank Secrecy Act as a result of the sharing
3 granted under this subsection.

4 “(11) DEFINITIONS.—In this subsection:

5 “(A) AFFILIATE.—The term ‘affiliate’
6 means an entity that controls, is controlled by,
7 or is under common control with another entity.

8 “(B) BANK SECRECY ACT; STATE BANK
9 SUPERVISOR; STATE CREDIT UNION SUPER-
10 VISOR.—The terms ‘Bank Secrecy Act’, ‘State
11 bank supervisor’, and ‘State credit union super-
12 visor’ have the meanings given the terms in sec-
13 tion 6003 of the Anti-Money Laundering Act of
14 2020.”.

15 (b) NOTIFICATION PROHIBITIONS.—Section
16 5318(g)(2)(A) of title 31, United States Code, is amend-
17 ed—

18 (1) in clause (i), by inserting “or otherwise re-
19 veal any information that would reveal that the
20 transaction has been reported,” after “transaction
21 has been reported”; and

22 (2) in clause (ii), by inserting “or otherwise re-
23 veal any information that would reveal that the
24 transaction has been reported,” after “transaction
25 has been reported,”.

1 **SEC. 6213. SHARING OF COMPLIANCE RESOURCES.**

2 (a) IN GENERAL.—Section 5318 of title 31, United
3 States Code, as amended by section 6209 of this division,
4 is amended by adding at the end the following:

5 “(p) SHARING OF COMPLIANCE RESOURCES.—

6 “(1) SHARING PERMITTED.—In order to more
7 efficiently comply with the requirements of this sub-
8 chapter, 2 or more financial institutions may enter
9 into collaborative arrangements, as described in the
10 statement entitled ‘Interagency Statement on Shar-
11 ing Bank Secrecy Act Resources’, published on Octo-
12 ber 3, 2018, by the Board of Governors of the Fed-
13 eral Reserve System, the Federal Deposit Insurance
14 Corporation, the Financial Crimes Enforcement Net-
15 work, the National Credit Union Administration,
16 and the Office of the Comptroller of the Currency.

17 “(2) OUTREACH.—The Secretary of the Treas-
18 ury and the appropriate supervising agencies shall
19 carry out an outreach program to provide financial
20 institutions with information, including best prac-
21 tices, with respect to the collaborative arrangements
22 described in paragraph (1).”.

23 (b) RULE OF CONSTRUCTION.—The amendment
24 made by subsection (a) may not be construed to require
25 financial institutions to share resources.

1 **SEC. 6214. ENCOURAGING INFORMATION SHARING AND**
2 **PUBLIC-PRIVATE PARTNERSHIPS.**

3 (a) IN GENERAL.—The Secretary shall convene a su-
4 pervisory team of relevant Federal agencies, private sector
5 experts in banking, national security, and law enforce-
6 ment, and other stakeholders to examine strategies to in-
7 crease cooperation between the public and private sectors
8 for purposes of countering illicit finance, including pro-
9 liferation finance and sanctions evasion.

10 (b) MEETINGS.—The supervisory team convened
11 under subsection (a) shall meet periodically to advise on
12 strategies to combat the risk relating to proliferation fi-
13 nancing.

14 (c) FEDERAL ADVISORY COMMITTEE ACT.—The
15 Federal Advisory Committee Act (5 U.S.C. App.) shall not
16 apply to the supervisory team convened under subsection
17 (a) or to the activities of the supervisory team.

18 **SEC. 6215. FINANCIAL SERVICES DE-RISKING.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) providing vital humanitarian and develop-
22 ment assistance and protecting the integrity of the
23 international financial system are complementary
24 goals;

25 (2) nonprofit organizations based in the United
26 States with international activities often face dif-

1 difficulties with financial access, most commonly the
2 inability to send funds internationally through trans-
3 parent, regulated financial channels;

4 (3) without access to timely and predictable
5 banking services, nonprofit organizations, including
6 international development organizations, cannot
7 carry out essential humanitarian activities critical to
8 the survival of those in affected communities;

9 (4) similar access issues are a concern for other
10 underserved individuals and entities such as those
11 sending remittances from the United States to their
12 families overseas and certain domestic and overseas
13 jurisdictions that have experienced curtailed access
14 to cross-border financial services due, in part, to de-
15 risking;

16 (5) the financial exclusion caused by de-risking
17 can ultimately drive money into less transparent,
18 shadow channels through the carrying of cash or use
19 of unlicensed or unregistered money service remit-
20 ters, thus reducing transparency and traceability,
21 which are critical for financial integrity, and can in-
22 crease the risk of money falling into the wrong
23 hands;

24 (6) effective measures are needed to stop the
25 flow of illicit funds and promote the goals of anti-

1 money laundering and countering the financing of
2 terrorism and sanctions regimes;

3 (7) anti-money laundering, countering the fi-
4 nancing of terrorism, and sanctions policies are
5 needed that do not unduly hinder or delay the ef-
6 forts of legitimate humanitarian organizations in
7 providing assistance to—

8 (A) meet the needs of civilians facing a hu-
9 manitarian crisis, including enabling govern-
10 ments and humanitarian organizations to pro-
11 vide them with timely access to food, health,
12 and medical care, shelter, and clean drinking
13 water; and

14 (B) prevent or alleviate human suffering,
15 in keeping with requirements of international
16 humanitarian law;

17 (8) anti-money laundering, countering the fi-
18 nancing of terrorism, and sanctions policies must en-
19 sure that the policies do not unduly hinder or delay
20 legitimate access to the international financial sys-
21 tem for underserved individuals, entities, and geo-
22 graphic areas;

23 (9) policies that ensure that incidental, inad-
24 vertent benefits that may indirectly benefit a des-
25 ignated group in the course of delivering life-saving

1 aid to civilian populations are not the primary focus
2 of Federal Government enforcement efforts;

3 (10) policies that encourage financial inclusion,
4 particularly of underserved populations, must remain
5 a priority; and

6 (11) laws, regulations, policies, guidance, and
7 other measures that ensure the integrity of the fi-
8 nancial system through a risk-based approach should
9 be prioritized.

10 (b) GAO DE-RISKING ANALYSIS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Comptroller
13 General of the United States shall conduct an anal-
14 ysis and submit to Congress a report on financial
15 services de-risking.

16 (2) CONTENTS.—The analysis required under
17 paragraph (1) shall—

18 (A) rely substantially on information ob-
19 tained through prior de-risking analyses con-
20 ducted by the Comptroller General of the
21 United States;

22 (B) consider the many drivers of de-risking
23 as identified by the Financial Action Task
24 Force, including profitability, reputational risk,
25 lower risk appetites of banks, regulatory bur-

1 dens and unclear expectations, and sanctions
2 regimes; and

3 (C) identify options for financial institu-
4 tions handling transactions or accounts for
5 high-risk categories of clients and for mini-
6 mizing the negative effects of anti-money laun-
7 dering and countering the financing of ter-
8 rorism requirements on such individuals and
9 entities and on certain high-risk geographic ju-
10 risdictions, without compromising the effective-
11 ness of Federal anti-money laundering and
12 countering the financing of terrorism require-
13 ments.

14 (c) REVIEW OF DE-RISKING.—

15 (1) DEFINITION.—In this subsection, the term
16 “de-risking” means actions taken by a financial in-
17 stitution to terminate, fail to initiate, or restrict a
18 business relationship with a customer, or a category
19 of customers, rather than manage the risk associ-
20 ated with that relationship consistent with risk-based
21 supervisory or regulatory requirements, due to driv-
22 ers such as profitability, reputational risk, lower risk
23 appetites of banks, regulatory burdens or unclear ex-
24 pectations, and sanctions regimes.

1 (2) REVIEW.—Upon completion of the analysis
2 required under subsection (b), the Secretary, in con-
3 sultation with the Federal functional regulators,
4 State bank supervisors, State credit union super-
5 visors, and appropriate public- and private-sector
6 stakeholders shall—

7 (A) undertake a formal review of the fi-
8 nancial institution reporting requirements, as in
9 effect on the date of enactment of this Act, in-
10 cluding the processes used to submit reports
11 under the Bank Secrecy Act, regulations imple-
12 menting the Bank Secrecy Act, examination
13 standards related to the Bank Secrecy Act, and
14 related guidance; and

15 (B) propose changes, as appropriate, to
16 those requirements and examination standards
17 described in paragraph (1) to reduce any un-
18 necessarily burdensome regulatory requirements
19 and ensure that the information provided ful-
20 fills the purpose described in section 5311 of
21 title 31, United States Code, as amended by
22 this division.

23 (3) CONTENTS.—The review required under
24 paragraph (2) shall—

1 (A) rely substantially on information ob-
2 tained through the de-risking analyses con-
3 ducted by the Comptroller General of the
4 United States; and

5 (B) consider—

6 (i) any adverse consequence of finan-
7 cial institutions de-risking entire categories
8 of relationships, including charities, em-
9 bassy accounts, money services businesses,
10 as defined in section 1010.100 of title 31,
11 Code of Federal Regulations, or a suc-
12 cessor regulation, agents of the financial
13 institutions, countries, international and
14 domestic regions, and respondent banks;

15 (ii) the reasons why financial institu-
16 tions are engaging in de-risking, including
17 the role of domestic and international reg-
18 ulations, standards, and examinations;

19 (iii) the association with and effects of
20 de-risking on money laundering and finan-
21 cial crime actors and activities;

22 (iv) the most appropriate ways to pro-
23 mote financial inclusion, particularly with
24 respect to developing countries, while
25 maintaining compliance with the Bank Se-

1 crecy Act, including an assessment of pol-
2 icy options to—

3 (I) more effectively tailor Federal
4 actions and penalties to the size of
5 foreign financial institutions and any
6 capacity limitations of foreign govern-
7 ments; and

8 (II) reduce compliance costs that
9 may lead to the adverse consequences
10 described in clause (i);

11 (v) formal and informal feedback pro-
12 vided by examiners that may have led to
13 de-risking;

14 (vi) the relationship between resources
15 dedicated to compliance and overall sophis-
16 tication of compliance efforts at entities
17 that may be experiencing de-risking, espe-
18 cially compared to those that have not ex-
19 perienced de-risking;

20 (vii) best practices from the private
21 sector that facilitate correspondent bank-
22 ing relationships; and

23 (viii) other matters that the Secretary
24 determines are appropriate.

1 (4) STRATEGY ON DE-RISKING.—Upon the com-
2 pletion of the review required under this subsection,
3 the Secretary of the Treasury, in consultation with
4 the Federal functional regulators, State bank super-
5 visors, State credit union supervisors, and appro-
6 priate public- and private-sector stakeholders, shall
7 develop a strategy to reduce de-risking and adverse
8 consequences related to de-risking.

9 (5) REPORT.—Not later than 1 year after the
10 completion of the analysis required under subsection
11 (b), the Secretary shall submit to the Committee on
12 Financial Services of the House of Representatives
13 and the Committee on Banking, Housing, and
14 Urban Affairs of the Senate a report containing—

15 (A) all findings and determinations made
16 in carrying out the review required under this
17 subsection; and

18 (B) the strategy developed under para-
19 graph (4).

20 **SEC. 6216. REVIEW OF REGULATIONS AND GUIDANCE.**

21 (a) IN GENERAL.—The Secretary, in consultation
22 with the Federal functional regulators, the Financial Insti-
23 tutions Examination Council, the Attorney General, Fed-
24 eral law enforcement agencies, the Director of National

1 Intelligence, the Secretary of Homeland Security, and the
2 Commissioner of Internal Revenue, shall—

3 (1) undertake a formal review of the regulations
4 implementing the Bank Secrecy Act and guidance
5 related to that Act—

6 (A) to ensure the Department of the
7 Treasury provides, on a continuing basis, for
8 appropriate safeguards to protect the financial
9 system from threats, including money laun-
10 dering and the financing of terrorism and pro-
11 liferation, to national security posed by various
12 forms of financial crime;

13 (B) to ensure that those provisions will
14 continue to require certain reports or records
15 that are highly useful in countering financial
16 crime; and

17 (C) to identify those regulations and guid-
18 ance that—

19 (i) may be outdated, redundant, or
20 otherwise do not promote a risk-based
21 anti-money laundering compliance and
22 countering the financing of terrorism re-
23 gime for financial institutions; or

24 (ii) do not conform with the commit-
25 ments of the United States to meet inter-

1 national standards to combat money laun-
2 dering, financing of terrorism, serious tax
3 fraud, or other financial crimes; and

4 (2) make appropriate changes to the regulations
5 and guidance described in paragraph (1) to improve,
6 as appropriate, the efficiency of those provisions.

7 (b) PUBLIC COMMENT.—The Secretary shall solicit
8 public comment as part of the review required under sub-
9 section (a).

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Secretary, in consultation
12 with the Financial Institutions Examination Council, the
13 Federal functional regulators, the Attorney General, Fed-
14 eral law enforcement agencies, the Director of National
15 Intelligence, the Secretary of Homeland Security, and the
16 Commissioner of Internal Revenue, shall submit to Con-
17 gress a report that contains all findings and determina-
18 tions made in carrying out the review required under sub-
19 section (a), including administrative or legislative rec-
20 ommendations.

1 **TITLE LXIII—IMPROVING ANTI-**
2 **MONEY LAUNDERING AND**
3 **COUNTERING THE FINANC-**
4 **ING OF TERRORISM COMMU-**
5 **NICATION, OVERSIGHT, AND**
6 **PROCESSES**

Sec. 6301. Improved interagency coordination and consultation.

Sec. 6302. Subcommittee on Information Security and Confidentiality.

Sec. 6303. Establishment of Bank Secrecy Act Information Security Officers.

Sec. 6304. FinCEN analytical hub.

Sec. 6305. Assessment of Bank Secrecy Act no-action letters.

Sec. 6306. Cooperation with law enforcement.

Sec. 6307. Training for examiners on anti-money laundering and countering the financing of terrorism.

Sec. 6308. Obtaining foreign bank records from banks with United States correspondent accounts.

Sec. 6309. Additional damages for repeat Bank Secrecy Act violators.

Sec. 6310. Certain violators barred from serving on boards of United States financial institutions.

Sec. 6311. Department of Justice report on deferred and non-prosecution agreements.

Sec. 6312. Return of profits and bonuses.

Sec. 6313. Prohibition on concealment of the source of assets in monetary transactions.

Sec. 6314. Updating whistleblower incentives and protection.

7 **SEC. 6301. IMPROVED INTERAGENCY COORDINATION AND**
8 **CONSULTATION.**

9 Section 5318 of title 31, United States Code, as
10 amended by sections 6209 and 6213(a) of this division,
11 is amended by adding at the end the following:

12 “(q) INTERAGENCY COORDINATION AND CONSULTA-
13 TION.—

14 “(1) IN GENERAL.—The Secretary of the
15 Treasury shall, as appropriate, invite an appropriate
16 State bank supervisor and an appropriate State

1 credit union supervisor to participate in the inter-
2 agency consultation and coordination with the Fed-
3 eral depository institution regulators regarding the
4 development or modification of any rule or regula-
5 tion carrying out this subchapter.

6 “(2) RULES OF CONSTRUCTION.—Nothing in
7 this subsection may be construed to—

8 “(A) affect, modify, or limit the discretion
9 of the Secretary of the Treasury with respect to
10 the methods or forms of interagency consulta-
11 tion and coordination; or

12 “(B) require the Secretary of the Treasury
13 or a Federal depository institution regulator to
14 coordinate or consult with an appropriate State
15 bank supervisor or to invite such supervisor to
16 participate in interagency consultation and co-
17 ordination with respect to a matter, including a
18 rule or regulation, specifically affecting only
19 Federal depository institutions or Federal credit
20 unions.

21 “(3) DEFINITIONS.—In this subsection:

22 “(A) APPROPRIATE STATE BANK SUPER-
23 VISOR.—The term ‘appropriate State bank su-
24 pervisor’ means the Chairman or members of

1 the State Liaison Committee of the Financial
2 Institutions Examination Council.

3 “(B) APPROPRIATE STATE CREDIT UNION
4 SUPERVISOR.—The term ‘appropriate State
5 credit union supervisor’ means the Chairman or
6 members of the State Liaison Committee of the
7 Financial Institutions Examination Council.

8 “(C) FEDERAL CREDIT UNION.—The term
9 ‘Federal credit union’ has the meaning given
10 the term in section 101 of the Federal Credit
11 Union Act (12 U.S.C. 1752).

12 “(D) FEDERAL DEPOSITORY INSTITU-
13 TION.—The term ‘Federal depository institu-
14 tion’ has the meaning given the term in section
15 3 of the Federal Deposit Insurance Act (12
16 U.S.C. 1813).

17 “(E) FEDERAL DEPOSITORY INSTITUTION
18 REGULATORS.—The term ‘Federal depository
19 institution regulator’ means a member of the
20 Financial Institutions Examination Council to
21 which is delegated any authority of the Sec-
22 retary under subsection (a)(1).”.

1 **SEC. 6302. SUBCOMMITTEE ON INFORMATION SECURITY**
2 **AND CONFIDENTIALITY.**

3 Section 1564 of the Annunzio-Wylie Anti-Money
4 Laundering Act (31 U.S.C. 5311 note), as amended by
5 section 6207 of this division, is amended by adding at the
6 end the following:

7 “(e) SUBCOMMITTEE ON INFORMATION SECURITY
8 AND CONFIDENTIALITY.—

9 “(1) IN GENERAL.—There shall be within the
10 Bank Secrecy Act Advisory Group a subcommittee
11 to be known as the Subcommittee on Information
12 Security and Confidentiality (in this subsection re-
13 ferred to as the ‘Subcommittee’) to advise the Sec-
14 retary of the Treasury regarding the information se-
15 curity and confidentiality implications of regulations,
16 guidance, information sharing programs, and the ex-
17 amination for compliance with and enforcement of
18 the provisions of the Bank Secrecy Act.

19 “(2) MEMBERSHIP.—

20 “(A) IN GENERAL.—The Subcommittee
21 shall consist of the representatives of the heads
22 of the Federal functional regulators, including,
23 as appropriate, the Bank Secrecy Act Informa-
24 tion Security Officers as established in section
25 6303 of the Anti-Money Laundering Act of
26 2020, and representatives from financial insti-

1 tutions subject to the Bank Secrecy Act, law
2 enforcement, FinCEN, and any other represent-
3 atives as determined by the Secretary of the
4 Treasury.

5 “(B) REQUIREMENTS.—Each agency rep-
6 resentative described in subparagraph (A) shall
7 be an individual who has demonstrated knowl-
8 edge and competence concerning the application
9 of the Bank Secrecy Act and familiarity with
10 and expertise in applicable laws.

11 “(3) SUNSET.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Subcommittee shall ter-
14 minate on the date that is 5 years after the
15 date of enactment of this subsection.

16 “(B) EXCEPTION.—The Secretary of the
17 Treasury may renew the Subcommittee for 1-
18 year periods beginning on the date that is 5
19 years after the date of enactment of this sub-
20 section.

21 “(f) DEFINITIONS.—In this section:

22 “(1) BANK SECRECY ACT.—The term ‘Bank Se-
23 crecy Act’ has the meaning given the term in section
24 6003 of the Anti-Money Laundering Act of 2020.

1 “(2) FEDERAL FUNCTIONAL REGULATOR.—The
2 term ‘Federal functional regulator’ has the meaning
3 given the term in section 509 of the Gramm-Leach-
4 Bliley Act (15 U.S.C. 6809).

5 “(3) FINCEN.—The term ‘FinCEN’ means the
6 Financial Crimes Enforcement Network of the De-
7 partment of the Treasury.

8 “(4) FINANCIAL INSTITUTION.—The term ‘fi-
9 nancial institution’ has the meaning given the term
10 in section 5312 of title 31, United States Code.

11 “(5) STATE CREDIT UNION SUPERVISOR.—The
12 term ‘State credit union supervisor’ means a State
13 official described in section 107A(e) of the Federal
14 Credit Union Act (12 U.S.C. 1757a(e)).”.

15 **SEC. 6303. ESTABLISHMENT OF BANK SECRECY ACT INFOR-**
16 **MATION SECURITY OFFICERS.**

17 (a) APPOINTMENT OF OFFICERS.—Not later than 1
18 year after the effective date of the regulations promul-
19 gated under subsection (d) of section 310 of title 31,
20 United States Code, as added by section 6103 of this divi-
21 sion, a Bank Secrecy Act Information Security Officer
22 shall be appointed, from among individuals with expertise
23 in Federal information security or privacy laws or Bank
24 Secrecy Act disclosure policies and procedures—

1 (1) within each Federal functional regulator, by
2 the head of the Federal functional regulator;

3 (2) within FinCEN, by the Director of
4 FinCEN; and

5 (3) within the Internal Revenue Service, by the
6 Secretary.

7 (b) DUTIES.—Each Bank Secrecy Act Information
8 Security Officer shall, with respect to the applicable regu-
9 lator, bureau, or Center within which the Officer is lo-
10 cated—

11 (1) be consulted each time Bank Secrecy Act
12 regulations affecting information security or disclo-
13 sure of Bank Secrecy Act information are developed
14 or reviewed;

15 (2) be consulted on information-sharing policies
16 under the Bank Secrecy Act, including those that
17 allow financial institutions to share information with
18 each other and foreign affiliates, and those that
19 allow Federal agencies to share with regulated enti-
20 ties;

21 (3) be consulted on coordination and clarity be-
22 tween proposed Bank Secrecy Act regulations and
23 information security and confidentiality require-
24 ments, including with respect to the reporting of

1 suspicious transactions under section 5318(g) of
2 title 31, United States Code;

3 (4) be consulted on—

4 (A) the development of new technologies
5 that may strengthen information security and
6 compliance with the Bank Secrecy Act; and

7 (B) the protection of information collected
8 by each Federal functional regulator under the
9 Bank Secrecy Act; and

10 (5) develop metrics of program success.

11 **SEC. 6304. FINCEN ANALYTICAL HUB.**

12 Section 310 of title 31, United States Code, as
13 amended by sections 6103, 6105, 6107, 6108, and 6109
14 of this division, is amended by inserting after subsection
15 (i) the following:

16 “(j) ANALYTICAL EXPERTS.—

17 “(1) IN GENERAL.—FinCEN shall maintain fi-
18 nancial experts capable of identifying, tracking, and
19 tracing money laundering and terrorist-financing
20 networks in order to conduct and support civil and
21 criminal anti-money laundering and countering the
22 financing of terrorism investigations conducted by
23 the United States Government.

24 “(2) FINCEN ANALYTICAL HUB.—FinCEN,
25 upon a reasonable request from a Federal agency,

1 shall, in collaboration with the requesting agency
2 and the appropriate Federal functional regulator,
3 analyze the potential anti-money laundering and
4 countering the financing of terrorism activity that
5 prompted the request.

6 “(k) DEFINITIONS.—In this section:

7 “(1) BANK SECRECY ACT.—The term ‘Bank Se-
8 crecy Act’ has the meaning given the term in section
9 6003 of the Anti-Money Laundering Act of 2020.

10 “(2) FEDERAL FUNCTIONAL REGULATOR.—The
11 term ‘Federal functional regulator’ has the meaning
12 given the term in section 509 of the Gramm-Leach-
13 Bliley Act (15 U.S.C. 6809).

14 “(3) FINANCIAL INSTITUTION.—The term ‘fi-
15 nancial institution’ has the meaning given the term
16 in section 5312 of this title.

17 “(4) STATE BANK SUPERVISOR.—The term
18 ‘State bank supervisor’ has the meaning given the
19 term in section 3 of the Federal Deposit Insurance
20 Act (12 U.S.C. 1813).

21 “(5) STATE CREDIT UNION SUPERVISOR.—The
22 term ‘State credit union supervisor’ means a State
23 official described in section 107A(e) of the Federal
24 Credit Union Act (12 U.S.C. 1757a(e)).”.

1 **SEC. 6305. ASSESSMENT OF BANK SECRECY ACT NO-ACTION**
2 **LETTERS.**

3 (a) ASSESSMENT.—

4 (1) IN GENERAL.—The Director, in consulta-
5 tion with the Attorney General, the Federal func-
6 tional regulators, State bank supervisors, State cred-
7 it union supervisors, and other Federal agencies, as
8 appropriate, shall conduct an assessment on whether
9 to establish a process for the issuance of no-action
10 letters by FinCEN in response to inquiries from per-
11 sons concerning the application of the Bank Secrecy
12 Act, the USA PATRIOT Act (Public Law 107–56;
13 115 Stat. 272), section 8(s) of the Federal Deposit
14 Insurance Act (12 U.S.C. 1818(s)), or any other
15 anti-money laundering or countering the financing of
16 terrorism law (including regulations) to specific con-
17 duct, including a request for a statement as to
18 whether FinCEN or any relevant Federal functional
19 regulator intends to take an enforcement action
20 against the person with respect to such conduct.

21 (2) ANALYSIS.—The assessment required under
22 paragraph (1) shall include an analysis of—

23 (A) a timeline for the process used to
24 reach a final determination by FinCEN, in con-
25 sultation with the relevant Federal functional

1 regulators, in response to a request by a person
2 for a no-action letter;

3 (B) whether improvements in current proc-
4 esses are necessary;

5 (C) whether a formal no-action letter proc-
6 ess would help to mitigate or accentuate illicit
7 finance risks in the United States; and

8 (D) any other matter the Secretary deter-
9 mines is appropriate.

10 (b) REPORT AND RULEMAKINGS.—Not later than
11 180 days after the date of enactment of this Act, the Sec-
12 retary, in coordination with the Director of the Federal
13 Bureau of Investigation, the Attorney General, the Sec-
14 retary of Homeland Security, and the Federal functional
15 regulators, shall—

16 (1) submit to the Committee on Banking,
17 Housing, and Urban Affairs of the Senate and the
18 Committee on Financial Services of the House of
19 Representatives a report that contains all findings
20 and determinations made in carrying out the assess-
21 ment required under subsection (a); and

22 (2) propose rulemakings, if appropriate, to im-
23 plement the findings and determinations described in
24 paragraph (1).

1 **SEC. 6306. COOPERATION WITH LAW ENFORCEMENT.**

2 (a) IN GENERAL.—

3 (1) AMENDMENT TO TITLE 31.—Subchapter II
4 of chapter 53 of title 31, United States Code, is
5 amended by adding at the end the following:

6 **“§ 5333. Safe harbor with respect to keep open direc-**
7 **tives**

8 “(a) IN GENERAL.—With respect to a customer ac-
9 count or customer transaction of a financial institution,
10 if a Federal law enforcement agency, after notifying
11 FinCEN of the intent to submit a written request to the
12 financial institution that the financial institution keep that
13 account or transaction open (referred to in this section
14 as a ‘keep open request’), or if a State, Tribal, or local
15 law enforcement agency with the concurrence of FinCEN
16 submits a keep open request—

17 “(1) the financial institution shall not be liable
18 under this subchapter for maintaining that account
19 or transaction consistent with the parameters and
20 timing of the request; and

21 “(2) no Federal or State department or agency
22 may take any adverse supervisory action under this
23 subchapter with respect to the financial institution
24 solely for maintaining that account or transaction
25 consistent with the parameters of the request.

1 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed—

3 “(1) to prevent a Federal or State department
4 or agency from verifying the validity of a keep open
5 request submitted under subsection (a) with the law
6 enforcement agency submitting that request;

7 “(2) to relieve a financial institution from com-
8 plying with any reporting requirements or any other
9 provisions of this subchapter, including the reporting
10 of suspicious transactions under section 5318(g); or

11 “(3) to extend the safe harbor described in sub-
12 section (a) to any actions taken by the financial in-
13 stitution—

14 “(A) before the date of the keep open re-
15 quest to maintain a customer account; or

16 “(B) after the termination date stated in
17 the keep open request.

18 “(c) LETTER TERMINATION DATE.—For the pur-
19 poses of this section, any keep open request submitted
20 under subsection (a) shall include a termination date after
21 which that request shall no longer apply.

22 “(d) RECORD KEEPING.—Any Federal, State, Tribal,
23 or local law enforcement agency that submits to a financial
24 institution a keep open request shall, not later than 2 busi-

1 ness days after the date on which the request is submitted
2 to the financial institution—

3 “(1) submit to FinCEN a copy of the request;
4 and

5 “(2) alert FinCEN as to whether the financial
6 institution has implemented the request.

7 “(e) GUIDANCE.—The Secretary of the Treasury, in
8 consultation with the Attorney General and Federal,
9 State, Tribal, and local law enforcement agencies, shall
10 issue guidance on the required elements of a keep open
11 request.”.

12 (2) AMENDMENT TO PUBLIC LAW 91–508.—
13 Chapter 2 of title I of Public Law 91–508 (12
14 U.S.C. 1951 et seq.) is amended by adding at the
15 end the following:

16 **“§ 130. Safe harbor with respect to keep open direc-**
17 **tives**

18 “(a) DEFINITION.—In this section, the term ‘finan-
19 cial institution’ means an entity to which section 123(b)
20 applies.

21 “(b) SAFE HARBOR.—With respect to a customer ac-
22 count or customer transaction of a financial institution,
23 if a Federal law enforcement agency, after notifying
24 FinCEN of the intent to submit a written request to the
25 financial institution that the financial institution keep that

1 account or transaction open (referred to in this section
2 as a ‘keep open request’), or if a State, Tribal, or local
3 law enforcement agency with the concurrence of FinCEN
4 submits a keep open request—

5 “(1) the financial institution shall not be liable
6 under this chapter for maintaining that account or
7 transaction consistent with the parameters and tim-
8 ing of the request; and

9 “(2) no Federal or State department or agency
10 may take any adverse supervisory action under this
11 chapter with respect to the financial institution sole-
12 ly for maintaining that account or transaction con-
13 sistent with the parameters of the request.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed—

16 “(1) to prevent a Federal or State department
17 or agency from verifying the validity of a keep open
18 request submitted under subsection (b) with the law
19 enforcement agency submitting that request;

20 “(2) to relieve a financial institution from com-
21 plying with any reporting requirements, including
22 the reporting of suspicious transactions under sec-
23 tion 5318(g) of title 31, United States Code; or

1 “(3) to extend the safe harbor described in sub-
2 section (b) to any actions taken by the financial in-
3 stitution—

4 “(A) before the date of the keep open re-
5 quest to maintain a customer account; or

6 “(B) after the termination date stated in
7 the keep open request.

8 “(d) LETTER TERMINATION DATE.—For the pur-
9 poses of this section, any keep open request submitted
10 under subsection (b) shall include a termination date after
11 which that request shall no longer apply.

12 “(e) RECORD KEEPING.—Any Federal, State, Tribal,
13 or local law enforcement agency that submits to a financial
14 institution a keep open request shall, not later than 2 busi-
15 ness days after the date on which the request is submitted
16 to the financial institution—

17 “(1) submit to FinCEN a copy of the request;
18 and

19 “(2) alert FinCEN as to whether the financial
20 institution has implemented the request.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) TITLE 31.—The table of sections for chap-
23 ter 53 of title 31, United States Code, is amended
24 by inserting after the item relating to section 5332
25 the following:

“5333. Safe harbor with respect to keep open directives.”.

1 (2) PUBLIC LAW 91–508.—The table of sections
2 for chapter 2 of title I of Public Law 91–508 (12
3 U.S.C. 1951 et seq.) is amended by adding at the
4 end the following:

“130. Safe harbor with respect to keep open directives.”.

5 **SEC. 6307. TRAINING FOR EXAMINERS ON ANTI-MONEY**
6 **LAUNDERING AND COUNTERING THE FI-**
7 **NANCING OF TERRORISM.**

8 (a) IN GENERAL.—Subchapter II of chapter 53 of
9 title 31, United States Code, as amended by section
10 6306(a)(1) of this division, is amended by adding at the
11 end the following:

12 **“§ 5334. Training regarding anti-money laundering**
13 **and countering the financing of terrorism**

14 “(a) TRAINING REQUIREMENT.—Each Federal ex-
15 aminer reviewing compliance with the Bank Secrecy Act,
16 as defined in section 6003 of the Anti-Money Laundering
17 Act of 2020, shall attend appropriate annual training, as
18 determined by the Secretary of the Treasury, relating to
19 anti-money laundering activities and countering the fi-
20 nancing of terrorism, including with respect to—

21 “(1) potential risk profiles and warning signs
22 that an examiner may encounter during examina-
23 tions;

24 “(2) financial crime patterns and trends;

1 “(3) the high-level context for why anti-money
2 laundering and countering the financing of terrorism
3 programs are necessary for law enforcement agen-
4 cies and other national security agencies and what
5 risks those programs seek to mitigate; and

6 “(4) de-risking and the effect of de-risking on
7 the provision of financial services.

8 “(b) TRAINING MATERIALS AND STANDARDS.—The
9 Secretary of the Treasury shall, in consultation with the
10 Financial Institutions Examination Council, the Financial
11 Crimes Enforcement Network, and Federal, State, Tribal,
12 and local law enforcement agencies, establish appropriate
13 training materials and standards for use in the training
14 required under subsection (a).”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 53 of title 31, United States Code, as amended
17 by section 6306(b)(1) of this division, is amended by add-
18 ing at the end the following:

“5334. Training regarding anti-money laundering and countering the financing
of terrorism.”.

19 **SEC. 6308. OBTAINING FOREIGN BANK RECORDS FROM**
20 **BANKS WITH UNITED STATES COR-**
21 **RESPONDENT ACCOUNTS.**

22 (a) GRAND JURY AND TRIAL SUBPOENAS.—Section
23 5318(k) of title 31, United States Code, is amended—

24 (1) in paragraph (1)—

1 (A) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (B) by inserting after subparagraph (A)
4 the following:

5 “(B) COVERED FINANCIAL INSTITUTION.—

6 The term ‘covered financial institution’ means
7 an institution referred to in subsection (j)(1).”;
8 and

9 (2) by striking paragraph (3) and inserting the
10 following:

11 “(3) FOREIGN BANK RECORDS.—

12 “(A) SUBPOENA OF RECORDS.—

13 “(i) IN GENERAL.—Notwithstanding
14 subsection (b), the Secretary of the Treas-
15 ury or the Attorney General may issue a
16 subpoena to any foreign bank that main-
17 tains a correspondent account in the
18 United States and request any records re-
19 lating to the correspondent account or any
20 account at the foreign bank, including
21 records maintained outside of the United
22 States, that are the subject of—

23 “(I) any investigation of a viola-
24 tion of a criminal law of the United
25 States;

1 “(II) any investigation of a viola-
2 tion of this subchapter;

3 “(III) a civil forfeiture action; or

4 “(IV) an investigation pursuant
5 to section 5318A.

6 “(ii) PRODUCTION OF RECORDS.—The
7 foreign bank on which a subpoena de-
8 scribed in clause (i) is served shall produce
9 all requested records and authenticate all
10 requested records with testimony in the
11 manner described in—

12 “(I) rule 902(12) of the Federal
13 Rules of Evidence; or

14 “(II) section 3505 of title 18.

15 “(iii) ISSUANCE AND SERVICE OF SUB-
16 POENA.—A subpoena described in clause
17 (i)—

18 “(I) shall designate—

19 “(aa) a return date; and

20 “(bb) the judicial district in
21 which the related investigation is
22 proceeding; and

23 “(II) may be served—

24 “(aa) in person;

1 “(bb) by mail or fax in the
2 United States if the foreign bank
3 has a representative in the
4 United States; or

5 “(cc) if applicable, in a for-
6 eign country under any mutual
7 legal assistance treaty, multilat-
8 eral agreement, or other request
9 for international legal or law en-
10 forcement assistance.

11 “(iv) RELIEF FROM SUBPOENA.—

12 “(I) IN GENERAL.—At any time
13 before the return date of a subpoena
14 described in clause (i), the foreign
15 bank on which the subpoena is served
16 may petition the district court of the
17 United States for the judicial district
18 in which the related investigation is
19 proceeding, as designated in the sub-
20 poena, to modify or quash—

21 “(aa) the subpoena; or

22 “(bb) the prohibition against
23 disclosure described in subpara-
24 graph (C).

1 “(II) CONFLICT WITH FOREIGN
2 SECRECY OR CONFIDENTIALITY.—An
3 assertion that compliance with a sub-
4 poena described in clause (i) would
5 conflict with a provision of foreign se-
6 crecy or confidentiality law shall not
7 be a sole basis for quashing or modi-
8 fying the subpoena.

9 “(B) ACCEPTANCE OF SERVICE.—

10 “(i) MAINTAINING RECORDS IN THE
11 UNITED STATES.—Any covered financial
12 institution that maintains a correspondent
13 account in the United States for a foreign
14 bank shall maintain records in the United
15 States identifying—

16 “(I) the owners of record and the
17 beneficial owners of the foreign bank;
18 and

19 “(II) the name and address of a
20 person who—

21 “(aa) resides in the United
22 States; and

23 “(bb) is authorized to accept
24 service of legal process for

1 records covered under this sub-
2 section.

3 “(ii) LAW ENFORCEMENT REQUEST.—

4 Upon receipt of a written request from a
5 Federal law enforcement officer for infor-
6 mation required to be maintained under
7 this paragraph, a covered financial institu-
8 tion shall provide the information to the
9 requesting officer not later than 7 days
10 after receipt of the request.

11 “(C) NONDISCLOSURE OF SUBPOENA.—

12 “(i) IN GENERAL.—No officer, direc-
13 tor, partner, employee, or shareholder of,
14 or agent or attorney for, a foreign bank on
15 which a subpoena is served under this
16 paragraph shall, directly or indirectly, no-
17 tify any account holder involved or any
18 person named in the subpoena issued
19 under subparagraph (A)(i) and served on
20 the foreign bank about the existence or
21 contents of the subpoena.

22 “(ii) DAMAGES.—Upon application by
23 the Attorney General for a violation of this
24 subparagraph, a foreign bank on which a
25 subpoena is served under this paragraph

1 shall be liable to the United States Govern-
2 ment for a civil penalty in an amount
3 equal to—

4 “(I) double the amount of the
5 suspected criminal proceeds sent
6 through the correspondent account of
7 the foreign bank in the related inves-
8 tigation; or

9 “(II) if no such proceeds can be
10 identified, not more than \$250,000.

11 “(D) ENFORCEMENT.—

12 “(i) IN GENERAL.—If a foreign bank
13 fails to obey a subpoena issued under sub-
14 paragraph (A)(i), the Attorney General
15 may invoke the aid of the district court of
16 the United States for the judicial district
17 in which the investigation or related pro-
18 ceeding is occurring to compel compliance
19 with the subpoena.

20 “(ii) COURT ORDERS AND CONTEMPT
21 OF COURT.—A court described in clause (i)
22 may—

23 “(I) issue an order requiring the
24 foreign bank to appear before the Sec-

1 retary of the Treasury or the Attorney
2 General to produce—

3 “(aa) certified records, in
4 accordance with—

5 “(AA) rule 902(12) of
6 the Federal Rules of Evi-
7 dence; or

8 “(BB) section 3505 of
9 title 18; or

10 “(bb) testimony regarding
11 the production of the certified
12 records; and

13 “(II) punish any failure to obey
14 an order issued under subclause (I) as
15 contempt of court.

16 “(iii) SERVICE OF PROCESS.—All
17 process in a case under this subparagraph
18 shall be served on the foreign bank in the
19 same manner as described in subparagraph
20 (A)(iii).

21 “(E) TERMINATION OF CORRESPONDENT
22 RELATIONSHIP.—

23 “(i) TERMINATION UPON RECEIPT OF
24 NOTICE.—A covered financial institution
25 shall terminate any correspondent relation-

1 ship with a foreign bank not later than 10
2 business days after the date on which the
3 covered financial institution receives writ-
4 ten notice from the Secretary of the Treas-
5 ury or the Attorney General if, after con-
6 sultation with the other, the Secretary of
7 the Treasury or the Attorney General, as
8 applicable, determines that the foreign
9 bank has failed—

10 “(I) to comply with a subpoena
11 issued under subparagraph (A)(i); or

12 “(II) to prevail in proceedings be-
13 fore—

14 “(aa) the appropriate dis-
15 trict court of the United States
16 after challenging a subpoena de-
17 scribed in subclause (I) under
18 subparagraph (A)(iv)(I); or

19 “(bb) a court of appeals of
20 the United States after appealing
21 a decision of a district court of
22 the United States under item
23 (aa).

24 “(ii) LIMITATION ON LIABILITY.—A
25 covered financial institution shall not be

1 liable to any person in any court or arbi-
2 tration proceeding for—

3 “(I) terminating a correspondent
4 relationship under this subparagraph;
5 or

6 “(II) complying with a nondisclo-
7 sure order under subparagraph (C).

8 “(iii) FAILURE TO TERMINATE RELA-
9 TIONSHIP OR FAILURE TO COMPLY WITH A
10 SUBPOENA.—

11 “(I) FAILURE TO TERMINATE
12 RELATIONSHIP.—A covered financial
13 institution that fails to terminate a
14 correspondent relationship under
15 clause (i) shall be liable for a civil
16 penalty in an amount that is not more
17 than \$25,000 for each day that the
18 covered financial institution fails to
19 terminate the relationship.

20 “(II) FAILURE TO COMPLY WITH
21 A SUBPOENA.—

22 “(aa) IN GENERAL.—Upon
23 failure to comply with a subpoena
24 under subparagraph (A)(i), a for-
25 eign bank may be liable for a

1 civil penalty assessed by the
2 issuing agency in an amount that
3 is not more than \$50,000 for
4 each day that the foreign bank
5 fails to comply with the terms of
6 a subpoena.

7 “(bb) ADDITIONAL PEN-
8 ALTIES.—Beginning after the
9 date that is 60 days after a for-
10 eign bank fails to comply with a
11 subpoena under subparagraph
12 (A)(i), the Secretary of the
13 Treasury or the Attorney General
14 may seek additional penalties and
15 compel compliance with the sub-
16 poena in the appropriate district
17 court of the United States.

18 “(cc) VENUE FOR RELIEF.—
19 A foreign bank may seek review
20 in the appropriate district court
21 of the United States of any pen-
22 alty assessed under this clause
23 and the issuance of a subpoena
24 under subparagraph (A)(i).

1 “(F) ENFORCEMENT OF CIVIL PEN-
2 ALTIES.—Upon application by the United
3 States, any funds held in the correspondent ac-
4 count of a foreign bank that is maintained in
5 the United States with a covered financial insti-
6 tution may be seized by the United States to
7 satisfy any civil penalties that are imposed—

8 “(i) under subparagraph (C)(ii);

9 “(ii) by a court for contempt under
10 subparagraph (D); or

11 “(iii) under subparagraph
12 (E)(iii)(II).”.

13 (b) FAIR CREDIT REPORTING ACT AMENDMENT.—
14 Section 604(a)(1) of the Fair Credit Reporting Act (15
15 U.S.C. 1681b(a)(1)) is amended—

16 (1) by striking “, or a” and inserting “, a”; and

17 (2) by inserting “, or a subpoena issued in ac-
18 cordance with section 5318 of title 31, United States
19 Code, or section 3486 of title 18, United States
20 Code” after “grand jury”.

21 (c) OBSTRUCTION OF JUSTICE.—Section
22 1510(b)(3)(B) of title 18, United States Code, is amend-
23 ed—

24 (1) in the matter preceding clause (i), by strik-
25 ing “or a Department of Justice subpoena (issued

1 under section 3486 of title 18)” and inserting “, a
2 subpoena issued under section 3486 of this title, or
3 an order or subpoena issued in accordance with sec-
4 tion 3512 of this title, section 5318 of title 31, or
5 section 1782 of title 28”; and

6 (2) in clause (i), by inserting “, 1960, an of-
7 fense against a foreign nation constituting specified
8 unlawful activity under section 1956, a foreign of-
9 fense for which enforcement of a foreign forfeiture
10 judgment could be brought under section 2467 of
11 title 28” after “1957”.

12 (d) RIGHT TO FINANCIAL PRIVACY ACT.—Section
13 1120(b)(1)(A) of the Right to Financial Privacy Act of
14 1978 (12 U.S.C. 3420(b)(1)(A)) is amended—

15 (1) by striking “or 1957 of title 18” and insert-
16 ing “, 1957, or 1960 of title 18, United States
17 Code”; and

18 (2) by striking “and 5324 of title 31” and in-
19 serting “, 5322, 5324, 5331, and 5332 of title 31,
20 United States Code”.

21 **SEC. 6309. ADDITIONAL DAMAGES FOR REPEAT BANK SE-**
22 **CRECY ACT VIOLATORS.**

23 Section 5321 of title 31, United States Code, is
24 amended by adding at the end the following:

1 “(f) ADDITIONAL DAMAGES FOR REPEAT VIOLA-
2 TORS.—

3 “(1) IN GENERAL.—In addition to any other
4 fines permitted under this section and section 5322,
5 with respect to a person who has previously violated
6 a provision of (or rule issued under) this subchapter,
7 section 21 of the Federal Deposit Insurance Act (12
8 U.S.C. 1829b), or section 123 of Public Law 91–
9 508 (12 U.S.C. 1953), the Secretary of the Treas-
10 ury, if practicable, may impose an additional civil
11 penalty against such person for each additional such
12 violation in an amount that is not more than the
13 greater of—

14 “(A) if practicable to calculate, 3 times the
15 profit gained or loss avoided by such person as
16 a result of the violation; or

17 “(B) 2 times the maximum penalty with
18 respect to the violation.

19 “(2) APPLICATION.—For purposes of deter-
20 mining whether a person has committed a previous
21 violation under paragraph (1), the determination
22 shall only include violations occurring after the date
23 of enactment of the Anti-Money Laundering Act of
24 2020.”.

1 **SEC. 6310. CERTAIN VIOLATORS BARRED FROM SERVING**
2 **ON BOARDS OF UNITED STATES FINANCIAL**
3 **INSTITUTIONS.**

4 (a) IN GENERAL.—Section 5321 of title 31, United
5 States Code, as amended by section 6309 of this division,
6 is amended by adding at the end the following:

7 “(g) CERTAIN VIOLATORS BARRED FROM SERVING
8 ON BOARDS OF UNITED STATES FINANCIAL INSTITU-
9 TIONS.—

10 “(1) DEFINITION.—In this subsection, the term
11 ‘egregious violation’ means, with respect to an indi-
12 vidual—

13 “(A) a criminal violation—

14 “(i) for which the individual is con-
15 victed; and

16 “(ii) for which the maximum term of
17 imprisonment is more than 1 year; and

18 “(B) a civil violation in which—

19 “(i) the individual willfully committed
20 the violation; and

21 “(ii) the violation facilitated money
22 laundering or the financing of terrorism.

23 “(2) BAR.—An individual found to have com-
24 mitted an egregious violation of the Bank Secrecy
25 Act, as defined in section 6003 of the Anti-Money
26 Laundering Act of 2020, or any rules issued under

1 the Bank Secrecy Act, shall be barred from serving
2 on the board of directors of a United States finan-
3 cial institution during the 10-year period that begins
4 on the date on which the conviction or judgment, as
5 applicable, with respect to the egregious violation is
6 entered.”.

7 (b) RULE OF CONSTRUCTION.—Nothing in the
8 amendment made by subsection (a) shall be construed to
9 limit the application of section 19 of the Federal Deposit
10 Insurance Act (12 U.S.C. 1829).

11 **SEC. 6311. DEPARTMENT OF JUSTICE REPORT ON DE-**
12 **FERRED AND NON-PROSECUTION AGREE-**
13 **MENTS.**

14 (a) ANNUAL REPORT.—Not later than 1 year after
15 the date of enactment of this Act, and for each of the
16 4 years thereafter, the Attorney General shall submit to
17 the appropriate committees of Congress a report that con-
18 tains—

19 (1) a list of deferred prosecution agreements
20 and non-prosecution agreements that the Attorney
21 General has entered into, amended, or terminated
22 during the year covered by the report with any per-
23 son with respect to a violation or suspected violation
24 of the Bank Secrecy Act (referred to in this sub-
25 section as “covered agreements”);

1 (2) the justification for entering into, amend-
2 ing, or terminating each covered agreement;

3 (3) the list of factors that were taken into ac-
4 count in determining that the Attorney General
5 should enter into, amend, or terminate each covered
6 agreement; and

7 (4) the extent of coordination the Attorney
8 General conducted with the Secretary of the Treas-
9 ury, Federal functional regulators, or State regu-
10 lators before entering into, amending, or terminating
11 each covered agreement.

12 (b) CLASSIFIED ANNEX.—Each report submitted
13 under subsection (a) may include a classified annex.

14 (c) DEFINITION.—In this section, the term “appro-
15 priate committees of Congress” means—

16 (1) the Committee on Banking, Housing, and
17 Urban Affairs of the Senate;

18 (2) the Committee on the Judiciary of the Sen-
19 ate;

20 (3) the Committee on Financial Services of the
21 House of Representatives; and

22 (4) the Committee on the Judiciary of the
23 House of Representatives.

1 **SEC. 6312. RETURN OF PROFITS AND BONUSES.**

2 (a) IN GENERAL.—Section 5322 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(e) A person convicted of violating a provision of (or
6 rule issued under) the Bank Secrecy Act, as defined in
7 section 6003 of the Anti-Money Laundering Act of 2020,
8 shall—

9 “(1) in addition to any other fine under this
10 section, be fined in an amount that is equal to the
11 profit gained by such person by reason of such viola-
12 tion, as determined by the court; and

13 “(2) if the person is an individual who was a
14 partner, director, officer, or employee of a financial
15 institution at the time the violation occurred, repay
16 to such financial institution any bonus paid to the
17 individual during the calendar year in which the vio-
18 lation occurred or the calendar year after which the
19 violation occurred.”.

20 (b) RULE OF CONSTRUCTION.—The amendment
21 made by subsection (a) may not be construed to prohibit
22 a financial institution from requiring the repayment of a
23 bonus paid to a partner, director, officer, or employee if
24 the financial institution determines that the partner, di-
25 rector, officer, or employee engaged in unethical, but non-
26 criminal, activities.

1 **SEC. 6313. PROHIBITION ON CONCEALMENT OF THE**
2 **SOURCE OF ASSETS IN MONETARY TRANS-**
3 **ACTIONS.**

4 (a) IN GENERAL.—Subchapter II of chapter 53 of
5 title 31, United States Code, as amended by sections
6 6306(a)(1) and 6307(a) of this division, is amended by
7 adding at the end the following:

8 **“§ 5335. Prohibition on concealment of the source of**
9 **assets in monetary transactions**

10 “(a) DEFINITION OF MONETARY TRANSACTION.—In
11 this section, the term the term ‘monetary transaction’—

12 “(1) means the deposit, withdrawal, transfer, or
13 exchange, in or affecting interstate or foreign com-
14 merce, of funds or a monetary instrument (as de-
15 fined in section 1956(c)(5) of title 18) by, through,
16 or to a financial institution (as defined in section
17 1956(c)(6) of title 18);

18 “(2) includes any transaction that would be a
19 financial transaction under section 1956(c)(4)(B) of
20 title 18; and

21 “(3) does not include any transaction necessary
22 to preserve the right to representation of a person
23 as guaranteed by the Sixth Amendment to the Con-
24 stitution of the United States.

25 “(b) PROHIBITION.—No person shall knowingly con-
26 ceal, falsify, or misrepresent, or attempt to conceal, falsify,

1 or misrepresent, from or to a financial institution, a mate-
2 rial fact concerning the ownership or control of assets in-
3 volved in a monetary transaction if—

4 “(1) the person or entity who owns or controls
5 the assets is a senior foreign political figure, or any
6 immediate family member or close associate of a
7 senior foreign political figure, as set forth in this
8 title or the regulations promulgated under this title;
9 and

10 “(2) the aggregate value of the assets involved
11 in 1 or more monetary transactions is not less than
12 \$1,000,000.

13 “(c) SOURCE OF FUNDS.—No person shall knowingly
14 conceal, falsify, or misrepresent, or attempt to conceal, fal-
15 sify, or misrepresent, from or to a financial institution,
16 a material fact concerning the source of funds in a mone-
17 tary transaction that—

18 “(1) involves an entity found to be a primary
19 money laundering concern under section 5318A or
20 the regulations promulgated under this title; and

21 “(2) violates the prohibitions or conditions pre-
22 scribed under section 5318A(b)(5) or the regulations
23 promulgated under this title.

24 “(d) PENALTIES.—A person convicted of an offense
25 under subsection (b) or (c), or a conspiracy to commit an

1 offense under subsection (b) or (c), shall be imprisoned
2 for not more than 10 years, fined not more than
3 \$1,000,000, or both.

4 “(e) FORFEITURE.—

5 “(1) CRIMINAL FORFEITURE.—

6 “(A) IN GENERAL.—The court, in impos-
7 ing a sentence under subsection (d), shall order
8 that the defendant forfeit to the United States
9 any property involved in the offense and any
10 property traceable thereto.

11 “(B) PROCEDURE.—The seizure, restraint,
12 and forfeiture of property under this paragraph
13 shall be governed by section 413 of the Con-
14 trolled Substances Act (21 U.S.C. 853).

15 “(2) CIVIL FORFEITURE.—

16 “(A) IN GENERAL.—Any property involved
17 in a violation of subsection (b) or (c), or a con-
18 spiracy to commit a violation of subsection (b)
19 or (c), and any property traceable thereto may
20 be seized and forfeited to the United States.

21 “(B) PROCEDURE.—Seizures and forfeit-
22 ures under this paragraph shall be governed by
23 the provisions of chapter 46 of title 18 relating
24 to civil forfeitures, except that such duties,
25 under the customs laws described in section

1 981(d) of title 18, given to the Secretary of the
2 Treasury shall be performed by such officers,
3 agents, and other persons as may be designated
4 for that purpose by the Secretary of Homeland
5 Security or the Attorney General.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections for chapter 53 of title 31, United
8 States Code, as amended by sections 6306(b)(1) and
9 6307(b) of this division, is amended by adding at the end
10 the following:

“5335. Prohibition on concealment of the source of assets in monetary trans-
actions.”.

11 **SEC. 6314. UPDATING WHISTLEBLOWER INCENTIVES AND**
12 **PROTECTION.**

13 (a) WHISTLEBLOWER INCENTIVES AND PROTEC-
14 TION.—Section 5323 of title 31, United States Code, is
15 amended to read as follows:

16 **“§ 5323. Whistleblower incentives and protections**

17 “(a) DEFINITIONS.—In this section:

18 “(1) COVERED JUDICIAL OR ADMINISTRATIVE
19 ACTION.—The term ‘covered judicial or administra-
20 tive action’ means any judicial or administrative ac-
21 tion brought by the Secretary of the Treasury (re-
22 ferred to in this section as the ‘Secretary’) or the
23 Attorney General under this subchapter or sub-

1 chapter III that results in monetary sanctions ex-
2 ceeding \$1,000,000.

3 “(2) MONETARY SANCTIONS.—The term ‘mone-
4 tary sanctions’, when used with respect to any judi-
5 cial or administrative action—

6 “(A) means any monies, including pen-
7 alties, disgorgement, and interest, ordered to be
8 paid; and

9 “(B) does not include—

10 “(i) forfeiture;

11 “(ii) restitution; or

12 “(iii) any victim compensation pay-
13 ment.

14 “(3) ORIGINAL INFORMATION.—The term
15 ‘original information’ means information that—

16 “(A) is derived from the independent
17 knowledge or analysis of a whistleblower;

18 “(B) is not known to the Secretary or the
19 Attorney General from any other source, unless
20 the whistleblower is the original source of the
21 information; and

22 “(C) is not exclusively derived from an al-
23 legation made in a judicial or administrative
24 hearing, in a governmental report, hearing,
25 audit, or investigation, or from the news media,

1 unless the whistleblower is a source of the infor-
2 mation.

3 “(4) RELATED ACTION.—The term ‘related ac-
4 tion’, when used with respect to any judicial or ad-
5 ministrative action brought by the Secretary or the
6 Attorney General under this subchapter or sub-
7 chapter III, means any judicial or administrative ac-
8 tion brought by an entity described in any of sub-
9 clauses (I) through (III) of subsection (g)(4)(D)(i)
10 that is based upon the original information provided
11 by a whistleblower pursuant to subsection (b) that
12 led to the successful enforcement of the action by
13 the Secretary or the Attorney General.

14 “(5) WHISTLEBLOWER.—

15 “(A) IN GENERAL.—The term ‘whistle-
16 blower’ means any individual who provides, or
17 2 or more individuals acting jointly who pro-
18 vide, information relating to a violation of this
19 subchapter or subchapter III to the employer of
20 the individual or individuals, including as part
21 of the job duties of the individual or individuals,
22 or to the Secretary or the Attorney General.

23 “(B) SPECIAL RULE.—Solely for the pur-
24 poses of subsection (g)(1), the term ‘whistle-
25 blower’ includes any individual who takes, or 2

1 or more individuals acting jointly who take, an
2 action described in subsection (g)(1)(A).

3 “(b) AWARDS.—

4 “(1) IN GENERAL.—In any covered judicial or
5 administrative action, or related action, the Sec-
6 retary, under regulations prescribed by the Sec-
7 retary, in consultation with the Attorney General
8 and subject to subsection (c) and to amounts made
9 available in advance by appropriation Acts, shall pay
10 an award or awards to 1 or more whistleblowers who
11 voluntarily provided original information to the em-
12 ployer of the individual, the Secretary, or the Attor-
13 ney General, as applicable, that led to the successful
14 enforcement of the covered judicial or administrative
15 action, or related action, in an aggregate amount
16 equal to not more than 30 percent, in total, of what
17 has been collected of the monetary sanctions im-
18 posed in the action or related actions.

19 “(2) SOURCE OF AWARDS.—For the purposes of
20 paying any award under this section, the Secretary
21 may, subject to amounts made available in advance
22 by appropriation Acts, use monetary sanction
23 amounts recovered based on the original information
24 with respect to which the award is being paid.

1 “(c) DETERMINATION OF AMOUNT OF AWARD; DE-
2 NIAL OF AWARD.—

3 “(1) DETERMINATION OF AMOUNT OF
4 AWARD.—

5 “(A) DISCRETION.—The determination of
6 the amount of an award made under subsection
7 (b) shall be in the discretion of the Secretary.

8 “(B) CRITERIA.—In determining the
9 amount of an award made under subsection (b),
10 the Secretary shall take into consideration—

11 “(i) the significance of the informa-
12 tion provided by the whistleblower to the
13 success of the covered judicial or adminis-
14 trative action;

15 “(ii) the degree of assistance provided
16 by the whistleblower and any legal rep-
17 resentative of the whistleblower in a cov-
18 ered judicial or administrative action;

19 “(iii) the programmatic interest of the
20 Department of the Treasury in deterring
21 violations of this subchapter and sub-
22 chapter III by making awards to whistle-
23 blowers who provide information that lead
24 to the successful enforcement of either
25 such subchapter; and

1 “(iv) such additional relevant factors
2 as the Secretary, in consultation with the
3 Attorney General, may establish by rule or
4 regulation.

5 “(2) DENIAL OF AWARD.—No award under
6 subsection (b) may be made—

7 “(A) to any whistleblower who is, or was at
8 the time the whistleblower acquired the original
9 information submitted to the Secretary or the
10 Attorney General, as applicable, a member, offi-
11 cer, or employee—

12 “(i) of—

13 “(I) an appropriate regulatory or
14 banking agency;

15 “(II) the Department of the
16 Treasury or the Department of Jus-
17 tice; or

18 “(III) a law enforcement agency;

19 and

20 “(ii) acting in the normal course of
21 the job duties of the whistleblower;

22 “(B) to any whistleblower who is convicted
23 of a criminal violation related to the judicial or
24 administrative action for which the whistle-

1 blower otherwise could receive an award under
2 this section; or

3 “(C) to any whistleblower who fails to sub-
4 mit information to the Secretary or the Attor-
5 ney General, as applicable, in such form as the
6 Secretary, in consultation with the Attorney
7 General, may, by rule, require.

8 “(d) REPRESENTATION.—

9 “(1) PERMITTED REPRESENTATION.—Any
10 whistleblower who makes a claim for an award under
11 subsection (b) may be represented by counsel.

12 “(2) REQUIRED REPRESENTATION.—

13 “(A) IN GENERAL.—Any whistleblower
14 who anonymously makes a claim for an award
15 under subsection (b) shall be represented by
16 counsel if the whistleblower anonymously sub-
17 mits the information upon which the claim is
18 based.

19 “(B) DISCLOSURE OF IDENTITY.—Before
20 the payment of an award, a whistleblower shall
21 disclose the identity of the whistleblower and
22 provide such other information as the Secretary
23 may require, directly or through counsel for the
24 whistleblower.

1 “(e) NO CONTRACT NECESSARY.—No contract with
2 the Department of the Treasury is necessary for any whis-
3 tleblower to receive an award under subsection (b), unless
4 otherwise required by the Secretary by rule or regulation.

5 “(f) APPEALS.—

6 “(1) IN GENERAL.—Any determination made
7 under this section, including whether, to whom, or in
8 what amount to make awards, shall be in the discre-
9 tion of the Secretary.

10 “(2) REQUIREMENTS.—

11 “(A) IN GENERAL.—Any determination de-
12 scribed in paragraph (1), except the determina-
13 tion of the amount of an award if the award
14 was made in accordance with subsection (b),
15 may be appealed to the appropriate court of ap-
16 peals of the United States not more than 30
17 days after the determination is issued by the
18 Secretary.

19 “(B) SCOPE OF REVIEW.—The court to
20 which a determination by the Secretary is ap-
21 pealed under subparagraph (A) shall review the
22 determination in accordance with section 706 of
23 title 5.

24 “(g) PROTECTION OF WHISTLEBLOWERS.—

1 “(1) PROHIBITION AGAINST RETALIATION.—No
2 employer may, directly or indirectly, discharge, de-
3 mote, suspend, threaten, blacklist, harass, or in any
4 other manner discriminate against a whistleblower in
5 the terms and conditions of employment or post-em-
6 ployment because of any lawful act done by the
7 whistleblower—

8 “(A) in providing information in accord-
9 ance with this section to—

10 “(i) the Secretary or the Attorney
11 General;

12 “(ii) a Federal regulatory or law en-
13 forcement agency;

14 “(iii) any Member of Congress or any
15 committee of Congress; or

16 “(iv) a person with supervisory au-
17 thority over the whistleblower, or such
18 other person working for the employer who
19 has the authority to investigate, discover,
20 or terminate misconduct; or

21 “(B) in initiating, testifying in, or assisting
22 in any investigation or judicial or administrative
23 action of the Department of the Treasury or
24 the Department of Justice based upon or re-

1 lated to the information described in subpara-
2 graph (A); or

3 “(C) in providing information regarding
4 any conduct that the whistleblower reasonably
5 believes constitutes a violation of any law, rule,
6 or regulation subject to the jurisdiction of the
7 Department of the Treasury, or a violation of
8 section 1956, 1957, or 1960 of title 18 (or any
9 rule or regulation under any such provision),
10 to—

11 “(i) a person with supervisory author-
12 ity over the whistleblower at the employer
13 of the whistleblower; or

14 “(ii) another individual working for
15 the employer described in clause (i) who
16 the whistleblower reasonably believes has
17 the authority to—

18 “(I) investigate, discover, or ter-
19 minate the misconduct; or

20 “(II) take any other action to ad-
21 dress the misconduct.

22 “(2) ENFORCEMENT.—Any individual who al-
23 leges discharge or other discrimination, or is other-
24 wise aggrieved by an employer, in violation of para-
25 graph (1), may seek relief by—

1 “(A) filing a complaint with the Secretary
2 of Labor in accordance with the requirements
3 of this subsection; or

4 “(B) if the Secretary of Labor has not
5 issued a final decision within 180 days of the
6 filing of a complaint under subparagraph (A),
7 and there is no showing that such a delay is
8 due to the bad faith of the claimant, bringing
9 an action against the employer at law or in eq-
10 uity in the appropriate district court of the
11 United States, which shall have jurisdiction
12 over such an action without regard to the
13 amount in controversy.

14 “(3) PROCEDURE.—

15 “(A) DEPARTMENT OF LABOR COM-
16 PLAINT.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii) and subparagraph (C),
19 the requirements under section 42121(b)
20 of title 49, including the legal burdens of
21 proof described in such section 42121(b),
22 shall apply with respect to a complaint
23 filed under paragraph (2)(A) by an indi-
24 vidual against an employer.

1 “(ii) EXCEPTION.—With respect to a
2 complaint filed under paragraph (2)(A),
3 notification required to be made under sec-
4 tion 42121(b)(1) of title 49 shall be made
5 to each person named in the complaint, in-
6 cluding the employer.

7 “(B) DISTRICT COURT COMPLAINT.—

8 “(i) JURY TRIAL.—A party to an ac-
9 tion brought under paragraph (2)(B) shall
10 be entitled to trial by jury.

11 “(ii) STATUTE OF LIMITATIONS.—

12 “(I) IN GENERAL.—An action
13 may not be brought under paragraph
14 (2)(B)—

15 “(aa) more than 6 years
16 after the date on which the viola-
17 tion of paragraph (1) occurs; or

18 “(bb) more than 3 years
19 after the date on which when
20 facts material to the right of ac-
21 tion are known, or reasonably
22 should have been known, by the
23 employee alleging a violation of
24 paragraph (1).

1 “(II) REQUIRED ACTION WITHIN
2 10 YEARS.—Notwithstanding sub-
3 clause (I), an action under paragraph
4 (2)(B) may not in any circumstance
5 be brought more than 10 years after
6 the date on which the violation occurs.

7 “(C) RELIEF.—Relief for an individual
8 prevailing with respect to a complaint filed
9 under subparagraph (A) of paragraph (2) or an
10 action brought under subparagraph (B) of that
11 paragraph shall include—

12 “(i) reinstatement with the same se-
13 niority status that the individual would
14 have had, but for the conduct that is the
15 subject of the complaint or action, as ap-
16 plicable;

17 “(ii) 2 times the amount of back pay
18 otherwise owed to the individual, with in-
19 terest;

20 “(iii) the payment of compensatory
21 damages, which shall include compensation
22 for litigation costs, expert witness fees, and
23 reasonable attorneys’ fees; and

24 “(iv) any other appropriate remedy
25 with respect to the conduct that is the sub-

1 ject of the complaint or action, as applica-
2 ble.

3 “(4) CONFIDENTIALITY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraphs (C) and (D), the Secretary or
6 the Attorney General, as applicable, and any of-
7 ficer or employee of the Department of the
8 Treasury or the Department of Justice, shall
9 not disclose any information, including informa-
10 tion provided by a whistleblower to either such
11 official, which could reasonably be expected to
12 reveal the identity of a whistleblower, except in
13 accordance with the provisions of section 552a
14 of title 5, unless and until required to be dis-
15 closed to a defendant or respondent in connec-
16 tion with a public proceeding instituted by the
17 appropriate such official or any entity described
18 in subparagraph (D).

19 “(B) EXEMPTED STATUTE.—For purposes
20 of section 552 of title 5, this paragraph shall be
21 considered a statute described in subsection
22 (b)(3)(B) of such section 552.

23 “(C) RULE OF CONSTRUCTION.—Nothing
24 in this section is intended to limit, or shall be
25 construed to limit, the ability of the Attorney

1 General to present such evidence to a grand
2 jury or to share such evidence with potential
3 witnesses or defendants in the course of an on-
4 going criminal investigation.

5 “(D) AVAILABILITY TO GOVERNMENT
6 AGENCIES.—

7 “(i) IN GENERAL.—Without the loss
8 of its status as confidential in the hands of
9 the Secretary or the Attorney General, as
10 applicable, all information referred to in
11 subparagraph (A) may, in the discretion of
12 the appropriate such official, when deter-
13 mined by that official to be necessary to
14 accomplish the purposes of this sub-
15 chapter, be made available to—

16 “(I) any appropriate Federal au-
17 thority;

18 “(II) a State attorney general in
19 connection with any criminal inves-
20 tigation;

21 “(III) any appropriate State reg-
22 ulatory authority; and

23 “(IV) a foreign law enforcement
24 authority.

25 “(ii) CONFIDENTIALITY.—

1 “(I) IN GENERAL.—Each of the
2 entities described in subclauses (I)
3 through (III) of clause (i) shall main-
4 tain such information as confidential
5 in accordance with the requirements
6 established under subparagraph (A).

7 “(II) FOREIGN AUTHORITIES.—
8 Each entity described in clause (i)(IV)
9 shall maintain such information in ac-
10 cordance with such assurances of con-
11 fidentiality as determined by the Sec-
12 retary or Attorney General, as appli-
13 cable.

14 “(5) RIGHTS RETAINED.—Nothing in this sec-
15 tion shall be deemed to diminish the rights, privi-
16 leges, or remedies of any whistleblower under any
17 Federal or State law or under any collective bar-
18 gaining agreement.

19 “(6) COORDINATION WITH OTHER PROVISIONS
20 OF LAW.—This subsection shall not apply with re-
21 spect to any employer that is subject to section 33
22 of the Federal Deposit Insurance Act (12 U.S.C.
23 1831j) or section 213 or 214 of the Federal Credit
24 Union Act (12 U.S.C. 1790b, 1790c).

1 “(h) PROVISION OF FALSE INFORMATION.—A whis-
2 tleblower shall not be entitled to an award under this sec-
3 tion if the whistleblower—

4 “(1) knowingly and willfully makes any false,
5 fictitious, or fraudulent statement or representation;
6 or

7 “(2) uses any false writing or document know-
8 ing the writing or document contains any false, ficti-
9 tious, or fraudulent statement or entry.

10 “(i) RULEMAKING AUTHORITY.—The Secretary, in
11 consultation with the Attorney General, shall have the au-
12 thority to issue such rules and regulations as may be nec-
13 essary or appropriate to implement the provisions of this
14 section consistent with the purposes of this section.

15 “(j) NONENFORCEABILITY OF CERTAIN PROVISIONS
16 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
17 TRATION OF DISPUTES.—

18 “(1) WAIVER OF RIGHTS AND REMEDIES.—The
19 rights and remedies provided for in this section may
20 not be waived by any agreement, policy form, or con-
21 dition of employment, including by a predispute ar-
22 bitration agreement.

23 “(2) PREDISPUTE ARBITRATION AGREE-
24 MENTS.—No predispute arbitration agreement shall
25 be valid or enforceable, to the extent the agreement

1 requires arbitration of a dispute arising under this
2 section.”.

3 (b) REPEAL OF SECTION 5328 OF TITLE 31.—Sec-
4 tion 5328 of title 31, United States Code, is repealed.

5 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
6 The table of sections for subchapter II of chapter 53 of
7 title 31, United States Code, is amended—

8 (1) by striking the item relating to section 5323
9 and inserting the following:

“5323. Whistleblower incentives and protections.”; and

10 (2) by striking the item relating to section
11 5328.

12 **TITLE LXIV—ESTABLISHING**
13 **BENEFICIAL OWNERSHIP IN-**
14 **FORMATION REPORTING RE-**
15 **QUIREMENTS**

Sec. 6401. Short title.

Sec. 6402. Sense of Congress.

Sec. 6403. Beneficial ownership information reporting requirements.

16 **SEC. 6401. SHORT TITLE.**

17 This title may be cited as the “Corporate Trans-
18 parency Act”.

19 **SEC. 6402. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) more than 2,000,000 corporations and lim-
22 ited liability companies are being formed under the
23 laws of the States each year;

1 (2) most or all States do not require informa-
2 tion about the beneficial owners of the corporations,
3 limited liability companies, or other similar entities
4 formed under the laws of the State;

5 (3) malign actors seek to conceal their owner-
6 ship of corporations, limited liability companies, or
7 other similar entities in the United States to facili-
8 tate illicit activity, including money laundering, the
9 financing of terrorism, proliferation financing, seri-
10 ous tax fraud, human and drug trafficking, counter-
11 feiting, piracy, securities fraud, financial fraud, and
12 acts of foreign corruption, harming the national se-
13 curity interests of the United States and allies of the
14 United States;

15 (4) money launderers and others involved in
16 commercial activity intentionally conduct trans-
17 actions through corporate structures in order to
18 evade detection, and may layer such structures,
19 much like Russian nesting “Matryoshka” dolls,
20 across various secretive jurisdictions such that each
21 time an investigator obtains ownership records for a
22 domestic or foreign entity, the newly identified entity
23 is yet another corporate entity, necessitating a re-
24 peat of the same process;

1 (5) Federal legislation providing for the collec-
2 tion of beneficial ownership information for corpora-
3 tions, limited liability companies, or other similar en-
4 tities formed under the laws of the States is needed
5 to—

6 (A) set a clear, Federal standard for incor-
7 poration practices;

8 (B) protect vital United States national se-
9 curity interests;

10 (C) protect interstate and foreign com-
11 merce;

12 (D) better enable critical national security,
13 intelligence, and law enforcement efforts to
14 counter money laundering, the financing of ter-
15 rorism, and other illicit activity; and

16 (E) bring the United States into compli-
17 ance with international anti-money laundering
18 and countering the financing of terrorism
19 standards;

20 (6) beneficial ownership information collected
21 under the amendments made by this title is sensitive
22 information and will be directly available only to au-
23 thorized government authorities, subject to effective
24 safeguards and controls, to—

1 (A) facilitate important national security,
2 intelligence, and law enforcement activities; and

3 (B) confirm beneficial ownership informa-
4 tion provided to financial institutions to facili-
5 tate the compliance of the financial institutions
6 with anti-money laundering, countering the fi-
7 nancing of terrorism, and customer due dili-
8 gence requirements under applicable law;

9 (7) consistent with applicable law, the Secretary
10 of the Treasury shall—

11 (A) maintain the information described in
12 paragraph (1) in a secure, nonpublic database,
13 using information security methods and tech-
14 niques that are appropriate to protect non-
15 classified information systems at the highest se-
16 curity level; and

17 (B) take all steps, including regular audit-
18 ing, to ensure that government authorities ac-
19 cessing beneficial ownership information do so
20 only for authorized purposes consistent with
21 this title; and

22 (8) in prescribing regulations to provide for the
23 reporting of beneficial ownership information, the
24 Secretary shall, to the greatest extent practicable
25 consistent with the purposes of this title—

1 (A) seek to minimize burdens on reporting
2 companies associated with the collection of ben-
3 eficial ownership information;

4 (B) provide clarity to reporting companies
5 concerning the identification of their beneficial
6 owners; and

7 (C) collect information in a form and man-
8 ner that is reasonably designed to generate a
9 database that is highly useful to national secu-
10 rity, intelligence, and law enforcement agencies
11 and Federal functional regulators.

12 **SEC. 6403. BENEFICIAL OWNERSHIP INFORMATION RE-**
13 **PORTING REQUIREMENTS.**

14 (a) IN GENERAL.—Subchapter II of chapter 53 of
15 title 31, United States Code, as amended by sections
16 6306(a)(1), 6307(a), and 6313(a) of this division, is
17 amended by adding at the end the following:

18 **“§ 5336. Beneficial ownership information reporting**
19 **requirements**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ACCEPTABLE IDENTIFICATION DOCU-
22 MENT.—The term ‘acceptable identification docu-
23 ment’ means, with respect to an individual—

24 “(A) a nonexpired passport issued by the
25 United States;

1 “(B) a nonexpired identification document
2 issued by a State, local government, or Indian
3 Tribe to the individual acting for the purpose of
4 identification of that individual;

5 “(C) a nonexpired driver’s license issued
6 by a State; or

7 “(D) if the individual does not have a doc-
8 ument described in subparagraph (A), (B), or
9 (C), a nonexpired passport issued by a foreign
10 government.

11 “(2) APPLICANT.—The term ‘applicant’ means
12 any individual who—

13 “(A) files an application to form a corpora-
14 tion, limited liability company, or other similar
15 entity under the laws of a State or Indian
16 Tribe; or

17 “(B) registers or files an application to
18 register a corporation, limited liability company,
19 or other similar entity formed under the laws of
20 a foreign country to do business in the United
21 States by filing a document with the secretary
22 of state or similar office under the laws of a
23 State or Indian Tribe.

24 “(3) BENEFICIAL OWNER.—The term ‘bene-
25 ficial owner’—

1 “(A) means, with respect to an entity, an
2 individual who, directly or indirectly, through
3 any contract, arrangement, understanding, rela-
4 tionship, or otherwise—

5 “(i) exercises substantial control over
6 the entity; or

7 “(ii) owns or controls not less than 25
8 percent of the ownership interests of the
9 entity; and

10 “(B) does not include—

11 “(i) a minor child, as defined in the
12 State in which the entity is formed, if the
13 information of the parent or guardian of
14 the minor child is reported in accordance
15 with this section;

16 “(ii) an individual acting as a nomi-
17 nee, intermediary, custodian, or agent on
18 behalf of another individual;

19 “(iii) an individual acting solely as an
20 employee of a corporation, limited liability
21 company, or other similar entity and whose
22 control over or economic benefits from
23 such entity is derived solely from the em-
24 ployment status of the person;

1 “(iv) an individual whose only interest
2 in a corporation, limited liability company,
3 or other similar entity is through a right of
4 inheritance; or

5 “(v) a creditor of a corporation, lim-
6 ited liability company, or other similar en-
7 tity, unless the creditor meets the require-
8 ments of subparagraph (A).

9 “(4) DIRECTOR.—The term ‘Director’ means
10 the Director of FinCEN.

11 “(5) FINCEN.—The term ‘FinCEN’ means the
12 Financial Crimes Enforcement Network of the De-
13 partment of the Treasury.

14 “(6) FINCEN IDENTIFIER.—The term
15 ‘FinCEN identifier’ means the unique identifying
16 number assigned by FinCEN to a person under this
17 section.

18 “(7) FOREIGN PERSON.—The term ‘foreign per-
19 son’ means a person who is not a United States per-
20 son, as defined in section 7701(a) of the Internal
21 Revenue Code of 1986.

22 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
23 has the meaning given the term ‘Indian tribe’ in sec-
24 tion 102 of the Federally Recognized Indian Tribe
25 List Act of 1994 (25 U.S.C. 5130).

1 “(9) LAWFULLY ADMITTED FOR PERMANENT
2 RESIDENCE.—The term ‘lawfully admitted for per-
3 manent residence’ has the meaning given the term
4 in section 101(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1101(a)).

6 “(10) POOLED INVESTMENT VEHICLE.—The
7 term ‘pooled investment vehicle’ means—

8 “(A) any investment company, as defined
9 in section 3(a) of the Investment Company Act
10 of 1940 (15 U.S.C. 80a–3(a)); or

11 “(B) any company that—

12 “(i) would be an investment company
13 under that section but for the exclusion
14 provided from that definition by paragraph
15 (1) or (7) of section 3(c) of that Act (15
16 U.S.C. 80a–3(c)); and

17 “(ii) is identified by its legal name by
18 the applicable investment adviser in its
19 Form ADV (or successor form) filed with
20 the Securities and Exchange Commission.

21 “(11) REPORTING COMPANY.—The term ‘re-
22 porting company’—

23 “(A) means a corporation, limited liability
24 company, or other similar entity that is—

1 “(i) created by the filing of a docu-
2 ment with a secretary of state or a similar
3 office under the law of a State or Indian
4 Tribe; or

5 “(ii) formed under the law of a for-
6 eign country and registered to do business
7 in the United States by the filing of a doc-
8 ument with a secretary of state or a simi-
9 lar office under the laws of a State or In-
10 dian Tribe; and

11 “(B) does not include—

12 “(i) an issuer—

13 “(I) of a class of securities reg-
14 istered under section 12 of the Securi-
15 ties Exchange Act of 1934 (15 U.S.C.
16 78l); or

17 “(II) that is required to file sup-
18 plementary and periodic information
19 under section 15(d) of the Securities
20 Exchange Act of 1934 (15 U.S.C.
21 78o(d));

22 “(ii) an entity—

23 “(I) established under the laws of
24 the United States, an Indian Tribe, a
25 State, or a political subdivision of a

1 State, or under an interstate compact
2 between 2 or more States; and

3 “(II) that exercises governmental
4 authority on behalf of the United
5 States or any such Indian Tribe,
6 State, or political subdivision;

7 “(iii) a bank, as defined in—

8 “(I) section 3 of the Federal De-
9 posit Insurance Act (12 U.S.C. 1813);

10 “(II) section 2(a) of the Invest-
11 ment Company Act of 1940 (15
12 U.S.C. 80a–2(a)); or

13 “(III) section 202(a) of the In-
14 vestment Advisers Act of 1940 (15
15 U.S.C. 80b–2(a));

16 “(iv) a Federal credit union or a State
17 credit union (as those terms are defined in
18 section 101 of the Federal Credit Union
19 Act (12 U.S.C. 1752));

20 “(v) a bank holding company (as de-
21 fined in section 2 of the Bank Holding
22 Company Act of 1956 (12 U.S.C. 1841))
23 or a savings and loan holding company (as
24 defined in section 10(a) of the Home Own-
25 ers’ Loan Act (12 U.S.C. 1467a(a)));

1 “(vi) a money transmitting business
2 registered with the Secretary of the Treas-
3 ury under section 5330;

4 “(vii) a broker or dealer (as those
5 terms are defined in section 3 of the Secu-
6 rities Exchange Act of 1934 (15 U.S.C.
7 78c)) that is registered under section 15 of
8 that Act (15 U.S.C. 78o);

9 “(viii) an exchange or clearing agency
10 (as those terms are defined in section 3 of
11 the Securities Exchange Act of 1934 (15
12 U.S.C. 78c)) that is registered under sec-
13 tion 6 or 17A of that Act (15 U.S.C. 78f,
14 78q–1);

15 “(ix) any other entity not described in
16 clause (i), (vii), or (viii) that is registered
17 with the Securities and Exchange Commis-
18 sion under the Securities Exchange Act of
19 1934 (15 U.S.C. 78a et seq.);

20 “(x) an entity that—

21 “(I) is an investment company
22 (as defined in section 3 of the Invest-
23 ment Company Act of 1940 (15
24 U.S.C. 80a–3)) or an investment ad-
25 viser (as defined in section 202 of the

1 Investment Advisers Act of 1940 (15
2 U.S.C. 80b–2)); and

3 “(II) is registered with the Secu-
4 rities and Exchange Commission
5 under the Investment Company Act of
6 1940 (15 U.S.C. 80a–1 et seq.) or the
7 Investment Advisers Act of 1940 (15
8 U.S.C. 80b–1 et seq.);

9 “(xi) an investment adviser—
10 “(I) described in section 203(l) of
11 the Investment Advisers Act of 1940
12 (15 U.S.C. 80b–3(l)); and

13 “(II) that has filed Item 10,
14 Schedule A, and Schedule B of Part
15 1A of Form ADV, or any successor
16 thereto, with the Securities and Ex-
17 change Commission;

18 “(xii) an insurance company (as de-
19 fined in section 2 of the Investment Com-
20 pany Act of 1940 (15 U.S.C. 80a–2));

21 “(xiii) an entity that—

22 “(I) is an insurance producer
23 that is authorized by a State and sub-
24 ject to supervision by the insurance

1 commissioner or a similar official or
2 agency of a State; and

3 “(II) has an operating presence
4 at a physical office within the United
5 States;

6 “(xiv)(I) a registered entity (as de-
7 fined in section 1a of the Commodity Ex-
8 change Act (7 U.S.C. 1a)); or

9 “(II) an entity that is—

10 “(aa)(AA) a futures commission
11 merchant, introducing broker, swap
12 dealer, major swap participant, com-
13modity pool operator, or commodity
14 trading advisor (as those terms are
15 defined in section 1a of the Com-
16modity Exchange Act (7 U.S.C. 1a));
17 or

18 “(BB) a retail foreign exchange
19 dealer, as described in section
20 2(c)(2)(B) of that Act (7 U.S.C.
21 2(c)(2)(B)); and

22 “(bb) registered with the Com-
23modity Futures Trading Commission
24 under the Commodity Exchange Act
25 (7 U.S.C. 1 et seq.);

1 “(xv) a public accounting firm reg-
2 istered in accordance with section 102 of
3 the Sarbanes-Oxley Act of 2002 (15
4 U.S.C. 7212);

5 “(xvi) a public utility that provides
6 telecommunications services, electrical
7 power, natural gas, or water and sewer
8 services within the United States;

9 “(xvii) a financial market utility des-
10 ignated by the Financial Stability Over-
11 sight Council under section 804 of the
12 Payment, Clearing, and Settlement Super-
13 vision Act of 2010 (12 U.S.C. 5463);

14 “(xviii) any pooled investment vehicle
15 that is operated or advised by a person de-
16 scribed in clause (iii), (iv), (vii), (x), or
17 (xi);

18 “(xix) any—

19 “(I) organization that is de-
20 scribed in section 501(c) of the Inter-
21 nal Revenue Code of 1986 (deter-
22 mined without regard to section
23 508(a) of such Code) and exempt
24 from tax under section 501(a) of such
25 Code, except that in the case of any

1 such organization that loses an ex-
2 emption from tax, such organization
3 shall be considered to be continued to
4 be described in this subclause for the
5 180-day period beginning on the date
6 of the loss of such tax-exempt status;

7 “(II) political organization (as
8 defined in section 527(e)(1) of such
9 Code) that is exempt from tax under
10 section 527(a) of such Code; or

11 “(III) trust described in para-
12 graph (1) or (2) of section 4947(a) of
13 such Code;

14 “(xx) any corporation, limited liability
15 company, or other similar entity that—

16 “(I) operates exclusively to pro-
17 vide financial assistance to, or hold
18 governance rights over, any entity de-
19 scribed in clause (xix);

20 “(II) is a United States person;

21 “(III) is beneficially owned or
22 controlled exclusively by 1 or more
23 United States persons that are United
24 States citizens or lawfully admitted
25 for permanent residence; and

1 “(IV) derives at least a majority
2 of its funding or revenue from 1 or
3 more United States persons that are
4 United States citizens or lawfully ad-
5 mitted for permanent residence;

6 “(xxi) any entity that—

7 “(I) employs more than 20 em-
8 ployees on a full-time basis in the
9 United States;

10 “(II) filed in the previous year
11 Federal income tax returns in the
12 United States demonstrating more
13 than \$5,000,000 in gross receipts or
14 sales in the aggregate, including the
15 receipts or sales of—

16 “(aa) other entities owned
17 by the entity; and

18 “(bb) other entities through
19 which the entity operates; and

20 “(III) has an operating presence
21 at a physical office within the United
22 States;

23 “(xxii) any corporation, limited liabil-
24 ity company, or other similar entity of
25 which the ownership interests are owned or

1 controlled, directly or indirectly, by 1 or
2 more entities described in clause (i), (ii),
3 (iii), (iv), (v), (vii), (viii), (ix), (x), (xi),
4 (xii), (xiii), (xiv), (xv), (xvi), (xvii) (xix), or
5 (xxi);

6 “(xxiii) any corporation, limited liabil-
7 ity company, or other similar entity—

8 “(I) in existence for over 1 year;

9 “(II) that is not engaged in ac-
10 tive business;

11 “(III) that is not owned, directly
12 or indirectly, by a foreign person;

13 “(IV) that has not, in the pre-
14 ceding 12-month period, experienced a
15 change in ownership or sent or re-
16 ceived funds in an amount greater
17 than \$1,000 (including all funds sent
18 to or received from any source
19 through a financial account or ac-
20 counts in which the entity, or an affil-
21 iate of the entity, maintains an inter-
22 est); and

23 “(V) that does not otherwise hold
24 any kind or type of assets, including
25 an ownership interest in any corpora-

1 tion, limited liability company, or
2 other similar entity;

3 “(xxiv) any entity or class of entities
4 that the Secretary of the Treasury, with
5 the written concurrence of the Attorney
6 General and the Secretary of Homeland
7 Security, has, by regulation, determined
8 should be exempt from the requirements of
9 subsection (b) because requiring beneficial
10 ownership information from the entity or
11 class of entities—

12 “(I) would not serve the public
13 interest; and

14 “(II) would not be highly useful
15 in national security, intelligence, and
16 law enforcement agency efforts to de-
17 tect, prevent, or prosecute money
18 laundering, the financing of terrorism,
19 proliferation finance, serious tax
20 fraud, or other crimes.

21 “(12) STATE.—The term ‘State’ means any
22 State of the United States, the District of Columbia,
23 the Commonwealth of Puerto Rico, the Common-
24 wealth of the Northern Mariana Islands, American
25 Samoa, Guam, the United States Virgin Islands, and

1 any other commonwealth, territory, or possession of
2 the United States.

3 “(13) UNIQUE IDENTIFYING NUMBER.—The
4 term ‘unique identifying number’ means, with re-
5 spect to an individual or an entity with a sole mem-
6 ber, the unique identifying number from an accept-
7 able identification document.

8 “(14) UNITED STATES PERSON.—The term
9 ‘United States person’ has the meaning given the
10 term in section 7701(a) of the Internal Revenue
11 Code of 1986.

12 “(b) BENEFICIAL OWNERSHIP INFORMATION RE-
13 PORTING.—

14 “(1) REPORTING.—

15 “(A) IN GENERAL.—In accordance with
16 regulations prescribed by the Secretary of the
17 Treasury, each reporting company shall submit
18 to FinCEN a report that contains the informa-
19 tion described in paragraph (2).

20 “(B) REPORTING OF EXISTING ENTI-
21 TIES.—In accordance with regulations pre-
22 scribed by the Secretary of the Treasury, any
23 reporting company that has been formed or reg-
24 istered before the effective date of the regula-
25 tions prescribed under this subsection shall, in

1 a timely manner, and not later than 2 years
2 after the effective date of the regulations pre-
3 scribed under this subsection, submit to
4 FinCEN a report that contains the information
5 described in paragraph (2).

6 “(C) REPORTING AT TIME OF FORMATION
7 OR REGISTRATION.—In accordance with regula-
8 tions prescribed by the Secretary of the Treas-
9 ury, any reporting company that has been
10 formed or registered after the effective date of
11 the regulations promulgated under this sub-
12 section shall, at the time of formation or reg-
13 istration, submit to FinCEN a report that con-
14 tains the information described in paragraph
15 (2).

16 “(D) UPDATED REPORTING FOR CHANGES
17 IN BENEFICIAL OWNERSHIP.—In accordance
18 with regulations prescribed by the Secretary of
19 the Treasury, a reporting company shall, in a
20 timely manner, and not later than 1 year after
21 the date on which there is a change with re-
22 spect to any information described in paragraph
23 (2), submit to FinCEN a report that updates
24 the information relating to the change.

1 “(E) TREASURY REVIEW OF UPDATED RE-
2 PORTING FOR CHANGES IN BENEFICIAL OWNER-
3 SHIP.—The Secretary of the Treasury, in con-
4 sultation with the Attorney General and the
5 Secretary of Homeland Security, shall conduct
6 a review to evaluate—

7 “(i) the necessity of a requirement for
8 corporations, limited liability companies, or
9 other similar entities to update the report
10 on beneficial ownership information in
11 paragraph (2), related to a change in own-
12 ership, within a shorter period of time than
13 required under subparagraph (D), taking
14 into account the updating requirements
15 under subparagraph (D) and the informa-
16 tion contained in the reports;

17 “(ii) the benefit to law enforcement
18 and national security officials that might
19 be derived from, and the burden that a re-
20 quirement to update the list of beneficial
21 owners within a shorter period of time
22 after a change in the list of beneficial own-
23 ers would impose on corporations, limited
24 liability companies, or other similar enti-
25 ties; and

1 “(iii) not later than 2 years after the
2 date of enactment of this section, incor-
3 porate into the regulations, as appropriate,
4 any changes necessary to implement the
5 findings and determinations based on the
6 review required under this subparagraph.

7 “(F) REGULATION REQUIREMENTS.—In
8 promulgating the regulations required under
9 subparagraphs (A) through (D), the Secretary
10 of the Treasury shall, to the greatest extent
11 practicable—

12 “(i) establish partnerships with State,
13 local, and Tribal governmental agencies;

14 “(ii) collect information described in
15 paragraph (2) through existing Federal,
16 State, and local processes and procedures;

17 “(iii) minimize burdens on reporting
18 companies associated with the collection of
19 the information described in paragraph
20 (2), in light of the private compliance costs
21 placed on legitimate businesses, including
22 by identifying any steps taken to mitigate
23 the costs relating to compliance with the
24 collection of information; and

1 “(iv) collect information described in
2 paragraph (2) in a form and manner that
3 ensures the information is highly useful
4 in—

5 “(I) facilitating important na-
6 tional security, intelligence, and law
7 enforcement activities; and

8 “(II) confirming beneficial owner-
9 ship information provided to financial
10 institutions to facilitate the compli-
11 ance of the financial institutions with
12 anti-money laundering, countering the
13 financing of terrorism, and customer
14 due diligence requirements under ap-
15 plicable law.

16 “(G) REGULATORY SIMPLIFICATION.—To
17 simplify compliance with this section for report-
18 ing companies and financial institutions, the
19 Secretary of the Treasury shall ensure that the
20 regulations prescribed by the Secretary under
21 this subsection are added to part 1010 of title
22 31, Code of Federal Regulations, or any suc-
23 cessor thereto.

24 “(2) REQUIRED INFORMATION.—

1 “(A) IN GENERAL.—In accordance with
2 regulations prescribed by the Secretary of the
3 Treasury, a report delivered under paragraph
4 (1) shall, except as provided in subparagraph
5 (B), identify each beneficial owner of the appli-
6 cable reporting company and each applicant
7 with respect to that reporting company by—

8 “(i) full legal name;

9 “(ii) date of birth;

10 “(iii) current, as of the date on which
11 the report is delivered, residential or busi-
12 ness street address; and

13 “(iv)(I) unique identifying number
14 from an acceptable identification docu-
15 ment; or

16 “(II) FinCEN identifier in accordance
17 with requirements in paragraph (3).

18 “(B) REPORTING REQUIREMENT FOR EX-
19 EMPT ENTITIES HAVING AN OWNERSHIP INTER-
20 EST.—If an exempt entity described in sub-
21 section (a)(11)(B) has or will have a direct or
22 indirect ownership interest in a reporting com-
23 pany, the reporting company or the applicant—

1 “(i) shall, with respect to the exempt
2 entity, only list the name of the exempt en-
3 tity; and

4 “(ii) shall not be required to report
5 the information with respect to the exempt
6 entity otherwise required under subpara-
7 graph (A).

8 “(C) REPORTING REQUIREMENT FOR CER-
9 TAIN POOLED INVESTMENT VEHICLES.—Any
10 corporation, limited liability company, or other
11 similar entity that is an exempt entity described
12 in subsection (a)(11)(B)(xviii) and is formed
13 under the laws of a foreign country shall file
14 with FinCEN a written certification that pro-
15 vides identification information of an individual
16 that exercises substantial control over the
17 pooled investment vehicle in the same manner
18 as required under this subsection.

19 “(D) REPORTING REQUIREMENT FOR EX-
20 EMPT SUBSIDIARIES.—In accordance with the
21 regulations promulgated by the Secretary, any
22 corporation, limited liability company, or other
23 similar entity that is an exempt entity described
24 in subsection (a)(11)(B)(xxii), shall, at the time
25 such entity no longer meets the criteria de-

1 scribed in subsection (a)(11)(B)(xxii), submit to
2 FinCEN a report containing the information re-
3 quired under subparagraph (A).

4 “(E) REPORTING REQUIREMENT FOR EX-
5 EMPT GRANDFATHERED ENTITIES.—In accord-
6 ance with the regulations promulgated by the
7 Secretary, any corporation, limited liability
8 company, or other similar entity that is an ex-
9 empt entity described in subsection
10 (a)(11)(B)(xxiii), shall, at the time such entity
11 no longer meets the criteria described in sub-
12 section (a)(11)(B)(xxiii), submit to FinCEN a
13 report containing the information required
14 under subparagraph (A).

15 “(3) FINCEN IDENTIFIER.—

16 “(A) ISSUANCE OF FINCEN IDENTIFIER.—

17 “(i) IN GENERAL.—Upon request by
18 an individual who has provided FinCEN
19 with the information described in para-
20 graph (2)(A) pertaining to the individual,
21 or by an entity that has reported its bene-
22 ficial ownership information to FinCEN in
23 accordance with this section, FinCEN shall
24 issue a FinCEN identifier to such indi-
25 vidual or entity.

1 “(ii) UPDATING OF INFORMATION.—

2 An individual or entity with a FinCEN
3 identifier shall submit filings with FinCEN
4 pursuant to paragraph (1) updating any
5 information described in paragraph (2) in
6 a timely manner consistent with paragraph
7 (1)(D).

8 “(iii) EXCLUSIVE IDENTIFIER.—

9 FinCEN shall not issue more than 1
10 FinCEN identifier to the same individual
11 or to the same entity (including any suc-
12 cessor entity).

13 “(B) USE OF FINCEN IDENTIFIER FOR IN-
14 DIVIDUALS.—Any person required to report the
15 information described in paragraph (2) with re-
16 spect to an individual may instead report the
17 FinCEN identifier of the individual.

18 “(C) USE OF FINCEN IDENTIFIER FOR EN-
19 TITIES.—If an individual is or may be a bene-
20 ficial owner of a reporting company by an inter-
21 est held by the individual in an entity that, di-
22 rectly or indirectly, holds an interest in the re-
23 porting company, the reporting company may
24 report the FinCEN identifier of the entity in

1 lieu of providing the information required by
2 paragraph (2)(A) with respect to the individual.

3 “(4) REGULATIONS.—The Secretary of the
4 Treasury shall—

5 “(A) by regulation prescribe procedures
6 and standards governing any report under
7 paragraph (2) and any FinCEN identifier
8 under paragraph (3); and

9 “(B) in promulgating the regulations
10 under subparagraph (A) to the extent prac-
11 ticable, consistent with the purposes of this sec-
12 tion—

13 “(i) minimize burdens on reporting
14 companies associated with the collection of
15 beneficial ownership information, including
16 by eliminating duplicative requirements;
17 and

18 “(ii) ensure the beneficial ownership
19 information reported to FinCEN is accu-
20 rate, complete, and highly useful.

21 “(5) EFFECTIVE DATE.—The requirements of
22 this subsection shall take effect on the effective date
23 of the regulations prescribed by the Secretary of the
24 Treasury under this subsection, which shall be pro-

1 mulgated not later than 1 year after the date of en-
2 actment of this section.

3 “(6) REPORT.—Not later than 1 year after the
4 effective date described in paragraph (5), and annu-
5 ally thereafter for 2 years, the Secretary of the
6 Treasury shall submit to Congress a report describ-
7 ing the procedures and standards prescribed to carry
8 out paragraph (2), which shall include an assess-
9 ment of—

10 “(A) the effectiveness of those procedures
11 and standards in minimizing reporting burdens
12 (including through the elimination of duplica-
13 tive requirements) and strengthening the accu-
14 racy of reports submitted under paragraph (2);
15 and

16 “(B) any alternative procedures and stand-
17 ards prescribed to carry out paragraph (2).

18 “(c) RETENTION AND DISCLOSURE OF BENEFICIAL
19 OWNERSHIP INFORMATION BY FINCEN.—

20 “(1) RETENTION OF INFORMATION.—Beneficial
21 ownership information required under subsection (b)
22 relating to each reporting company shall be main-
23 tained by FinCEN for not fewer than 5 years after
24 the date on which the reporting company terminates.

25 “(2) DISCLOSURE.—

1 “(A) PROHIBITION.—Except as authorized
2 by this subsection and the protocols promul-
3 gated under this subsection, beneficial owner-
4 ship information reported under this section
5 shall be confidential and may not be disclosed
6 by—

7 “(i) an officer or employee of the
8 United States;

9 “(ii) an officer or employee of any
10 State, local, or Tribal agency; or

11 “(iii) an officer or employee of any fi-
12 nancial institution or regulatory agency re-
13 ceiving information under this subsection.

14 “(B) SCOPE OF DISCLOSURE BY FINCEN.—
15 FinCEN may disclose beneficial ownership in-
16 formation reported pursuant to this section only
17 upon receipt of—

18 “(i) a request, through appropriate
19 protocols—

20 “(I) from a Federal agency en-
21 gaged in national security, intel-
22 ligence, or law enforcement activity,
23 for use in furtherance of such activity;
24 or

1 “(II) from a State, local, or Trib-
2 al law enforcement agency, if a court
3 of competent jurisdiction, including
4 any officer of such a court, has au-
5 thorized the law enforcement agency
6 to seek the information in a criminal
7 or civil investigation;

8 “(ii) a request from a Federal agency
9 on behalf of a law enforcement agency,
10 prosecutor, or judge of another country, in-
11 cluding a foreign central authority or com-
12 petent authority (or like designation),
13 under an international treaty, agreement,
14 convention, or official request made by law
15 enforcement, judicial, or prosecutorial au-
16 thorities in trusted foreign countries when
17 no treaty, agreement, or convention is
18 available—

19 “(I) issued in response to a re-
20 quest for assistance in an investiga-
21 tion or prosecution by such foreign
22 country; and

23 “(II) that—

24 “(aa) requires compliance
25 with the disclosure and use provi-

1 sions of the treaty, agreement, or
2 convention, publicly disclosing
3 any beneficial ownership informa-
4 tion received; or

5 “(bb) limits the use of the
6 information for any purpose
7 other than the authorized inves-
8 tigation or national security or
9 intelligence activity;

10 “(iii) a request made by a financial
11 institution subject to customer due dili-
12 gence requirements, with the consent of
13 the reporting company, to facilitate the
14 compliance of the financial institution with
15 customer due diligence requirements under
16 applicable law; or

17 “(iv) a request made by a Federal
18 functional regulator or other appropriate
19 regulatory agency consistent with the re-
20 quirements of subparagraph (C).

21 “(C) FORM AND MANNER OF DISCLOSURE
22 TO FINANCIAL INSTITUTIONS AND REGULATORY
23 AGENCIES.—The Secretary of the Treasury
24 shall, by regulation, prescribe the form and
25 manner in which information shall be provided

1 to a financial institution under subparagraph
2 (B)(iii), which regulation shall include that the
3 information shall also be available to a Federal
4 functional regulator or other appropriate regu-
5 latory agency, as determined by the Secretary,
6 if the agency—

7 “(i) is authorized by law to assess, su-
8 pervise, enforce, or otherwise determine the
9 compliance of the financial institution with
10 the requirements described in that sub-
11 paragraph;

12 “(ii) uses the information solely for
13 the purpose of conducting the assessment,
14 supervision, or authorized investigation or
15 activity described in clause (i); and

16 “(iii) enters into an agreement with
17 the Secretary providing for appropriate
18 protocols governing the safekeeping of the
19 information.

20 “(3) APPROPRIATE PROTOCOLS.—The Sec-
21 retary of the Treasury shall establish by regulation
22 protocols described in paragraph (2)(A) that—

23 “(A) protect the security and confiden-
24 tiality of any beneficial ownership information
25 provided directly by the Secretary;

1 “(B) require the head of any requesting
2 agency, on a non-delegable basis, to approve the
3 standards and procedures utilized by the re-
4 questing agency and certify to the Secretary
5 semi-annually that such standards and proce-
6 dures are in compliance with the requirements
7 of this paragraph;

8 “(C) require the requesting agency to es-
9 tablish and maintain, to the satisfaction of the
10 Secretary, a secure system in which such bene-
11 ficial ownership information provided directly
12 by the Secretary shall be stored;

13 “(D) require the requesting agency to fur-
14 nish a report to the Secretary, at such time and
15 containing such information as the Secretary
16 may prescribe, that describes the procedures es-
17 tablished and utilized by such agency to ensure
18 the confidentiality of the beneficial ownership
19 information provided directly by the Secretary;

20 “(E) require a written certification for
21 each authorized investigation or other activity
22 described in paragraph (2) from the head of an
23 agency described in paragraph (2)(B)(i)(I), or
24 their designees, that—

1 “(i) states that applicable require-
2 ments have been met, in such form and
3 manner as the Secretary may prescribe;
4 and

5 “(ii) at a minimum, sets forth the
6 specific reason or reasons why the bene-
7 ficial ownership information is relevant to
8 an authorized investigation or other activ-
9 ity described in paragraph (2);

10 “(F) require the requesting agency to
11 limit, to the greatest extent practicable, the
12 scope of information sought, consistent with the
13 purposes for seeking beneficial ownership infor-
14 mation;

15 “(G) restrict, to the satisfaction of the
16 Secretary, access to beneficial ownership infor-
17 mation to whom disclosure may be made under
18 the provisions of this section to only users at
19 the requesting agency—

20 “(i) who are directly engaged in the
21 authorized investigation or activity de-
22 scribed in paragraph (2);

23 “(ii) whose duties or responsibilities
24 require such access;

25 “(iii) who—

1 “(I) have undergone appropriate
2 training; or

3 “(II) use staff to access the data-
4 base who have undergone appropriate
5 training;

6 “(iv) who use appropriate identity
7 verification mechanisms to obtain access to
8 the information; and

9 “(v) who are authorized by agreement
10 with the Secretary to access the informa-
11 tion;

12 “(H) require the requesting agency to es-
13 tablish and maintain, to the satisfaction of the
14 Secretary, a permanent system of standardized
15 records with respect to an auditable trail of
16 each request for beneficial ownership informa-
17 tion submitted to the Secretary by the agency,
18 including the reason for the request, the name
19 of the individual who made the request, the
20 date of the request, any disclosure of beneficial
21 ownership information made by or to the agen-
22 cy, and any other information the Secretary of
23 the Treasury determines is appropriate;

24 “(I) require that the requesting agency re-
25 ceiving beneficial ownership information from

1 the Secretary conduct an annual audit to verify
2 that the beneficial ownership information re-
3 ceived from the Secretary has been accessed
4 and used appropriately, and in a manner con-
5 sistent with this paragraph and provide the re-
6 sults of that audit to the Secretary upon re-
7 quest;

8 “(J) require the Secretary to conduct an
9 annual audit of the adherence of the agencies to
10 the protocols established under this paragraph
11 to ensure that agencies are requesting and
12 using beneficial ownership information appro-
13 priately; and

14 “(K) provide such other safeguards which
15 the Secretary determines (and which the Sec-
16 retary prescribes in regulations) to be necessary
17 or appropriate to protect the confidentiality of
18 the beneficial ownership information.

19 “(4) VIOLATION OF PROTOCOLS.—Any em-
20 ployee or officer of a requesting agency under para-
21 graph (2)(B) that violates the protocols described in
22 paragraph (3), including unauthorized disclosure or
23 use, shall be subject to criminal and civil penalties
24 under subsection (h)(3)(B).

1 “(5) DEPARTMENT OF THE TREASURY AC-
2 CESS.—

3 “(A) IN GENERAL.—Beneficial ownership
4 information shall be accessible for inspection or
5 disclosure to officers and employees of the De-
6 partment of the Treasury whose official duties
7 require such inspection or disclosure subject to
8 procedures and safeguards prescribed by the
9 Secretary of the Treasury.

10 “(B) TAX ADMINISTRATION PURPOSES.—
11 Officers and employees of the Department of
12 the Treasury may obtain access to beneficial
13 ownership information for tax administration
14 purposes in accordance with this subsection.

15 “(6) REJECTION OF REQUEST.—The Secretary
16 of the Treasury—

17 “(A) shall reject a request not submitted
18 in the form and manner prescribed by the Sec-
19 retary under paragraph (2)(C); and

20 “(B) may decline to provide information
21 requested under this subsection upon finding
22 that—

23 “(i) the requesting agency has failed
24 to meet any other requirement of this sub-
25 section;

1 “(ii) the information is being re-
2 requested for an unlawful purpose; or

3 “(iii) other good cause exists to deny
4 the request.

5 “(7) SUSPENSION.—The Secretary of the
6 Treasury may suspend or debar a requesting agency
7 from access for any of the grounds set forth in para-
8 graph (6), including for repeated or serious viola-
9 tions of any requirement under paragraph (2).

10 “(8) SECURITY PROTECTIONS.—The Secretary
11 of the Treasury shall maintain information security
12 protections, including encryption, for information re-
13 ported to FinCEN under subsection (b) and ensure
14 that the protections—

15 “(A) are consistent with standards and
16 guidelines developed under subchapter II of
17 chapter 35 of title 44; and

18 “(B) incorporate Federal information sys-
19 tem security controls for high-impact systems,
20 excluding national security systems, consistent
21 with applicable law to prevent the loss of con-
22 fidentiality, integrity, or availability of informa-
23 tion that may have a severe or catastrophic ad-
24 verse effect.

1 “(9) REPORT BY THE SECRETARY.—Not later
2 than 1 year after the effective date of the regula-
3 tions prescribed under this subsection, and annually
4 thereafter for 5 years, the Secretary of the Treasury
5 shall submit to the Committee on Banking, Housing,
6 and Urban Affairs of the Senate and the Committee
7 on Financial Services of the House of Representa-
8 tives a report, which—

9 “(A) may include a classified annex; and

10 “(B) shall, with respect to each request
11 submitted under paragraph (2)(B)(i)(II) during
12 the period covered by the report, and consistent
13 with protocols established by the Secretary that
14 are necessary to protect law enforcement sen-
15 sitive, tax-related, or classified information, in-
16 clude—

17 “(i) the date on which the request was
18 submitted;

19 “(ii) the source of the request;

20 “(iii) whether the request was accept-
21 ed or rejected or is pending; and

22 “(iv) a general description of the basis
23 for rejecting the such request, if applicable.

24 “(10) AUDIT BY THE COMPTROLLER GEN-
25 ERAL.—Not later than 1 year after the effective date

1 of the regulations prescribed under this subsection,
2 and annually thereafter for 6 years, the Comptroller
3 General of the United States shall—

4 “(A) audit the procedures and safeguards
5 established by the Secretary of the Treasury
6 under those regulations, including duties for
7 verification of requesting agencies systems and
8 adherence to the protocols established under
9 this subsection, to determine whether such safe-
10 guards and procedures meet the requirements
11 of this subsection and that the Department of
12 the Treasury is using beneficial ownership in-
13 formation appropriately in a manner consistent
14 with this subsection; and

15 “(B) submit to the Secretary of the Treas-
16 ury, the Committee on Banking, Housing, and
17 Urban Affairs of the Senate, and the Com-
18 mittee on Financial Services of the House of
19 Representatives a report that contains the find-
20 ings and determinations with respect to any
21 audit conducted under this paragraph.

22 “(11) DEPARTMENT OF THE TREASURY TESTI-
23 MONY.—

24 “(A) IN GENERAL.—Not later than March
25 31 of each year for 5 years beginning in 2022,

1 the Director shall be made available to testify
2 before the Committee on Banking, Housing,
3 and Urban Affairs of the Senate and the Com-
4 mittee on Financial Services of the House of
5 Representatives, or an appropriate sub-
6 committee thereof, regarding FinCEN issues,
7 including, specifically, issues relating to—

8 “(i) anticipated plans, goals, and re-
9 sources necessary for operations of
10 FinCEN in implementing the requirements
11 of the Anti-Money Laundering Act of 2020
12 and the amendments made by that Act;

13 “(ii) the adequacy of appropriations
14 for FinCEN in the current and the pre-
15 vious fiscal year to—

16 “(I) ensure that the requirements
17 and obligations imposed upon
18 FinCEN by the Anti-Money Laun-
19 dering Act of 2020 and the amend-
20 ments made by that Act are com-
21 pleted as efficiently, effectively, and
22 expeditiously as possible; and

23 “(II) provide for robust and ef-
24 fective implementation and enforce-
25 ment of the provisions of the Anti-

1 Money Laundering Act of 2020 and
2 the amendments made by that Act;

3 “(iii) strengthen FinCEN manage-
4 ment efforts, as necessary and as identified
5 by the Director, to meet the requirements
6 of the Anti-Money Laundering Act of 2020
7 and the amendments made by that Act;

8 “(iv) provide for the necessary public
9 outreach to ensure the broad dissemination
10 of information regarding any new program
11 requirements provided for in the Anti-
12 Money Laundering Act of 2020 and the
13 amendments made by that Act, includ-
14 ing—

15 “(I) educating the business com-
16 munity on the goals and operations of
17 the new beneficial ownership database;
18 and

19 “(II) disseminating to the gov-
20 ernments of countries that are allies
21 or partners of the United States infor-
22 mation on best practices developed by
23 FinCEN related to beneficial owner-
24 ship information retention and use;

1 “(v) any policy recommendations that
2 could facilitate and improve communication
3 and coordination between the private sec-
4 tor, FinCEN, and the Federal, State, and
5 local agencies and entities involved in im-
6 plementing innovative approaches to meet
7 their obligations under the Anti-Money
8 Laundering Act of 2020 and the amend-
9 ments made by that Act, the Bank Secrecy
10 Act (as defined in section 6003 of the
11 Anti-Money Laundering Act of 2020), and
12 other anti-money laundering compliance
13 laws; and

14 “(vi) any other matter that the Direc-
15 tor determines is appropriate.

16 “(B) TESTIMONY CLASSIFICATION.—The
17 testimony required under subparagraph (A)—

18 “(i) shall be submitted in unclassified
19 form; and

20 “(ii) may include a classified portion.

21 “(d) AGENCY COORDINATION.—

22 “(1) IN GENERAL.—The Secretary of the
23 Treasury shall, to the greatest extent practicable,
24 update the information described in subsection (b)

1 by working collaboratively with other relevant Fed-
2 eral, State, and Tribal agencies.

3 “(2) INFORMATION FROM RELEVANT FEDERAL,
4 STATE, AND TRIBAL AGENCIES.—Relevant Federal,
5 State, and Tribal agencies, as determined by the
6 Secretary of the Treasury, shall, to the extent prac-
7 ticable, and consistent with applicable legal protec-
8 tions, cooperate with and provide information re-
9 quested by FinCEN for purposes of maintaining an
10 accurate, complete, and highly useful database for
11 beneficial ownership information.

12 “(3) REGULATIONS.—The Secretary of the
13 Treasury, in consultation with the heads of other
14 relevant Federal agencies, may promulgate regula-
15 tions as necessary to carry out this subsection.

16 “(e) NOTIFICATION OF FEDERAL OBLIGATIONS.—

17 “(1) FEDERAL.—The Secretary of the Treasury
18 shall take reasonable steps to provide notice to per-
19 sons of their obligations to report beneficial owner-
20 ship information under this section, including by
21 causing appropriate informational materials describ-
22 ing such obligations to be included in 1 or more
23 forms or other informational materials regularly dis-
24 tributed by the Internal Revenue Service and
25 FinCEN.

1 “(2) STATES AND INDIAN TRIBES.—

2 “(A) IN GENERAL.—As a condition of the
3 funds made available under this section, each
4 State and Indian Tribe shall, not later than 2
5 years after the effective date of the regulations
6 promulgated under subsection (b)(4), take the
7 following actions:

8 “(i) The secretary of a State or a
9 similar office in each State or Indian Tribe
10 responsible for the formation or registra-
11 tion of entities created by the filing of a
12 public document with the office under the
13 law of the State or Indian Tribe shall peri-
14 odically, including at the time of any initial
15 formation or registration of an entity, as-
16 sessment of an annual fee, or renewal of
17 any license to do business in the United
18 States and in connection with State or In-
19 dian Tribe corporate tax assessments or
20 renewals—

21 “(I) notify filers of their require-
22 ments as reporting companies under
23 this section, including the require-
24 ments to file and update reports

1 under paragraphs (1) and (2) of sub-
2 section (b); and

3 “(II) provide the filers with a
4 copy of the reporting company form
5 created by the Secretary of the Treas-
6 ury under this subsection or an inter-
7 net link to that form.

8 “(ii) The secretary of a State or a
9 similar office in each State or Indian Tribe
10 responsible for the formation or registra-
11 tion of entities created by the filing of a
12 public document with the office under the
13 law of the State or Indian Tribes shall up-
14 date the websites, forms relating to incor-
15 poration, and physical premises of the of-
16 fice to notify filers of their requirements as
17 reporting companies under this section, in-
18 cluding providing an internet link to the
19 reporting company form created by the
20 Secretary of the Treasury under this sec-
21 tion.

22 “(B) NOTIFICATION FROM THE DEPART-
23 MENT OF THE TREASURY.—A notification
24 under clause (i) or (ii) of subparagraph (A)
25 shall explicitly state that the notification is on

1 behalf of the Department of the Treasury for
2 the purpose of preventing money laundering,
3 the financing of terrorism, proliferation financ-
4 ing, serious tax fraud, and other financial crime
5 by requiring nonpublic registration of business
6 entities formed or registered to do business in
7 the United States.

8 “(f) NO BEARER SHARE CORPORATIONS OR LIMITED
9 LIABILITY COMPANIES.—A corporation, limited liability
10 company, or other similar entity formed under the laws
11 of a State or Indian Tribe may not issue a certificate in
12 bearer form evidencing either a whole or fractional interest
13 in the entity.

14 “(g) REGULATIONS.—In promulgating regulations
15 carrying out this section, the Director shall reach out to
16 members of the small business community and other ap-
17 propriate parties to ensure efficiency and effectiveness of
18 the process for the entities subject to the requirements of
19 this section.

20 “(h) PENALTIES.—

21 “(1) REPORTING VIOLATIONS.—It shall be un-
22 lawful for any person to—

23 “(A) willfully provide, or attempt to pro-
24 vide, false or fraudulent beneficial ownership in-
25 formation, including a false or fraudulent iden-

1 tifying photograph or document, to FinCEN in
2 accordance with subsection (b); or

3 “(B) willfully fail to report complete or up-
4 dated beneficial ownership information to
5 FinCEN in accordance with subsection (b).

6 “(2) UNAUTHORIZED DISCLOSURE OR USE.—
7 Except as authorized by this section, it shall be un-
8 lawful for any person to knowingly disclose or know-
9 ingly use the beneficial ownership information ob-
10 tained by the person through—

11 “(A) a report submitted to FinCEN under
12 subsection (b); or

13 “(B) a disclosure made by FinCEN under
14 subsection (c).

15 “(3) CRIMINAL AND CIVIL PENALTIES.—

16 “(A) REPORTING VIOLATIONS.—Any per-
17 son that violates subparagraph (A) or (B) of
18 paragraph (1)—

19 “(i) shall be liable to the United
20 States for a civil penalty of not more than
21 \$500 for each day that the violation con-
22 tinues or has not been remedied; and

23 “(ii) may be fined not more than
24 \$10,000, imprisoned for not more than 2
25 years, or both.

1 “(B) UNAUTHORIZED DISCLOSURE OR USE
2 VIOLATIONS.—Any person that violates para-
3 graph (2)—

4 “(i) shall be liable to the United
5 States for a civil penalty of not more than
6 \$500 for each day that the violation con-
7 tinues or has not been remedied; and

8 “(ii)(I) shall be fined not more than
9 \$250,000, or imprisoned for not more than
10 5 years, or both; or

11 “(II) while violating another law of
12 the United States or as part of a pattern
13 of any illegal activity involving more than
14 \$100,000 in a 12-month period, shall be
15 fined not more than \$500,000, imprisoned
16 for not more than 10 years, or both.

17 “(C) SAFE HARBOR.—

18 “(i) SAFE HARBOR.—

19 “(I) IN GENERAL.—Except as
20 provided in subclause (II), a person
21 shall not be subject to civil or criminal
22 penalty under subparagraph (A) if the
23 person—

24 “(aa) has reason to believe
25 that any report submitted by the

3001

1 person in accordance with sub-
2 section (b) contains inaccurate
3 information; and

4 “(bb) in accordance with
5 regulations issued by the Sec-
6 retary, voluntarily and promptly,
7 and in no case later than 90 days
8 after the date on which the per-
9 son submitted the report, submits
10 a report containing corrected in-
11 formation.

12 “(II) EXCEPTIONS.—A person
13 shall not be exempt from penalty
14 under clause (i) if, at the time the
15 person submits the report required by
16 subsection (b), the person—

17 “(aa) acts for the purpose of
18 evading the reporting require-
19 ments under subsection (b); and

20 “(bb) has actual knowledge
21 that any information contained in
22 the report is inaccurate.

23 “(ii) ASSISTANCE.—FinCEN shall
24 provide assistance to any person seeking to

1 submit a corrected report in accordance
2 with clause (i)(I).

3 “(4) USER COMPLAINT PROCESS.—

4 “(A) IN GENERAL.—The Inspector General
5 of the Department of the Treasury, in coordina-
6 tion with the Secretary of the Treasury, shall
7 provide public contact information to receive ex-
8 ternal comments or complaints regarding the
9 beneficial ownership information notification
10 and collection process or regarding the accu-
11 racy, completeness, or timeliness of such infor-
12 mation.

13 “(B) REPORT.—The Inspector General of
14 the Department of the Treasury shall submit to
15 Congress a periodic report that—

16 “(i) summarizes external comments or
17 complaints and related investigations con-
18 ducted by the Inspector General related to
19 the collection of beneficial ownership infor-
20 mation; and

21 “(ii) includes recommendations, in co-
22 ordination with FinCEN, to improve the
23 form and manner of the notification, col-
24 lection and updating processes of the bene-
25 ficial ownership information reporting re-

1 quirements to ensure the beneficial owner-
2 ship information reported to FinCEN is
3 accurate, complete, and highly useful.

4 “(5) TREASURY OFFICE OF INSPECTOR GEN-
5 ERAL INVESTIGATION IN THE EVENT OF A CYBERSE-
6 CURITY BREACH.—

7 “(A) IN GENERAL.—In the event of a cy-
8 bersecurity breach that results in substantial
9 unauthorized access and disclosure of sensitive
10 beneficial ownership information, the Inspector
11 General of the Department of the Treasury
12 shall conduct an investigation into FinCEN cy-
13 bersecurity practices that, to the extent pos-
14 sible, determines any vulnerabilities within
15 FinCEN information security and confiden-
16 tiality protocols and provides recommendations
17 for fixing those deficiencies.

18 “(B) REPORT.—The Inspector General of
19 the Department of the Treasury shall submit to
20 the Secretary of the Treasury a report on each
21 investigation conducted under subparagraph
22 (A).

23 “(C) ACTIONS OF THE SECRETARY.—Upon
24 receiving a report submitted under subpara-

1 graph (B), the Secretary of the Treasury
2 shall—

3 “(i) determine whether the Director
4 had any responsibility for the cybersecurity
5 breach or whether policies, practices, or
6 procedures implemented at the direction of
7 the Director led to the cybersecurity
8 breach; and

9 “(ii) submit to Congress a written re-
10 port outlining the findings of the Sec-
11 retary, including a determination by the
12 Secretary on whether to retain or dismiss
13 the individual serving as the Director.

14 “(6) DEFINITION.—In this subsection, the term
15 ‘willfully’ means the voluntary, intentional violation
16 of a known legal duty.

17 “(i) CONTINUOUS REVIEW OF EXEMPT ENTITIES.—

18 “(1) IN GENERAL.—On and after the effective
19 date of the regulations promulgated under sub-
20 section (b)(4), if the Secretary of the Treasury
21 makes a determination, which may be based on in-
22 formation contained in the report required under
23 section 6502(c) of the Anti-Money Laundering Act
24 of 2020 or on any other information available to the
25 Secretary, that an entity or class of entities de-

1 scribed in subsection (a)(11)(B) has been involved in
2 significant abuse relating to money laundering, the
3 financing of terrorism, proliferation finance, serious
4 tax fraud, or any other financial crime, not later
5 than 90 days after the date on which the Secretary
6 makes the determination, the Secretary shall submit
7 to the Committee on Banking, Housing, and Urban
8 Affairs of the Senate and the Committee on Finan-
9 cial Services of the House of Representatives a re-
10 port that explains the reasons for the determination
11 and any administrative or legislative recommenda-
12 tions to prevent such abuse.

13 “(2) CLASSIFIED ANNEX.—The report required
14 by paragraph (1)—

15 “(A) shall be submitted in unclassified
16 form; and

17 “(B) may include a classified annex.”.

18 (b) CONFORMING AMENDMENTS.—Title 31, United
19 States Code, is amended—

20 (1) in section 5321(a)—

21 (A) in paragraph (1), by striking “sections
22 5314 and 5315” each place that term appears
23 and inserting “sections 5314, 5315, and 5336”;
24 and

1 (B) in paragraph (6), by inserting “(except
2 section 5336)” after “subchapter” each place
3 that term appears;

4 (2) in section 5322, by striking “section 5315
5 or 5324” each place that term appears and inserting
6 “section 5315, 5324, or 5336”; and

7 (3) in the table of sections for chapter 53, as
8 amended by sections 6306(b)(1), 6307(b), and
9 6313(b) of this division, by adding at the end the
10 following:

“5336. Beneficial ownership information reporting requirements.”.

11 (c) REPORTING REQUIREMENTS FOR FEDERAL CON-
12 TRACTORS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Administrator
15 for Federal Procurement Policy shall revise the Fed-
16 eral Acquisition Regulation maintained under section
17 1303(a)(1) of title 41, United States Code, to re-
18 quire any contractor or subcontractor that is subject
19 to the requirement to disclose beneficial ownership
20 information under section 5336 of title 31, United
21 States Code, as added by subsection (a) of this sec-
22 tion, to provide the information required to be dis-
23 closed under such section to the Federal Government
24 as part of any bid or proposal for a contract with
25 a value threshold in excess of the simplified acquisi-

1 tion threshold under section 134 of title 41, United
2 States Code.

3 (2) APPLICABILITY.—The revision required
4 under paragraph (1) shall not apply to a covered
5 contractor or subcontractor, as defined in section
6 847 of the National Defense Authorization Act for
7 Fiscal Year 2020 (Public Law 116–92), that is sub-
8 ject to the beneficial ownership disclosure and review
9 requirements under that section.

10 (d) REVISED DUE DILIGENCE RULEMAKING.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the effective date of the regulations promulgated
13 under section 5336(b)(4) of title 31, United States
14 Code, as added by subsection (a) of this section, the
15 Secretary of the Treasury shall revise the final rule
16 entitled “Customer Due Diligence Requirements for
17 Financial Institutions” (81 Fed. Reg. 29397 (May
18 11, 2016)) to—

19 (A) bring the rule into conformance with
20 this division and the amendments made by this
21 division;

22 (B) account for the access of financial in-
23 stitutions to beneficial ownership information
24 filed by reporting companies under section
25 5336, and provided in the form and manner

1 prescribed by the Secretary, in order to confirm
2 the beneficial ownership information provided
3 directly to the financial institutions to facilitate
4 the compliance of those financial institutions
5 with anti-money laundering, countering the fi-
6 nancing of terrorism, and customer due dili-
7 gence requirements under applicable law; and

8 (C) reduce any burdens on financial insti-
9 tutions and legal entity customers that are, in
10 light of the enactment of this division and the
11 amendments made by this division, unnecessary
12 or duplicative.

13 (2) CONFORMANCE.—

14 (A) IN GENERAL.—In carrying out para-
15 graph (1), the Secretary of the Treasury shall
16 rescind paragraphs (b) through (j) of section
17 1010.230 of title 31, Code of Federal Regula-
18 tions upon the effective date of the revised rule
19 promulgated under this subsection.

20 (B) RULE OF CONSTRUCTION.—Nothing in
21 this section may be construed to authorize the
22 Secretary of the Treasury to repeal the require-
23 ment that financial institutions identify and
24 verify beneficial owners of legal entity cus-

1 tomers under section 1010.230(a) of title 31,
2 Code of Federal Regulations.

3 (3) CONSIDERATIONS.—In fulfilling the require-
4 ments under this subsection, the Secretary of the
5 Treasury shall consider—

6 (A) the use of risk-based principles for re-
7 quiring reports of beneficial ownership informa-
8 tion;

9 (B) the degree of reliance by financial in-
10 stitutions on information provided by FinCEN
11 for purposes of obtaining and updating bene-
12 ficial ownership information;

13 (C) strategies to improve the accuracy,
14 completeness, and timeliness of the beneficial
15 ownership information reported to the Sec-
16 retary; and

17 (D) any other matter that the Secretary
18 determines is appropriate.

19 **TITLE LXV—MISCELLANEOUS**

Sec. 6501. Investigations and prosecution of offenses for violations of the secu-
 rities laws.

Sec. 6502. GAO and Treasury studies on beneficial ownership information re-
 porting requirements.

Sec. 6503. GAO study on feedback loops.

Sec. 6504. GAO CTR study and report.

Sec. 6505. GAO studies on trafficking.

Sec. 6506. Treasury study and strategy on trade-based money laundering.

Sec. 6507. Treasury study and strategy on money laundering by the People's
 Republic of China.

Sec. 6508. Treasury and Justice study on the efforts of authoritarian regimes
 to exploit the financial system of the United States.

Sec. 6509. Authorization of appropriations.

Sec. 6510. Discretionary surplus funds.

Sec. 6511. Severability.

1 **SECTION 6501. INVESTIGATIONS AND PROSECUTION OF OF-**
2 **FENSES FOR VIOLATIONS OF THE SECURI-**
3 **TIES LAWS.**

4 (a) IN GENERAL.—Section 21(d) of the Securities
5 Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended—

6 (1) in paragraph (3)—

7 (A) in the paragraph heading—

8 (i) by inserting “CIVIL” before
9 “MONEY PENALTIES”; and

10 (ii) by striking “IN CIVIL ACTIONS”
11 and inserting “AND AUTHORITY TO SEEK
12 DISGORGEMENT”;

13 (B) in subparagraph (A), by striking “ju-
14 risdiction to impose” and all that follows
15 through the period at the end and inserting the
16 following: “jurisdiction to—

17 “(i) impose, upon a proper showing, a
18 civil penalty to be paid by the person who
19 committed such violation; and

20 “(ii) require disgorgement under para-
21 graph (7) of any unjust enrichment by the
22 person who received such unjust enrich-
23 ment as a result of such violation.”; and

24 (C) in subparagraph (B)—

1 (i) in clause (i), in the first sentence,
2 by striking “the penalty” and inserting “a
3 civil penalty imposed under subparagraph
4 (A)(i)”;

5 (ii) in clause (ii), by striking “amount
6 of penalty” and inserting “amount of a
7 civil penalty imposed under subparagraph
8 (A)(i)”;

9 (iii) in clause (iii), in the matter pre-
10 ceding item (aa), by striking “amount of
11 penalty for each such violation” and insert-
12 ing “amount of a civil penalty imposed
13 under subparagraph (A)(i) for each viola-
14 tion described in that subparagraph”;

15 (2) in paragraph (4), by inserting “under para-
16 graph (7)” after “funds disgorged”; and

17 (3) by adding at the end the following:

18 “(7) DISGORGEMENT.—In any action or pro-
19 ceeding brought by the Commission under any provi-
20 sion of the securities laws, the Commission may
21 seek, and any Federal court may order,
22 disgorgement.

23 “(8) LIMITATIONS PERIODS.—

1 “(A) DISGORGEMENT.—The Commission
2 may bring a claim for disgorgement under para-
3 graph (7)—

4 “(i) not later than 5 years after the
5 latest date of the violation that gives rise
6 to the action or proceeding in which the
7 Commission seeks the claim occurs; or

8 “(ii) not later than 10 years after the
9 latest date of the violation that gives rise
10 to the action or proceeding in which the
11 Commission seeks the claim if the violation
12 involves conduct that violates—

13 “(I) section 10(b);

14 “(II) section 17(a)(1) of the Se-
15 curities Act of 1933 (15 U.S.C.
16 77q(a)(1));

17 “(III) section 206(1) of the In-
18 vestment Advisers Act of 1940 (15
19 U.S.C. 80b–6(1)); or

20 “(IV) any other provision of the
21 securities laws for which scienter must
22 be established.

23 “(B) EQUITABLE REMEDIES.—The Com-
24 mission may seek a claim for any equitable
25 remedy, including for an injunction or for a

1 bar, suspension, or cease and desist order, not
2 later than 10 years after the latest date on
3 which a violation that gives rise to the claim oc-
4 curs.

5 “(C) CALCULATION.—For the purposes of
6 calculating any limitations period under this
7 paragraph with respect to an action or claim,
8 any time in which the person against which the
9 action or claim, as applicable, is brought is out-
10 side of the United States shall not count to-
11 wards the accrual of that period.

12 “(9) RULE OF CONSTRUCTION.—Nothing in
13 paragraph (7) may be construed as altering any
14 right that any private party may have to maintain
15 a suit for a violation of this Act.”.

16 (b) APPLICABILITY.—The amendments made by sub-
17 section (a) shall apply with respect to any action or pro-
18 ceeding that is pending on, or commenced on or after, the
19 date of enactment of this Act.

20 **SEC. 6502. GAO AND TREASURY STUDIES ON BENEFICIAL**
21 **OWNERSHIP INFORMATION REPORTING RE-**
22 **QUIREMENTS.**

23 (a) EFFECTIVENESS OF INCORPORATION PRACTICES
24 STUDY.—Not later than 2 years after the effective date
25 of the regulations promulgated under section 5336(b)(4)

1 of title 31, United States Code, as added by section
2 6403(a) of this division, the Comptroller General of the
3 United States shall conduct a study and submit to Con-
4 gress a report assessing the effectiveness of incorporation
5 practices implemented under this division, and the amend-
6 ments made by this division, in—

7 (1) providing national security, intelligence, and
8 law enforcement agencies with prompt access to reli-
9 able, useful, and complete beneficial ownership infor-
10 mation; and

11 (2) strengthening the capability of national se-
12 curity, intelligence, and law enforcement agencies
13 to—

14 (A) combat incorporation abuses and civil
15 and criminal misconduct; and

16 (B) detect, prevent, or prosecute money
17 laundering, the financing of terrorism, pro-
18 liferation finance, serious tax fraud, or other
19 crimes.

20 (b) USING TECHNOLOGY TO AVOID DUPLICATIVE
21 LAYERS OF REPORTING OBLIGATIONS AND INCREASE AC-
22 CURACY OF BENEFICIAL OWNERSHIP INFORMATION.—

23 (1) IN GENERAL.—The Secretary, in consulta-
24 tion with the Attorney General, shall conduct a
25 study to evaluate—

1 (A) the effectiveness of using FinCEN
2 identifiers, as defined in section 5336 of title
3 31, United States Code, as added by section
4 6403(a) of this division, or other simplified re-
5 porting methods in order to facilitate a sim-
6 plified beneficial ownership regime for reporting
7 companies;

8 (B) whether a reporting regime, whereby
9 only company shareholders are reported within
10 the ownership chain of a reporting company,
11 could effectively track beneficial ownership in-
12 formation and increase information to law en-
13 forcement;

14 (C) the costs associated with imposing any
15 new verification requirements on FinCEN; and

16 (D) the resources necessary to implement
17 any such changes.

18 (2) FINDINGS.—The Secretary shall submit to
19 the relevant committees of jurisdiction—

20 (A) the findings of the study conducted
21 under paragraph (1); and

22 (B) recommendations for carrying out the
23 findings described in subparagraph (A).

24 (c) EXEMPT ENTITIES.—Not later than 2 years after
25 the effective date of regulations promulgated under section

1 5336(b)(4) of title 31, United States Code, as added by
2 section 6403(a) of this division, the Comptroller General
3 of the United States, in consultation with the Secretary,
4 Federal functional regulators, the Attorney General, the
5 Secretary of Homeland Security, and the intelligence com-
6 munity, shall conduct a study and submit to Congress a
7 report that—

8 (1) reviews the regulated status, related report-
9 ing requirements, quantity, and structure of each
10 class of corporations, limited liability companies, and
11 similar entities that have been explicitly excluded
12 from the definition of reporting company and the re-
13 quirement to report beneficial ownership information
14 under section 5336 of title 31, United States Code,
15 as added by section 6403(a) of this division;

16 (2) assesses the extent to which any excluded
17 entity or class of entities described in paragraph (1)
18 pose significant risks of money laundering, the fi-
19 nancing of terrorism, proliferation finance, serious
20 tax fraud, and other financial crime; and

21 (3) identifies other policy areas related to the
22 risks of exempt entities described in paragraph (1)
23 for Congress to consider as Congress is conducting
24 oversight of the new beneficial ownership informa-

1 tion reporting requirements established by this divi-
2 sion and amendments made by this division.

3 (d) OTHER LEGAL ENTITIES STUDY.—Not later
4 than 2 years after the effective date of the regulations pro-
5 mulgated under section 5336(b)(4) of title 31, United
6 States Code, as added by section 6403(a) of this division,
7 the Comptroller General of the United States shall con-
8 duct a study and submit to Congress a report—

9 (1) identifying each State that has procedures
10 that enable persons to form or register under the
11 laws of the State partnerships, trusts, or other legal
12 entities, and the nature of those procedures;

13 (2) identifying each State that requires persons
14 seeking to form or register partnerships, trusts, or
15 other legal entities under the laws of the State to
16 provide beneficial owners (as defined in section
17 5336(a) of title 31, United States Code, as added by
18 section 6403 of this division) or beneficiaries of
19 those entities, and the nature of the required infor-
20 mation;

21 (3) evaluating whether the lack of available
22 beneficial ownership information for partnerships,
23 trusts, or other legal entities—

24 (A) raises concerns about the involvement
25 of those entities in terrorism, money laun-

1 dering, tax evasion, securities fraud, or other
2 misconduct; and

3 (B) has impeded investigations into enti-
4 ties suspected of the misconduct described in
5 subparagraph (A);

6 (4) evaluating whether the failure of the United
7 States to require beneficial ownership information
8 for partnerships and trusts formed or registered in
9 the United States has elicited international criticism;
10 and

11 (5) including what steps, if any, the United
12 States has taken, is planning to take, or should take
13 in response to the criticism described in paragraph
14 (4).

15 **SEC. 6503. GAO STUDY ON FEEDBACK LOOPS.**

16 (a) DEFINITION.—In this section, the term “feedback
17 loop” means feedback provided by the United States Gov-
18 ernment to relevant parties.

19 (b) STUDY.—The Comptroller General of the United
20 States shall conduct a study on—

21 (1) best practices within the United States Gov-
22 ernment for feedback loops, including regulated pri-
23 vate entities, on the usage and usefulness of person-
24 ally identifiable information, sensitive-but-unclassi-
25 fied data, or similar information provided by the

1 parties to United States Government users of the in-
2 formation and data, including law enforcement agen-
3 cies and regulators; and

4 (2) any practice or standard inside or outside
5 the United States for providing feedback through
6 sensitive information and public-private partnership
7 information sharing efforts, specifically related to ef-
8 forts to combat money laundering and other forms
9 of illicit finance.

10 (c) REPORT.—Not later than 18 months after the
11 date of enactment of this Act, the Comptroller General
12 of the United States shall submit to the Committee on
13 Banking, Housing, and Urban Affairs of the Senate and
14 the Committee on Financial Services of the House of Rep-
15 resentatives a report containing—

16 (1) all findings and determinations made in car-
17 rying out the study required under subsection (b);

18 (2) with respect to each of paragraphs (1) and
19 (2) of subsection (b), any best practice or significant
20 concern identified by the Comptroller General, and
21 the applicability to public-private partnerships and
22 feedback loops with respect to efforts by the United
23 States Government to combat money laundering and
24 other forms of illicit finance; and

1 (3) recommendations of the Comptroller Gen-
2 eral to reduce or eliminate any unnecessary collec-
3 tion by the United States Government of the infor-
4 mation described in subsection (b)(1).

5 **SEC. 6504. GAO CTR STUDY AND REPORT.**

6 The Comptroller General of the United States shall—

7 (1) not later than January 1, 2025, commence
8 a study of currency transaction reports, which shall
9 include—

10 (A) a review, carried out in consultation
11 with the Secretary, FinCEN, the Attorney Gen-
12 eral, the State attorneys general, and State,
13 Tribal, and local law enforcement, of the effec-
14 tiveness of the currency transaction reporting
15 regime in effect as of the date of the study;

16 (B) an analysis of the importance of cur-
17 rency transaction reports to law enforcement;
18 and

19 (C) an analysis of the effects of raising the
20 currency transaction report threshold; and

21 (2) not later than December 31, 2025, submit
22 to the Secretary and Congress a report that in-
23 cludes—

1 (A) all findings and determinations made
2 in carrying out the study required under para-
3 graph (1); and

4 (B) recommendations for improving the
5 currency transaction reporting regime.

6 **SEC. 6505. GAO STUDIES ON TRAFFICKING.**

7 (a) DEFINITION OF HUMAN TRAFFICKING.—In this
8 section, the term “human trafficking” has the meaning
9 given the term “severe forms of trafficking in persons”
10 in section 103 of the Trafficking Victims Protection Act
11 of 2000 (22 U.S.C. 7102).

12 (b) GAO STUDY AND REPORT ON STOPPING TRAF-
13 FICKING, ILLICIT FLOWS, LAUNDERING, AND EXPLOI-
14 TATION.—

15 (1) STUDY.—The Comptroller General of the
16 United States shall carry out a study, in consulta-
17 tion with law enforcement, relevant Federal agen-
18 cies, appropriate private sector stakeholders (includ-
19 ing financial institutions and data and technology
20 companies), academic and other research organiza-
21 tions (including survivor and victim advocacy organi-
22 zations), and any other group that the Comptroller
23 General determines is appropriate on—

24 (A) the major trafficking routes used by
25 transnational criminal organizations, terrorists,

1 and others, and to what extent the trafficking
2 routes for people (including children), drugs,
3 weapons, cash, child sexual exploitation mate-
4 rials, or other illicit goods are similar, related,
5 or contiguous;

6 (B) commonly used methods to launder
7 and move the proceeds of trafficking;

8 (C) the types of suspicious financial activ-
9 ity that are associated with illicit trafficking
10 networks, and how financial institutions identify
11 and report such activity;

12 (D) the nexus between the identities and
13 finances of trafficked persons and fraud;

14 (E) the tools, guidance, training, partner-
15 ships, supervision, or other mechanisms that
16 Federal agencies, including FinCEN, the Fed-
17 eral financial regulators, and law enforcement,
18 provide to help financial institutions identify
19 techniques and patterns of transactions that
20 may involve the proceeds of trafficking;

21 (F) what steps financial institutions are
22 taking to detect and prevent bad actors who are
23 laundering the proceeds of illicit trafficking, in-
24 cluding data analysis, policies, training proce-
25 dures, rules, and guidance;

1 (G) what role gatekeepers, such as lawyers,
2 notaries, accountants, investment advisors, lo-
3 gistics agents, and trust and company service
4 providers, play in facilitating trafficking net-
5 works and the laundering of illicit proceeds; and

6 (H) the role that emerging technologies,
7 including artificial intelligence, digital identity
8 technologies, distributed ledger technologies,
9 virtual assets, and related exchanges and online
10 marketplaces, and other innovative technologies,
11 can play in assisting with and potentially ena-
12 bling the laundering of proceeds from traf-
13 ficking.

14 (2) REPORT TO CONGRESS.—Not later than 1
15 year after the date of enactment of this Act, the
16 Comptroller General of the United States shall sub-
17 mit to the Committee on Banking, Housing, and
18 Urban Affairs of the Senate and the Committee on
19 Financial Services of the House of Representatives
20 a report—

21 (A) summarizing the results of the study
22 required under paragraph (1); and

23 (B) that contains any recommendations for
24 legislative or regulatory action that would im-
25 prove the efforts of Federal agencies to combat

1 trafficking or the laundering of proceeds from
2 such activity.

3 (c) GAO STUDY AND REPORT ON FIGHTING ILLICIT
4 NETWORKS AND DETECTING TRAFFICKING.—

5 (1) STUDY.—The Comptroller General of the
6 United States shall conduct a study on how a range
7 of payment systems and methods, including virtual
8 currencies in online marketplaces, are used to facili-
9 tate human trafficking and drug trafficking, which
10 shall consider—

11 (A) how online marketplaces, including the
12 dark web, may be used as platforms to buy,
13 sell, or facilitate the financing of goods or serv-
14 ices associated with human trafficking or drug
15 trafficking, specifically, opioids and synthetic
16 opioids, including fentanyl, fentanyl analogues,
17 and any precursor chemical associated with
18 manufacturing fentanyl or fentanyl analogues,
19 destined for, originating from, or within the
20 United States;

21 (B) how financial payment methods, in-
22 cluding virtual currencies and peer-to-peer mo-
23 bile payment services, may be utilized by online
24 marketplaces to facilitate the buying, selling, or
25 financing of goods and services associated with

1 human trafficking or drug trafficking destined
2 for, originating from, or within the United
3 States;

4 (C) how virtual currencies may be used to
5 facilitate the buying, selling, or financing of
6 goods and services associated with human traf-
7 ficking or drug trafficking, destined for, origi-
8 nating from, or within the United States, when
9 an online platform is not otherwise involved;

10 (D) how illicit funds that have been trans-
11 mitted online and through virtual currencies are
12 repatriated into the formal banking system of
13 the United States through money laundering or
14 other means;

15 (E) the participants, including State and
16 non-State actors, throughout the entire supply
17 chain that may participate in or benefit from
18 the buying, selling, or financing of goods and
19 services associated with human trafficking or
20 drug trafficking, including through online mar-
21 ketplaces or using virtual currencies, destined
22 for, originating from, or within the United
23 States;

24 (F) Federal and State agency efforts to
25 impede the buying, selling, or financing of

1 goods and services associated with human traf-
2 ficking or drug trafficking destined for, origi-
3 nating from, or within the United States, in-
4 cluding efforts to prevent the proceeds from
5 human trafficking or drug trafficking from en-
6 tering the United States banking system;

7 (G) how virtual currencies and their under-
8 lying technologies can be used to detect and
9 deter these illicit activities; and

10 (H) to what extent immutability and
11 traceability of virtual currencies can contribute
12 to the tracking and prosecution of illicit fund-
13 ing.

14 (2) REPORT TO CONGRESS.—Not later than 1
15 year after the date of enactment of this Act, the
16 Comptroller General of the United States shall sub-
17 mit to the Committee on Banking, Housing, and
18 Urban Affairs of the Senate and the Committee on
19 Financial Services of the House of Representatives
20 a report—

21 (A) summarizing the results of the study
22 required under paragraph (1); and

23 (B) that contains any recommendations for
24 legislative or regulatory action that would im-
25 prove the efforts of Federal agencies to impede

1 the use of virtual currencies and online market-
2 places in facilitating human trafficking and
3 drug trafficking.

4 **SEC. 6506. TREASURY STUDY AND STRATEGY ON TRADE-**
5 **BASED MONEY LAUNDERING.**

6 (a) STUDY REQUIRED.—

7 (1) IN GENERAL.—The Secretary shall carry
8 out a study, in consultation with appropriate private
9 sector stakeholders, academic and other inter-
10 national trade experts, and Federal agencies, on
11 trade-based money laundering.

12 (2) CONTRACTING AUTHORITY.—The Secretary
13 may enter into a contract with a private third-party
14 entity to carry out the study required by paragraph
15 (1).

16 (b) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary
19 shall submit to Congress a report that includes—

20 (A) all findings and determinations made
21 in carrying out the study required under sub-
22 section (a); and

23 (B) proposed strategies to combat trade-
24 based money laundering.

1 (2) CLASSIFIED ANNEX.—The report required
2 under paragraph (1)—

3 (A) shall be submitted in unclassified form;
4 and

5 (B) may include a classified annex.

6 **SEC. 6507. TREASURY STUDY AND STRATEGY ON MONEY**
7 **LAUNDERING BY THE PEOPLE’S REPUBLIC**
8 **OF CHINA.**

9 (a) STUDY.—The Secretary shall carry out a study,
10 which shall rely substantially on information obtained
11 through the trade-based money laundering analyses con-
12 ducted by the Comptroller General of the United States,
13 on—

14 (1) the extent and effect of illicit finance risk
15 relating to the Government of the People’s Republic
16 of China and Chinese firms, including financial insti-
17 tutions;

18 (2) an assessment of the illicit finance risks
19 emanating from the People’s Republic of China;

20 (3) those risks allowed, directly or indirectly, by
21 the Government of the People’s Republic of China,
22 including those enabled by weak regulatory or ad-
23 ministrative controls of that government; and

24 (4) the ways in which the increasing amount of
25 global trade and investment by the Government of

1 the People's Republic of China and Chinese firms
2 exposes the international financial system to in-
3 creased risk relating to illicit finance.

4 (b) STRATEGY TO COUNTER CHINESE MONEY LAUN-
5 DERING.—Upon the completion of the study required
6 under subsection (a), the Secretary, in consultation with
7 such other Federal agencies as the Secretary determines
8 appropriate, shall develop a strategy to combat Chinese
9 money laundering activities.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Secretary shall submit to
12 Congress a report containing—

13 (1) all findings and determinations made in car-
14 rying out the study required under subsection (a);
15 and

16 (2) the strategy developed under subsection (b).

17 (d) CLASSIFIED ANNEX.—The report required by
18 subsection (c)—

19 (1) shall be submitted in unclassified form; and

20 (2) may include a classified annex.

1 **SEC. 6508. TREASURY AND JUSTICE STUDY ON THE EF-**
2 **FORTS OF AUTHORITARIAN REGIMES TO EX-**
3 **PLOIT THE FINANCIAL SYSTEM OF THE**
4 **UNITED STATES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary and the Attor-
7 ney General, in consultation with the heads of other rel-
8 evant national security, intelligence, and law enforcement
9 agencies, shall conduct a study that considers how authori-
10 tarian regimes in foreign countries and their proxies use
11 the financial system of the United States to—

- 12 (1) conduct political influence operations;
13 (2) sustain kleptocratic methods of maintaining
14 power;
15 (3) export corruption;
16 (4) fund nongovernmental organizations, media
17 organizations, or academic initiatives in the United
18 States to advance the interests of those regimes; and
19 (5) otherwise undermine democratic governance
20 in the United States and the partners and allies of
21 the United States.

22 (b) REPORT.—Not later than 2 years after the date
23 of enactment of this Act, the Secretary shall submit to
24 the Committee on Banking, Housing, and Urban Affairs
25 of the Senate and the Committee on Financial Services
26 of the House of Representatives a report that contains—

1 (1) the results of the study required under sub-
2 section (a); and

3 (2) any recommendations for legislative or regu-
4 latory action, or steps to be taken by United States
5 financial institutions, that would address exploitation
6 of the financial system of the United States by for-
7 eign authoritarian regimes.

8 **SEC. 6509. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—Subsection (l) of section 310, of
10 title 31, United States Code, as redesignated by section
11 6103(1) of this division, is amended by striking paragraph
12 (1) and inserting the following:

13 “(1) IN GENERAL.—There are authorized to be
14 appropriated to FinCEN to carry out this section, to
15 remain available until expended—

16 “(A) \$136,000,000 for fiscal year 2021;

17 “(B) \$60,000,000 for fiscal year 2022; and

18 “(C) \$35,000,000 for each of fiscal years
19 2023 through 2026.”.

20 (b) BENEFICIAL OWNERSHIP INFORMATION REPORT-
21 ING REQUIREMENTS.—Section 5336 of title 31, United
22 States Code, as added by section 6403(a) of this division,
23 is amended by adding at the end the following:

24 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to FinCEN for each of

1 the 3 fiscal years beginning on the effective date of the
2 regulations promulgated under subsection (b)(4), such
3 sums as may be necessary to carry out this section, includ-
4 ing allocating funds to the States to pay reasonable costs
5 relating to compliance with the requirements of such sec-
6 tion.”.

7 **SEC. 6510. DISCRETIONARY SURPLUS FUNDS.**

8 The dollar amount specified under section 7(a)(3)(A)
9 of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is
10 reduced by \$40,000,000.

11 **SEC. 6511. SEVERABILITY.**

12 If any provision of this division, an amendment made
13 by this division, or the application of such provision or
14 amendment to any person or circumstance is held to be
15 unconstitutional, the remainder of this division, the
16 amendments made by this division, and the application of
17 the provisions of such to any person or circumstance shall
18 not be affected thereby.

19 **DIVISION G—ELIJAH E. CUM-**
20 **MINGS COAST GUARD AU-**
21 **THORIZATION ACT OF 2020**

22 **SEC. 8001. SHORT TITLE.**

23 This division may be cited as the “Elijah E. Cum-
24 mings Coast Guard Authorization Act of 2020”.

1 **SEC. 8002. DEFINITION OF COMMANDANT.**

2 In this division, the term “Commandant” means the
3 Commandant of the Coast Guard.

4 **TITLE LVXXXI—**
5 **AUTHORIZATIONS**

- Sec. 8101. Authorizations of appropriations.
- Sec. 8102. Authorized levels of military strength and training.
- Sec. 8103. Determination of budgetary effects.
- Sec. 8104. Availability of amounts for acquisition of additional National Security Cutter.
- Sec. 8105. Procurement authority for Polar Security Cutters.
- Sec. 8106. Sense of the Congress on need for new Great Lakes icebreaker.
- Sec. 8107. Procurement authority for Great Lakes icebreaker.
- Sec. 8108. Polar Security Cutter acquisition report.
- Sec. 8109. Shoreside infrastructure.
- Sec. 8110. Major acquisition systems infrastructure.
- Sec. 8111. Polar icebreakers.
- Sec. 8112. Acquisition of fast response cutter.

6 **SEC. 8101. AUTHORIZATIONS OF APPROPRIATIONS.**

7 Section 4902 of title 14, United States Code, is
8 amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “year 2019” and inserting “years 2020 and
11 2021”;

12 (2) in paragraph (1)(A), by striking “provided
13 for, \$7,914,195,000 for fiscal year 2019.” and in-
14 serting “provided for—

15 “(i) \$8,151,620,850 for fiscal year 2020;
16 and
17 “(ii) \$8,396,169,475 for fiscal year
18 2021.”;

1 (3) in paragraph (1)(B), by striking “subpara-
2 graph (A)—” and inserting “subparagraph (A)(i),
3 \$17,035,000 shall be for environmental compliance
4 and restoration.”;

5 (4) by striking clauses (i) and (ii) of paragraph
6 (1)(B);

7 (5) in paragraph (1), by adding at the end the
8 following:

9 “(C) Of the amount authorized under subpara-
10 graph, (A)(ii) \$17,376,000 shall be for environ-
11 mental compliance and restoration.”;

12 (6) in paragraph (2)—

13 (A) by striking “For the procurement” and
14 inserting “(A) For the procurement”;

15 (B) by striking “and equipment,
16 \$2,694,745,000 for fiscal year 2019.” and in-
17 serting “and equipment—

18 “(i) \$2,794,745,000 for fiscal year 2020;

19 and

20 “(ii) \$3,312,114,000 for fiscal year
21 2021.”; and

22 (C) by adding at the end the following:

23 “(B) Of the amounts authorized under subpara-
24 graph (A), the following amounts shall be for the al-
25 teration of bridges:

1 “(i) \$10,000,000 for fiscal year 2020; and

2 “(ii) \$20,000,000 for fiscal year 2021.”;

3 (7) in paragraph (3), by striking “and equip-
4 ment, \$29,141,000 for fiscal year 2019.” and insert-
5 ing “and equipment—

6 “(A) \$13,834,000 for fiscal year 2020; and

7 “(B) \$14,111,000 for fiscal year 2021.”;

8 and

9 (8) by adding at the end the following:

10 “(4) For the Coast Guard’s Medicare-eligible
11 retiree health care fund contribution to the Depart-
12 ment of Defense—

13 “(A) \$205,107,000 for fiscal year 2020;

14 and

15 “(B) \$209,209,000 for fiscal year 2021.”.

16 **SEC. 8102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
17 **AND TRAINING.**

18 Section 4904 of title 14, United States Code, is
19 amended—

20 (1) in subsection (a), by striking “43,000 for
21 fiscal year 2018 and 44,500 for fiscal year 2019”
22 and inserting “44,500 for each of fiscal years 2020
23 and 2021”; and

1 (2) in subsection (b), by striking “fiscal years
2 2018 and 2019” and inserting “fiscal years 2020
3 and 2021”.

4 **SEC. 8103. DETERMINATION OF BUDGETARY EFFECTS.**

5 The budgetary effects of this division, for the purpose
6 of complying with the Statutory Pay-As-You-Go Act of
7 2010, shall be determined by reference to the latest state-
8 ment titled “Budgetary Effects of PAYGO Legislation”
9 for this division, submitted for printing in the Congres-
10 sional Record by the Chairman of the House Budget Com-
11 mittee, provided that such statement has been submitted
12 prior to the vote on passage.

13 **SEC. 8104. AVAILABILITY OF AMOUNTS FOR ACQUISITION**
14 **OF ADDITIONAL NATIONAL SECURITY CUT-**
15 **TER.**

16 (a) IN GENERAL.—Of the amounts authorized to be
17 appropriated by—

18 (1) section 4902(2)(A)(i) of title 14, United
19 States Code, as amended by section 8101 of this di-
20 vision, \$100,000,000 for fiscal year 2020; and

21 (2) section 4902(2)(A)(ii) of title 14, United
22 States Code, as amended by section 8101 of this di-
23 vision, \$550,000,000 for fiscal year 2021,
24 is authorized for the acquisition of a National Security
25 Cutter.

1 (b) TREATMENT OF ACQUIRED CUTTER.—Any cutter
2 acquired using amounts available pursuant to subsection
3 (a) shall be in addition to the National Security Cutters
4 approved under the existing acquisition baseline in the
5 program of record for the National Security Cutter.

6 **SEC. 8105. PROCUREMENT AUTHORITY FOR POLAR SECU-**
7 **RITY CUTTERS.**

8 (a) FUNDING.—Of the amounts authorized to be ap-
9 propriated by—

10 (1) section 4902(2)(A)(i) of title 14, United
11 States Code, as amended by section 8101 of this di-
12 vision, \$135,000,000 for fiscal year 2020; and

13 (2) section 4902(2)(A)(ii) of title 14, United
14 States Code, as amended by section 8101 of this di-
15 vision, \$610,000,000 for fiscal year 2021,

16 is authorized for construction of a Polar Security Cutter.

17 (b) PROHIBITION ON CONTRACTS OR USE OF FUNDS
18 FOR DEVELOPMENT OF COMMON HULL DESIGN.—Not-
19 withstanding any other provision of law, the Secretary of
20 the department in which the Coast Guard is operating
21 may not enter into any contract for, and no funds shall
22 be obligated or expended on, the development of a common
23 hull design for medium Polar Security Cutters and Great
24 Lakes icebreakers.

1 **SEC. 8106. SENSE OF THE CONGRESS ON NEED FOR NEW**
2 **GREAT LAKES ICEBREAKER.**

3 (a) FINDINGS.—The Congress finds the following:

4 (1) The Great Lakes shipping industry is cru-
5 cial to the American economy, including the United
6 States manufacturing base, providing important eco-
7 nomic and national security benefits.

8 (2) A recent study found that the Great Lakes
9 shipping industry supports 237,000 jobs and tens of
10 billions of dollars in economic activity.

11 (3) United States Coast Guard icebreaking ca-
12 pacity is crucial to full utilization of the Great Lakes
13 shipping system, as during the winter icebreaking
14 season up to 15 percent of annual cargo loads are
15 delivered, and many industries would have to reduce
16 their production if Coast Guard icebreaking services
17 were not provided.

18 (4) 6 of the Coast Guard's 9 icebreaking cut-
19 ters in the Great Lakes are more than 30 years old
20 and are frequently inoperable during the winter
21 icebreaking season, including those that have com-
22 pleted a recent service life extension program.

23 (5) During the previous 10 winters, Coast
24 Guard Great Lakes icebreaking cutters have been in-
25 operable for an average of 65 cutter-days during the
26 winter icebreaking season, with this annual lost ca-

1 pability exceeding 100 cutter days, with a high of
2 246 cutter days during the winter of 2017–2018.

3 (6) The 2019 ice season provides further proof
4 that current Coast Guard icebreaking capacity is in-
5 adequate for the needs of the Great Lakes shipping
6 industry, as only 6 of the 9 icebreaking cutters are
7 operational, and millions of tons of cargo was not
8 loaded or was delayed due to inadequate Coast
9 Guard icebreaking assets during a historically aver-
10 age winter for Great Lakes ice coverage.

11 (7) The Congress has authorized the Coast
12 Guard to acquire a new Great Lakes icebreaker as
13 capable as Coast Guard Cutter *Mackinaw* (WLBB–
14 30), the most capable Great Lakes icebreaker, and
15 \$10 million has been appropriated to fund the de-
16 sign and initial acquisition work for this icebreaker.

17 (8) The Coast Guard has not initiated a new
18 acquisition program for this Great Lakes icebreaker.

19 (b) SENSE OF THE CONGRESS.—It is the sense of
20 the Congress of the United States that a new Coast Guard
21 icebreaker as capable as Coast Guard Cutter *Mackinaw*
22 (WLBB–30) is needed on the Great Lakes, and the Coast
23 Guard should acquire this icebreaker as soon as possible.

1 **SEC. 8107. PROCUREMENT AUTHORITY FOR GREAT LAKES**
2 **ICEBREAKER.**

3 (a) IN GENERAL.—Of the amounts authorized to be
4 appropriated by section 4902(2)(A)(ii) of title 14, United
5 States Code, as amended by section 8101 of this division,
6 \$160,000,000 for fiscal year 2021 is authorized for the
7 acquisition of a Great Lakes icebreaker at least as capable
8 as Coast Guard Cutter *Mackinaw* (WLBB–30).

9 (b) REPORT.—Not later than 30 days after the date
10 of the enactment of this Act, the Commandant shall sub-
11 mit to the Committee on Commerce, Science, and Trans-
12 portation of the Senate and the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 a plan for acquiring an icebreaker as required by section
15 820(b) of the Frank LoBiondo Coast Guard Authorization
16 Act of 2018 (Public Law 115–282).

17 **SEC. 8108. POLAR SECURITY CUTTER ACQUISITION RE-**
18 **PORT.**

19 Not later than 1 year after the date of the enactment
20 of this Act, the Commandant shall submit to the Commit-
21 tees on Transportation and Infrastructure and Armed
22 Services of the House of Representatives, and the Com-
23 mittees on Commerce, Science, and Transportation and
24 Armed Services of the Senate a report on—

1 (1) the extent to which specifications, key draw-
2 ings, and detail design for the Polar Security Cutter
3 are complete before the start of construction;

4 (2) the extent to which Polar Security Cutter
5 hulls numbers one, two, and three are science ready;
6 and

7 (3) what actions will be taken to ensure that
8 Polar Security Cutter hull number four is science ca-
9 pable, as described in the National Academies of
10 Sciences, Engineering, and Medicine’s Committee on
11 Polar Icebreaker Cost Assessment letter report enti-
12 tled “Acquisition and Operation of Polar Ice-
13 breakers: Fulfilling the Nation’s Needs” and dated
14 July 11, 2017.

15 **SEC. 8109. SHORESIDE INFRASTRUCTURE.**

16 Of the amounts authorized to be appropriated by sec-
17 tion 4902(2)(A) of title 14, United States Code, as amend-
18 ed by section 8101 of this division, for each of fiscal years
19 2020 and 2021, \$167,500,000 is authorized for the Sec-
20 retary of the department in which the Coast Guard is op-
21 erating to fund the acquisition, construction, rebuilding,
22 or improvement of the Coast Guard shoreside infrastruc-
23 ture and facilities necessary to support Coast Guard oper-
24 ations and readiness.

1 **SEC. 8110. MAJOR ACQUISITION SYSTEMS INFRASTRUC-**
2 **TURE.**

3 Of the amounts authorized to be appropriated by sec-
4 tion 4902(2)(A)(ii) of title 14, United States Code, as
5 amended by section 8101 of this division, \$105,000,000
6 is authorized for the hangar replacement listed in the fis-
7 cal year 2020 Unfunded Priority List.

8 **SEC. 8111. POLAR ICEBREAKERS.**

9 (a) IN GENERAL.—Section 561 of title 14, United
10 States Code, is amended to read as follows:

11 **“§ 561. Icebreaking in polar regions**

12 **“(a) PROCUREMENT AUTHORITY.—**

13 **“(1) IN GENERAL.—**The Secretary may enter
14 into one or more contracts for the procurement of—

15 **“(A)** the Polar Security Cutters approved
16 as part of a major acquisition program as of
17 November 1, 2019; and

18 **“(B)** 3 additional Polar Security Cutters.

19 **“(2) CONDITION FOR OUT-YEAR CONTRACT**
20 **PAYMENTS.—**A contract entered into under para-
21 graph (1) shall provide that any obligation of the
22 United States to make a payment under the contract
23 during a fiscal year after fiscal year 2019 is subject
24 to the availability of appropriations or funds for that
25 purpose for such later fiscal year.

1 “(b) PLANNING.—The Secretary shall facilitate plan-
2 ning for the design, procurement, maintenance, deploy-
3 ment, and operation of icebreakers as needed to support
4 the statutory missions of the Coast Guard in the polar
5 regions by allocating all funds to support icebreaking oper-
6 ations in such regions, except for recurring incremental
7 costs associated with specific projects, to the Coast Guard.

8 “(c) REIMBURSEMENT.—Nothing in this section shall
9 preclude the Secretary from seeking reimbursement for
10 operation and maintenance costs of the *Polar Star*, *Healy*,
11 or any other Polar Security Cutter from other Federal
12 agencies and entities, including foreign countries, that
13 benefit from the use of those vessels.

14 “(d) RESTRICTION.—

15 “(1) IN GENERAL.—The Commandant may
16 not—

17 “(A) transfer, relinquish ownership of, dis-
18 mantle, or recycle the *Polar Sea* or *Polar Star*;

19 “(B) change the current homeport of the
20 *Polar Sea* or *Polar Star*; or

21 “(C) expend any funds—

22 “(i) for any expenses directly or indi-
23 rectly associated with the decommissioning
24 of the *Polar Sea* or *Polar Star*, including

1 expenses for dock use or other goods and
2 services;

3 “(ii) for any personnel expenses di-
4 rectly or indirectly associated with the de-
5 commissioning of the *Polar Sea* or *Polar*
6 *Star*, including expenses for a decommis-
7 sioning officer;

8 “(iii) for any expenses associated with
9 a decommissioning ceremony for the *Polar*
10 *Sea* or *Polar Star*;

11 “(iv) to appoint a decommissioning of-
12 ficer to be affiliated with the *Polar Sea* or
13 *Polar Star*; or

14 “(v) to place the *Polar Sea* or *Polar*
15 *Star* in inactive status.

16 “(2) SUNSET.—This subsection shall cease to
17 have effect on September 30, 2022.

18 “(e) LIMITATION.—

19 “(1) IN GENERAL.—The Secretary may not ex-
20 pend amounts appropriated for the Coast Guard for
21 any of fiscal years 2015 through 2024, for—

22 “(A) design activities related to a capa-
23 bility of a Polar Security Cutter that is based
24 solely on an operational requirement of a Fed-
25 eral department or agency other than the Coast

1 Guard, except for amounts appropriated for de-
2 sign activities for a fiscal year before fiscal year
3 2016; or

4 “(B) long-lead-time materials, production,
5 or postdelivery activities related to such a capa-
6 bility.

7 “(2) OTHER AMOUNTS.—Amounts made avail-
8 able to the Secretary under an agreement with a
9 Federal department or agency other than the Coast
10 Guard and expended on a capability of a Polar Secu-
11 rity Cutter that is based solely on an operational re-
12 quirement of such Federal department or agency
13 shall not be treated as amounts expended by the
14 Secretary for purposes of the limitation under para-
15 graph (1).

16 “(f) ENHANCED MAINTENANCE PROGRAM FOR THE
17 *POLAR STAR*.—

18 “(1) IN GENERAL.—Subject to the availability
19 of appropriations, the Commandant shall conduct an
20 enhanced maintenance program on the Polar Star to
21 extend the service life of such vessel until at least
22 December 31, 2025.

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
24 The Commandant may use funds made available

1 pursuant to section 4902(1)(A), to carry out this
2 subsection.

3 “(g) DEFINITIONS.—In this section:

4 “(1) POLAR SEA.—The term ‘*Polar Sea*’ means
5 Coast Guard Cutter *Polar Sea* (WAGB 11).

6 “(2) POLAR STAR.—The term ‘*Polar Star*’
7 means Coast Guard Cutter *Polar Star* (WAGB 10).

8 “(3) HEALY.—The term ‘*Healy*’ means Coast
9 Guard Cutter *Healy* (WAGB 20).”.

10 (b) CONTRACTING FOR MAJOR ACQUISITIONS PRO-
11 GRAMS.—Section 1137(a) of title 14, United States Code,
12 is amended by inserting “and 3 Polar Security Cutters
13 in addition to those approved as part of a major acquisi-
14 tion program on November 1, 2019” before the period at
15 the end.

16 (c) REPEALS.—

17 (1) COAST GUARD AND MARITIME TRANSPOR-
18 TATION ACT OF 2006.—Section 210 of the Coast
19 Guard and Maritime Transportation Act of 2006
20 (14 U.S.C. 504 note) is repealed.

21 (2) COAST GUARD AND MARITIME TRANSPOR-
22 TATION ACT OF 2012.—Section 222 of the Coast
23 Guard and Maritime Transportation Act of 2012
24 (Public Law 112–213) is repealed.

1 (3) HOWARD COBLE COAST GUARD AND MARI-
2 TIME TRANSPORTATION ACT OF 2014.—Section 505
3 of the Howard Coble Coast Guard and Maritime
4 Transportation Act of 2014 (Public Law 113–281)
5 is repealed.

6 (4) FRANK LOBIONDO COAST GUARD AUTHOR-
7 IZATION ACT OF 2018.—Section 821 of the Frank
8 LoBiondo Coast Guard Authorization Act of 2018
9 (Public Law 115–282) is repealed.

10 **SEC. 8112. ACQUISITION OF FAST RESPONSE CUTTER.**

11 (a) IN GENERAL.—Of the amounts authorized to be
12 appropriated under section 4902(2)(A)(ii) of title 14,
13 United States Code, as amended by section 8101 of this
14 division, \$265,000,000 for fiscal year 2021 shall be made
15 available for the acquisition of four Fast Responses Cut-
16 ters.

17 (b) TREATMENT OF ACQUIRED CUTTERS.—Any cut-
18 ter acquired pursuant to subsection (a) shall be in addition
19 to the 58 cutters approved under the existing acquisition
20 baseline.

21 **TITLE LVXXXII—COAST GUARD**

Subtitle A—Military Personnel Matters

Sec. 8201. Grade on retirement.

Sec. 8202. Authority for officers to opt out of promotion board consideration.

Sec. 8203. Temporary promotion authority for officers in certain grades with
critical skills.

Sec. 8204. Career intermission program.

Sec. 8205. Direct commissioning authority for individuals with critical skills.

Sec. 8206. Employment assistance.

Subtitle B—Organization and Management Matters

- Sec. 8211. Congressional affairs; Director.
- Sec. 8212. Limitations on claims.
- Sec. 8213. Renewal of temporary early retirement authority.
- Sec. 8214. Major acquisitions; operation and sustainment costs.
- Sec. 8215. Support of women serving in the Coast Guard.
- Sec. 8216. Disposition of infrastructure related to E–LORAN.
- Sec. 8217. Positions of importance and responsibility.
- Sec. 8218. Research projects; transactions other than contracts and grants.
- Sec. 8219. Acquisition workforce authorities.
- Sec. 8220. Vessel conversion, alteration, and repair projects.
- Sec. 8221. Modification of acquisition process and procedures.
- Sec. 8222. Establishment and purpose of Fund; definition.
- Sec. 8223. Payments from Fund.
- Sec. 8224. Determination of contributions to Fund.
- Sec. 8225. Payments into Fund.

Subtitle C—Access to Child Care for Coast Guard Families

- Sec. 8231. Report on child care and school-age care assistance for qualified families.
- Sec. 8232. Review of family support services website and online tracking system.
- Sec. 8233. Study and survey on Coast Guard child care needs.
- Sec. 8234. Pilot program to expand access to child care.
- Sec. 8235. Improvements to Coast Guard-owned family housing.
- Sec. 8236. Briefing on transfer of family child care provider qualifications and certifications.
- Sec. 8237. Inspections of Coast Guard child development centers and family child care providers.
- Sec. 8238. Expanding opportunities for family child care.
- Sec. 8239. Definitions.

Subtitle D—Reports

- Sec. 8240. Modifications of certain reporting requirements.
- Sec. 8241. Report on cybersecurity workforce.
- Sec. 8242. Report on navigation and bridge resource management.
- Sec. 8243. Report on helicopter life-cycle support and recapitalization.
- Sec. 8244. Report on Coast Guard response capabilities for cyber incidents on vessels entering ports or waters of the United States.
- Sec. 8245. Study and report on Coast Guard interdiction of illicit drugs in transit zones.
- Sec. 8246. Report on liability limits set in section 1004 of the Oil Pollution Act of 1990.
- Sec. 8247. Report on Coast Guard defense readiness resources allocation.
- Sec. 8248. Report on the feasibility of liquefied natural gas fueled vessels.
- Sec. 8249. Coast Guard authorities study.
- Sec. 8250. Report on effects of climate change on Coast Guard.
- Sec. 8251. Shore infrastructure.
- Sec. 8252. Coast Guard housing; status and authorities briefing.
- Sec. 8253. Physical access control system report.
- Sec. 8254. Study on Certificate of Compliance inspection program with respect to vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.

- Sec. 8255. Comptroller General of the United States review and report on Coast Guard's International Port Security Program.
- Sec. 8256. Comptroller General of the United States review and report on surge capacity of the Coast Guard.
- Sec. 8257. Comptroller General of the United States review and report on marine inspections program of Coast Guard.
- Sec. 8258. Comptroller General of the United States review and report on information technology program of Coast Guard.
- Sec. 8259. Comptroller General of the United States study and report on access to health care by members of Coast Guard and dependents.
- Sec. 8260. Comptroller General of the United States study and report on medical staffing standards and needs for Coast Guard.
- Sec. 8261. Report on fast response cutters, offshore patrol cutters, and national security cutters.

Subtitle E—Coast Guard Academy Improvement Act

- Sec. 8271. Short title.
- Sec. 8272. Coast Guard Academy study.
- Sec. 8273. Annual report.
- Sec. 8274. Assessment of Coast Guard Academy admission processes.
- Sec. 8275. Coast Guard Academy minority outreach team program.
- Sec. 8276. Coast Guard college student pre-commissioning initiative.
- Sec. 8277. Annual board of visitors.
- Sec. 8278. Homeland Security rotational cybersecurity research program at Coast Guard Academy.

Subtitle F—Other Matters

- Sec. 9601. Strategy on leadership of Coast Guard.
- Sec. 9602. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard.
- Sec. 9603. Access to resources during creosote-related building closures at Coast Guard Base Seattle, Washington.
- Sec. 9604. Southern resident orca conservation and enforcement.
- Sec. 9605. Sense of Congress and report on implementation of policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.
- Sec. 9606. Inspector General report on access to Equal Opportunity Advisors and Equal Employment Opportunity Specialists.
- Sec. 9607. Insider Threat Program.

1 **Subtitle A—Military Personnel**
2 **Matters**

3 SEC. 8201. GRADE ON RETIREMENT.

(a) RETIREMENT OF COMMANDANT OR VICE COM-
MANDANT.—Section 303 of title 14, United States Code,
is amended by adding at the end the following:

1 “(d) Retirement under this section is subject to sec-
2 tion 2501(a) of this title.”.

3 (b) RETIREMENT.—Section 306 of title 14, United
4 States Code, is amended—

5 (1) in subsection (a), by inserting “satisfac-
6 torily, as determined under section 2501 of this
7 title” before the period;

8 (2) in subsection (b), by inserting “satisfac-
9 torily, as determined under section 2501 of this
10 title” before the period; and

11 (3) in subsection (c), by inserting “if perform-
12 ance of duties in such grade is determined to have
13 been satisfactory pursuant to section 2501 of this
14 title” before the period.

15 (c) GRADE ON RETIREMENT.—Section 2501 of title
16 14, United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking “Any commissioned officer,
19 other than a commissioned warrant officer,”
20 and inserting “COMMISSIONED OFFICERS.—
21 “(1) IN GENERAL.—A commissioned officer”;

22 (B) by striking “him” and inserting “the
23 commissioned officer”;

24 (C) by striking “his” and inserting “the
25 commissioned officer’s”; and

1 (D) by adding at the end the following:

2 “(2) CONDITIONAL DETERMINATION.—When a
3 commissioned officer is under investigation for al-
4 leged misconduct at the time of retirement—

5 “(A) the Secretary may conditionally de-
6 termine the highest grade of satisfactory service
7 of the commissioned officer pending completion
8 of the investigation; and

9 “(B) the grade under subparagraph (A) is
10 subject to resolution under subsection (c)(2).”;
11 (2) in subsection (b)—

12 (A) by inserting “WARRANT OFFICERS.—
13 ” after “(b)”;

14 (B) by striking “him” and inserting “the
15 warrant officer”; and

16 (C) by striking “his” and inserting “the
17 warrant officer’s”; and

18 (3) by adding at the end the following:

19 “(c) RETIREMENT IN LOWER GRADE.—

20 “(1) MISCONDUCT IN LOWER GRADE.—In the
21 case of a commissioned officer whom the Secretary
22 determines committed misconduct in a lower grade,
23 the Secretary may determine the commissioned offi-
24 cer has not served satisfactorily in any grade equal
25 to or higher than that lower grade.

1 “(2) ADVERSE FINDINGS.—A determination of
2 the retired grade of a commissioned officer shall be
3 resolved following a conditional determination under
4 subsection (a)(2) if the investigation of or personnel
5 action against the commissioned officer results in
6 adverse findings.

7 “(3) RECALCULATION OF RETIRED PAY.—If the
8 retired grade of a commissioned officer is reduced
9 pursuant to this subsection, the retired pay of the
10 commissioned officer shall be recalculated under
11 chapter 71 of title 10, and any modification of the
12 retired pay of the commissioned officer shall go into
13 effect on the effective date of the reduction in re-
14 tired grade.

15 “(d) FINALITY OF RETIRED GRADE DETERMINA-
16 TIONS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a determination of the retired grade of a
19 commissioned officer under this section is adminis-
20 tratively final on the day the commissioned officer is
21 retired, and may not be reopened.

22 “(2) REOPENING DETERMINATIONS.—A deter-
23 mination of the retired grade of a commissioned offi-
24 cer may be reopened if—

1 “(A) the retirement or retired grade of the
2 commissioned officer was procured by fraud;

3 “(B) substantial evidence comes to light
4 after the retirement that could have led to a
5 lower retired grade under this section and such
6 evidence was not known by competent authority
7 at the time of retirement;

8 “(C) a mistake of law or calculation was
9 made in the determination of the retired grade;

10 “(D) in the case of a retired grade fol-
11 lowing a conditional determination under sub-
12 section (a)(2), the investigation of or personnel
13 action against the commissioned officer results
14 in adverse findings; or

15 “(E) the Secretary determines, under regu-
16 lations prescribed by the Secretary, that good
17 cause exists to reopen the determination.

18 “(3) REQUIREMENTS.—If a determination of
19 the retired grade of a commissioned officer is re-
20 opened under paragraph (2), the Secretary—

21 “(A) shall notify the commissioned officer
22 of the reopening; and

23 “(B) may not make an adverse determina-
24 tion on the retired grade of the commissioned
25 officer until the commissioned officer has had a

1 reasonable opportunity to respond regarding the
2 basis of the reopening.

3 “(4) RECALCULATION OF RETIRED PAY.—If the
4 retired grade of a commissioned officer is reduced
5 through the reopening of the commissioned officer’s
6 retired grade under paragraph (2), the retired pay
7 of the commissioned officer shall be recalculated
8 under chapter 71 of title 10, and any modification
9 of the retired pay of the commissioned officer shall
10 go into effect on the effective date of the reduction
11 in retired grade.

12 “(e) INAPPLICABILITY TO COMMISSIONED WARRANT
13 OFFICERS.—This section, including subsection (b), shall
14 not apply to commissioned warrant officers.”.

15 **SEC. 8202. AUTHORITY FOR OFFICERS TO OPT OUT OF PRO-**
16 **MOTION BOARD CONSIDERATION.**

17 (a) ELIGIBILITY OF OFFICERS FOR CONSIDERATION
18 FOR PROMOTION.—Section 2113 of title 14, United States
19 Code, is amended by adding at the end the following:

20 “(g)(1) Notwithstanding subsection (a), the Com-
21 mandant may provide that an officer may, upon the offi-
22 cer’s request and with the approval of the Commandant,
23 be excluded from consideration by a selection board con-
24 vened under section 2106.

1 “(2) The Commandant shall approve a request under
2 paragraph (1) only if—

3 “(A) the basis for the request is to allow the of-
4 ficer to complete a broadening assignment, advanced
5 education, another assignment of significant value to
6 the Coast Guard, a career progression requirement
7 delayed by the assignment or education, or a quali-
8 fying personal or professional circumstance, as de-
9 termined by the Commandant;

10 “(B) the Commandant determines the exclusion
11 from consideration is in the best interest of the
12 Coast Guard; and

13 “(C) the officer has not previously failed of se-
14 lection for promotion to the grade for which the offi-
15 cer requests the exclusion from consideration.”.

16 (b) ELIGIBILITY OF RESERVE OFFICER FOR PRO-
17 MOTION.—Section 3743 of title 14, United States Code,
18 is amended to read as follows:

19 **“§ 3743. Eligibility for promotion**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b), a Reserve officer is eligible for consideration for pro-
22 motion and for promotion under this subchapter if that
23 officer is in an active status.

24 “(b) EXCEPTION.—A Reserve officer who has been
25 considered but not recommended for retention in an active

1 status by a board convened under subsection 3752(a) of
2 this title is not eligible for consideration for promotion.

3 “(c) REQUEST FOR EXCLUSION.—

4 “(1) IN GENERAL.—The Commandant may pro-
5 vide that an officer may, upon the officer’s request
6 and with the approval of the Commandant, be ex-
7 cluded from consideration by a selection board con-
8 vened under section 3740(b) of this title to consider
9 officers for promotion to the next higher grade.

10 “(2) APPROVAL OF REQUEST.—The Com-
11 mandant shall approve a request under paragraph
12 (1) only if—

13 “(A) the basis for the request is to allow
14 an officer to complete a broadening assignment,
15 advanced education, another assignment of sig-
16 nificant value to the Coast Guard, a career pro-
17 gression requirement delayed by the assignment
18 or education, or a qualifying personal or profes-
19 sional circumstance, as determined by the Com-
20 mandant;

21 “(B) the Commandant determines the ex-
22 clusion from consideration is in the best inter-
23 est of the Coast Guard; and

24 “(C) the officer has not previously failed of
25 selection for promotion to the grade for which

1 the officer requests the exclusion from consider-
2 ation.”.

3 **SEC. 8203. TEMPORARY PROMOTION AUTHORITY FOR OFFI-**
4 **CERS IN CERTAIN GRADES WITH CRITICAL**
5 **SKILLS.**

6 (a) IN GENERAL.—Subchapter I of chapter 21 of title
7 14, United States Code, is amended by adding at the end
8 the following:

9 **“§ 2130. Promotion to certain grades for officers with**
10 **critical skills: captain, commander, lieu-**
11 **tenant commander, lieutenant**

12 “(a) IN GENERAL.—An officer in the grade of lieu-
13 tenant (junior grade), lieutenant, lieutenant commander,
14 or commander who is described in subsection (b) may be
15 temporarily promoted to the grade of lieutenant, lieuten-
16 ant commander, commander, or captain under regulations
17 prescribed by the Secretary. Appointments under this sec-
18 tion shall be made by the President, by and with the advice
19 and consent of the Senate.

20 “(b) COVERED OFFICERS.—An officer described in
21 this subsection is any officer in a grade specified in sub-
22 section (a) who—

23 “(1) has a skill in which the Coast Guard has
24 a critical shortage of personnel (as determined by
25 the Secretary); and

1 “(2) is serving in a position (as determined by
2 the Secretary) that—

3 “(A) is designated to be held by a lieuten-
4 ant, lieutenant commander, commander, or cap-
5 tain; and

6 “(B) requires that an officer serving in
7 such position have the skill possessed by such
8 officer.

9 “(c) PRESERVATION OF POSITION AND STATUS OF
10 OFFICERS APPOINTED.—

11 “(1) The temporary positions authorized under
12 this section shall not be counted among or included
13 in the list of positions on the active duty promotion
14 list.

15 “(2) An appointment under this section does
16 not change the position on the active duty list or the
17 permanent, probationary, or acting status of the of-
18 ficer so appointed, prejudice the officer in regard to
19 other promotions or appointments, or abridge the
20 rights or benefits of the officer.

21 “(d) BOARD RECOMMENDATION REQUIRED.—A tem-
22 porary promotion under this section may be made only
23 upon the recommendation of a board of officers convened
24 by the Secretary for the purpose of recommending officers
25 for such promotions.

1 “(e) ACCEPTANCE AND EFFECTIVE DATE OF AP-
2 POINTMENT.—Each appointment under this section, un-
3 less expressly declined, is, without formal acceptance, re-
4 garded as accepted on the date such appointment is made,
5 and a member so appointed is entitled to the pay and al-
6 lowances of the grade of the temporary promotion under
7 this section beginning on the date the appointment is
8 made.

9 “(f) TERMINATION OF APPOINTMENT.—Unless soon-
10 er terminated, an appointment under this section termi-
11 nates—

12 “(1) on the date the officer who received the
13 appointment is promoted to the permanent grade of
14 lieutenant, lieutenant commander, commander, or
15 captain;

16 “(2) on the date the officer is detached from a
17 position described in subsection (b)(2), unless the of-
18 ficer is on a promotion list to the permanent grade
19 of lieutenant, lieutenant commander, commander, or
20 captain, in which case the appointment terminates
21 on the date the officer is promoted to that grade;

22 “(3) when the appointment officer determines
23 that the officer who received the appointment has
24 engaged in misconduct or has displayed substandard
25 performance; or

1 “(4) when otherwise determined by the Com-
2 mandant to be in the best interests of the Coast
3 Guard.

4 “(g) LIMITATION ON NUMBER OF ELIGIBLE POSI-
5 TIONS.—An appointment under this section may only be
6 made for service in a position designated by the Secretary
7 for the purposes of this section. The number of positions
8 so designated may not exceed the following percentages
9 of the respective grades:

10 “(1) As lieutenant, 0.5 percent.

11 “(2) As lieutenant commander, 3.0 percent.

12 “(3) As commander, 2.6 percent.

13 “(4) As captain, 2.6 percent.”.

14 (b) CLERICAL AMENDMENT.—The analysis for sub-
15 chapter I of chapter 21 of title 14, United States Code,
16 is amended by adding at the end the following:

“2130. Promotion to certain grades for officers with critical skills: captain, com-
mander, lieutenant commander, lieutenant.”.

17 **SEC. 8204. CAREER INTERMISSION PROGRAM.**

18 (a) IN GENERAL.—Subchapter I of chapter 25 of title
19 14, United States Code, is amended by adding at the end
20 the following:

21 **“§ 2514. Career flexibility to enhance retention of**
22 **members**

23 “(a) PROGRAMS AUTHORIZED.—The Commandant
24 may carry out a program under which members of the

1 Coast Guard may be inactivated from active duty in order
2 to meet personal or professional needs and returned to ac-
3 tive duty at the end of such period of inactivation from
4 active duty.

5 “(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY;
6 EFFECT OF INACTIVATION.—

7 “(1) IN GENERAL.—The period of inactivation
8 from active duty under a program under this section
9 of a member participating in the program shall be
10 such period as the Commandant shall specify in the
11 agreement of the member under subsection (c), ex-
12 cept that such period may not exceed 3 years.

13 “(2) EXCLUSION FROM YEARS OF SERVICE.—
14 Any service by a Reserve officer while participating
15 in a program under this section shall be excluded
16 from computation of the total years of service of
17 that officer pursuant to section 14706(a) of title 10.

18 “(3) EXCLUSION FROM RETIREMENT.—Any pe-
19 riod of participation of a member in a program
20 under this section shall not count toward—

21 “(A) eligibility for retirement or transfer
22 to the Ready Reserve under either chapter 841
23 or 1223 of title 10; or

24 “(B) computation of retired or retainer
25 pay under chapter 71 or 1223 of title 10.

1 “(c) AGREEMENT.—Each member of the Coast
2 Guard who participates in a program under this section
3 shall enter into a written agreement with the Commandant
4 under which that member shall agree as follows:

5 “(1) To accept an appointment or enlist, as ap-
6 plicable, and serve in the Coast Guard Ready Re-
7 serve during the period of the inactivation of the
8 member from active duty under the program.

9 “(2) To undergo during the period of the inac-
10 tivation of the member from active duty under the
11 program such inactive service training as the Com-
12 mandant shall require in order to ensure that the
13 member retains proficiency, at a level determined by
14 the Commandant to be sufficient, in the military
15 skills, professional qualifications, and physical readi-
16 ness of the member during the inactivation of the
17 member from active duty.

18 “(3) Following completion of the period of the
19 inactivation of the member from active duty under
20 the program, to serve 2 months as a member of the
21 Coast Guard on active duty for each month of the
22 period of the inactivation of the member from active
23 duty under the program.

24 “(d) CONDITIONS OF RELEASE.—The Commandant
25 shall prescribe regulations specifying the guidelines re-

1 garding the conditions of release that must be considered
2 and addressed in the agreement required by subsection
3 (c). At a minimum, the Commandant shall prescribe the
4 procedures and standards to be used to instruct a member
5 on the obligations to be assumed by the member under
6 paragraph (2) of such subsection while the member is re-
7 leased from active duty.

8 “(e) ORDER TO ACTIVE DUTY.—Under regulations
9 prescribed by the Commandant, a member of the Coast
10 Guard participating in a program under this section may,
11 in the discretion of the Commandant, be required to termi-
12 nate participation in the program and be ordered to active
13 duty.

14 “(f) PAY AND ALLOWANCES.—

15 “(1) BASIC PAY.—During each month of par-
16 ticipation in a program under this section, a member
17 who participates in the program shall be paid basic
18 pay in an amount equal to two-thirtieths of the
19 amount of monthly basic pay to which the member
20 would otherwise be entitled under section 204 of title
21 37 as a member of the uniformed services on active
22 duty in the grade and years of service of the member
23 when the member commences participation in the
24 program.

25 “(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

1 “(A) PROHIBITION.—A member who par-
2 ticipates in such a program shall not, while par-
3 ticipating in the program, be paid any special
4 or incentive pay or bonus to which the member
5 is otherwise entitled under an agreement under
6 chapter 5 of title 37 that is in force when the
7 member commences participation in the pro-
8 gram.

9 “(B) NOT TREATED AS FAILURE TO PER-
10 FORM SERVICES.—The inactivation from active
11 duty of a member participating in a program
12 shall not be treated as a failure of the member
13 to perform any period of service required of the
14 member in connection with an agreement for a
15 special or incentive pay or bonus under chapter
16 5 of title 37 that is in force when the member
17 commences participation in the program.

18 “(3) RETURN TO ACTIVE DUTY.—

19 “(A) SPECIAL OR INCENTIVE PAY OR
20 BONUS.—Subject to subparagraph (B), upon
21 the return of a member to active duty after
22 completion by the member of participation in a
23 program—

24 “(i) any agreement entered into by
25 the member under chapter 5 of title 37 for

1 the payment of a special or incentive pay
2 or bonus that was in force when the mem-
3 ber commenced participation in the pro-
4 gram shall be revived, with the term of
5 such agreement after revival being the pe-
6 riod of the agreement remaining to run
7 when the member commenced participation
8 in the program; and

9 “(ii) any special or incentive pay or
10 bonus shall be payable to the member in
11 accordance with the terms of the agree-
12 ment concerned for the term specified in
13 clause (i).

14 “(B) LIMITATION.—

15 “(i) IN GENERAL.—Subparagraph (A)
16 shall not apply to any special or incentive
17 pay or bonus otherwise covered by such
18 subparagraph with respect to a member if,
19 at the time of the return of the member to
20 active duty as described in that subpara-
21 graph—

22 “(I) such pay or bonus is no
23 longer authorized by law; or

24 “(II) the member does not satisfy
25 eligibility criteria for such pay or

1 bonus as in effect at the time of the
2 return of the member to active duty.

3 “(ii) PAY OR BONUS CEASES BEING
4 AUTHORIZED.—Subparagraph (A) shall
5 cease to apply to any special or incentive
6 pay or bonus otherwise covered by such
7 subparagraph with respect to a member if,
8 during the term of the revived agreement
9 of the member under subparagraph (A)(i),
10 such pay or bonus ceases being authorized
11 by law.

12 “(C) REPAYMENT.—A member who is in-
13 eligible for payment of a special or incentive
14 pay or bonus otherwise covered by this para-
15 graph by reason of subparagraph (B)(i)(II)
16 shall be subject to the requirements for repay-
17 ment of such pay or bonus in accordance with
18 the terms of the applicable agreement of the
19 member under chapter 5 of title 37.

20 “(D) REQUIRED SERVICE IS ADDI-
21 TIONAL.—Any service required of a member
22 under an agreement covered by this paragraph
23 after the member returns to active duty as de-
24 scribed in subparagraph (A) shall be in addition

1 to any service required of the member under an
2 agreement under subsection (c).

3 “(4) TRAVEL AND TRANSPORTATION ALLOW-
4 ANCE.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), a member who participates in a pro-
7 gram is entitled, while participating in the pro-
8 gram, to the travel and transportation allow-
9 ances authorized by section 474 of title 37
10 for—

11 “(i) travel performed from the resi-
12 dence of the member, at the time of release
13 from active duty to participate in the pro-
14 gram, to the location in the United States
15 designated by the member as the member’s
16 residence during the period of participation
17 in the program; and

18 “(ii) travel performed to the residence
19 of the member upon return to active duty
20 at the end of the participation of the mem-
21 ber in the program.

22 “(B) SINGLE RESIDENCE.—An allowance
23 is payable under this paragraph only with re-
24 spect to travel of a member to and from a sin-
25 gle residence.

1 “(5) LEAVE BALANCE.—A member who partici-
2 pates in a program is entitled to carry forward the
3 leave balance existing as of the day on which the
4 member begins participation and accumulated in ac-
5 cordance with section 701 of title 10, but not to ex-
6 ceed 60 days.

7 “(g) PROMOTION.—

8 “(1) OFFICERS.—

9 “(A) IN GENERAL.—An officer partici-
10 pating in a program under this section shall
11 not, while participating in the program, be eligi-
12 ble for consideration for promotion under chap-
13 ter 21 or 37 of this title.

14 “(B) RETURN TO DUTY.—Upon the return
15 of an officer to active duty after completion by
16 the officer of participation in a program—

17 “(i) the Commandant may adjust the
18 date of rank of the officer in such manner
19 as the Commandant may prescribe in regu-
20 lations for purposes of this section; and

21 “(ii) the officer shall be eligible for
22 consideration for promotion when officers
23 of the same grade and seniority are eligible
24 for consideration for promotion.

1 “(2) ENLISTED MEMBERS.—An enlisted mem-
2 ber participating in a program under this section
3 shall not be eligible for consideration for advance-
4 ment during the period that—

5 “(A) begins on the date of the inactivation
6 of the member from active duty under the pro-
7 gram; and

8 “(B) ends at such time after the return of
9 the member to active duty under the program
10 that the member is treatable as eligible for pro-
11 motion by reason of time in grade and such
12 other requirements as the Commandant shall
13 prescribe in regulations for purposes of the pro-
14 gram.

15 “(h) CONTINUED ENTITLEMENTS.—A member par-
16 ticipating in a program under this section shall, while par-
17 ticipating in the program, be treated as a member of the
18 Armed Forces on active duty for a period of more than
19 30 days for purposes of—

20 “(1) the entitlement of the member and of the
21 dependents of the member to medical and dental
22 care under the provisions of chapter 55 of title 10;
23 and

1 “(2) retirement or separation for physical dis-
2 ability under the provisions of chapter 61 of title 10
3 and chapters 21 and 23 of this title.”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter I of chapter 25 of title 14, United States Code,
6 is amended by adding at the end the following:

“2514. Career flexibility to enhance retention of members.”.

7 **SEC. 8205. DIRECT COMMISSIONING AUTHORITY FOR INDIV-**
8 **VIDUALS WITH CRITICAL SKILLS.**

9 (a) IN GENERAL.—Subchapter II of chapter 37 of
10 title 14, United States Code, is amended by inserting after
11 section 3738 the following:

12 **“§ 3738a. Direct commissioning authority for individ-**
13 **uals with critical skills**

14 “An individual with critical skills that the Com-
15 mandant considers necessary for the Coast Guard to com-
16 plete its missions who is not currently serving as an officer
17 in the Coast Guard may be commissioned into the Coast
18 Guard at a grade up to and including commander.”.

19 (b) CLERICAL AMENDMENT.—The analysis for sub-
20 chapter II of chapter 37 of title 14, United States Code,
21 is amended by inserting after the item relating to section
22 3738 the following:

“3738a. Direct commissioning authority for individuals with critical skills.”.

23 (c) TECHNICAL AMENDMENT.—The heading for the
24 first chapter of subtitle III of title 14, United States Code,

1 is amended by striking “**CHAPTER 1**” and inserting
2 “**CHAPTER 37**”.

3 **SEC. 8206. EMPLOYMENT ASSISTANCE.**

4 (a) IN GENERAL.—Subchapter I of chapter 27 of title
5 14, United States Code, is amended by adding at the end
6 the following:

7 “**§ 2713. Employment assistance**

8 “(a) IN GENERAL.—In order to improve the accuracy
9 and completeness of a certification or verification of job
10 skills and experience required by section 1143(a)(1) of
11 title 10, the Secretary shall—

12 “(1) establish a database to record all training
13 performed by members of the Coast Guard that may
14 have application to employment in the civilian sector;
15 and

16 “(2) make unclassified information regarding
17 such information available to States and other po-
18 tential employers referred to in section 1143(c) of
19 title 10 so that States and other potential employers
20 may allow military training to satisfy licensing or
21 certification requirements to engage in a civilian pro-
22 fession.

23 “(b) FORM OF CERTIFICATION OR VERIFICATION.—
24 The Secretary shall ensure that a certification or
25 verification of job skills and experience required by section

1 1143(a)(1) of title 10 is rendered in such a way that
2 States and other potential employers can confirm the ac-
3 curacy and authenticity of the certification or verification.

4 “(c) REQUESTS BY STATES.—A State may request
5 that the Secretary confirm the accuracy and authenticity
6 of a certification or verification of job skills and experience
7 provided under section 1143(c) of title 10.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
9 subchapter is amended by adding at the end the following:

“2713. Employment assistance.”.

10 **Subtitle B—Organization and** 11 **Management Matters**

12 **SEC. 8211. CONGRESSIONAL AFFAIRS; DIRECTOR.**

13 (a) IN GENERAL.—Chapter 3 of title 14, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 321. Congressional affairs; Director**

17 “The Commandant shall appoint a Director of Con-
18 gressional Affairs from among officers of the Coast Guard
19 who are in a grade above captain. The Director of Con-
20 gressional Affairs is separate and distinct from the Direc-
21 tor of Governmental and Public Affairs for the Coast
22 Guard and is the principal advisor to the Commandant
23 on all congressional and legislative matters for the Coast
24 Guard and may have such additional functions as the
25 Commandant may direct.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 3 of title 14, United States Code, is amended by add-
3 ing at the end the following:

“321. Congressional affairs; Director.”.

4 **SEC. 8212. LIMITATIONS ON CLAIMS.**

5 (a) ADMIRALTY CLAIMS.—Section 937(a) of title 14,
6 United States Code, is amended by striking “\$100,000”
7 and inserting “\$425,000”.

8 (b) CLAIMS FOR DAMAGE TO PROPERTY OF THE
9 UNITED STATES.—Section 938 of title 14, United States
10 Code, is amended by striking “\$100,000” and inserting
11 “\$425,000”.

12 **SEC. 8213. RENEWAL OF TEMPORARY EARLY RETIREMENT**
13 **AUTHORITY.**

14 Section 219 of the Coast Guard and Maritime Trans-
15 portation Act of 2012 (Public Law 112–213; 10 U.S.C.
16 1293 note) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “For fiscal years 2013 through 2018” and
19 inserting “For fiscal years 2019 through 2025”; and

20 (2) in paragraph (1), by striking “subsection
21 (c)(2)(A)” and inserting “subsection (c)(1)”.

22 **SEC. 8214. MAJOR ACQUISITIONS; OPERATION AND**
23 **SUSTAINMENT COSTS.**

24 Section 5103(e)(3) of title 14, United States Code,
25 is amended—

1 (1) by redesignating subparagraphs (B) and
2 (C) as subparagraphs (C) and (D), respectively; and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) operate and sustain the cutters and
6 aircraft described in paragraph (2);”.

7 **SEC. 8215. SUPPORT OF WOMEN SERVING IN THE COAST**
8 **GUARD.**

9 (a) ACTION PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Commandant shall—

13 (A) determine which recommendations in
14 the RAND gender diversity report can prac-
15 tically be implemented to promote gender di-
16 versity in the Coast Guard; and

17 (B) submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a re-
21 port on the actions the Coast Guard has taken,
22 or plans to take, to implement such rec-
23 ommendations.

1 (2) CURRICULUM AND TRAINING.—The Com-
2 mandant shall update curriculum and training mate-
3 rials used at—

4 (A) officer accession points, including the
5 Coast Guard Academy and the Leadership De-
6 velopment Center;

7 (B) enlisted member accession at the
8 United States Coast Guard Training Center
9 Cape May in Cape May, New Jersey; and

10 (C) the officer, enlisted member, and civil-
11 ian leadership courses managed by the Leader-
12 ship Development Center.

13 Such updates shall reflect actions the Coast Guard
14 has taken, or plans to take, to carry out the rec-
15 ommendations of the RAND gender diversity report.

16 (3) DEFINITION.—In this subsection, the term
17 “RAND gender diversity report” means the RAND
18 Corporation’s Homeland Security Operational Anal-
19 ysis Center 2019 report entitled “Improving Gender
20 Diversity in the U.S. Coast Guard: Identifying Bar-
21 riers to Female Retention”.

22 (b) ADVISORY BOARD ON WOMEN AT THE COAST
23 GUARD ACADEMY.—Chapter 19 of title 14, United States
24 Code, is amended—

1 (1) by redesignating section 1904 as section
2 1906;

3 (2) by inserting after section 1903 the fol-
4 lowing:

5 **“§ 1904. Advisory Board on Women at the Coast**
6 **Guard Academy**

7 “(a) IN GENERAL.—The Superintendent of the Acad-
8 emy shall establish at the Coast Guard Academy an advi-
9 sory board to be known as the Advisory Board on Women
10 at the Coast Guard Academy (referred to in this section
11 as the ‘Advisory Board’).

12 “(b) MEMBERSHIP.—The Advisory Board shall be
13 composed of not fewer than 12 current cadets of the Coast
14 Guard Academy, including not fewer than 3 cadets from
15 each current class.

16 “(c) APPOINTMENT; TERM.—Cadets shall serve on
17 the Advisory Board pursuant to appointment by the Su-
18 perintendent of the Academy. Appointments shall be made
19 not later than 60 days after the date of the swearing in
20 of a new class of cadets at the Academy. The term of
21 membership of a cadet on the Advisory Board shall be 1
22 academic year.

23 “(d) REAPPOINTMENT.—The Superintendent of the
24 Academy may reappoint not more than 6 cadets from the
25 previous term to serve on the Advisory Board for an addi-

1 tional academic year if the Superintendent of the Academy
2 determines such reappointment to be in the best interests
3 of the Coast Guard Academy.

4 “(e) MEETINGS.—The Advisory Board shall meet
5 with the Commandant at least once each academic year
6 on the activities of the Advisory Board. The Advisory
7 Board shall meet in person with the Superintendent of the
8 Academy not less than twice each academic year on the
9 duties of the Advisory Board.

10 “(f) DUTIES.—The Advisory Board shall identify op-
11 portunities and challenges facing cadets at the Academy
12 who are women, including an assessment of culture, lead-
13 ership development, and access to health care of cadets
14 at the Academy who are women.

15 “(g) WORKING GROUPS.—The Advisory Board may
16 establish one or more working groups to assist the Advi-
17 sory Board in carrying out its duties, including working
18 groups composed in part of cadets at the Academy who
19 are not current members of the Advisory Board.

20 “(h) REPORTS AND BRIEFINGS.—The Advisory
21 Board shall regularly provide the Commandant and the
22 Superintendent reports and briefings on the results of its
23 duties, including recommendations for actions to be taken
24 in light of such results. Such reports and briefings may
25 be provided in writing, in person, or both.”; and

1 (3) by amending the analysis for such chap-
2 ter—

3 (A) by amending the item relating to sec-
4 tion 1904 to read as follows:

“1904. Advisory Board on Women at the Coast Guard Academy.”; and

5 (B) by adding at the end the following:

“1906. Participation in Federal, State, or other educational research grants.”.

6 (c) ADVISORY BOARD ON WOMEN IN THE COAST
7 GUARD.—Chapter 25 of title 14, United States Code, is
8 amended—

9 (1) by redesignating subchapter II as sub-
10 chapter III;

11 (2) by inserting after subchapter I the fol-
12 lowing:

13 “SUBCHAPTER II—ADVISORY BOARD ON
14 WOMEN IN THE COAST GUARD

15 “§ 2521. **Advisory Board on Women in the Coast**
16 **Guard**

17 “(a) IN GENERAL.—The Commandant shall establish
18 within the Coast Guard an Advisory Board on Women in
19 the Coast Guard.

20 “(b) MEMBERSHIP.—The Advisory Board established
21 under subsection (a) shall be composed of such number
22 of members as the Commandant considers appropriate, se-
23 lected by the Commandant through a public selection proc-
24 ess from among applicants for membership on the Board.

1 The members of the Board shall, to the extent practicable,
2 represent the diversity of the Coast Guard. The members
3 of the Committee shall include an equal number of each
4 of the following:

5 “(1) Active duty officers of the Coast Guard.

6 “(2) Active duty enlisted members of the Coast
7 Guard.

8 “(3) Members of the Coast Guard Reserve.

9 “(4) Retired members of the Coast Guard.

10 “(c) DUTIES.—The Advisory Board established
11 under subsection (a)—

12 “(1) shall advise the Commandant on improve-
13 ments to the recruitment, retention, wellbeing, and
14 success of women serving in the Coast Guard and
15 attending the Coast Guard Academy, including rec-
16 ommendations for the report on gender diversity in
17 the Coast Guard required by section 5109 of chapter
18 51 of title 14;

19 “(2) may submit to the Commandant rec-
20 ommendations in connection with its duties under
21 this subsection, including recommendations to imple-
22 ment the advice described in paragraph (1); and

23 “(3) may brief Congress on its duties under
24 this subsection, including the advice described in

1 paragraph (1) and any recommendations described
2 in paragraph (2).”; and

3 (3) by amending the analysis for such chapter
4 by striking the items relating to subchapter II and
5 inserting the following:

“SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

“2521. Advisory Board on Women in the Coast Guard.

“SUBCHAPTER III—LIGHTHOUSE SERVICE

“2531. Personnel of former Lighthouse Service.”.

6 (d) RECURRING REPORT.—

7 (1) IN GENERAL.—Chapter 51 of title 14,
8 United States Code, is amended by adding at the
9 end the following:

10 **“§ 5109. Report on gender diversity in the Coast**
11 **Guard**

12 “(a) IN GENERAL.—Not later than January 15,
13 2022, and biennially thereafter, the Commandant shall
14 submit to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on gender diversity in the Coast Guard.

18 “(b) CONTENTS.—The report required under sub-
19 section (a) shall contain the following:

20 “(1) GENDER DIVERSITY OVERVIEW.—An over-
21 view of Coast Guard active duty and reserve mem-
22 bers, including the number of officers and enlisted

1 members and the percentages of men and women in
2 each.

3 “(2) RECRUITMENT AND RETENTION.—

4 “(A) An analysis of the changes in the re-
5 cruitment and retention of women over the pre-
6 vious 2 years.

7 “(B) A discussion of any changes to Coast
8 Guard recruitment and retention over the pre-
9 vious 2 years that were aimed at increasing the
10 recruitment and retention of female members.

11 “(3) PARENTAL LEAVE.—

12 “(A) The number of men and women who
13 took parental leave during each year covered by
14 the report, including the average length of such
15 leave periods.

16 “(B) A discussion of the ways in which the
17 Coast Guard worked to mitigate the impacts of
18 parental leave on Coast Guard operations and
19 on the careers of the members taking such
20 leave.

21 “(4) LIMITATIONS.—An analysis of current
22 gender-based limitations on Coast Guard career op-
23 portunities, including discussion of—

24 “(A) shipboard opportunities;

1 “(B) opportunities to serve at remote
2 units; and

3 “(C) any other limitations on the opportu-
4 nities of female members.

5 “(5) PROGRESS UPDATE.—An update on the
6 Coast Guard’s progress on the implementation of the
7 action plan required under subsection (a) of section
8 8215 of the Elijah E. Cummings Coast Guard Au-
9 thorization Act of 2020.”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 chapter 51 of title 14, United States Code, is
12 amended by adding at the end the following:

“5109. Report on gender diversity in the Coast Guard.”.

13 **SEC. 8216. DISPOSITION OF INFRASTRUCTURE RELATED TO**
14 **E-LORAN.**

15 Section 914 of title 14, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) by striking “date” and inserting “later
19 of the date of the conveyance of the properties
20 directed under section 533(a) of the Coast
21 Guard Authorization Act of 2016 (Public Law
22 114–120) or the date”; and

23 (B) by striking “determination by the Sec-
24 retary” and inserting “determination by the

1 Secretary of Transportation under section
2 312(d) of title 49”; and

3 (2) in subsection (c), by striking paragraph (2)
4 and inserting the following:

5 “(2) AVAILABILITY OF PROCEEDS.—The pro-
6 ceeds of such sales, less the costs of sale incurred by
7 the General Services Administration, shall be depos-
8 ited into the Coast Guard Housing Fund for uses
9 authorized under section 2946 of this title.”.

10 **SEC. 8217. POSITIONS OF IMPORTANCE AND RESPONSI-**
11 **BILITY.**

12 Section 2103(c)(3) of title 14, United States Code,
13 is amended by striking “rear admiral (lower half)” and
14 inserting “vice admiral”.

15 **SEC. 8218. RESEARCH PROJECTS; TRANSACTIONS OTHER**
16 **THAN CONTRACTS AND GRANTS.**

17 (a) IN GENERAL.—Chapter 7 of title 14, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 719. Research projects; transactions other than**
21 **contracts and grants**

22 **“(a) ADDITIONAL FORMS OF TRANSACTIONS AU-**
23 **THORIZED.—**

24 **“(1) IN GENERAL.—**The Commandant may
25 enter into—

1 “(A) transactions (other than contracts,
2 cooperative agreements, and grants) in carrying
3 out basic, applied, and advanced research
4 projects; and

5 “(B) agreements with the Director of the
6 Defense Advanced Research Projects Agency,
7 the Secretary of a military department, or any
8 other official designated by the Secretary of De-
9 fense under section 2371b of title 10 to partici-
10 pate in prototype projects and follow-on produc-
11 tion contracts or transactions that are being
12 carried out by such official and are directly rel-
13 evant to the Coast Guard’s cyber capability and
14 Command, Control, Communications, Com-
15 puters, and intelligence initiatives.

16 “(2) ADDITIONAL AUTHORITY.—The authority
17 under this subsection is in addition to the authority
18 provided in section 717 to use contracts, cooperative
19 agreements, and grants in carrying out such
20 projects.

21 “(3) FUNDING.—In carrying out paragraph
22 (1)(B), the Commandant may use funds made avail-
23 able to the extent provided in advance in appropria-
24 tions Acts for—

25 “(A) operations and support;

1 “(B) research, development, test, and eval-
2 uation; and

3 “(C) procurement, construction, and im-
4 provement.

5 “(b) RECOVERY OF FUNDS.—

6 “(1) IN GENERAL.—Subject to subsection (d), a
7 cooperative agreement for performance of basic, ap-
8 plied, or advanced research authorized by section
9 717, and a transaction authorized by subsection (a),
10 may include a clause that requires a person or other
11 entity to make payments to the Coast Guard or any
12 other department or agency of the Federal Govern-
13 ment as a condition for receiving support under the
14 agreement or transaction, respectively.

15 “(2) AVAILABILITY OF FUNDS.—The amount of
16 any payment received by the Federal Government
17 pursuant to a requirement imposed under paragraph
18 (1) shall be deposited in the general fund of the
19 Treasury. Amounts so deposited shall be available
20 for the purposes of carrying out this section, to the
21 extent provided in advance in appropriations Acts.

22 “(c) CONDITIONS.—

23 “(1) IN GENERAL.—The Commandant shall en-
24 sure that to the extent that the Commandant deter-
25 mines practicable, no cooperative agreement con-

1 taining a clause described in subsection (c)(1), and
2 no transaction entered into under subsection (a),
3 provides for research that duplicates research being
4 conducted under existing programs carried out by
5 the Coast Guard.

6 “(2) OTHER AGREEMENTS NOT FEASIBLE.—A
7 cooperative agreement containing a clause described
8 in subsection (c)(1), or under a transaction author-
9 ized by subsection (a), may be used for a research
10 project only if the use of a standard contract, grant,
11 or cooperative agreement for such project is not fea-
12 sible or appropriate.

13 “(d) EDUCATION AND TRAINING.—The Commandant
14 shall—

15 “(1) ensure that management, technical, and
16 contracting personnel of the Coast Guard involved in
17 the award or administration of transactions under
18 this section or other innovative forms of contracting
19 are afforded opportunities for adequate education
20 and training; and

21 “(2) establish minimum levels and requirements
22 for continuous and experiential learning for such
23 personnel, including levels and requirements for ac-
24 quisition certification programs.

1 “(e) PROTECTION OF CERTAIN INFORMATION FROM
2 DISCLOSURE.—

3 “(1) IN GENERAL.—Disclosure of information
4 described in paragraph (2) is not required, and may
5 not be compelled, under section 552 of title 5 for 5
6 years after the date on which the information is re-
7 ceived by the Coast Guard.

8 “(2) LIMITATION.—

9 “(A) IN GENERAL.—Paragraph (1) applies
10 to information described in subparagraph (B)
11 that is in the records of the Coast Guard only
12 if the information was submitted to the Coast
13 Guard in a competitive or noncompetitive proc-
14 ess having the potential for resulting in an
15 award, to the party submitting the information,
16 of a cooperative agreement for performance of
17 basic, applied, or advanced research authorized
18 by section 717 or another transaction author-
19 ized by subsection (a).

20 “(B) INFORMATION DESCRIBED.—The in-
21 formation referred to in subparagraph (A) is
22 the following:

23 “(i) A proposal, proposal abstract,
24 and supporting documents.

1 “(ii) A business plan submitted on a
2 confidential basis.

3 “(iii) Technical information submitted
4 on a confidential basis.

5 “(f) REGULATIONS.—The Commandant shall pre-
6 scribe regulations, as necessary, to carry out this section.

7 “(g) ANNUAL REPORT.—On the date on which the
8 President submits to Congress a budget pursuant to sec-
9 tion 1105 of title 31, the Commandant shall submit to
10 the Committees on Appropriations and Transportation
11 and Infrastructure of the House of Representatives and
12 the Committees on Appropriations and Commerce,
13 Science, and Transportation of the Senate a report de-
14 scribing each use of the authority provided under this sec-
15 tion during the most recently completed fiscal year, includ-
16 ing details of each use consisting of—

17 “(1) the amount of each transaction;

18 “(2) the entities or organizations involved;

19 “(3) the product or service received;

20 “(4) the research project for which the product
21 or service was required; and

22 “(5) the extent of the cost sharing among Fed-
23 eral Government and non-Federal sources.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 7 of title 14, United States Code, is amended by add-
3 ing at the end the following:

“719. Research projects; transactions other than contracts and grants.”.

4 **SEC. 8219. ACQUISITION WORKFORCE AUTHORITIES.**

5 (a) IN GENERAL.—Subchapter I of chapter 11 of title
6 14, United States Code, is amended by adding at the end
7 the following:

8 **“§ 1111. Acquisition workforce authorities**

9 “(a) EXPEDITED HIRING AUTHORITY.—

10 “(1) IN GENERAL.—For the purposes of section
11 3304 of title 5, the Commandant may—

12 “(A) designate any category of acquisition
13 positions within the Coast Guard as shortage
14 category positions; and

15 “(B) use the authorities in such section to
16 recruit and appoint highly qualified persons di-
17 rectly to positions so designated.

18 “(2) REPORTS.—The Commandant shall in-
19 clude in reports under section 1102 information de-
20 scribed in such section regarding positions des-
21 ignated under this subsection.

22 “(b) REEMPLOYMENT AUTHORITY.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), if an annuitant receiving an annuity from
25 the Civil Service Retirement and Disability Fund be-

1 comes employed in any category of acquisition posi-
2 tions designated by the Commandant under sub-
3 section (a), the annuity of the annuitant so em-
4 ployed shall continue. The annuitant so reemployed
5 shall not be considered an employee for purposes of
6 subchapter III of chapter 83 or chapter 84 of title
7 5.

8 “(2)(A) ELECTION.—An annuitant retired
9 under section 8336(d)(1) or 8414(b)(1)(A) of title 5,
10 receiving an annuity from the Civil Service Retire-
11 ment and Disability Fund, who becomes employed in
12 any category of acquisition positions designated by
13 the Commandant under subsection (a) after the date
14 of the enactment of the Elijah E. Cummings Coast
15 Guard Authorization Act of 2020, may elect to be
16 subject to section 8344 or 8468 of such title (as the
17 case may be).

18 “(i) DEADLINE.—An election for coverage
19 under this subsection shall be filed not later
20 than 90 days after the Commandant takes rea-
21 sonable actions to notify an employee who may
22 file an election.

23 “(ii) COVERAGE.—If an employee files an
24 election under this subsection, coverage shall be
25 effective beginning on the first day of the first

1 applicable pay period beginning on or after the
2 date of the filing of the election.

3 “(B) APPLICATION.—Paragraph (1) shall apply
4 to an individual who is eligible to file an election
5 under subparagraph (A) and does not file a timely
6 election under clause (i) of such subparagraph.”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter I of chapter 11 of title 14, United States Code,
9 is amended by adding at the end the following:

“1111. Acquisition workforce authorities.”.

10 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
11 404 of the Coast Guard Authorization Act of 2010 (Public
12 Law 111–281) is repealed.

13 **SEC. 8220. VESSEL CONVERSION, ALTERATION, AND RE-**
14 **PAIR PROJECTS.**

15 (a) IN GENERAL.—Notwithstanding any provision of
16 the Small Business Act (15 U.S.C. 631 et seq.) and any
17 regulation or policy implementing such Act, the Com-
18 mandant may use full and open competitive procedures,
19 as prescribed in section 2304 of title 10, United States
20 Code, to acquire maintenance and repair services for ves-
21 sels with a homeport in Coast Guard District 17.

22 (b) APPLICABILITY.—Subsection (a) shall apply only
23 if there are not at least 2 qualified small businesses lo-
24 cated in Coast Guard District 17 that are able and avail-
25 able to provide the services described in such subsection.

1 (c) LIMITATION.—The full and open competitive pro-
2 cedures described in subsection (a) may only be used to
3 acquire such services from a business located in Coast
4 Guard District 17 that is able and available to provide
5 such services.

6 **SEC. 8221. MODIFICATION OF ACQUISITION PROCESS AND**
7 **PROCEDURES.**

8 (a) EXTRAORDINARY RELIEF.—

9 (1) IN GENERAL.—Subchapter III of chapter
10 11 of title 14, United States Code, is amended by
11 adding at the end the following:

12 **“§ 1157. Extraordinary relief**

13 “(a) IN GENERAL.—With respect to any prime con-
14 tracting entity receiving extraordinary relief pursuant to
15 the Act entitled ‘An Act to authorize the making, amend-
16 ment, and modification of contracts to facilitate the na-
17 tional defense’, approved August 28, 1958 (Public Law
18 85–804; 50 U.S.C. 1432 et seq.) for a major acquisition,
19 the Secretary shall not consider any further request by
20 the prime contracting entity for extraordinary relief under
21 such Act for such major acquisition.

22 “(b) INAPPLICABILITY TO SUBCONTRACTORS.—The
23 limitation under subsection (a) shall not apply to sub-
24 contractors of a prime contracting entity.

1 “(c) QUARTERLY REPORT.—Not less frequently than
2 quarterly during each fiscal year in which extraordinary
3 relief is approved or provided to an entity under the Act
4 referred to in subsection (a) for the acquisition of Offshore
5 Patrol Cutters, the Commandant shall provide to the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report that
9 describes in detail such relief and the compliance of the
10 entity with the oversight measures required as a condition
11 of receiving such relief.”.

12 (3) ANALYSIS FOR CHAPTER 11.—The analysis
13 for chapter 11 of title 14, United States Code, is
14 amended by inserting after the item relating to sec-
15 tion 1156 the following:

“1157. Extraordinary relief.”.

16 (b) NOTICE TO CONGRESS WITH RESPECT TO
17 BREACH OF CONTRACT.—Section 1135 of title 14, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(d) NOTICE TO CONGRESS WITH RESPECT TO
21 BREACH OF CONTRACT.—Not later than 48 hours after
22 the Commandant becomes aware that a major acquisition
23 contract cannot be carried out under the terms specified
24 in the contract, the Commandant shall provide a written
25 notification to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives that includes—

4 “(1) a description of the terms of the contract
5 that cannot be met; and

6 “(2) an assessment of whether the applicable
7 contract officer has issued a cease and desist order
8 to the contractor based on the breach of such terms
9 of the contract.”.

10 **SEC. 8222. ESTABLISHMENT AND PURPOSE OF FUND; DEFINITION.**
11

12 Section 1461(a) of title 10, United States Code, is
13 amended by inserting “and the Coast Guard” after “liabil-
14 ities of the Department of Defense”.

15 **SEC. 8223. PAYMENTS FROM FUND.**

16 Section 1463(a) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (1) by striking “and Marine
19 Corps” and inserting “Marine Corps, and Coast
20 Guard”;

21 (2) in paragraph (2) by striking “(other than
22 retired pay payable by the Secretary of Homeland
23 Security)”;

1 (3) in paragraph (4) by inserting “and the De-
2 partment of Homeland Security that” after “De-
3 partment of Defense”.

4 **SEC. 8224. DETERMINATION OF CONTRIBUTIONS TO FUND.**

5 Section 1465 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking “(a) NOT” and inserting
9 the following:

10 “(a)(1) Not”; and

11 (B) by adding at the end the following:

12 “(2) Not later than October 1, 2022, the Board of
13 Actuaries shall determine the amount that is the present
14 value (as of September 30, 2022) of future benefits pay-
15 able from the Fund that are attributable to service in the
16 Coast Guard performed before October 1, 2022. That
17 amount is the original Coast Guard unfunded liability of
18 the Fund. The Board shall determine the period of time
19 over which the original Coast Guard unfunded liability
20 should be liquidated and shall determine an amortization
21 schedule for the liquidation of such liability over that pe-
22 riod. Contributions to the Fund for the liquidation of the
23 original Coast Guard unfunded liability in accordance with
24 such schedule shall be made as provided in section 1466(b)
25 of this title.”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A)—

5 (I) by inserting “, in consultation
6 with the Secretary of the department
7 in which the Coast Guard is oper-
8 ating,” after “Secretary of Defense” ;
9 and

10 (II) by inserting “and Coast
11 Guard” after “Department of De-
12 fense”;

13 (ii) in subparagraph (A)(ii) by strik-
14 ing “(other than the Coast Guard)” and
15 inserting “members of the Armed Forces”;
16 and

17 (iii) in subparagraph (B)(ii) by strik-
18 ing “(other than the Coast Guard)”;

19 (B) in paragraph (2) by inserting “the
20 Coast Guard Retired Pay account and the”
21 after “appropriated to”; and

22 (C) in paragraph (3) by inserting “and
23 Coast Guard” after “Department of Defense”;

24 (3) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A) by inserting “, in consultation
3 with the Secretary of the department in
4 which the Coast Guard is operating,” after
5 “Secretary of Defense”;

6 (ii) in subparagraph (A) by striking
7 “(other than the Coast Guard)” and in-
8 serting “members of the Armed Forces”;

9 (iii) in subparagraph (B) by striking
10 “(other than the Coast Guard)”;

11 (B) in paragraph (2) by inserting “, in
12 consultation with the Secretary of the depart-
13 ment in which the Coast Guard is operating,”
14 after “Secretary of Defense”;

15 (C) in paragraph (3) by inserting “, in
16 consultation with the Secretary of the depart-
17 ment in which the Coast Guard is operating,”
18 after “Secretary of Defense”;

19 (4) in subsection (e) by striking “Secretary of
20 Defense shall” and inserting “Secretary of Defense
21 and, with regard to the Coast Guard, the Secretary
22 of the department in which the Coast Guard is oper-
23 ating”.

1 **SEC. 8225. PAYMENTS INTO FUND.**

2 Section 1466 of title 10, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph
6 (1)—

7 (i) by striking “Secretary of Defense
8 shall” and inserting “Secretary of Defense
9 and the Secretary of the department in
10 which the Coast Guard is operating, with
11 respect to the Coast guard, shall”; and

12 (ii) by striking “each month as the
13 Department of Defense contribution” and
14 inserting “each month the respective pro
15 rata share contribution of the Secretary of
16 Defense and the Secretary of the depart-
17 ment in which the Coast Guard is oper-
18 ating”; and

19 (B) in paragraph (2)(B) by striking
20 “(other than the Coast Guard)”; and

21 (C) by striking the flush language fol-
22 lowing paragraph (2)(B) and inserting the fol-
23 lowing new subsection:

24 “(b) Amounts paid into the Fund under this sub-
25 section shall be paid from funds available for as appro-
26 priate—

1 “(1) the pay of members of the armed forces
2 under the jurisdiction of the Secretary of a military
3 department; or

4 “(2) the Retired Pay appropriation for the
5 Coast Guard.”;

6 (2) by redesignating subsections (b) and (c) as
7 subsections (c) and (d), respectively; and

8 (3) in subsection (c) (as so redesignated)—

9 (A) in paragraph (2)(A) by striking “liabil-
10 ity of the Fund.” and inserting “liabilities of
11 the Fund for the Department of Defense and
12 the Coast Guard.”; and

13 (B) in paragraph (3) by inserting “and the
14 Secretary of the Department in which the Coast
15 Guard is operating” before “shall promptly”.

16 **Subtitle C—Access to Child Care**
17 **for Coast Guard Families**

18 **SEC. 8231. REPORT ON CHILD CARE AND SCHOOL-AGE**
19 **CARE ASSISTANCE FOR QUALIFIED FAMILIES.**

20 (a) IN GENERAL.—Not later than 18 months after
21 the date of the enactment of this Act, the Comptroller
22 General of the United States shall submit to the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate and the Committee on Transportation and Infra-
25 structure of the House of Representatives a report on

1 child care and school-age care options available to quali-
2 fied families.

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

5 (1) FINANCIAL ASSISTANCE.—

6 (A) An assessment of—

7 (i) the subsidies and financial assist-
8 ance for child care and school-age care
9 made available by the Coast Guard to
10 qualified families; and

11 (ii) the extent to which qualified fami-
12 lies have taken advantage of such subsidies
13 and assistance.

14 (B) The average number of days be-
15 tween—

16 (i) the date on which an application
17 for a subsidy or other financial assistance
18 for child care or school-age care is sub-
19 mitted by a qualified family; and

20 (ii) upon approval of an application,
21 the date on which such subsidy or assist-
22 ance is received by the qualified family.

23 (C) Recommendations for streamlining the
24 payment of such subsidies and financial assist-
25 ance.

1 (D) The amount of funding allocated to
2 such subsidies and financial assistance.

3 (E) The remaining costs for child care or
4 school-age care to qualified families that are not
5 covered by the Coast Guard.

6 (F) A description of barriers to access to
7 such subsidies and financial assistance.

8 (G) The number of qualified families that
9 do not receive any such subsidies or financial
10 assistance.

11 (2) REGULATION OF CHILD CARE SERVICES.—

12 (A) An assessment of—

13 (i) the regulations of States with re-
14 spect to child care services (such as staff-
15 ing, space and furnishings, safety, cur-
16 riculum requirements, and allowable care
17 hours); and

18 (ii) the effect that differences in such
19 regulations may have on access to child
20 care for qualified families.

21 (B) An assessment of—

22 (i) the regulations of the Coast Guard
23 and the Department of Defense with re-
24 spect to child development centers and
25 other child care providers (including

1 school-age care providers), and a compari-
2 son of such regulations with similar State
3 regulations; and

4 (ii) the effect that such regulations
5 may have on access to child care and
6 school-age care for qualified families.

7 (C) The number of qualified families, and
8 children, that do not have access to a Coast
9 Guard child development center for child care.

10 (3) PARITY WITH DEPARTMENT OF DE-
11 FENSE.—The differences between child care and
12 school-age care services offered by the Coast Guard
13 and child care and school-age care authorities of the
14 Coast Guard and the Department of Defense relat-
15 ing to the following:

16 (A) Authorized uses of appropriated funds
17 for child care and school-age care services.

18 (B) Access to, and total capacity of, Coast
19 Guard child development centers and Depart-
20 ment of Defense child development centers.

21 (C) Child care and school-age care pro-
22 grams or policy.

23 (D) Coast Guard and Department of De-
24 fense programs to provide additional assistance

1 to members and civilian employees with respect
2 to child care and school-age care options.

3 (E) Respite care programs.

4 (F) Nonappropriated funds.

5 (G) Coast Guard family child care centers.

6 (H) Coast Guard and Department of De-
7 fense publicly available online resources for
8 families seeking military child care and school-
9 age care.

10 (4) FEASIBILITY.—An analysis of the feasibility
11 of the Commandant entering into agreements with
12 private child care and school-age care service pro-
13 viders to provide child care and school-age care for
14 qualified families.

15 (5) AVAILABILITY.—An analysis of the avail-
16 ability of child care and school-age care for qualified
17 families, including accessibility after normal work
18 hours, proximity, and total capacity.

19 (6) RECOMMENDATIONS.—Recommendations—

20 (A) to improve access to child care and
21 school-age care for qualified families;

22 (B) to ensure parity between the Coast
23 Guard and the Department of Defense with re-
24 spect to child care and school-age care;

1 (C) to expand access to child care and
2 school-age care for all qualified families, includ-
3 ing qualified families that have a child with spe-
4 cial needs; and

5 (D) to ensure that regional child care and
6 child development center needs at the unit, sec-
7 tor, or district level are identified, assessed, and
8 reasonably evaluated by the Commandant for
9 future infrastructure needs.

10 (7) OTHER MATTERS.—A description or anal-
11 ysis of any other matter the Comptroller General
12 considers relevant to the improvement of expanded
13 access to child care and school-age care for qualified
14 families.

15 **SEC. 8232. REVIEW OF FAMILY SUPPORT SERVICES**
16 **WEBSITE AND ONLINE TRACKING SYSTEM.**

17 (a) MEMORANDUM OF UNDERSTANDING.—

18 (1) IN GENERAL.—The Commandant shall
19 enter into a memorandum of understanding with the
20 Secretary of Defense to enable qualified families to
21 access the website at <https://militarychildcare.com>
22 (or a successor website) for purposes of Coast Guard
23 family access to information with respect to State-
24 accredited child development centers and other child
25 care support services as such services become avail-

1 able from the Department of Defense through such
2 website. The memorandum shall provide for the ex-
3 pansion of the geographical areas covered by such
4 website, including regions in which qualified families
5 live that are not yet covered by the program.

6 (2) INCLUSION OF CHILD DEVELOPMENT CEN-
7 TERS ACCESSIBLE UNDER PILOT PROGRAM.—The in-
8 formation accessible pursuant to the memorandum
9 of understanding required by paragraph (1) shall in-
10 clude information with respect to any child develop-
11 ment center accessible pursuant to the pilot program
12 under section 8234.

13 (3) ELECTRONIC REGISTRATION, PAYMENT,
14 AND TRACKING SYSTEM.—Not later than 1 year
15 after the date of the enactment of this Act, the
16 Commandant shall develop and maintain an internet
17 website of the Coast Guard accessible to qualified
18 families to carry out the following activities:

19 (A) Register children for a Coast Guard
20 child development center.

21 (B) Make online child care payments to a
22 Coast Guard child development center.

23 (C) Track the status of a child on the wait
24 list of a Coast Guard child development center,

1 including the placement and position of the
2 child on the wait list.

3 (b) WAIT LIST.—

4 (1) IN GENERAL.—The Commandant shall
5 maintain a record of the wait list for each Coast
6 Guard child development center.

7 (2) MATTERS TO BE INCLUDED.—Each record
8 under paragraph (1) shall include the following:

9 (A) The total number of children of quali-
10 fied families on the wait list.

11 (B) With respect to each child on the wait
12 list—

13 (i) the age of the child;

14 (ii) the number of days the child has
15 been on the wait list;

16 (iii) the position of the child on the
17 wait list;

18 (iv) any special needs consideration;
19 and

20 (v) information on whether a sibling
21 of the child is on the wait list of, or cur-
22 rently enrolled in, the Coast Guard child
23 development center concerned.

24 (3) REQUIREMENT TO ARCHIVE.—Information
25 placed in the record of a Coast Guard child develop-

1 ment center under paragraph (1) shall be archived
2 for a period of not less than 10 years after the date
3 of its placement in the record.

4 **SEC. 8233. STUDY AND SURVEY ON COAST GUARD CHILD**
5 **CARE NEEDS.**

6 (a) STUDY.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this Act, and for each
9 of the 2 fiscal years thereafter, the Commandant
10 shall conduct a study on the child care needs of
11 qualified families that incorporates—

12 (A) the results of the survey under sub-
13 section (b); and

14 (B) any other information the Com-
15 mandant considers appropriate to ensure ade-
16 quate tracking and future needs-based assess-
17 ments with respect to adequate access to Coast
18 Guard child development centers.

19 (2) CONSULTATION.—In conducting a study
20 under paragraph (1), the Commandant may consult
21 a federally funded research and development center.

22 (3) SCOPE OF DATA.—The data obtained
23 through each study under paragraph (1) shall be ob-
24 tained on a regional basis, including by Coast Guard
25 unit, sector, and district.

1 (b) SURVEY.—

2 (1) IN GENERAL.—Together with each study
3 under subsection (a), and annually as the Com-
4 mandant considers appropriate, the Commandant
5 shall carry out a survey of individuals described in
6 paragraph (2) on access to Coast Guard child devel-
7 opment centers.

8 (2) PARTICIPANTS.—

9 (A) IN GENERAL.—The Commandant shall
10 seek the participation in the survey of the fol-
11 lowing Coast Guard individuals:

12 (i) Commanding officers, regardless of
13 whether the commanding officers have chil-
14 dren.

15 (ii) Regular and reserve personnel.

16 (iii) Spouses of individuals described
17 in clauses (i) and (ii).

18 (B) SCOPE OF PARTICIPATION.—Individ-
19 uals described in clauses (i) through (iii) of sub-
20 paragraph (A) shall be surveyed regardless of
21 whether such individuals use or have access to
22 Coast Guard child development centers or other
23 Federal child care facilities.

24 (C) VOLUNTARY PARTICIPATION.—Partici-
25 pation of any individual described in subpara-

1 graph (A) in a survey shall be on a voluntary
2 basis.

3 (c) AVAILABILITY.—On request, the Commandant
4 shall submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives the results of any study or survey under this
8 section.

9 **SEC. 8234. PILOT PROGRAM TO EXPAND ACCESS TO CHILD**
10 **CARE.**

11 (a) IN GENERAL.—Commencing not later than 60
12 days after the date on which the report under section 8231
13 is submitted, the Commandant shall carry out a pilot pro-
14 gram, based on the recommendations provided in such re-
15 port, to expand access to public or private child develop-
16 ment centers for qualified families.

17 (b) DURATION.—The duration of the pilot program
18 under subsection (a) shall be not more than 3 years begin-
19 ning on the date on which the pilot program is established.

20 (c) DISCHARGE ON DISTRICT BASIS.—The Com-
21 mandant—

22 (1) may carry out the pilot program on a dis-
23 trict basis; and

24 (2) shall include in the pilot program remote
25 and urban locations.

1 (d) RESERVATION OF CHILD CARE SLOTS.—As part
2 of the pilot program, the Commandant shall seek to enter
3 into one or more memoranda of understanding with one
4 or more child development centers to reserve slots for
5 qualified families in locations in which—

6 (1) the Coast Guard lacks a Coast Guard child
7 development center; or

8 (2) the wait lists for the nearest Coast Guard
9 child development center or Department of Defense
10 child development center, where applicable, indicate
11 that qualified families may not be accommodated.

12 (e) ANNUAL ASSESSMENT OF RESULTS.—As part of
13 any study conducted pursuant to section 8233(a) after the
14 end of the 1-year period beginning with the commence-
15 ment of the pilot program, the Commandant shall also un-
16 dertake a current assessment of the impact of the pilot
17 program on access to child development centers for quali-
18 fied families. The Commandant shall include the results
19 of any such assessment in the results of the most current
20 study or survey submitted pursuant to section 8233(a).

21 **SEC. 8235. IMPROVEMENTS TO COAST GUARD-OWNED FAM-**
22 **ILY HOUSING.**

23 Section 2922(b) of title 14, United States Code, is
24 amended by adding at the end the following:

1 “(4) To the maximum extent practicable, the
2 Commandant shall ensure that, in a location in
3 which Coast Guard family child care centers (as
4 such term is defined in section 8239 of the Elijah
5 E. Cummings Coast Guard Authorization Act of
6 2020) are necessary to meet the demand for child
7 care for qualified families (as such term is defined
8 in such section), not fewer than two housing units
9 are maintained in accordance with safety inspection
10 standards so as to accommodate family child care
11 providers.”.

12 **SEC. 8236. BRIEFING ON TRANSFER OF FAMILY CHILD**
13 **CARE PROVIDER QUALIFICATIONS AND CER-**
14 **TIFICATIONS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Commandant shall
17 brief the Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Transportation
19 and Infrastructure of the House of Representatives on the
20 feasibility of developing a policy to allow the transfer of
21 a Coast Guard-mandated family child care provider quali-
22 fication or certification between Coast Guard-owned hous-
23 ing units if, as determined by the Commandant—

24 (1) the qualification or certification is not ex-
25 pired;

1 (2) the transfer of the qualification or certifi-
2 cation would not pose a danger to any child in the
3 care of the family child care provider; and

4 (3) the transfer would expedite the ability of
5 the family child care provider to establish, admin-
6 ister, and provide family home daycare in a Coast
7 Guard-owned housing unit.

8 (b) BRIEFING ELEMENT.—The briefing required by
9 subsection (a) shall include analysis of options for trans-
10 ferring a Coast Guard-mandated family child care pro-
11 vider qualification or certification as described in that sub-
12 section, and of any legal challenges associated with such
13 transfer.

14 (c) RULE OF CONSTRUCTION.—The policy under sub-
15 section (a) shall not be construed to supersede any other
16 applicable Federal, State, or local law (including regula-
17 tions) relating to the provision of child care services.

18 **SEC. 8237. INSPECTIONS OF COAST GUARD CHILD DEVEL-**
19 **OPMENT CENTERS AND FAMILY CHILD CARE**
20 **PROVIDERS.**

21 (a) INSPECTIONS.—Section 2923 of title 14, United
22 States Code, is amended by striking subsection (b) and
23 inserting the following:

24 “(b) INSPECTIONS.—

1 “(1) IN GENERAL.—Not less than twice annu-
2 ally, the Commandant shall ensure that each Coast
3 Guard child development center is subject to an un-
4 announced inspection.

5 “(2) RESPONSIBILITY FOR INSPECTIONS.—Of
6 the biannual inspections under paragraph (1)—

7 “(A) 1 shall be carried out by a represent-
8 ative of the Coast Guard installation served by
9 the Coast Guard child development center con-
10 cerned; and

11 “(B) 1 shall be carried out by a represent-
12 ative of the Coast Guard child development
13 services work-life programs.”.

14 (b) FAMILY CHILD CARE PROVIDERS.—

15 (1) IN GENERAL.—Chapter 29 of title 14,
16 United States Code, is amended by adding at the
17 end the following:

18 “§ 2926. **Family child care providers**

19 “(a) IN GENERAL.—Not less frequently than quar-
20 terly, the Commandant shall ensure that each family child
21 care provider is subject to inspection.

22 “(b) RESPONSIBILITY FOR INSPECTIONS.—Of the
23 quarterly inspections under subsection (a) each year—

1 “(1) 3 inspections shall be carried out by a rep-
2 resentative of the Coast Guard installation served by
3 the family child care provider concerned; and

4 “(2) 1 inspection shall be carried out by a rep-
5 resentative of the Coast Guard child development
6 services work-life programs.”.

7 (2) CLERICAL AMENDMENT.—The analysis for
8 chapter 29 of title 14, United States Code, is
9 amended by adding at the end the following:

“2926. Family child care providers.”.

10 **SEC. 8238. EXPANDING OPPORTUNITIES FOR FAMILY CHILD**
11 **CARE.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Commandant shall—

14 (1) establish a procedure to allow Coast Guard
15 family child care centers to occur at off-base hous-
16 ing, including off-base housing owned or subsidized
17 by the Coast Guard; and

18 (2) establish a procedure to ensure that all re-
19 quirements with respect to such family child care
20 programs are met, including home inspections.

21 **SEC. 8239. DEFINITIONS.**

22 In this subtitle:

23 (1) COAST GUARD CHILD DEVELOPMENT CEN-
24 TER.—The term “Coast Guard child development

1 center” has the meaning given that term in section
2 2921(3) of title 14, United States Code.

3 (2) COAST GUARD FAMILY CHILD CARE CEN-
4 TER.—The term “Coast Guard family child care
5 center” means a location at which family home
6 daycare is provided.

7 (3) FAMILY CHILD CARE PROVIDER.—The term
8 “family child care provider” means an individual
9 who provides family home daycare.

10 (4) FAMILY HOME DAYCARE.—The term “fam-
11 ily home daycare” has the meaning given that term
12 in section 2921(5) of title 14, United States Code.

13 (5) QUALIFIED FAMILY.—The term “qualified
14 family” means any regular, reserve, or retired mem-
15 ber of the Coast Guard, and any civilian employee
16 of the Coast Guard, with one or more dependents.

17 **Subtitle D—Reports**

18 **SEC. 8240. MODIFICATIONS OF CERTAIN REPORTING RE-** 19 **QUIREMENTS.**

20 (a) ESPECIALLY HAZARDOUS CARGO.—Subsection
21 (e) of section 70103 of title 46, United States Code, is
22 amended to read as follows:

23 “(e) ESPECIALLY HAZARDOUS CARGO.—

24 “(1) ENFORCEMENT OF SECURITY ZONES.—

25 Consistent with other provisions of Federal law, the

1 Coast Guard shall coordinate and be responsible for
2 the enforcement of any Federal security zone estab-
3 lished by the Coast Guard around a vessel con-
4 taining especially hazardous cargo. The Coast Guard
5 shall allocate available resources so as to deter and
6 respond to a transportation security incident, to the
7 maximum extent practicable, and to protect lives or
8 protect property in danger.

9 “(2) ESPECIALLY HAZARDOUS CARGO DE-
10 FINED.—In this subsection, the term ‘especially haz-
11 ardous cargo’ means anhydrous ammonia, ammo-
12 nium nitrate, chlorine, liquefied natural gas, lique-
13 fied petroleum gas, and any other substance, mate-
14 rial, or group or class of material, in a particular
15 amount and form that the Secretary determines by
16 regulation poses a significant risk of creating a
17 transportation security incident while being trans-
18 ported in maritime commerce.”.

19 (b) COMPLIANCE WITH SECURITY STANDARDS.—
20 Section 809 of the Coast Guard and Maritime Transpor-
21 tation Act of 2004 (Public Law 108–293; 46 U.S.C.
22 70101 note) is amended by striking subsections (g) and
23 (i).

24 (c) MARINE SAFETY LONG-TERM STRATEGY.—Sec-
25 tion 2116 of title 46, United States Code, is amended—

1 (1) in subsection (a), by striking “The strategy
2 shall include the issuance of a triennial plan” and
3 inserting “The 5-year strategy shall include the
4 issuance of a plan”;

5 (2) in subsection (b)—

6 (A) in the subsection heading, by striking
7 “CONTENTS OF STRATEGY AND TRIENNIAL
8 PLANS” and inserting “5-YEAR STRATEGY AND
9 PLAN”;

10 (B) in paragraph (1), in the matter pre-
11 ceding subparagraph (A), by striking “strategy
12 and triennial plans” and inserting “5-year
13 strategy and plan”; and

14 (C) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “strategy and tri-
17 ennial plans” and inserting “5-year strat-
18 egy and plan”; and

19 (ii) in subparagraph (A), by striking
20 “plans” and inserting “plan”;

21 (3) in subsection (c)—

22 (A) by striking “Beginning with fiscal year
23 2020 and triennially thereafter, the Secretary”
24 and inserting “Not later than 5 years after the
25 date of the enactment of the Elijah E. Cum-

1 mings Coast Guard Authorization Act of 2020,
2 and every 5 years thereafter, the Secretary”;
3 and

4 (B) by striking “triennial”; and
5 (4) in subsection (d)—

6 (A) in paragraph (1), by striking “No less
7 frequently than semiannually” and inserting
8 “In conjunction with the submission of the 5-
9 year strategy and plan”; and

10 (B) in paragraph (2)—

11 (i) in the heading, by striking “RE-
12 PORT TO CONGRESS” and inserting “PERI-
13 ODIC BRIEFINGS”;

14 (ii) in the matter preceding subpara-
15 graph (A), by striking “report triennially”
16 and all that follows through “the Senate”
17 and inserting “periodically brief the Com-
18 mittee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee
20 on Transportation and Infrastructure of
21 the House of Representatives”;

22 (iii) in subparagraph (A)—

23 (I) by striking “annual”; and

24 (II) by striking “for the year cov-
25 ered by the report” and inserting “for

1 the period covered by the briefing”;
2 and

3 (iv) in subparagraph (B)(ii), by strik-
4 ing “plans” and inserting “plan”.

5 (d) ABANDONED SEAFARERS FUND.—Section
6 11113(a) of title 46, United States Code, is amended—

7 (1) in paragraph (4), by striking “On the date”
8 and inserting “Except as provided in paragraph (5),
9 on the date”; and

10 (2) by adding at the end the following:

11 “(5) NO REPORT REQUIRED.—A report under
12 paragraph (4) shall not be required if there were no
13 expenditures from the Fund in the preceding fiscal
14 year. The Commandant shall notify Congress in the
15 event a report is not required under paragraph (4)
16 by reason of this paragraph.”.

17 (e) MAJOR ACQUISITION PROGRAM RISK ASSESS-
18 MENT.—Section 5107 of title 14, United States Code, is
19 amended—

20 (1) in subsection (a), by striking “April 15 and
21 October 15” and inserting “October 15”; and

22 (2) in subsection (b)—

23 (A) in paragraph (2), by striking “the 2
24 fiscal-year quarters preceding such assessment”
25 and inserting “the previous fiscal year”;

1 (B) in paragraph (3), by striking “such 2
2 fiscal-year quarters” and inserting “such fiscal
3 year”;

4 (C) in paragraph (4), by striking “such 2
5 fiscal-year quarters” and inserting “such fiscal
6 year”; and

7 (D) in paragraph (5), by striking “such 2
8 fiscal-year quarters” and inserting “such fiscal
9 year”.

10 **SEC. 8241. REPORT ON CYBERSECURITY WORKFORCE.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, the Commandant shall
13 submit to the Committee on Commerce, Science, and
14 Transportation of the Senate and the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives a report on how the Coast Guard plans to
17 establish a workforce with the cybersecurity expertise to
18 provide prevention assessments and response capacity to
19 Operational Technology and Industrial Control Systems in
20 national port and maritime environments.

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

23 (1) A description of the number and skills of
24 active duty and reserve Coast Guard members ex-
25 pected for initial operating capacity and full oper-

1 ating capacity of the workforce described in sub-
2 section (a).

3 (2) A description of the career development
4 path for officers and enlisted members participating
5 in the workforce.

6 (3) A determination of how the workforce will
7 fulfill the cybersecurity needs of the Area Maritime
8 Security Council and United States port environ-
9 ments.

10 (4) A determination of how the workforce will
11 integrate with the Hunt and Incident Response and
12 Assessment Teams of the Cyber and Infrastructure
13 Security Agency of the Department of Homeland Se-
14 curity.

15 (5) An assessment of successful models used by
16 other Armed Forces, including the National Guard,
17 to recruit, maintain, and utilize a cyber workforce,
18 including the use of Reserve personnel for that pur-
19 pose.

20 **SEC. 8242. REPORT ON NAVIGATION AND BRIDGE RE-**
21 **SOURCE MANAGEMENT.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Commandant shall
24 submit to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives a report on the training and qualification
3 processes of the Coast Guard for deck watch officers, with
4 a specific focus on basic navigation, bridge resource man-
5 agement, crew rest, and qualification processes.

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

8 (1) Recommendations for improving prearrival
9 training, if necessary, and an assessment of how
10 commercial industry best practices on prearrival
11 training can be incorporated into military at sea
12 watchkeeping.

13 (2) A detailed description of the deck watch of-
14 ficer assessment process of the Coast Guard.

15 (3) A list of programs that have been approved
16 for credit toward merchant mariner credentials.

17 (4) A complete analysis of the gap between the
18 existing curriculum for deck watch officer training
19 and the Standards of Training, Certification, and
20 Watchkeeping for officer in charge of a navigational
21 watch at the operational level, Chief level, and Mas-
22 ter level.

23 (5) A complete analysis of the gap between the
24 existing training curriculum for deck watch officers

1 and the licensing requirement for 3rd mate unlim-
2 ited, Chief, and Master.

3 (6) An assessment of deck watch officer options
4 to complete the 3rd mate unlimited license and the
5 qualification under the Standards of Training, Cer-
6 tification, and Watchkeeping for officer in charge of
7 a navigational watch.

8 (7) An assessment of senior deck watch officer
9 options to complete the Chief Mate and Master un-
10 limited license and the qualification under the
11 Standards of Training, Certification, and
12 Watchkeeping for Chief Mate and Master.

13 **SEC. 8243. REPORT ON HELICOPTER LIFE-CYCLE SUPPORT**
14 **AND RECAPITALIZATION.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Commandant shall submit to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation and In-
19 frastructure of the House of Representatives a report
20 that—

21 (1) includes an updated fleet life-cycle analysis
22 and service life extension plan that includes dynamic
23 components, and which clearly demonstrates the
24 mission viability of the MH-65 through anticipated
25 fleet recapitalization;

1 (2) includes a realistic sustainment budget nec-
2 essary to achieve the operational availability rates
3 necessary to meet MH-65 mission requirements
4 through fleet recapitalization;

5 (3) includes an update on the status of the
6 Coast Guard MH-65 helicopter recapitalization; and

7 (4) includes a description of any alternative,
8 available, and cost-effective Government and civil
9 systems, or updates, that the Coast Guard is consid-
10 ering for MH-65 operational missions, including
11 Coast Guard cutter deployability requirements, in
12 the event of delays to the future vertical lift program
13 of the Coast Guard.

14 **SEC. 8244. REPORT ON COAST GUARD RESPONSE CAPABILI-**
15 **TIES FOR CYBER INCIDENTS ON VESSELS EN-**
16 **TERING PORTS OR WATERS OF THE UNITED**
17 **STATES.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Commandant shall
20 submit to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives a report on the response capabilities of the
24 Coast Guard with respect to cyber incidents on vessels en-
25 tering ports or waters of the United States.

1 (b) REVIEW.—The report under subsection (a) shall
2 include a review of each of the following:

3 (1) The number and type of commercial vessels
4 of the United States subject to regulations under
5 part 104 of title 33, Code of Federal Regulations (or
6 any corresponding similar regulation or ruling).

7 (2) Policies and guidance issued by the Com-
8 mandant, in accordance with guidelines on cyber risk
9 management of the International Maritime Organi-
10 zation, to vessels of the United States.

11 (3) Measures to be taken by owners or opera-
12 tors of commercial vessels of the United States to
13 increase cybersecurity posture on such vessels.

14 (4) Responses of the Commandant to cyber in-
15 cidents on vessels described in paragraph (1) prior
16 to the date of the enactment of this Act.

17 (5) Response protocols followed by personnel of
18 the Coast Guard to a cyber incident on any vessel
19 described in paragraph (1) experienced while that
20 vessel is traveling to ports or waters of the United
21 States.

22 (6) Oversight by the Commandant of—

23 (A) vessel-to-facility interface, as defined
24 in section 101.105 of title 33, Code of Federal

1 Regulations (or any corresponding similar regu-
2 lation or ruling); and

3 (B) actions taken by the Coast Guard in
4 coordination with vessel and facility owners and
5 operators to protect commercial vessels and
6 port facility infrastructure from cyber attacks
7 and proliferation.

8 (7) Requirements of the Commandant for the
9 reporting of cyber incidents that occur on the vessels
10 described in paragraph (1).

11 (c) RECOMMENDATIONS AND APPROPRIATIONS.—
12 The Commandant shall include in the report under sub-
13 section (a)—

14 (1) recommendations—

15 (A) to improve cyber incident response;
16 and

17 (B) for policies to address gaps identified
18 by the review under subsection (b); and

19 (2) a description of authorities and appropria-
20 tions necessary to improve the preparedness of the
21 Coast Guard for cyber incidents on vessels entering
22 ports or waters of the United States and the ability
23 of the Coast Guard to prevent and respond to such
24 incidents.

1 (d) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form, but may contain
3 a classified annex.

4 (e) VESSEL OF THE UNITED STATES DEFINED.—In
5 this section, the term “vessel of the United States” has
6 the meaning given such term in section 116 of title 46,
7 United States Code.

8 **SEC. 8245. STUDY AND REPORT ON COAST GUARD INTER-**
9 **DICTION OF ILLICIT DRUGS IN TRANSIT**
10 **ZONES.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The Coast Guard seizes an average of 1,221
14 pounds of cocaine and 85 pounds of marijuana each
15 day in the transit zones of the Eastern Pacific
16 Ocean, Caribbean Sea, and Southern maritime bor-
17 der approaches.

18 (2) The Joint Interagency Task Force–South
19 (JIATF–South) estimates that it has a spectrum of
20 actionable intelligence on more than 80 percent of
21 drug movements into the United States from Central
22 America and South America.

23 (3) The Coast Guard must balance asset alloca-
24 tion across 11 statutory missions. As such, the
25 Coast Guard interdicts less than 10 percent of mari-

1 time noncommercial smuggling of illicit drugs into
2 the United States from Central America and South
3 America.

4 (4) In 2017, the Government Accountability Of-
5 fice recommended that the Commandant of the
6 Coast Guard—

7 (A) develop new performance goals relating
8 to the interdiction of illicit drugs smuggled into
9 the United States, or describe the manner in
10 which existing goals are sufficient;

11 (B) report such goals to the public;

12 (C) assess the extent to which limitations
13 in performance data with respect to such goals
14 are documented;

15 (D) document measurable corrective ac-
16 tions and implementation timeframes with re-
17 spect to such goals; and

18 (E) document efforts to monitor implemen-
19 tation of such corrective actions.

20 (b) STUDY.—The Secretary of the Department in
21 which the Coast Guard is operating, in coordination with
22 the Secretary of Defense and the heads of other relevant
23 Federal agencies, shall conduct a study in order to identify
24 gaps in resources that contribute to low interdiction rates
25 for maritime noncommercial smuggling of illicit drugs into

1 the United States from Central America and South Amer-
2 ica despite having actionable intelligence on more than 80
3 percent of drug movements in the transit zones of the
4 Eastern Pacific Ocean, Caribbean Sea, and Southern mar-
5 itime border approaches.

6 (c) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Secretary of the Depart-
8 ment in which the Coast Guard is operating shall submit
9 to the Committee on Commerce, Science, and Transpor-
10 tation of the Senate and the Committee on Transportation
11 and Infrastructure of the House of Representatives a re-
12 port on the results of the study under subsection (b). Such
13 report shall include—

14 (1) a statement of the Coast Guard mission re-
15 quirements for drug interdiction in the Caribbean
16 basin;

17 (2) the number of maritime surveillance hours
18 and Coast Guard assets used in each of fiscal years
19 2017 through 2019 to counter the illicit trafficking
20 of drugs and other related threats throughout the
21 Caribbean basin; and

22 (3) a determination of whether such hours and
23 assets satisfied the Coast Guard mission require-
24 ments for drug interdiction in the Caribbean basin.

1 (d) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form, but may contain
3 a classified annex.

4 **SEC. 8246. REPORT ON LIABILITY LIMITS SET IN SECTION**
5 **1004 OF THE OIL POLLUTION ACT OF 1990.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Commandant shall submit to the
8 Committee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Transportation and In-
10 frastructure of the House of Representatives a report set-
11 ting forth the following:

12 (1) Each liability limit set under section 1004
13 of the Oil Pollution Act of 1990 (33 U.S.C. 2704),
14 including the statutory or regulatory authority es-
15 tablishing such limit.

16 (2) If the Commandant determines that any li-
17 ability limit listed in such section should be modi-
18 fied—

19 (A) a description of the modification;

20 (B) a justification for such modification;

21 and

22 (C) a recommendation for legislative or
23 regulatory action to achieve such modification.

1 **SEC. 8247. REPORT ON COAST GUARD DEFENSE READINESS**
2 **RESOURCES ALLOCATION.**

3 (a) **REPORT REQUIRED.**—Not later than 180 days
4 after the date of the enactment of this Act, the Comp-
5 troller General of the United States shall submit to the
6 Committee on Transportation and Infrastructure of the
7 House of Representatives and the Committee on Com-
8 merce, Science, and Transportation of the Senate a report
9 on the allocation of resources by the Coast Guard to sup-
10 port its defense readiness mission.

11 (b) **CONTENTS.**—The report required by subsection
12 (a) shall include the following elements:

13 (1) Funding levels allocated by the Coast Guard
14 to support defense readiness missions for each of the
15 past 10 fiscal years.

16 (2) Funding levels transferred or otherwise pro-
17 vided by the Department of Defense to the Coast
18 Guard in support of the Coast Guard's defense read-
19 iness missions for each of the past 10 fiscal years.

20 (3) The number of Coast Guard detachments
21 assigned in support of the Coast Guard's defense
22 readiness mission for each of the past 10 fiscal
23 years.

24 (c) **ASSESSMENT.**—In addition to the elements de-
25 tailed in subsection (b), the report shall include an assess-
26 ment of the impacts on the Coast Guard's non-defense

1 mission readiness and operational capabilities due to the
2 annual levels of reimbursement provided by the Depart-
3 ment of Defense to compensate the Coast Guard for its
4 expenses to fulfill its defense readiness mission.

5 **SEC. 8248. REPORT ON THE FEASIBILITY OF LIQUEFIED**
6 **NATURAL GAS FUELED VESSELS.**

7 Not later than 1 year after the date of the enactment
8 of this Act, the Commandant shall submit to the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate a report on the
12 following:

13 (1) The feasibility, safety, and cost effectiveness
14 of using liquefied natural gas to fuel new Coast
15 Guard vessels.

16 (2) The feasibility, safety, and cost effectiveness
17 of converting existing vessels to run on liquefied nat-
18 ural gas fuels.

19 (3) The operational feasibility of using liquefied
20 natural gas to fuel Coast Guard vessels.

21 **SEC. 8249. COAST GUARD AUTHORITIES STUDY.**

22 (a) IN GENERAL.—The Secretary of the department
23 in which the Coast Guard is operating shall seek to enter
24 into an arrangement with the National Academy of
25 Sciences not later than 60 days after the date of the enact-

1 ment of this Act under which the Academy shall prepare
2 an assessment of Coast Guard authorities.

3 (b) ASSESSMENT.—The assessment under subsection
4 (a) shall provide—

5 (1) an examination of emerging issues that may
6 require Coast Guard oversight, regulation, or action;

7 (2) a description of potential limitations and
8 shortcomings of relying on current Coast Guard au-
9 thorities to address emerging issues; and

10 (3) an overview of adjustments and additions
11 that could be made to existing Coast Guard authori-
12 ties to fully address emerging issues.

13 (c) REPORT TO THE CONGRESS.—Not later than 1
14 year after entering into an arrangement with the Sec-
15 retary under subsection (a), the National Academy of
16 Sciences shall submit to the Committee on Transportation
17 and Infrastructure of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 of the Senate the assessment under this section.

20 (d) EMERGING ISSUES.—In this section, the term
21 “emerging issues” means changes in the maritime indus-
22 try and environment that in the determination of the Na-
23 tional Academy of Sciences are reasonably likely to occur
24 within 10 years after the date of the enactment of this
25 Act, including—

1 (1) the introduction of new technologies in the
2 maritime domain;

3 (2) the advent of new processes or operational
4 activities in the maritime domain; and

5 (3) changes in the use of navigable waterways.

6 (e) FORM.—The assessment required under sub-
7 section (a) shall be submitted in unclassified form, but
8 may contain a classified annex.

9 **SEC. 8250. REPORT ON EFFECTS OF CLIMATE CHANGE ON**
10 **COAST GUARD.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, the Commandant shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report on vulnerabilities of Coast Guard installa-
17 tions and requirements resulting from climate change over
18 the next 20 years.

19 (b) ELEMENTS.—The report under subsection (a)
20 shall include the following:

21 (1) A list of the 10 most vulnerable Coast
22 Guard installations based on the effects of climate
23 change, including rising sea tides, increased flooding,
24 drought, desertification, wildfires, thawing perma-

1 frost, or any other categories the Commandant de-
2 termines necessary.

3 (2) An overview of—

4 (A) mitigations that may be necessary to
5 ensure the continued operational viability and
6 to increase the resiliency of the identified vul-
7 nerable installations; and

8 (B) the cost of such mitigations.

9 (3) A discussion of the climate-change-related
10 effects on the Coast Guard, including—

11 (A) the increase in the frequency of hu-
12 manitarian assistance and disaster relief mis-
13 sions; and

14 (B) campaign plans, contingency plans,
15 and operational posture of the Coast Guard.

16 (4) An overview of mitigations that may be nec-
17 essary to ensure mission resiliency and the cost of
18 such mitigations.

19 (c) FORM.—The report required under subsection (a)
20 shall be submitted in unclassified form, but may contain
21 a classified annex.

22 **SEC. 8251. SHORE INFRASTRUCTURE.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Commandant
25 shall—

1 (1) develop a plan to standardize Coast Guard
2 facility condition assessments;

3 (2) establish shore infrastructure performance
4 goals, measures, and baselines to track the effective-
5 ness of maintenance and repair investments and pro-
6 vide feedback on progress made;

7 (3) develop a process to routinely align the
8 Coast Guard shore infrastructure portfolio with mis-
9 sion needs, including disposing of unneeded assets;

10 (4) establish guidance for planning boards to
11 document inputs, deliberations, and project
12 prioritization decisions for infrastructure mainte-
13 nance projects;

14 (5) employ models for Coast Guard infrastruc-
15 ture asset lines for—

16 (A) predicting the outcome of investments
17 in shore infrastructure;

18 (B) analyzing tradeoffs; and

19 (C) optimizing decisions among competing
20 investments;

21 (6) include supporting details about competing
22 project alternatives and report tradeoffs in congres-
23 sional budget requests and related reports; and

24 (7) explore the development of real property
25 management expertise within the Coast Guard work-

1 force, including members of the Senior Executive
2 Service.

3 (b) BRIEFING.—Not later than December 31, 2020,
4 the Commandant shall brief the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and Transpor-
7 tation of the Senate on the status of the actions required
8 under subsection (a).

9 **SEC. 8252. COAST GUARD HOUSING; STATUS AND AUTHORI-**
10 **TIES BRIEFING.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Commandant shall provide to the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives and the Committee on Com-
15 merce, Science, and Transportation of the Senate a brief-
16 ing on Coast Guard housing, including—

17 (1) a description of the material condition of
18 Coast Guard housing facilities;

19 (2) the amount of current Coast Guard housing
20 construction and deferred maintenance backlogs;

21 (3) an overview of the manner in which the
22 Coast Guard manages and maintains housing facili-
23 ties;

24 (4) a discussion of whether reauthorizing hous-
25 ing authorities for the Coast Guard similar to those

1 provided in section 208 of the Coast Guard Author-
2 ization Act of 1996 (Public Law 104–324); and

3 (5) recommendations regarding how the Con-
4 gress could adjust those authorities to prevent mis-
5 management of Coast Guard housing facilities.

6 **SEC. 8253. PHYSICAL ACCESS CONTROL SYSTEM REPORT.**

7 Not later 180 days after the date of the enactment
8 of this Act, and annually for each of the 4 years there-
9 after, the Commandant shall submit to the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report regarding the
13 status of the Coast Guard’s compliance with Homeland
14 Security Presidential Directive 12 (HSPD–12) and Fed-
15 eral Information Processing Standard 201 (FIPS–201),
16 including—

17 (1) the status of Coast Guard efforts to field a
18 comprehensive Physical Access Control System at
19 Coast Guard installations and locations necessary to
20 bring the Service into compliance with HSPD–12
21 and FIPS–201B;

22 (2) the status of the selection of a technological
23 solution;

24 (3) the estimated phases and timeframe to com-
25 plete the implementation of such a system; and

1 (4) the estimated cost for each phase of the
2 project.

3 **SEC. 8254. STUDY ON CERTIFICATE OF COMPLIANCE IN-**
4 **SPECTION PROGRAM WITH RESPECT TO VES-**
5 **SELS THAT CARRY BULK LIQUEFIED GASES**
6 **AS CARGO AND LIQUEFIED NATURAL GAS**
7 **TANK VESSELS.**

8 (a) GAO REPORT.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of the enactment of this Act, the Comp-
11 troller General of the United States shall submit to
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives a report on the resources, regula-
16 tions, policies, protocols, and other actions designed
17 to carry out the Coast Guard Certificate of Compli-
18 ance program with respect to liquefied natural gas
19 tank vessels (including examinations under section
20 153.808 of title 46, Code of Federal Regulations)
21 and vessels that carry bulk liquefied gases as cargo
22 (including examinations under part 154 of title 46,
23 Code of Federal Regulations) for purposes of main-
24 taining the efficiency of examinations under that
25 program.

1 (2) CONTENTS.—The report under paragraph
2 (1) shall include an assessment of the adequacy of
3 current Coast Guard resources, regulations, policies,
4 and protocols to maintain vessel examination effi-
5 ciency while carrying out the program referred to in
6 paragraph (1) as United States bulk liquefied gases
7 cargo, liquefied natural gas exports, and associated
8 vessel traffic at United States ports increase.

9 (b) NATIONAL ACADEMIES STUDY.—

10 (1) IN GENERAL.—Not later than 6 months
11 after the date on which the report required under
12 subsection (a) is submitted, the Commandant shall
13 enter into an agreement with the National Acad-
14 emies under which the National Academies shall—

15 (A) conduct an evaluation of the con-
16 straints and challenges to maintaining examina-
17 tion efficiency under the program as United
18 States bulk liquefied gases cargo, liquefied nat-
19 ural gas exports, and associated vessel traffic at
20 United States ports increase; and

21 (B) issue recommendations for changes to
22 resources, regulations, policies, and protocols to
23 maintain the efficiency of the program, includ-
24 ing analysis of the following alternatives:

1 (i) Establishment of a Coast Guard
2 marine examination unit near the Panama
3 Canal to conduct inspections under the
4 program on liquefied natural gas tank ves-
5 sels bound for the United States, similar to
6 Coast Guard operations carried out by
7 Coast Guard Activities Europe and Coast
8 Guard Activities Far East, including the
9 effects of the establishment of such a unit
10 on the domestic aspects of the program.

11 (ii) Management of all marine exam-
12 iners with gas carrier qualification within
13 each Coast Guard District by a single Offi-
14 cer in Charge, Marine Inspection (as de-
15 fined in section 50.10–10 of title 46, Code
16 of Federal Regulations) to improve the ef-
17 ficiency of their vessel examination assign-
18 ments.

19 (iii) Extension of the duration of as-
20 signment of marine examiners with a gas
21 carrier qualification at Coast Guard units
22 that most frequently inspect vessels that
23 carry bulk liquefied gases as cargo and liq-
24 uefied natural gas tank vessels.

1 (iv) Increase in the use of civilians to
2 conduct and support examinations under
3 the program.

4 (v) Extension of the duration of cer-
5 tificates of compliance under the program
6 for vessels that carry bulk liquefied gases
7 as cargo and liquefied natural gas tank
8 vessels that are less than 10 years of age
9 and participate in a Coast Guard vessel
10 quality program.

11 **SEC. 8255. COMPTROLLER GENERAL OF THE UNITED**
12 **STATES REVIEW AND REPORT ON COAST**
13 **GUARD'S INTERNATIONAL PORT SECURITY**
14 **PROGRAM.**

15 (a) GAO REPORT.—Not later than 1 year after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall submit to the Committee on
18 Commerce, Science, and Transportation of the Senate and
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives a report setting forth the
21 results of a comprehensive review, conducted by the Comp-
22 troller General for purposes of the report, on the Coast
23 Guard's International Port Security Program, including
24 the findings, and any recommendations for improvement
25 of the program, of the Comptroller General.

1 (b) REQUIRED ELEMENTS OF REVIEW.—The review
2 required under subsection (a) shall include—

3 (1) review of the actions of the Coast Guard
4 under the Coast Guard’s International Port Security
5 Program, since 2014, to enhance foreign port in-
6 spections;

7 (2) review of the actions of the Coast Guard to
8 recognize and monitor port inspection programs of
9 foreign governments;

10 (3) identification and review of the actions the
11 Coast Guard takes to address any deficiencies it ob-
12 serves during visits at foreign ports;

13 (4) identify and review the benchmarks of the
14 Coast Guard for measuring the effectiveness of the
15 program; and

16 (5) review of the extent to which the Coast
17 Guard and United States Customs and Border Pro-
18 tection coordinate efforts to screen and inspect cargo
19 at foreign ports.

20 **SEC. 8256. COMPTROLLER GENERAL OF THE UNITED**
21 **STATES REVIEW AND REPORT ON SURGE CA-**
22 **PACITY OF THE COAST GUARD.**

23 (a) GAO REPORT.—Not later than 60 days after the
24 date of the enactment of this Act, the Comptroller General
25 of the United States shall submit to the Committee on

1 Commerce, Science, and Transportation of the Senate and
2 the Committee on Transportation and Infrastructure of
3 the House of Representatives a report setting for the re-
4 sults of a comprehensive review, conducted by the Comp-
5 troller General for purposes of the report, on the surge
6 capacity of the Coast Guard to respond to a catastrophic
7 incident (such as a hurricane), including the findings, and
8 any recommendations for improvement, of the Comptroller
9 General.

10 (b) REQUIRED ELEMENTS OF REVIEW.—The review
11 required under subsection (a) shall include—

12 (1) a description and review of each Coast
13 Guard deployment in response to a catastrophic inci-
14 dent after 2005;

15 (2) identification of best practices informed by
16 the deployments described in paragraph (1);

17 (3) a review of the ability of the surge force of
18 the Coast Guard to meet the demands of the re-
19 sponse roles in which it was serving during each de-
20 ployment described in paragraph (1);

21 (4) identification of any statutory or regulatory
22 impediments, such as adaptability, planning, train-
23 ing, mobilization, or information and resource inte-
24 gration, to the surge capacity of the Coast Guard in
25 response to a catastrophic incident;

1 (5) review of the impacts of a surge of the
2 Coast Guard in response to a catastrophic incident
3 on the capacity of the Coast Guard to perform its
4 statutory missions;

5 (6) review of the capability of the Coast Guard
6 to surge in response to concurrent or subsequent
7 catastrophic incidents; and

8 (7) review and description of existing voluntary
9 and involuntary deployments of Coast Guard per-
10 sonnel and assets in support of a United States Cus-
11 toms and Border Protection response to a national
12 emergency (as defined in Presidential Proclamation
13 9844) on the surge capacity of the Coast Guard in
14 the event of a catastrophic incident.

15 (c) DEFINITIONS.—In this section, the terms “cata-
16 strophic incident” and “surge capacity” have the meaning
17 given such terms in section 602 of the Post-Katrina Emer-
18 gency Management Reform Act of 2006 (6 U.S.C. 701).

19 **SEC. 8257. COMPTROLLER GENERAL OF THE UNITED**
20 **STATES REVIEW AND REPORT ON MARINE IN-**
21 **SPECTIONS PROGRAM OF COAST GUARD.**

22 (a) GAO REPORT.—Not later than 1 year after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall submit to the Committee on
25 Commerce, Science, and Transportation of the Senate and

1 the Committee on Transportation and Infrastructure of
2 the House of Representatives a report setting forth the
3 results of a comprehensive review, conducted by the Comp-
4 troller General for purposes of the report, on the marine
5 inspections program of the Coast Guard, including the
6 findings, and any recommendations for improvement of
7 the program, of the Comptroller General.

8 (b) REQUIRED ELEMENTS OF REVIEW.—The review
9 required under subsection (a) shall include—

10 (1) an analysis of the demand for marine in-
11 spectors;

12 (2) an identification of the number of fully
13 qualified marine inspectors;

14 (3) a determination of whether the number of
15 marine inspectors identified in paragraph (2) is suf-
16 ficient to meet the demand described in paragraph
17 (1);

18 (4) a review of the enlisted marine inspector
19 workforce compared to the civilian marine inspector
20 workforce and whether there is any discernable dis-
21 tinction or impact between such workforces in the
22 performance of the marine safety mission;

23 (5) an evaluation of the training continuum of
24 marine inspectors;

1 (6) a description and review of what actions, if
2 any, the Coast Guard is taking to adapt to the cur-
3 rent rise in United States export of crude oil and
4 other fuels, such as implementing a safety inspection
5 regime for barges; and

6 (7) an analysis of extending tours of duty for
7 marine inspectors and increasing the number of ci-
8 vilian marine inspectors.

9 **SEC. 8258. COMPTROLLER GENERAL OF THE UNITED**
10 **STATES REVIEW AND REPORT ON INFORMA-**
11 **TION TECHNOLOGY PROGRAM OF COAST**
12 **GUARD.**

13 (a) GAO REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Comp-
16 troller General of the United States shall submit to
17 the Committee on Commerce, Science, and Trans-
18 portation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives a report setting forth the results of
21 a comprehensive review, conducted by the Comp-
22 troller General for purposes of the report, on the
23 Coast Guard Command, Control, Communications,
24 Computers, Cyber, and Intelligence Service Center,
25 including the findings, and any recommendations for

1 improvement of the program, of the Comptroller
2 General.

3 (2) REQUIRED ELEMENTS OF REVIEW.—The
4 review required under paragraph (1) shall include—

5 (A) analysis of how the Coast Guard man-
6 ages its information technology program, in-
7 cluding information technology acquisitions, to
8 meet its various mission needs and reporting re-
9 quirements;

10 (B) analysis of the adequacy of the phys-
11 ical information technology infrastructure with-
12 in Coast Guard districts, including network in-
13 frastructure, for meeting mission needs and re-
14 porting requirements;

15 (C) analysis of whether and, if so, how the
16 Coast Guard—

17 (i) identifies and satisfies any knowl-
18 edge and skill requirements; and

19 (ii) recruits, trains, and develops its
20 information technology personnel;

21 (D) analysis of whether and, if so, how the
22 Coast Guard separates information technology
23 from operational technology for cybersecurity
24 purposes;

1 (E) analysis of how the Coast Guard in-
2 tends to update its Marine Information for
3 Safety and Law Enforcement system, per-
4 sonnel, accounting and other databases, and im-
5 plement an electronic health records system;
6 and

7 (F) analysis of the goals and acquisition
8 strategies for all proposed Coast Guard enter-
9 prise-wide cloud computing service procure-
10 ments.

11 (b) REVIEW ON CLOUD COMPUTING.—Not later than
12 180 days after the date of the enactment of this Act, the
13 Commandant shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Commerce, Science, and Transpor-
16 tation of the Senate a detailed description of the Coast
17 Guard's strategy to implement cloud computing for the en-
18 tire Coast Guard, including—

19 (1) the goals and acquisition strategies for all
20 proposed enterprise-wide cloud computing service
21 procurements;

22 (2) a strategy to sustain competition and inno-
23 vation throughout the period of performance of each
24 contract for procurement of cloud-computing goods
25 and services for the Coast Guard, including defining

1 opportunities for multiple cloud-service providers
2 and insertion of new technologies;

3 (3) an assessment of potential threats and secu-
4 rity vulnerabilities of the strategy, and plans to miti-
5 gate such risks; and

6 (4) an estimate of the cost and timeline to im-
7 plement cloud computing service for all Coast Guard
8 computing.

9 **SEC. 8259. COMPTROLLER GENERAL OF THE UNITED**
10 **STATES STUDY AND REPORT ON ACCESS TO**
11 **HEALTH CARE BY MEMBERS OF COAST**
12 **GUARD AND DEPENDENTS.**

13 (a) STUDY.—

14 (1) IN GENERAL.—The Comptroller General of
15 the United States shall conduct a study that exam-
16 ines access to, experience with, and needs under the
17 TRICARE program of members of the Coast Guard
18 and their dependents.

19 (2) ELEMENTS.—The study conducted under
20 paragraph (1) shall analyze the following:

21 (A) The record of the TRICARE program
22 in meeting the standards for care for primary
23 and specialty care for members of the Coast
24 Guard and dependents of those members, in-
25 cluding members stationed in remote units.

1 (B) The accuracy and update periodicity of
2 lists of providers under the TRICARE program
3 in areas serving Coast Guard families.

4 (C) The wait times under the TRICARE
5 program for appointments, specialty care, and
6 referrals for members of the Coast Guard and
7 dependents of those members.

8 (D) The availability of providers under the
9 TRICARE program in remote locations, includ-
10 ing providers for mental health, care for chil-
11 dren with special needs, child and adolescent
12 psychiatry, dental, and female health.

13 (E) The access of members of the Coast
14 Guard and dependents of those members to
15 services under the TRICARE program in com-
16 parison to the access to such services by per-
17 sonnel of the Department of Defense and de-
18 pendents of such personnel.

19 (F) The liaison assistance between mem-
20 bers of the Coast Guard and dependents of
21 those members and the TRICARE program
22 provided by the Coast Guard in comparison to
23 such assistance provided by the Department of
24 Defense.

1 (G) How delayed access to care, timeliness
2 of care, and distance traveled to care may im-
3 pact personnel readiness of members of the
4 Coast Guard.

5 (H) The regions particularly impacted by
6 lack of access to care and recommendations to
7 address those access issues.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives a report containing the findings, conclusions,
14 and recommendations to improve access to quality, timely,
15 and effective health care for members of the Coast Guard
16 and dependents of those members from the study required
17 under subsection (a).

18 (c) DEFINITIONS.—In this section, the terms “de-
19 pendent” and “TRICARE program” have the meanings
20 given such terms in section 1072 of title 10, United States
21 Code.

1 **SEC. 8260. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES STUDY AND REPORT ON MEDICAL**
3 **STAFFING STANDARDS AND NEEDS FOR**
4 **COAST GUARD.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall conduct a study that exam-
8 ines the health care system of the Coast Guard.

9 (2) ELEMENTS.—The study conducted under
10 paragraph (1) shall analyze the following:

11 (A) The billets in clinics of the Coast
12 Guard, whether for personnel of the Coast
13 Guard or otherwise, including the number of
14 billets, vacancies, and length of vacancies.

15 (B) The wait times for patients to attain
16 an appointment for urgent care, routine physi-
17 cian care, and dental care.

18 (C) The impact of billet vacancies on such
19 wait times.

20 (D) The barriers, if any, to improving co-
21 ordination and access to physicians within the
22 health care system of the Department of De-
23 fense.

24 (E) The accessibility and availability of be-
25 havioral health medical personnel at clinics of

1 the Coast Guard, including personnel available
2 for family counseling, therapy, and other needs.

3 (F) The staffing models of clinics of the
4 Coast Guard, including recommendations to
5 modernize such models.

6 (G) The locations and needs of Coast
7 Guard units with or without clinics.

8 (H) How access to care models for mem-
9 bers of the Coast Guard are managed, including
10 models with respect to the time and distance
11 traveled to receive care, the cost of that travel,
12 and alternate options to secure care quickly and
13 efficiently for members serving in units without
14 a clinic.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of the enactment of this Act, the Comp-
18 troller General shall submit to the Committee on
19 Commerce, Science, and Transportation of the Sen-
20 ate and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report
22 containing the findings, conclusions, and rec-
23 ommendations from the study required under sub-
24 section (a).

1 (2) ELEMENTS.—The report submitted under
2 paragraph (1) shall include the following:

3 (A) An identification of the number of
4 members of the Coast Guard and types of units
5 of the Coast Guard serviced by the health care
6 system of the Coast Guard.

7 (B) An assessment of the ability of the
8 Coast Guard to conduct medical support at out-
9 lying units, including remote units.

10 (C) An assessment of the capacity of the
11 Coast Guard to support surge operations using
12 historical data from the 10-year period pre-
13 ceding the date of the report.

14 (D) An assessment of the impact to oper-
15 ations of the Coast Guard by extended wait
16 times or travel times to receive care or other
17 issues identified by the report.

18 (c) RECOMMENDATIONS.—Not later than 90 days
19 after the date on which the report is submitted under sub-
20 section (b), the Commandant shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate and the Committee on Transportation and Infra-
23 structure of the House of Representatives written rec-
24 ommendations for medical staffing standards for the
25 Coast Guard based on each finding and conclusion con-

1 tained in the report, including recommendations for health
2 service technicians, flight surgeons, physician assistants,
3 dentists, dental hygienists, family advocate services, phar-
4 macists, and administrators, and other recommendations,
5 as appropriate.

6 **SEC. 8261. REPORT ON FAST RESPONSE CUTTERS, OFF-**
7 **SHORE PATROL CUTTERS, AND NATIONAL SE-**
8 **CURITY CUTTERS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Commandant shall
11 submit to the Committee on Commerce, Science, and
12 Transportation of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives a report on the combination of Fast Response
15 Cutters, Offshore Patrol Cutters, and National Security
16 Cutters necessary to carry out Coast Guard missions.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include—

19 (1) an updated cost estimate for each type of
20 cutter described in such subsection; and

21 (2) a cost estimate for a Sensitive Compart-
22 mented Information Facility outfitted to manage
23 data in a manner equivalent to the National Security
24 Cutter Sensitive Compartmented Information Facili-
25 ties.

1 **Subtitle E—Coast Guard Academy**
2 **Improvement Act**

3 **SEC. 8271. SHORT TITLE.**

4 This subtitle may be cited as the “Coast Guard Acad-
5 emy Improvement Act”.

6 **SEC. 8272. COAST GUARD ACADEMY STUDY.**

7 (a) IN GENERAL.—The Secretary of the department
8 in which the Coast Guard is operating shall seek to enter
9 into an arrangement with the National Academy of Public
10 Administration not later than 60 days after the date of
11 the enactment of the this Act under which the National
12 Academy of Public Administration shall—

13 (1) conduct an assessment of the cultural com-
14 petence of the Coast Guard Academy as an organi-
15 zation and of individuals at the Coast Guard Acad-
16 emy to carry out effectively the primary duties of
17 the United States Coast Guard listed in section 102
18 of title 14, United States Code, when interacting
19 with individuals of different races, ethnicities, gen-
20 ders, religions, sexual orientations, socioeconomic
21 backgrounds, or from different geographic origins;
22 and

23 (2) issue recommendations based upon the find-
24 ings in such assessment.

25 (b) ASSESSMENT OF CULTURAL COMPETENCE.—

1 (1) CULTURAL COMPETENCE OF THE COAST
2 GUARD ACADEMY.—The arrangement described in
3 subsection (a) shall require the National Academy of
4 Public Administration to, not later than 1 year after
5 entering into an arrangement with the Secretary
6 under subsection (a), submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate the as-
10 sessment described under subsection (a)(1).

11 (2) ASSESSMENT SCOPE.—The assessment de-
12 scribed under subsection (a)(1) shall—

13 (A) describe the level of cultural com-
14 petence described in subsection (a)(1) based on
15 the National Academy of Public Administra-
16 tion’s assessment of the Coast Guard Acad-
17 emy’s relevant practices, policies, and struc-
18 tures, including an overview of discussions with
19 faculty, staff, students, and relevant Coast
20 Guard Academy affiliated organizations;

21 (B) examine potential changes which could
22 be used to further enhance such cultural com-
23 petence by—

24 (i) modifying institutional practices,
25 policies, and structures; and

1 (ii) any other changes deemed appro-
2 priate by the National Academy of Public
3 Administration; and

4 (C) make recommendations to enhance the
5 cultural competence of the Coast Guard Acad-
6 emy described in subparagraph (A), including
7 any specific plans, policies, milestones, perform-
8 ance measures, or other information necessary
9 to implement such recommendations.

10 (c) FINAL ACTION MEMORANDUM.—Not later than
11 6 months after submission of the assessment under sub-
12 section (b)(1), the Commandant of the Coast Guard shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate, a final action memorandum in response to all rec-
17 ommendations contained in the assessment. The final ac-
18 tion memorandum shall include the rationale for accept-
19 ing, accepting in part, or rejecting each recommendation,
20 and shall specify, where applicable, actions to be taken to
21 implement such recommendations, including an expla-
22 nation of how each action enhances the ability of the Coast
23 Guard to carry out the primary duties of the United
24 States Coast Guard listed in section 102 of title 14,
25 United States Code.

1 (d) PLAN.—

2 (1) IN GENERAL.—Not later than 6 months
3 after the date of the submission of the final action
4 memorandum required under subsection (c), the
5 Commandant, in coordination with the Chief Human
6 Capital Officer of the Department of Homeland Se-
7 curity, shall submit a plan to carry out the rec-
8 ommendations or the parts of the recommendations
9 accepted in the final action memorandum to the
10 Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Sen-
13 ate.

14 (2) STRATEGY WITH MILESTONES.—If any rec-
15 ommendation or parts of recommendations accepted
16 in the final action memorandum address any of the
17 following actions, then the plan required in para-
18 graph (1) shall include a strategy with appropriate
19 milestones to carry out such recommendations or
20 parts of recommendations:

21 (A) Improve outreach and recruitment of a
22 more diverse Coast Guard Academy cadet can-
23 didate pool based on race, ethnicity, gender, re-
24 ligion, sexual orientation, socioeconomic back-
25 ground, and geographic origin.

1 (B) Modify institutional structures, prac-
2 tices, and policies to foster a more diverse cadet
3 corps body, faculty, and staff workforce based
4 on race, ethnicity, gender, religion, sexual ori-
5 entation, socioeconomic background, and geo-
6 graphic origin.

7 (C) Modify existing or establish new poli-
8 cies and safeguards to foster the retention of
9 cadets, faculty, and staff of different races,
10 ethnicities, genders, religions, sexual orienta-
11 tions, socioeconomic backgrounds, and geo-
12 graphic origins at the Coast Guard Academy.

13 (D) Restructure the admissions office of
14 the Coast Guard Academy to be headed by a ci-
15 vilian with significant relevant higher education
16 recruitment experience.

17 (3) IMPLEMENTATION.—Unless otherwise di-
18 rected by an Act of Congress, the Commandant shall
19 begin implementation of the plan developed under
20 this subsection not later than 180 days after the
21 submission of such plan to Congress.

22 (4) UPDATE.—The Commandant shall include
23 in the first annual report required under chapter 51
24 of title 14, United States Code, as amended by this
25 division, submitted after the date of enactment of

1 this section, the strategy with milestones required in
2 paragraph (2) and shall report annually thereafter
3 on actions taken and progress made in the imple-
4 mentation of such plan.

5 **SEC. 8273. ANNUAL REPORT.**

6 Chapter 51 of title 14, United States Code, is further
7 amended by adding at the end the following:

8 **“§ 5111. Report on diversity at Coast Guard Academy**

9 “(a) IN GENERAL.—Not later than January 15,
10 2021, and annually thereafter, the Commandant shall sub-
11 mit a report on diversity at the Coast Guard Academy to
12 the Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Senate.

15 “(b) CONTENTS.—The report required under sub-
16 section (a) shall include—

17 “(1) the status of the implementation of the
18 plan required under section 8272 of the Elijah E.
19 Cummings Coast Guard Authorization Act of 2020;

20 “(2) specific information on outreach and re-
21 cruitment activities for the preceding year, including
22 the effectiveness of the Coast Guard Academy mi-
23 nority outreach team program described under sec-
24 tion 1905 and of outreach and recruitment activities

1 in the territories and other possessions of the United
2 States;

3 “(3) enrollment information about the incoming
4 class, including the gender, race, ethnicity, religion,
5 socioeconomic background, and State of residence of
6 Coast Guard Academy cadets;

7 “(4) information on class retention, outcomes,
8 and graduation rates, including the race, gender,
9 ethnicity, religion, socioeconomic background, and
10 State of residence of Coast Guard Academy cadets;

11 “(5) information on efforts to retain diverse ca-
12 dets, including through professional development
13 and professional advancement programs for staff
14 and faculty; and

15 “(6) a summary of reported allegations of dis-
16 crimination on the basis of race, color, national ori-
17 gin, sex, gender, or religion for the preceding 5
18 years.”.

19 **SEC. 8274. ASSESSMENT OF COAST GUARD ACADEMY AD-**
20 **MISSION PROCESSES.**

21 (a) IN GENERAL.—The Secretary of the department
22 in which the Coast Guard is operating shall seek to enter
23 into an arrangement with the National Academy of Public
24 Administration under which the National Academy of
25 Public Administration shall, not later than 1 year after

1 submitting an assessment under section 8272(a), submit
2 to the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee on
4 Commerce, Science, and Transportation of the Senate an
5 assessment of the Coast Guard Academy admissions proc-
6 ess.

7 (b) ASSESSMENT SCOPE.—The assessment required
8 to be sought under subsection (a) shall, at a minimum,
9 include—

10 (1) a study, or an audit if appropriate, of the
11 process the Coast Guard Academy uses to—

12 (A) identify candidates for recruitment;

13 (B) recruit applicants;

14 (C) assist applicants in the application
15 process;

16 (D) evaluate applications; and

17 (E) make admissions decisions;

18 (2) discussion of the consideration during the
19 admissions process of diversity, including—

20 (A) race;

21 (B) ethnicity;

22 (C) gender;

23 (D) religion;

24 (E) sexual orientation;

25 (F) socioeconomic background; and

1 (G) geographic origin;

2 (3) an overview of the admissions processes at
3 other Federal service academies, including—

4 (A) discussion of consideration of diversity,
5 including any efforts to attract a diverse pool of
6 applicants, in those processes; and

7 (B) an analysis of how the congressional
8 nominations requirement in current law related
9 to military service academies and the Merchant
10 Marine Academy impacts those processes and
11 the overall demographics of the student bodies
12 at those academies;

13 (4) a determination regarding how a congres-
14 sional nominations requirement for Coast Guard
15 Academy admissions could impact diversity among
16 the student body and the ability of the Coast Guard
17 to carry out effectively the Service's primary duties
18 described in section 102 of title 14, United States
19 Code; and

20 (5) recommendations for improving Coast
21 Guard Academy admissions processes, including
22 whether a congressional nominations process should
23 be integrated into such processes.

1 **SEC. 8275. COAST GUARD ACADEMY MINORITY OUTREACH**
2 **TEAM PROGRAM.**

3 (a) IN GENERAL.—Chapter 19 of title 14, United
4 States Code, is further amended by inserting after section
5 1904 (as amended by this division) the following:

6 **“§ 1905. Coast Guard Academy minority outreach**
7 **team program**

8 “(a) IN GENERAL.—There is established within the
9 Coast Guard Academy a minority outreach team program
10 (in this section referred to as the ‘Program’) under which
11 officers, including minority officers and officers from terri-
12 tories and other possessions of the United States, who are
13 Academy graduates may volunteer their time to recruit
14 minority students and strengthen cadet retention through
15 mentorship of cadets.

16 “(b) ADMINISTRATION.—Not later than January 1,
17 2021, the Commandant, in consultation with Program vol-
18 unteers and Academy alumni that participated in prior
19 programs at the Academy similar to the Program, shall
20 appoint a permanent civilian position at the Academy to
21 administer the Program by, among other things—

22 “(1) overseeing administration of the Program;

23 “(2) serving as a resource to volunteers and
24 outside stakeholders;

1 “(3) advising Academy leadership on recruit-
2 ment and retention efforts based on recommenda-
3 tions from volunteers and outside stakeholders;

4 “(4) establishing strategic goals and perform-
5 ance metrics for the Program with input from active
6 volunteers and Academy leadership; and

7 “(5) reporting annually to the Commandant on
8 academic year and performance outcomes of the
9 goals for the Program before the end of each aca-
10 demic year.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 19 of title 14, United States Code, is further amended
13 by inserting after the item relating to section 1904 (as
14 amended by this division) the following:

 “1905. Coast Guard Academy minority outreach team program.”.

15 **SEC. 8276. COAST GUARD COLLEGE STUDENT PRE-COMMIS-**
16 **SIONING INITIATIVE.**

17 (a) IN GENERAL.—Subchapter I of chapter 21 of title
18 14, United States Code, is further amended by adding at
19 the end the following:

20 **“§ 2131. College student pre-commissioning initiative**

21 “(a) IN GENERAL.—There is authorized within the
22 Coast Guard a college student pre-commissioning initia-
23 tive program (in this section referred to as the ‘Program’
24) for eligible undergraduate students to enlist and receive
25 a guaranteed commission as an officer in the Coast Guard.

1 “(b) CRITERIA FOR SELECTION.—To be eligible for
2 the Program a student must meet the following require-
3 ments upon submitting an application:

4 “(1) AGE.—A student must be not less than 19
5 years old and not more than 27 years old as of Sep-
6 tember 30 of the fiscal year in which the Program
7 selection panel selecting such student convenes.

8 “(2) CHARACTER.—

9 “(A) ALL APPLICANTS.—All applicants
10 must be of outstanding moral character and
11 meet other character requirements as set forth
12 by the Commandant.

13 “(B) COAST GUARD APPLICANTS.—An ap-
14 plicant serving in the Coast Guard may not be
15 commissioned if in the 36 months prior to the
16 first Officer Candidate School class convening
17 date in the selection cycle, such applicant was
18 convicted by a court-martial or awarded non-
19 judicial punishment, or did not meet perform-
20 ance or character requirements set forth by the
21 Commandant.

22 “(3) CITIZENSHIP.—A student must be a
23 United States citizen.

24 “(4) CLEARANCE.—A student must be eligible
25 for a secret clearance.

1 “(5) DEPENDENCY.—

2 “(A) IN GENERAL.—A student may not
3 have more than 2 dependents.

4 “(B) SOLE CUSTODY.—A student who is
5 single may not have sole or primary custody of
6 dependents.

7 “(6) EDUCATION.—

8 “(A) INSTITUTION.—A student must be an
9 undergraduate sophomore or junior—

10 “(i) at a historically Black college or
11 university described in section 322(2) of
12 the Higher Education Act of 1965 (20
13 U.S.C. 1061(2)) or an institution of higher
14 education described in section 371(a) of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1067q(a)); or

17 “(ii) an undergraduate sophomore or
18 junior enrolled at an institution of higher
19 education (as defined in section 101 of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1001)) that, at the time of application of
22 the sophomore or junior, has had for 3
23 consecutive years an enrollment of under-
24 graduate full-time equivalent students (as
25 defined in section 312(e) of such Act (20

1 U.S.C. 1058(e))) that is a total of at least
2 50 percent Black American, Hispanic,
3 Asian American (as defined in section
4 371(c) of such Act (20 U.S.C. 1067q(c))),
5 Native American Pacific Islander (as de-
6 fined in such section), or Native American
7 (as defined in such section), among other
8 criteria, as determined by the Com-
9 mandant.

10 “(B) LOCATION.—The institution at which
11 such student is an undergraduate must be with-
12 in 100 miles of a Coast guard unit or Coast
13 Guard Recruiting Office unless otherwise ap-
14 proved by the Commandant.

15 “(C) RECORDS.—A student must meet
16 credit and grade point average requirements set
17 forth by the Commandant.

18 “(7) MEDICAL AND ADMINISTRATIVE.—A stu-
19 dent must meet other medical and administrative re-
20 quirements as set forth by the Commandant.

21 “(c) ENLISTMENT AND OBLIGATION.—Individuals
22 selected and accept to participate in the Program shall en-
23 list in the Coast Guard in pay grade E-3 with a 4-year
24 duty obligation and 4-year inactive Reserve obligation.

1 “(d) MILITARY ACTIVITIES PRIOR TO OFFICER CAN-
2 DIDATE SCHOOL.—Individuals enrolled in the Program
3 shall participate in military activities each month, as re-
4 quired by the Commandant, prior to attending Officer
5 Candidate School.

6 “(e) PARTICIPATION IN OFFICER CANDIDATE
7 SCHOOL.—Each graduate of the Program shall attend the
8 first enrollment of Officer Candidate School that com-
9 mences after the date of such graduate’s graduation.

10 “(f) COMMISSIONING.—Upon graduation from Offi-
11 cer Candidate School, Program graduates shall be dis-
12 charged from enlisted status and commissioned as an O-
13 1 with an initial 3-year duty obligation.

14 “(g) BRIEFING.—

15 “(1) IN GENERAL.—Not later than August 15
16 of each year, the Commandant shall provide a brief-
17 ing to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate on the Program.

21 “(2) CONTENTS.—The briefing required under
22 paragraph (1) shall describe—

23 “(A) outreach and recruitment efforts over
24 the previous year; and

1 “(B) demographic information of enrollees
2 including—
3 “(i) race;
4 “(ii) ethnicity;
5 “(iii) gender;
6 “(iv) geographic origin; and
7 “(v) educational institution.”.

8 (b) CLERICAL AMENDMENT.—The analysis chapter
9 21 of title 14, United States Code, is amended by inserting
10 after the item relating to section 2130 (as added by this
11 division) the following:

“2131. College student pre-commissioning initiative.”.

12 **SEC. 8277. ANNUAL BOARD OF VISITORS.**

13 Section 1903(d) of title 14, United States Code, is
14 amended—

15 (1) by redesignating paragraphs (2) through
16 (6) as paragraphs (3) through (7), respectively; and
17 (2) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) recruitment and retention, including diver-
20 sity, inclusion, and issues regarding women specifi-
21 cally;”.

1 **SEC. 8278. HOMELAND SECURITY ROTATIONAL CYBERSE-**
2 **CURITY RESEARCH PROGRAM AT COAST**
3 **GUARD ACADEMY.**

4 (a) IN GENERAL.—Subtitle E of title VIII of the
5 Homeland Security Act of 2002 (6 U.S.C. 411 et seq.)
6 is amended by adding at the end the following:

7 **“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PRO-**
8 **GRAM.**

9 “To enhance the Department’s cybersecurity capac-
10 ity, the Secretary may establish a rotational research, de-
11 velopment, and training program for—

12 “(1) detail to the Cybersecurity and Infrastruc-
13 ture Security Agency (including the national cyber-
14 security and communications integration center au-
15 thorized by section 2209) of Coast Guard Academy
16 graduates and faculty; and

17 “(2) detail to the Coast Guard Academy, as
18 faculty, of individuals with expertise and experience
19 in cybersecurity who are employed by—

20 “(A) the Agency (including the center);

21 “(B) the Directorate of Science and Tech-
22 nology; or

23 “(C) institutions that have been designated
24 by the Department as a Center of Excellence
25 for Cyber Defense, or the equivalent.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 (6
3 U.S.C. 411 et seq.) is amended by adding at the end of
4 the items relating to subtitle E of such Act the following:
“Sec. 846. Rotational cybersecurity research program.”.

5 **Subtitle F—Other Matters**

6 **SEC. 8281. STRATEGY ON LEADERSHIP OF COAST GUARD.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of the
9 department in which the Coast Guard is operating shall
10 develop and make available to the public a strategy to im-
11 prove leadership development in the Coast Guard, includ-
12 ing mechanisms to address counterproductive leadership
13 in the Coast Guard.

14 (b) ELEMENTS.—The strategy shall include the fol-
15 lowing:

16 (1) Mechanisms to foster positive and produc-
17 tive leadership qualities in emerging Coast Guard
18 leaders, beginning, at minimum, members at grade
19 O–2 for officers, members at grade E–6 for enlisted
20 members, and members training to become an offi-
21 cer in charge.

22 (2) Mechanisms for the ongoing evaluation of
23 unit commanders, including identification of counter-
24 productive leadership qualities in commanders.

(3) Formal training on the recognition of counterproductive leadership qualities (in self and others), including at leadership seminars and school houses in the Coast Guard, including means to correct such qualities.

(4) Clear and transparent policies on standards for command climate, leadership qualities, and inclusion.

9 (5) Policy to ensure established and emerging
10 leaders have access to hands-on training and tools to
11 improve diversity and inclusion.

(6) Policy and procedures for commanders to identify and hold accountable counterproductive leaders.

(c) COUNTERPRODUCTIVE LEADERSHIP DEFINED.—

In this section, the term “counterproductive leadership” has the meaning given that term for purposes of Army Doctrine Publication 6–22.

19 SEC. 8282. EXPEDITED TRANSFER IN CASES OF SEXUAL AS-
20 SAULT; DEPENDENTS OF MEMBERS OF THE
21 COAST GUARD.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault per-

1 perpetrated by a member of the Armed Forces who is not
2 related to the victim.

3 **SEC. 8283. ACCESS TO RESOURCES DURING CREOSOTE-RE-**
4 **LATED BUILDING CLOSURES AT COAST**
5 **GUARD BASE SEATTLE, WASHINGTON.**

6 (a) IN GENERAL.—With respect to the creosote-re-
7 lated building closures at Coast Guard Base Seattle,
8 Washington, the Commandant shall, to the maximum ex-
9 tent practicable, enter into 1 or more agreements or other-
10 wise take actions to secure access to resources, including
11 a gym, that are not otherwise available to members of the
12 Coast Guard during such closures.

13 (b) BRIEFING.—Not later than 60 days after the date
14 of the enactment of this Act, the Commandant shall brief
15 Congress with respect to actions taken by the Com-
16 mandant to comply with subsection (a).

17 **SEC. 8284. SOUTHERN RESIDENT ORCA CONSERVATION**
18 **AND ENFORCEMENT.**

19 (a) REPORT AND ACTION PLAN ON ORCA ENFORCE-
20 MENT OPPORTUNITIES.—Not later than 180 days after
21 the date of the enactment of this Act, the Commandant,
22 in consultation with the Under Secretary of Commerce for
23 Oceans and Atmosphere, shall submit to Congress a report
24 on Coast Guard efforts to enforce southern resident orca
25 vessel buffer zones and other vessel-related regulations in

1 Puget Sound in coordination with existing Coast Guard
2 fisheries enforcement, maritime domain awareness, the Be
3 Whale Wise campaign, and other related missions. Such
4 report shall include recommendations on what resources,
5 appropriations, and assets are needed to meet orca con-
6 servation and related fisheries enforcement targets in the
7 13th Coast Guard District within 1 year of the date of
8 enactment of this Act.

9 (b) SOUTHERN RESIDENT ORCAS.—The Com-
10 mandant, in coordination with the Under Secretary of
11 Commerce for Oceans and Atmosphere, shall undertake
12 efforts to reduce vessel noise impacts on Southern resident
13 orcas in Puget Sound, the Salish Sea, and the Strait of
14 Juan de Fuca.

15 (c) PROGRAM.—

16 (1) IN GENERAL.—The Commandant shall—

17 (A) support the development, implementa-
18 tion, and enforcement of commercial vessel
19 noise reduction measures that are technically
20 feasible and economically achievable;

21 (B) establish procedures for timely commu-
22 nication of information to commercial vessel op-
23 erators regarding orca sightings in Puget
24 Sound and make navigational safety rec-

1 ommendations in accordance with the Coopera-
2 tive Vessel Traffic Service Agreement; and

3 (C) collaborate on studies or trials ana-
4 lyzing vessel noise impacts on Southern resident
5 orcas.

6 (2) VESSEL NOISE IMPACTS.—The Undersecre-
7 tary of Commerce for Oceans and Atmosphere shall
8 assess vessel noise impacts on Southern resident
9 orcas in the program area and make recommenda-
10 tions to reduce that noise and noise related impacts
11 to Southern resident orcas to the Commandant.

12 (3) COORDINATION.—In carrying out this sec-
13 tion, the Commandant shall coordinate with Cana-
14 dian agencies affiliated with the Enhancing Cetacean
15 Habitat and Observation (ECHO) program and
16 other international organizations as appropriate.

17 (4) CONSULTATION.—In carrying out this sec-
18 tion, the Commandant and the Undersecretary of
19 Commerce for Oceans and Atmosphere shall consult
20 with State, local, and Tribal governments and mari-
21 time industry and conservation stakeholders includ-
22 ing ports, higher education institutions, and non-
23 governmental organizations.

1 **SEC. 8285. SENSE OF CONGRESS AND REPORT ON IMPLE-**
2 **MENTATION OF POLICY ON ISSUANCE OF**
3 **WARRANTS AND SUBPOENAS AND WHISTLE-**
4 **BLOWER PROTECTIONS BY AGENTS OF THE**
5 **COAST GUARD INVESTIGATIVE SERVICE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) Coast Guard components with investigative
9 authority should exercise such authority with due re-
10 spect for the rights of whistleblowers; and

11 (2) the Commandant should—

12 (A) ensure compliance with the legal re-
13 quirements intended to protect whistleblowers;

14 (B) seek to shield the disclosure of the
15 identities of whistleblowers; and

16 (C) create an environment in which whis-
17 tleblowers do not fear reprisal for reporting
18 misconduct.

19 (b) REPORT REQUIRED.—Not later than 120 days
20 after the date of the enactment of this Act, the Com-
21 mandant shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report on the policy of the Coast
25 Guard on the issuance of warrants and subpoenas and

1 whistleblower protections by agents of the Coast Guard
2 Investigative Service.

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

5 (1) A discussion of current and any new policy
6 of the Coast Guard on the issuance of warrants and
7 subpoenas and whistleblower protections by agents
8 of the Coast Guard Investigative Service, including
9 Coast Guard Investigative Service Criminal Inves-
10 tigation Operating Procedure CIOP 2019–02, and
11 the differences between such current policies and
12 new policies.

13 (2) A plan (including milestones) for the imple-
14 mentation of the following:

15 (A) Incorporation of Coast Guard Inves-
16 tigrative Service Criminal Investigation Oper-
17 ating Procedure CIOP 2019–02 into the next
18 revision of the relevant Coast Guard investiga-
19 tive manual.

20 (B) Training on the policy described in
21 paragraph (1) for the following:

22 (i) Agents and legal counsel of the
23 Coast Guard Investigative Service.

24 (ii) Personnel of the Office of General
25 Law.

1 (iii) Relevant Coast Guard head-
2 quarters personnel.

3 (iv) Such other Coast Guard per-
4 sonnel as the Commandant considers ap-
5 propriate.

6 **SEC. 8286. INSPECTOR GENERAL REPORT ON ACCESS TO**
7 **EQUAL OPPORTUNITY ADVISORS AND EQUAL**
8 **EMPLOYMENT OPPORTUNITY SPECIALISTS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the inspector general
11 of the department in which the Coast Guard is operating
12 shall conduct a study and develop recommendations on the
13 need to separate Equal Opportunity Advisors and Equal
14 Employment Opportunity Specialists, as practicable,
15 through the pre-complaint and formal discrimination com-
16 plaint processes, for the complainant, the opposing party,
17 and the commanding officers and officers in charge.

18 (b) BRIEFING.—Not later than 30 days after the
19 completion of the study required by subsection (a), the
20 Commandant shall brief the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives on the manner in which the Coast
24 Guard plans to implement the recommendations developed
25 as a result of the study.

1 **SEC. 8287. INSIDER THREAT PROGRAM.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Commandant shall brief the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate on a plan to
7 expand the Coast Guard Insider Threat Program to in-
8 clude the monitoring of all Coast Guard devices, including
9 mobile devices.

10 **TITLE LVXXXIII—MARITIME**

Subtitle A—Navigation

- Sec. 8301. Electronic charts; equivalency.
- Sec. 8302. Subrogated claims.
- Sec. 8303. Loan provisions under Oil Pollution Act of 1990.
- Sec. 8304. Oil pollution research and development program.

Subtitle B—Shipping

- Sec. 8311. Passenger vessel security and safety requirements; application.
- Sec. 8312. Small passenger vessels and uninspected passenger vessels.
- Sec. 8313. Non-operating individual.
- Sec. 8314. Conforming amendments: training; public safety personnel.
- Sec. 8315. Maritime transportation assessment.
- Sec. 8316. Engine cut-off switches; use requirement.
- Sec. 8317. Authority to waive operator of self-propelled uninspected passenger vessel requirements.
- Sec. 8318. Exemptions and equivalents.
- Sec. 8319. Renewal of merchant mariner licenses and documents.
- Sec. 8320. Certificate extensions.
- Sec. 8321. Vessel safety standards.
- Sec. 8322. Medical standards.

Subtitle C—Advisory Committees

- Sec. 8331. Advisory committees.
- Sec. 8332. Maritime Transportation System National Advisory Committee.
- Sec. 8333. Expired maritime liens.
- Sec. 8334. Great Lakes Pilotage Advisory Committee.
- Sec. 8335. National Commercial Fishing Safety Advisory Committee.
- Sec. 8336. Exemption of commercial fishing vessels operating in Alaskan Region from Global Maritime Distress and Safety System requirements of Federal Communications Commission.

Subtitle D—Ports

- Sec. 8341. Port, harbor, and coastal facility security.
- Sec. 8342. Aiming laser pointer at vessel.
- Sec. 8343. Safety of special activities.
- Sec. 8344. Security plans; reviews.
- Sec. 8345. Vessel traffic service.
- Sec. 8346. Transportation work identification card pilot program.

1 **Subtitle A—Navigation**

2 **SEC. 8301. ELECTRONIC CHARTS; EQUIVALENCY.**

3 (a) REQUIREMENTS.—Section 3105(a)(1) of title 46,
4 United States Code, is amended to read as follows:

5 “(1) ELECTRONIC CHARTS IN LIEU OF MARINE
6 CHARTS, CHARTS, AND MAPS.—Subject to paragraph
7 (2), the following vessels, while operating on the
8 navigable waters of the United States, equipped with
9 and operating electronic navigational charts that are
10 produced by a government hydrographic office or
11 conform to a standard acceptable to the Secretary,
12 shall be deemed in compliance with any requirement
13 under title 33 or title 46, Code of Federal Regula-
14 tions, to have a chart, marine chart, or map on
15 board such vessel:

16 “(A) A self-propelled commercial vessel of
17 at least 65 feet in overall length.

18 “(B) A vessel carrying more than a num-
19 ber of passengers for hire determined by the
20 Secretary.

21 “(C) A towing vessel of more than 26 feet
22 in overall length and 600 horsepower.

1 “(D) Any other vessel for which the Sec-
2 retary decides that electronic charts are nec-
3 essary for the safe navigation of the vessel.”.

4 (b) EXEMPTIONS AND WAIVERS.—Section
5 3105(a)(2) of title 46, United States Code, is amended—
6 (1) in subparagraph (A), by striking “operates;
7 and” and inserting “operates;”;
8 (2) in subparagraph (B), by striking “those
9 waters.” and inserting “those waters; and”; and
10 (3) by adding at the end the following:

11 “(C) permit vessels described in subpara-
12 graphs (A) through (D) of paragraph (1) that
13 operate solely landward of the baseline from
14 which the territorial sea of the United States is
15 measured to utilize software-based, platform-
16 independent electronic chart systems that the
17 Secretary determines are capable of displaying
18 electronic navigational charts with necessary
19 scale and detail to ensure safe navigation for
20 the intended voyage.”.

21 **SEC. 8302. SUBROGATED CLAIMS.**

22 (a) IN GENERAL.—Section 1012(b) of the Oil Pollu-
23 tion Act of 1990 (33 U.S.C. 2712(b)) is amended—

24 (1) by striking “The” and inserting the fol-
25 lowing:

1 “(1) IN GENERAL.—The”; and

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

3 “(2) SUBROGATED RIGHTS.—Except for a guar-
4 antor claim pursuant to a defense under section
5 1016(f)(1), Fund compensation of any claim by an
6 insurer or other indemnifier of a responsible party or
7 injured third party is subject to the subrogated
8 rights of that responsible party or injured third
9 party to such compensation.”.

10 (b) EFFECTIVE DATE.—This section and the amend-
11 ments made by this section shall take effect 180 days after
12 the date of enactment of this Act.

13 **SEC. 8303. LOAN PROVISIONS UNDER OIL POLLUTION ACT**
14 **OF 1990.**

15 (a) IN GENERAL.—Section 1013 of the Oil Pollution
16 Act of 1990 (33 U.S.C. 2713) is amended by striking sub-
17 section (f).

18 (b) CONFORMING AMENDMENTS.—Section 1012(a)
19 of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is
20 amended—

21 (1) in paragraph (4), by adding “and” after the
22 semicolon at the end;

23 (2) in paragraph (5)(D), by striking “; and”
24 and inserting a period; and

25 (3) by striking paragraph (6).

1 **SEC. 8304. OIL POLLUTION RESEARCH AND DEVELOPMENT**
2 **PROGRAM.**

3 Section 7001 of the Oil Pollution Act of 1990 (33
4 U.S.C. 2761) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (1), by inserting “, tech-
7 nology,” after “research”;

8 (B) in paragraph (2)—

9 (i) by striking “this subsection” and
10 inserting “paragraph (1)”; and

11 (ii) by striking “which are effective in
12 preventing or mitigating oil discharges and
13 which” and inserting “and methods that
14 are effective in preventing, mitigating, or
15 restoring damage from oil discharges and
16 that”;

17 (C) in paragraph (3) by striking “this sub-
18 section” and inserting “paragraph (1)” each
19 place it appears;

20 (D) in subparagraph (A) of paragraph
21 (4)—

22 (i) by striking “oil discharges. Such
23 program shall” and inserting “acute and
24 chronic oil discharges on coastal and ma-
25 rine resources (including impacts on pro-

1 tected areas such as sanctuaries) and pro-
2 tected species, and such program shall”;

3 (ii) by redesignating clauses (iii) and
4 (iv) as clauses (iv) and (v), respectively;

5 (iii) by inserting after clause (ii) the
6 following:

7 “(iii) Research to understand and quantify
8 the effects of sublethal impacts of oil discharge
9 on living natural marine resources, including
10 impacts on pelagic fish species, marine mam-
11 mals, and commercially and recreationally tar-
12 geted fish and shellfish species.”; and

13 (iv) by adding at the end the fol-
14 lowing:

15 “(vi) Research to understand the long-term
16 effects of major oil discharges and the long-
17 term effects of smaller endemic oil discharges.

18 “(vii) The identification of potential im-
19 pacts on ecosystems, habitat, and wildlife from
20 the additional toxicity, heavy metal concentra-
21 tions, and increased corrosiveness of mixed
22 crude, such as diluted bitumen crude.

23 “(viii) The development of methods to re-
24 store and rehabilitate natural resources and

1 ecosystem functions damaged by oil dis-
2 charges.”;

3 (E) in paragraph (5) by striking “this sub-
4 section” and inserting “paragraph (1)”;

5 (F) by striking paragraph (7) and insert-
6 ing the following:

7 “(7) SIMULATED ENVIRONMENTAL TESTING.—

8 “(A) IN GENERAL.—Agencies represented
9 on the Interagency Committee shall ensure the
10 long-term use and operation of the Oil and
11 Hazardous Materials Simulated Environmental
12 Test Tank (OHMSETT) Research Center in
13 New Jersey for oil pollution technology testing
14 and evaluations.

15 “(B) OTHER TESTING FACILITIES.—Noth-
16 ing in subparagraph (A) shall be construed as
17 limiting the ability of the Interagency Com-
18 mittee to contract or partner with a facility or
19 facilities other than the Center described in
20 subparagraph (A) for the purpose of oil pollu-
21 tion technology testing and evaluations, pro-
22 vided such a facility or facilities have testing
23 and evaluation capabilities equal to or greater
24 than those of such Center.

25 “(C) IN-KIND CONTRIBUTIONS.—

1 “(i) IN GENERAL.—The Secretary of
2 the department in which the Coast Guard
3 is operating and the Administrator of the
4 Environmental Protection Agency may ac-
5 cept donations of crude oil and crude oil
6 product samples in the form of in-kind
7 contributions for use by the Federal Gov-
8 ernment for product testing, research and
9 development, and for other purposes as the
10 Secretary and the Administrator determine
11 appropriate.

12 “(ii) USE OF DONATED OIL.—Oil ac-
13 cepted under clause (i) may be used di-
14 rectly by the Secretary and shall be pro-
15 vided to other Federal agencies or depart-
16 ments through interagency agreements to
17 carry out the purposes of this Act.”;

18 (G) in paragraph (8)—

19 (i) in subparagraph (A), by striking
20 “subsection (b)” and inserting “subsection
21 (d)”;

22 (ii) in subparagraph (D)(iii), by strik-
23 ing “subsection (b)(1)(F)” and inserting
24 “subsection (d)”;

25 (H) in paragraph (10)—

1 (i) by striking “this subsection” and
2 inserting “paragraph (1)”;

3 (ii) by striking “agencies represented
4 on the Interagency Committee” and insert-
5 ing “Under Secretary”;

6 (iii) by inserting “, and States and In-
7 dian tribes” after “other persons”; and

8 (iv) by striking “subsection (b)” and
9 inserting “subsection (d)”;

10 (2) in subsection (d), by striking “subsection
11 (b)” and inserting “subsection (d)”;

12 (3) in subsection (e), by striking “Chairman of
13 the Interagency Committee” and inserting “Chair”;

14 (4) in subsection (f), by striking “subsection
15 (c)(8)” each place it appears and inserting “sub-
16 section (e)(8)”;

17 (5) by redesignating subsections (c) through (f)
18 as subsections (e) through (h), respectively; and

19 (6) by striking subsections (a) and (b) and in-
20 serting the following:

21 “(a) DEFINITIONS.—In this section—

22 “(1) the term ‘Chair’ means the Chairperson of
23 the Interagency Committee designated under sub-
24 section (c)(2);

1 “(2) the term ‘Commandant’ means the Com-
2 mandant of the Coast Guard;

3 “(3) the term ‘institution of higher education’
4 means an institution of higher education, as defined
5 in section 101(a) of the Higher Education Act of
6 1965 (20 U.S.C. 1001(a));

7 “(4) the term ‘Interagency Committee’ means
8 the Interagency Coordinating Committee on Oil Pol-
9 lution Research established under subsection (b);

10 “(5) the term ‘Under Secretary’ means the
11 Under Secretary of Commerce for Oceans and At-
12 mosphere; and

13 “(6) the term ‘Vice Chair’ means the Vice
14 Chairperson of the Interagency Committee des-
15 ignated under subsection (c)(3).

16 “(b) ESTABLISHMENT OF INTERAGENCY COORDI-
17 NATING COMMITTEE ON OIL POLLUTION RESEARCH.—

18 “(1) ESTABLISHMENT.—There is established an
19 Interagency Coordinating Committee on Oil Pollu-
20 tion Research.

21 “(2) PURPOSE.—The Interagency Committee
22 shall coordinate a comprehensive program of oil pol-
23 lution research, technology development, and dem-
24 onstration among the Federal agencies, in coopera-
25 tion and coordination with industry, 4-year institu-

1 tions of higher education and research institutions,
2 State governments, and other nations, as appro-
3 priate, and shall foster cost-effective research mech-
4 anisms, including the joint funding of research.

5 “(c) MEMBERSHIP.—

6 “(1) COMPOSITION.—The Interagency Com-
7 mittee shall be composed of—

8 “(A) at least 1 representative of the Coast
9 Guard;

10 “(B) at least 1 representative of the Na-
11 tional Oceanic and Atmospheric Administration;

12 “(C) at least 1 representative of the Envi-
13 ronmental Protection Agency;

14 “(D) at least 1 representative of the De-
15 partment of the Interior;

16 “(E) at least 1 representative of the Bu-
17 reau of Safety and Environmental Enforcement;

18 “(F) at least 1 representative of the Bu-
19 reau of Ocean Energy Management;

20 “(G) at least 1 representative of the
21 United States Fish and Wildlife Service;

22 “(H) at least 1 representative of the De-
23 partment of Energy;

1 “(I) at least 1 representative of the Pipe-
2 line and Hazardous Materials Safety Adminis-
3 tration;

4 “(J) at least 1 representative of the Fed-
5 eral Emergency Management Agency;

6 “(K) at least 1 representative of the Navy;

7 “(L) at least 1 representative of the Corps
8 of Engineers;

9 “(M) at least 1 representative of the
10 United States Arctic Research Commission; and

11 “(N) at least 1 representative of each of
12 such other Federal agencies as the President
13 considers to be appropriate.

14 “(2) CHAIRPERSON.—The Commandant shall
15 designate a Chairperson from among the members
16 of the Interagency Committee selected under para-
17 graph (1)(A).

18 “(3) VICE CHAIRPERSON.—The Under Sec-
19 retary shall designate a Vice Chairperson from
20 among the members of the Interagency Committee
21 selected under paragraph (1)(B).

22 “(4) MEETINGS.—

23 “(A) QUARTERLY MEETINGS.—At a min-
24 imum, the members of the Interagency Com-
25 mittee shall meet once each quarter.

1 “(B) PUBLIC SUMMARIES.—After each
2 meeting, a summary shall be made available by
3 the Chair or Vice Chair, as appropriate.

4 “(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

5 “(1) RESEARCH.—The Interagency Committee
6 shall—

7 “(A) coordinate a comprehensive program
8 of oil pollution research, technology develop-
9 ment, and demonstration among the Federal
10 agencies, in cooperation and coordination with
11 industry, 4-year institutions of higher education
12 and research institutions, States, Indian tribes,
13 and other countries, as appropriate; and

14 “(B) foster cost-effective research mecha-
15 nisms, including the joint funding of research
16 and the development of public-private partner-
17 ships for the purpose of expanding research.

18 “(2) OIL POLLUTION RESEARCH AND TECH-
19 NOLOGY PLAN.—

20 “(A) IMPLEMENTATION PLAN.—Not later
21 than 180 days after the date of enactment of
22 the Elijah E. Cummings Coast Guard Author-
23 ization Act of 2020, the Interagency Committee
24 shall submit to Congress a research plan to re-

1 port on the state of oil discharge prevention and
2 response capabilities that—

3 “(i) identifies current research pro-
4 grams conducted by Federal agencies,
5 States, Indian tribes, 4-year institutions of
6 higher education, and corporate entities;

7 “(ii) assesses the current status of
8 knowledge on oil pollution prevention, re-
9 sponse, and mitigation technologies and ef-
10 fects of oil pollution on the environment;

11 “(iii) identifies significant oil pollution
12 research gaps, including an assessment of
13 major technological deficiencies in re-
14 sponses to past oil discharges;

15 “(iv) establishes national research pri-
16 orities and goals for oil pollution tech-
17 nology development related to prevention,
18 response, mitigation, and environmental ef-
19 fects;

20 “(v) assesses the research on the ap-
21 plicability and effectiveness of the preven-
22 tion, response, and mitigation technologies
23 to each class of oil;

24 “(vi) estimates the resources needed
25 to conduct the oil pollution research and

1 development program established pursuant
2 to subsection (e), and timetables for com-
3 pleting research tasks;

4 “(vii) summarizes research on re-
5 sponse equipment in varying environmental
6 conditions, such as in currents, ice cover,
7 and ice floes; and

8 “(viii) includes such other information
9 or recommendations as the Interagency
10 Committee determines to be appropriate.

11 “(B) ADVICE AND GUIDANCE.—

12 “(i) NATIONAL ACADEMY OF
13 SCIENCES CONTRACT.—The Chair, through
14 the department in which the Coast Guard
15 is operating, shall contract with the Na-
16 tional Academy of Sciences to—

17 “(I) provide advice and guidance
18 in the preparation and development of
19 the research plan;

20 “(II) assess the adequacy of the
21 plan as submitted, and submit a re-
22 port to Congress on the conclusions of
23 such assessment; and

24 “(III) provide organization guid-
25 ance regarding the implementation of

1 the research plan, including delegation
2 of topics and research among Federal
3 agencies represented on the Inter-
4 agency Committee.

5 “(ii) NIST ADVICE AND GUIDANCE.—
6 The National Institute of Standards and
7 Technology shall provide the Interagency
8 Committee with advice and guidance on
9 issues relating to quality assurance and
10 standards measurements relating to its ac-
11 tivities under this section.

12 “(C) 10-YEAR UPDATES.—Not later than
13 10 years after the date of enactment of the Eli-
14 jah E. Cummings Coast Guard Authorization
15 Act of 2020, and every 10 years thereafter, the
16 Interagency Committee shall submit to Con-
17 gress a research plan that updates the informa-
18 tion contained in the previous research plan
19 submitted under this subsection.”.

20 **Subtitle B—Shipping**

21 **SEC. 8311. PASSENGER VESSEL SECURITY AND SAFETY RE-** 22 **QUIREMENTS; APPLICATION.**

23 Section 3507(k)(1) of title 46, United States Code,
24 is amended—

1 (1) in subparagraph (B), by adding “and” after
2 the semicolon at the end;

3 (2) in subparagraph (C), by striking “; and”
4 and inserting a period; and

5 (3) by striking subparagraph (D).

6 **SEC. 8312. SMALL PASSENGER VESSELS AND UNINSPECTED**
7 **PASSENGER VESSELS.**

8 Section 12121 of title 46, United States Code, is
9 amended—

10 (1) in subsection (a)(1), by striking subpara-
11 graphs (A) and (B) and inserting the following:

12 “(A) was built in the United States;

13 “(B) was not built in the United States
14 and is at least 3 years old; or

15 “(C) if rebuilt, was rebuilt—

16 “(i) in the United States; or

17 “(ii) outside the United States at
18 least 3 years before the certificate re-
19 quested under subsection (b) would take
20 effect.”; and

21 (2) in subsection (b), by inserting “12132,”
22 after “12113,”.

23 **SEC. 8313. NON-OPERATING INDIVIDUAL.**

24 (a) IN GENERAL.—The Secretary of the department
25 in which the Coast Guard is operating shall not enforce

1 section 8701 of title 46, United States Code, with respect
2 to the following:

3 (1) A vessel with respect to individuals, other
4 than crew members required by the Certificate of In-
5 spection or to ensure the safe navigation of the ves-
6 sel and not a member of the steward's department,
7 engaged on board for the sole purpose of carrying
8 out spill response activities, salvage, marine fire-
9 fighting, or commercial diving business or functions
10 from or on any vessel, including marine firefighters,
11 spill response personnel, salvage personnel, and com-
12 mercial divers and diving support personnel.

13 (2) An offshore supply vessel, an industrial ves-
14 sel (as such term is defined in section 90.10–16 of
15 title 46, Code of Federal Regulations), or other simi-
16 larly engaged vessel with respect to persons engaged
17 in the business of the ship on board the vessel—

18 (A) for—

19 (i) supporting or executing the indus-
20 trial business or function of the vessel;

21 (ii) brief periods to conduct surveys or
22 investigations, assess crew competence,
23 conduct vessel trials, provide extraordinary
24 security resources, or similar tasks not tra-
25 ditionally performed by the vessel crew; or

1 (iii) performing maintenance tasks on
2 equipment under warranty, or on equip-
3 ment not owned by the vessel owner, or
4 maintenance beyond the capability of the
5 vessel crew to perform; and

6 (B) not the master or crew members re-
7 quired by the certificate of inspection and not
8 a member of the steward's department.

9 (b) SUNSET.—The prohibition in subsection (a) shall
10 terminate on the date that is 2 years after the date of
11 the enactment of this Act.

12 (c) REPORT.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the
15 Commandant shall submit to the Committee on
16 Commerce, Science, and Transportation of the Sen-
17 ate and the Committee on Transportation and Infra-
18 structure of the House of Representatives a report
19 detailing recommendations to ensure that personnel
20 working on a vessel who perform work or operate
21 equipment on such vessel not related to the oper-
22 ation of the vessel itself undergo a background check
23 and the appropriate training necessary to ensure
24 personnel safety and the safety of the vessel's crew.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall include, at a minimum, a discus-
3 sion of—

4 (A) options and recommendations for en-
5 suring that the individuals covered by sub-
6 section (a) are appropriately screened to miti-
7 gate security and safety risks, including to de-
8 tect substance abuse;

9 (B) communication and collaboration be-
10 tween the Coast Guard, the department in
11 which the Coast Guard is operating, and rel-
12 evant stakeholders regarding the development
13 of processes and requirements for conducting
14 background checks and ensuring such individ-
15 uals receive basic safety familiarization and
16 basic safety training approved by the Coast
17 Guard;

18 (C) any identified legislative changes nec-
19 essary to implement effective training and
20 screening requirements for individuals covered
21 by subsection (a); and

22 (D) the timeline and milestones for imple-
23 menting such requirements.

1 **SEC. 8314. CONFORMING AMENDMENTS: TRAINING; PUBLIC**
2 **SAFETY PERSONNEL.**

3 Chapter 701 of title 46, United States Code, is
4 amended—

5 (1) in section 70107—

6 (A) in subsection (a), by striking “law en-
7 forcement personnel” and inserting “public
8 safety personnel”;

9 (B) in subsection (b)(8), by striking “law
10 enforcement personnel—” and inserting “public
11 safety personnel—”; and

12 (C) in subsection (c)(2)(C), by striking
13 “law enforcement agency personnel” and insert-
14 ing “public safety personnel”; and

15 (2) in section 70132—

16 (A) in subsection (a), by striking “law en-
17 forcement personnel—” and inserting “public
18 safety personnel—”;

19 (B) in subsection (b), by striking “law en-
20 forcement personnel” each place it appears and
21 inserting “public safety personnel”; and

22 (C) by adding at the end the following:

23 “(d) PUBLIC SAFETY PERSONNEL DEFINED.—For
24 the purposes of this section, the term ‘public safety per-
25 sonnel’ includes any Federal, State (or political subdivi-

1 sion thereof), territorial, or Tribal law enforcement officer,
2 firefighter, or emergency response provider.”.

3 **SEC. 8315. MARITIME TRANSPORTATION ASSESSMENT.**

4 Section 55501(e) of title 46, United States Code, is
5 amended—

6 (1) in paragraph (2), by striking “an assess-
7 ment of the condition” and inserting “a conditions
8 and performance analysis”;

9 (2) in paragraph (4), by striking “; and” and
10 inserting a semicolon;

11 (3) in paragraph (5), by striking the period and
12 inserting “; and”; and

13 (4) by adding at the end the following:

14 “(6) a compendium of the Federal programs
15 engaged in the maritime transportation system.”.

16 **SEC. 8316. ENGINE CUT-OFF SWITCHES; USE REQUIRE-**
17 **MENT.**

18 (a) IN GENERAL.—Section 4312 of title 46, United
19 States Code, is amended—

20 (1) by redesignating subsections (b), (c), and
21 (d) as subsections (c), (d), and (e), respectively; and

22 (2) by inserting after subsection (a) the fol-
23 lowing:

24 “(b) USE REQUIREMENT.—

1 “(1) IN GENERAL.—An individual operating a
2 covered recreational vessel shall use an engine cut-
3 off switch link while operating on plane or above dis-
4 placement speed.

5 “(2) EXCEPTIONS.—The requirement under
6 paragraph (1) shall not apply if—

7 “(A) the main helm of the covered vessel
8 is installed within an enclosed cabin; or

9 “(B) the vessel does not have an engine
10 cut-off switch and is not required to have one
11 under subsection (a).”.

12 (b) CIVIL PENALTY.—Section 4311 of title 46,
13 United States Code, is amended by—

14 (1) redesignating subsections (c), (d), (e), (f),
15 and (g) as subsections (d), (e), (f), (g), and (h), re-
16 spectively; and

17 (2) inserting after subsection (b) the following:

18 “(c) A person violating section 4312(b) of this title
19 is liable to the United States Government for a civil pen-
20 alty of not more than—

21 “(1) \$100 for the first offense;

22 “(2) \$250 for the second offense; and

23 “(3) \$500 for any subsequent offense.”.

24 (c) EFFECTIVE DATE.—The amendments made in
25 subsections (a) and (b) shall take effect 90 days after the

1 date of the enactment of this section, unless the Com-
2 mandant, prior to the date that is 90 days after the date
3 of the enactment of this section, determines that the use
4 requirement enacted in subsection (a) would not promote
5 recreational boating safety.

6 **SEC. 8317. AUTHORITY TO WAIVE OPERATOR OF SELF-PRO-**
7 **PELLED UNINSPECTED PASSENGER VESSEL**
8 **REQUIREMENTS.**

9 Section 8905 of title 46, United States Code, is
10 amended by adding at the end the following:

11 “(c) After consultation with the Governor of Alaska
12 and the State boating law administrator of Alaska, the
13 Secretary may exempt an individual operating a self-pro-
14 pelled uninspected passenger vessel from the requirements
15 of section 8903 of this title, if—

16 “(1) the individual only operates such vessel
17 wholly within waters located in Alaska; and

18 “(2) such vessel is—

19 “(A) 26 feet or less in length; and

20 “(B) carrying not more than 6 pas-
21 sengers.”.

22 **SEC. 8318. EXEMPTIONS AND EQUIVALENTS.**

23 (a) IN GENERAL.—Section 4305 of title 46, United
24 States Code, is amended—

1 (1) by striking the heading and inserting the
2 following:

3 **“§ 4305. Exemptions and equivalents”;**

4 (2) by striking “If the Secretary” and inserting
5 the following:

6 “(a) EXEMPTIONS.—If the Secretary”; and

7 (3) by adding at the end the following:

8 “(b) EQUIVALENTS.—The Secretary may accept a
9 substitution for associated equipment performance or
10 other safety standards for a recreational vessel if the sub-
11 stitution provides an equivalent level of safety.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 43 of title 46, United States Code, is amended by
14 striking the item relating to section 4305 and inserting
15 the following:

“4305. Exemptions and equivalents.”.

16 **SEC. 8319. RENEWAL OF MERCHANT MARINER LICENSES**
17 **AND DOCUMENTS.**

18 Not later than 60 days after the date of the enact-
19 ment of this Act, the Commandant shall provide to the
20 Committee on Transportation and Infrastructure of the
21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate a brief-
23 ing on the Coast Guard’s implementation of section 7106
24 of title 46, United States Code—

1 (1) an overview of the manner in which the
2 Coast Guard manages and processes renewal appli-
3 cations under such section, including communication
4 with the applicant regarding application status;

5 (2) the number of applications received and ap-
6 proved over the previous 2 years, or in the event ap-
7 plications were denied, a summary detailing the rea-
8 sons for such denial;

9 (3) an accounting of renewal applications filed
10 up to 8 months in advance of the expiration of a
11 pre-existing license, including the processing of such
12 applications and communication with the applicant
13 regarding application status or any other extenu-
14 ating circumstances; and

15 (4) any other regulatory or statutory changes
16 that would be necessary to further improve the
17 Coast Guard's issuance of credentials to fully quali-
18 fied mariners in the most effective and efficient
19 manner possible in order to ensure a safe, secure,
20 economically and environmentally sound marine
21 transportation system.

22 **SEC. 8320. CERTIFICATE EXTENSIONS.**

23 (a) IN GENERAL.—Subchapter I of chapter 121 of
24 title 46, United States Code, is amended by adding at the
25 end the following:

1 **“§ 12108. Authority to extend duration of vessel cer-**
2 **tificates**

3 “(a) CERTIFICATES.—Provided a vessel is in compli-
4 ance with inspection requirements in section 3313, the
5 Secretary of the department in which in the Coast Guard
6 is operating may, if the Secretary makes the determina-
7 tion described in subsection (b), extend, for a period of
8 not more than 1 year, an expiring certificate of docu-
9 mentation issued for a vessel under chapter 121.

10 “(b) DETERMINATION.—The determination referred
11 to in subsection (a) is a determination that such extension
12 is required to enable the Coast Guard to—

13 “(1) eliminate a backlog in processing applica-
14 tions for such certificates; or

15 “(2) act in response to a national emergency or
16 natural disaster.

17 “(c) MANNER OF EXTENSION.—Any extension grant-
18 ed under this section may be granted to individual vessels
19 or to a specifically identified group of vessels.”.

20 (b) CLERICAL AMENDMENT.—The analysis for sub-
21 chapter I of chapter 121 of title 46, United States Code,
22 is amended by adding at the end the following:

“12108. Authority to extend duration of vessel certificates.”.

1 **SEC. 8321. VESSEL SAFETY STANDARDS.**

2 (a) FISHING SAFETY TRAINING GRANTS PRO-
3 GRAM.—Subsection (i) of section 4502 of title 46, United
4 States Code, is amended—

5 (1) in paragraph (3), by striking “50 percent”
6 and inserting “75 percent”; and

7 (2) in paragraph (4), by striking “2019” and
8 inserting “2021”.

9 (b) FISHING SAFETY RESEARCH GRANT PRO-
10 GRAM.—Subsection (j) of such section is amended—

11 (1) in paragraph (3), by striking “50 percent”
12 and inserting “75 percent”; and

13 (2) in paragraph (4), by striking “2019” and
14 inserting “2021”.

15 (c) FISHING SAFETY GRANTS.—The cap on the Fed-
16 eral share of the cost of any activity carried out with a
17 grant under subsections (i) and (j) of section 4502 of title
18 46, United States Code, as in effect prior to the date of
19 enactment of the Frank LoBiondo Coast Guard Author-
20 ization Act of 2018, shall apply to any funds appropriated
21 under the Consolidated Appropriations Act, 2017 (Public
22 Law 115–31) for the purpose of making such grants.

23 **SEC. 8322. MEDICAL STANDARDS.**

24 (a) IN GENERAL.—Chapter 35 of title 46, United
25 States Code, is amended by adding at the end the fol-
26 lowing:

1 **“§ 3509. Medical standards**

2 “The owner of a vessel to which section 3507 applies
3 shall ensure that—

4 “(1) a physician is always present and available
5 to treat any passengers who may be on board the
6 vessel in the event of an emergency situation;

7 “(2) the vessel is in compliance with the Health
8 Care Guidelines for Cruise Ship Medical Facilities
9 established by the American College of Emergency
10 Physicians; and

11 “(3) the initial safety briefing given to the pas-
12 sengers on board the vessel includes—

13 “(A) the location of the vessel’s medical fa-
14 cilities; and

15 “(B) the appropriate steps passengers
16 should follow during a medical emergency.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 35 of title 46, United States Code, is amended by add-
19 ing at the end the following:

“3509. Medical standards.”.

20 **Subtitle C—Advisory Committees**

21 **SEC. 8331. ADVISORY COMMITTEES.**

22 (a) NATIONAL OFFSHORE SAFETY ADVISORY COM-
23 MITTEE; REPRESENTATION.—Section 15106(c)(3) of title
24 46, United States Code, is amended—

1 (1) in subparagraph (C), by striking “mineral
2 and oil operations, including geophysical services”
3 and inserting “operations”;

4 (2) in subparagraph (D), by striking “explo-
5 ration and recovery”;

6 (3) in subparagraph (E), by striking “engaged
7 in diving services related to offshore construction,
8 inspection, and maintenance” and inserting “pro-
9 viding diving services to the offshore industry”;

10 (4) in subparagraph (F), by striking “engaged
11 in safety and training services related to offshore ex-
12 ploration and construction” and inserting “providing
13 safety and training services to the offshore indus-
14 try”;

15 (5) in subparagraph (G), by striking “engaged
16 in pipelaying services related to offshore construc-
17 tion” and inserting “providing subsea engineering,
18 construction, or remotely operated vehicle support to
19 the offshore industry”;

20 (6) in subparagraph (H), by striking “mineral
21 and energy”;

22 (7) in subparagraph (I), by inserting “and enti-
23 ties providing environmental protection, compliance,
24 or response services to the offshore industry” after
25 “national environmental entities”; and

1 (8) in subparagraph (J), by striking “deepwater
2 ports” and inserting “entities engaged in offshore oil
3 exploration and production on the Outer Continental
4 Shelf adjacent to Alaska”.

5 (b) TECHNICAL CORRECTIONS.—Section 15109 of
6 title 46, United States Code, is amended by inserting “or
7 to which this chapter applies” after “committee estab-
8 lished under this chapter” each place it appears.

9 **SEC. 8332. MARITIME TRANSPORTATION SYSTEM NATIONAL**
10 **ADVISORY COMMITTEE.**

11 (a) MARITIME TRANSPORTATION SYSTEM NATIONAL
12 ADVISORY COMMITTEE.—Chapter 555 of title 46, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 55502. Maritime Transportation System National**
16 **Advisory Committee**

17 “(a) ESTABLISHMENT.—There is established a Mari-
18 time Transportation System National Advisory Committee
19 (in this section referred to as the ‘Committee’).

20 “(b) FUNCTION.—The Committee shall advise the
21 Secretary of Transportation on matters relating to the
22 United States maritime transportation system and its
23 seamless integration with other segments of the transpor-
24 tation system, including the viability of the United States
25 Merchant Marine.

1 “(c) MEMBERSHIP.—

2 “(1) IN GENERAL.—The Committee shall con-
3 sist of 27 members appointed by the Secretary of
4 Transportation in accordance with this section and
5 section 15109.

6 “(2) EXPERTISE.—Each member of the Com-
7 mittee shall have particular expertise, knowledge,
8 and experience in matters relating to the function of
9 the Committee.

10 “(3) REPRESENTATION.—Members of the Com-
11 mittee shall be appointed as follows:

12 “(A) At least one member shall represent
13 the Environmental Protection Agency.

14 “(B) At least one member shall represent
15 the Department of Commerce.

16 “(C) At least one member shall represent
17 the Corps of Engineers.

18 “(D) At least one member shall represent
19 the Coast Guard.

20 “(E) At least one member shall represent
21 Customs and Border Protection.

22 “(F) At least one member shall represent
23 State and local governmental entities.

24 “(G) Additional members shall represent
25 private sector entities that reflect a cross-sec-

1 tion of maritime industries, including port and
2 water stakeholders, academia, and labor.

3 “(H) The Secretary may appoint addi-
4 tional representatives from other Federal agen-
5 cies as the Secretary considers appropriate.

6 “(4) RESTRICTIONS ON MEMBERS REP-
7 RESENTING FEDERAL AGENCIES.—Members of the
8 Committee that represent Federal agencies shall
9 not—

10 “(A) comprise more than one-third of the
11 total membership of the Committee or of any
12 subcommittee therein; or

13 “(B) serve as the chair or co-chair of the
14 Committee or of any subcommittee therein.

15 “(5) ADMINISTRATION.—For purposes of sec-
16 tion 15109—

17 “(A) the Committee shall be treated as a
18 committee established under chapter 151; and

19 “(B) the Secretary of Transportation shall
20 fulfill all duties and responsibilities and have all
21 authorities of the Secretary of Homeland Secu-
22 rity with regard to the Committee.”.

23 (b) TREATMENT OF EXISTING COMMITTEE.—Not-
24 withstanding any other provision of law—

1 (1) an advisory committee substantially similar
2 to the Committee established by section 55502 of
3 title 46, United States Code, and that was in force
4 or in effect on the day before the date of the enact-
5 ment of this Act, including the charter, membership,
6 and other aspects of such advisory committee, may
7 remain in force or in effect for the 2-year period be-
8 ginning on the date of the enactment of this section;
9 and

10 (2) during such 2-year period—

11 (A) requirements relating the Maritime
12 Transportation System National Advisory Com-
13 mittee established by such section shall be
14 treated as satisfied by such substantially similar
15 advisory committee; and

16 (B) the enactment of this section shall not
17 be the basis—

18 (i) to deem, find, or declare such com-
19 mittee, including the charter, membership,
20 and other aspects thereof, void, not in
21 force, or not in effect;

22 (ii) to suspend the activities of such
23 committee; or

24 (iii) to bar the members of such com-
25 mittee from a meeting.

1 (c) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 555 of title 46, United States Code, is amended by
3 adding at the end the following:

“55502. Maritime Transportation System National Advisory Committee.”.

4 (d) MARINE HIGHWAYS.—

5 (1) REPEAL.—Section 55603 of title 46, United
6 States Code, and the item relating to that section in
7 the analysis for chapter 556 of that title, are re-
8 pealed.

9 (2) MARINE HIGHWAYS PROGRAM.—The chap-
10 ter heading of chapter 556 of title 46, United States
11 Code, is amended to read “**MARINE HIGH-**
12 **WAYS**”.

13 (3) MARINE HIGHWAYS.—Section 55601 of title
14 46, United States Code, is amended—

15 (A) in the section heading by striking
16 “**Short sea**” and inserting “**Marine high-**
17 **ways**”;

18 (B) by striking “short sea” and inserting
19 “marine highway” each place such term ap-
20 pears;

21 (C) in subsection (a)—

22 (i) by striking “transportation pro-
23 gram” and inserting “transportation pro-
24 gram to be known as the ‘America’s Ma-
25 rine highway program’ ”; and

1 (ii) by striking “mitigate landside con-
2 gestion or to promote short sea transpor-
3 tation” and insert “provide a coordinated
4 and capable alternative to landside trans-
5 portation or to promote marine highway
6 transportation”; and

7 (D) in subsection (b)—

8 (i) in the subsection heading by strik-
9 ing “SHORT SEA TRANSPORTATION” and
10 inserting “MARINE HIGHWAY TRANSPOR-
11 TATION”; and

12 (ii) by striking paragraph (1) and in-
13 serting the following:

14 “(1) vessels documented under chapter 121 of
15 this title;”.

16 (4) CARGO AND SHIPPERS; INTERAGENCY CO-
17 ORDINATION AND RESEARCH.—Sections 55602 and
18 55604 of title 46, United States Code, are amended
19 by striking “short sea” and inserting “marine high-
20 way” each place such term appears.

21 (5) RESEARCH ON MARINE HIGHWAYS TRANS-
22 PORTATION.—Section 55604 of title 46, United
23 States Code, is amended in the section heading by
24 striking “**short sea**” and inserting “**marine**
25 **highway**”

1 (6) DEFINITION.—Section 55605 of title 46,
2 United States Code, is amended—

3 (A) in the section heading by striking
4 “**Short sea**” and inserting “**Marine high-**
5 **way**”; and

6 (B) by striking “short sea transportation”
7 and inserting “marine highway transportation”.

8 (7) CLERICAL AMENDMENTS.—The analysis for
9 chapter 556 of title 46, United States Code, is
10 amended—

11 (A) by striking the item related to chapter
12 556 and inserting the following:

“CHAPTER 556—MARINE HIGHWAYS”;

13 (B) by striking the item related to section
14 55601 and inserting the following:

“55601. Marine highways transportation program.”;

15 (C) by striking the item related to section
16 55604 and inserting the following:

“55604. Research on marine highway transportation.”; and

17 (D) by striking the item related to section
18 55605 and inserting the following:

“55605. Marine highway transportation defined.”.

19 **SEC. 8333. EXPIRED MARITIME LIENS.**

20 Section 31343(e) of title 46, United States Code, is
21 amended—

22 (1) by inserting “(1)” before “A notice”; and

1 (2) by inserting after paragraph (1), as so des-
2 ignated by this section, the following:

3 “(2) On expiration of a notice of claim of lien under
4 paragraph (1), and after a request by the vessel owner,
5 the Secretary shall annotate the abstract of title to reflect
6 the expiration of the lien.”.

7 **SEC. 8334. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

8 (a) IN GENERAL.—Section 9307 of title 46, United
9 States Code, is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “seven”
12 and inserting “8”; and

13 (B) in paragraph (2)—

14 (i) in subparagraph (B), by striking
15 “representing the interests of” and insert-
16 ing “chosen from among nominations
17 made by”;

18 (ii) in subparagraph (C), by striking
19 “representing the interests of Great Lakes
20 ports” and inserting “chosen from among
21 nominations made by Great Lakes port au-
22 thorities and marine terminals”;

23 (iii) in subparagraph (D)—

24 (I) by striking “representing the
25 interests of” and inserting “chosen

1 from among nominations made by”;

2 and

3 (II) by striking “; and” and in-

4 serting a semicolon;

5 (iv) by redesignating subparagraph

6 (E) as subparagraph (F);

7 (v) by inserting after subparagraph

8 (D) the following:

9 “(E) one member chosen from among nomina-

10 tions made by Great Lakes maritime labor organiza-

11 tions; and”; and

12 (vi) in subparagraph (F), as so redes-

13 ignated, by striking “with a background in

14 finance or accounting,”; and

15 (2) in subsection (f)(1), by striking “2020” and

16 inserting “2030”.

17 (b) COMMITTEE DEEMED NOT EXPIRED.—Notwith-

18 standing section 9307(f)(1) of title 46, United States

19 Code, in any case in which the date of enactment of this

20 Act occurs after September 30, 2020, the Great Lakes Pi-

21 lotage Advisory Committee in existence as of September

22 30, 2020, shall be deemed not expired during the period

23 beginning on September 30, 2020 through the date of en-

24 actment of this Act. Accordingly, the committee member-

1 ship, charter, and the activities of such Committee shall
2 continue as though such Committee had not expired.

3 **SEC. 8335. NATIONAL COMMERCIAL FISHING SAFETY ADVI-**
4 **SORY COMMITTEE.**

5 (a) NATIONAL COMMERCIAL FISHING SAFETY ADVI-
6 SORY COMMITTEE.—

7 (1) AMENDMENTS TO SECTION 15102.—Section
8 15102 of title 46, United States Code, is amended—

9 (A) in subsection (b)—

10 (i) in paragraph (1)—

11 (I) by inserting “and provide rec-
12 ommendations in writing to” after
13 “advise”; and

14 (II) in subparagraph (E), by
15 striking “and” after the semicolon;
16 and

17 (ii) in paragraph (2)—

18 (I) by striking the period and in-
19 serting “; and”; and

20 (II) by adding at the end the fol-
21 lowing:

22 “(3) review marine casualties and investigations
23 of vessels covered by chapter 45 of this title and
24 make recommendations to the Secretary to improve
25 safety and reduce vessel casualties.”; and

1 (B) by adding at the end the following:

2 “(d) QUORUM.—A quorum of 10 members is required
3 to send any written recommendations from the Committee
4 to the Secretary.

5 “(e) SAVINGS CLAUSE.—Nothing in this section shall
6 preclude the Secretary from taking emergency action to
7 ensure safety and preservation of life at sea.”.

8 (2) AMENDMENTS TO SECTION 15109.—Section
9 15109 of title 46, United States Code, is amended—

10 (A) in subsection (a)—

11 (i) by striking “Each” and inserting
12 the following:

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), each”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(2) MINIMUM REQUIREMENTS.—The com-
18 mittee established under section 15102, shall—

19 “(A) meet in-person, not less frequently
20 than twice each year, at the call of the Sec-
21 retary of a majority of the members of the com-
22 mittee;

23 “(B) hold additional meetings as nec-
24 essary;

1 “(C) post the minutes of each meeting of
2 the committee on a publicly available website
3 not later than 2 weeks after the date on which
4 a meeting concludes; and

5 “(D) provide reasonable public notice of
6 any meeting of the committee, and publish such
7 notice in the Federal Register and on a publicly
8 available website.”;

9 (B) in subsection (f)(8)—

10 (i) by striking “Notwithstanding” and
11 inserting the following:

12 “(A) REAPPOINTMENT.—Notwith-
13 standing”; and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(B) LIMITATION.—With respect to the
17 committee established under section 15102,
18 members may serve not more than 3 terms.”;

19 (C) in subsection (j)(3)—

20 (i) in subparagraph (B), by striking
21 “and”;

22 (ii) in subparagraph (C), by striking
23 the period and inserting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) make all responses required by sub-
2 paragraph (C) which are related to rec-
3 ommendations made by the committee estab-
4 lished under section 15102 available to the pub-
5 lic not later than 30 days after the date of re-
6 sponse.”;

7 (D) by amending subsection (k) to read as
8 follows:

9 “(k) OBSERVERS.—

10 “(1) IN GENERAL.—Any Federal agency with
11 matters under such agency’s administrative jurisdic-
12 tion related to the function of a committee estab-
13 lished under this chapter may designate a represent-
14 ative to—

15 “(A) attend any meeting of such com-
16 mittee; and

17 “(B) participate as an observer at meet-
18 ings of such committee that relate to such a
19 matter.

20 “(2) NATIONAL COMMERCIAL FISHING SAFETY
21 ADVISORY COMMITTEE.—With respect to the com-
22 mittee established under section 15102, the Com-
23 mandant of the Coast Guard shall designate a rep-
24 resentative under paragraph (1).”;

1 (E) in subsection (l), by striking “2027”
2 and inserting “2029”;

3 (F) by redesignating subsection (l) as sub-
4 section (m);

5 (G) by inserting after subsection (k) the
6 following:

7 “(l) TECHNICAL ASSISTANCE.—

8 “(1) IN GENERAL.—The Secretary shall provide
9 technical assistance to the Committee if requested
10 by the Chairman.

11 “(2) COMMITTEE CONSULTATION.—With re-
12 spect to the committee established under section
13 15102, the Chairman of the committee shall seek ex-
14 pertise from the fishing industry, marine safety ex-
15 perts, the shipbuilding industry, and others as the
16 committee determines appropriate.”; and

17 (H) by adding at the end the following:

18 “(n) SAVINGS CLAUSE.—Nothing in this section shall
19 preclude the Secretary from taking emergency action to
20 ensure safety and preservation of life at sea.”.

1 **SEC. 8336. EXEMPTION OF COMMERCIAL FISHING VESSELS**
2 **OPERATING IN ALASKAN REGION FROM**
3 **GLOBAL MARITIME DISTRESS AND SAFETY**
4 **SYSTEM REQUIREMENTS OF FEDERAL COM-**
5 **MUNICATIONS COMMISSION.**

6 (a) **DEFINITION OF SECRETARY.**—In this section, the
7 term “Secretary” means the Secretary of the department
8 in which the Coast Guard is operating.

9 (b) **EXEMPTION.**—Subject to subsection (c), the Fed-
10 eral Communications Commission shall exempt fishing
11 vessels that primarily operate in the Alaskan Region, in-
12 cluding fishing vessels that transit from States in the Pa-
13 cific Northwest to conduct fishing operations in the Alas-
14 kan Region, from the requirements relating to carriage of
15 VHF–DSC and MF–DSC equipment under subpart W of
16 part 80 of title 47, Code of Federal Regulations, or any
17 successor regulation.

18 (c) **FUNCTIONAL REQUIREMENTS.**—A fishing vessel
19 exempted under subsection (b) shall—

20 (1) be capable of transmitting ship-to-shore dis-
21 tress alerts using not fewer than 2 separate and
22 independent systems, each using a different radio
23 communication service;

24 (2) be equipped with—

25 (A) a VHF radiotelephone installation;

1 (B) an MF or HF radiotelephone installa-
2 tion;

3 (C) a Category 1, 406.0–406.1 MHz
4 EPIRB meeting the requirements of section
5 80.1061 of title 47, Code of Federal Regula-
6 tions, or any successor regulation;

7 (D) a NAVTEX receiver meeting the re-
8 quirements of section 80.1101(c)(1) of title 47,
9 Code of Federal Regulations, or any successor
10 regulation;

11 (E) survival craft equipment meeting the
12 requirements of section 80.1095 of title 47,
13 Code of Federal Regulations, or any successor
14 regulation; and

15 (F) a Search and Rescue Transponder
16 meeting the requirements of section
17 80.1101(c)(6) of title 47, Code of Federal Reg-
18 ulations, or any successor regulation;

19 (3) maintain a continuous watch on VHF
20 Channel 16; and

21 (4) as an alternative to the equipment listed in
22 subparagraphs (A) through (F) of paragraph (2),
23 carry equipment found by the Federal Communica-
24 tions Commission, in consultation with the Sec-

1 retary, to be equivalent or superior with respect to
2 ensuring the safety of the vessel.

3 (d) DEFINITION OF ALASKAN REGION.—Not later
4 than 30 days after the date of enactment of this Act, the
5 Secretary shall define the term “Alaskan Region” for pur-
6 poses of this section. The Secretary shall include in the
7 definition of such term the area of responsibility of Coast
8 Guard District 17.

9 **Subtitle D—Ports**

10 **SEC. 8341. PORT, HARBOR, AND COASTAL FACILITY SECU-** 11 **RITY.**

12 Section 70116 of title 46, United States Code, is
13 amended—

14 (1) in subsection (a), by inserting “, cyber inci-
15 dents, transnational organized crime, and foreign
16 state threats” after “an act of terrorism”;

17 (2) in subsection (b)—

18 (A) in paragraphs (1) and (2), by inserting
19 “cyber incidents, transnational organized crime,
20 and foreign state threats” after “terrorism”
21 each place it appears; and

22 (B) in paragraph (3)—

23 (i) by striking “armed” and inserting
24 “, armed (as needed),”; and

1 (ii) by striking “terrorism or trans-
2 portation security incidents,” and inserting
3 “terrorism, cyber incidents, transnational
4 organized crime, foreign state threats, or
5 transportation security incidents,”; and

6 (3) in subsection (c)—

7 (A) by striking “70034,” and inserting
8 “70033,”; and

9 (B) by adding at the end the following new
10 sentence: “When preventing or responding to
11 acts of terrorism, cyber incidents, transnational
12 organized crime, or foreign state threats, the
13 Secretary may carry out this section without re-
14 gard to chapters 5 and 6 of title 5 or Executive
15 Order Nos. 12866 and 13563.”.

16 **SEC. 8342. AIMING LASER POINTER AT VESSEL.**

17 (a) IN GENERAL.—Subchapter II of chapter 700 of
18 title 46, United States Code, is amended by adding at the
19 end the following:

20 **“§ 70014. Aiming laser pointer at vessel**

21 “(a) PROHIBITION.—It shall be unlawful to cause the
22 beam of a laser pointer to strike a vessel operating on the
23 navigable waters of the United States.

24 “(b) EXCEPTIONS.—This section shall not apply to
25 a member or element of the Department of Defense or

1 Department of Homeland Security acting in an official ca-
2 pacity for the purpose of research, development, oper-
3 ations, testing, or training.

4 “(c) LASER POINTER DEFINED.—In this section the
5 term ‘laser pointer’ means any device designed or used to
6 amplify electromagnetic radiation by stimulated emission
7 that emits a beam designed to be used by the operator
8 as a pointer or highlighter to indicate, mark, or identify
9 a specific position, place, item, or object.”.

10 (b) CLERICAL AMENDMENT.—The analysis for sub-
11 chapter II of chapter 700 of title 46, United States Code,
12 is amended by adding at the end the following:

“70014. Aiming laser pointer at vessel.”.

13 **SEC. 8343. SAFETY OF SPECIAL ACTIVITIES.**

14 (a) IN GENERAL.—The Secretary of the department
15 in which the Coast Guard is operating shall conduct a 2-
16 year pilot program to establish and implement a process
17 to—

18 (1) establish safety zones to address special ac-
19 tivities in the exclusive economic zone;

20 (2) account for the number of safety zones es-
21 tablished for special activities;

22 (3) differentiate whether an applicant who re-
23 quests a safety zone for such activities is—

24 (A) an individual;

25 (B) an organization; or

1 (C) a government entity; and

2 (4) account for Coast Guard resources utilized
3 to enforce safety zones established for special activi-
4 ties, including—

5 (A) the number of Coast Guard or Coast
6 Guard Auxiliary vessels used; and

7 (B) the number of Coast Guard or Coast
8 Guard Auxiliary patrol hours required.

9 (b) BRIEFING.—Not later than 180 days after the ex-
10 piration of the 2-year pilot program, the Commandant
11 shall brief the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate regarding—

15 (1) the process required under subsection (a);
16 and

17 (2) whether the authority to establish safety
18 zones to address special activities in the exclusive
19 economic zone should be extended or made perma-
20 nent in the interest of safety.

21 (c) DEFINITIONS.—In this section:

22 (1) SAFETY ZONE.—The term “safety zone”
23 has the meaning given such term in section 165.20
24 of title 33, Code of Federal Regulations.

1 (2) SPECIAL ACTIVITIES.—The term “special
2 activities” includes—

3 (A) space activities, including launch and
4 reentry, as such terms are defined in section
5 50902 of title 51, United States Code, carried
6 out by United States citizens; and

7 (B) offshore energy development activities,
8 as described in section 8(p)(1)(C) of the Outer
9 Continental Shelf Lands Act (43 U.S.C.
10 1337(p)(1)(C)), on or near a fixed platform.

11 (3) UNITED STATES CITIZEN.—The term
12 “United States citizen” has the meaning given the
13 term “eligible owners” in section 12103 of title 46,
14 United States Code.

15 (4) FIXED PLATFORM.—The term “fixed plat-
16 form” means an artificial island, installation, or
17 structure permanently attached to the sea-bed for
18 the purpose of exploration or exploitation of re-
19 sources or for other economic purposes.

20 **SEC. 8344. SECURITY PLANS; REVIEWS.**

21 Section 70103 of title 46, United States Code, is
22 amended—

23 (1) by amending subsection (b)(3) to read as
24 follows:

1 “(3) The Secretary shall review and approve
2 Area Maritime Transportation Security Plans and
3 updates under this subsection.”; and

4 (2) in subsection (c)(4), by inserting “or up-
5 date” after “plan” each place it appears.

6 **SEC. 8345. VESSEL TRAFFIC SERVICE.**

7 Section 70001 of title 46, United States Code, is
8 amended to read as follows:

9 **“§ 70001. Vessel traffic services**

10 “(a) IN GENERAL.—Subject to the requirements of
11 section 70004, the Secretary—

12 “(1) in any port or place under the jurisdiction
13 of the United States, in the navigable waters of the
14 United States, or in any area covered by an inter-
15 national agreement negotiated pursuant to section
16 70005, may construct, operate, maintain, improve,
17 or expand vessel traffic services, that consist of
18 measures for controlling or supervising vessel traffic
19 or for protecting navigation and the marine environ-
20 ment and that may include one or more of reporting
21 and operating requirements, surveillance and com-
22 munications systems, routing systems, and fairways;

23 “(2) shall require appropriate vessels that oper-
24 ate in an area of a vessel traffic service to utilize or
25 comply with that service;

1 “(3) may require vessels to install and use spec-
2 ified navigation equipment, communications equip-
3 ment, electronic relative motion analyzer equipment,
4 or any electronic or other device necessary to comply
5 with a vessel traffic service or that is necessary in
6 the interests of vessel safety, except that the Sec-
7 retary shall not require fishing vessels under 300
8 gross tons as measured under section 14502, or an
9 alternate tonnage measured under section 14302 as
10 prescribed by the Secretary under section 14104, or
11 recreational vessels 65 feet or less to possess or use
12 the equipment or devices required by this subsection
13 solely under the authority of this chapter;

14 “(4) may control vessel traffic in areas subject
15 to the jurisdiction of the United States that the Sec-
16 retary determines to be hazardous, or under condi-
17 tions of reduced visibility, adverse weather, vessel
18 congestion, or other hazardous circumstances, by—

19 “(A) specifying times of entry, movement,
20 or departure;

21 “(B) establishing vessel traffic routing
22 schemes;

23 “(C) establishing vessel size, speed, or
24 draft limitations and vessel operating condi-
25 tions; and

1 “(D) restricting operation, in any haz-
2 ardous area or under hazardous conditions, to
3 vessels that have particular operating character-
4 istics or capabilities that the Secretary con-
5 siders necessary for safe operation under the
6 circumstances;

7 “(5) may require the receipt of prearrival mes-
8 sages from any vessel, destined for a port or place
9 subject to the jurisdiction of the United States, in
10 sufficient time to permit advance vessel traffic plan-
11 ning before port entry, which shall include any infor-
12 mation that is not already a matter of record and
13 that the Secretary determines necessary for the con-
14 trol of the vessel and the safety of the port or the
15 marine environment; and

16 “(6) may prohibit the use on vessels of elec-
17 tronic or other devices that interfere with commu-
18 nication and navigation equipment, except that such
19 authority shall not apply to electronic or other de-
20 vices certified to transmit in the maritime services
21 by the Federal Communications Commission and
22 used within the frequency bands 157.1875–157.4375
23 MHz and 161.7875–162.0375 MHz.

24 “(b) NATIONAL POLICY.—

1 “(1) ESTABLISHMENT AND UPDATE OF NA-
2 TIONAL POLICY.—

3 “(A) ESTABLISHMENT OF POLICY.—Not
4 later than one year after the date of enactment
5 of this section, the Secretary shall establish a
6 national policy which is inclusive of local
7 variances permitted under subsection (c), to be
8 applied to all vessel traffic service centers and
9 publish such policy in the Federal Register.

10 “(B) UPDATE.—The Secretary shall peri-
11 odically update the national policy established
12 under subparagraph (A) and shall publish such
13 update in the Federal Register or on a publicly
14 available website.

15 “(2) ELEMENTS.—The national policy estab-
16 lished and updated under paragraph (1) shall in-
17 clude, at a minimum, the following:

18 “(A) Standardization of titles, roles, and
19 responsibilities for all personnel assigned, work-
20 ing, or employed in a vessel traffic service cen-
21 ter.

22 “(B) Standardization of organizational
23 structure within vessel traffic service centers, to
24 include supervisory and reporting chain and
25 processes.

1 “(C) Establishment of directives for the
2 application of authority provided to each vessel
3 traffic service center, specifically with respect to
4 directing or controlling vessel movement when
5 such action is justified in the interest of safety.

6 “(D) Establishment of thresholds and
7 measures for monitoring, informing, recom-
8 mending, and directing vessel traffic.

9 “(E) Establishment of national procedures
10 and protocols for vessel traffic management.

11 “(F) Standardization of training for all
12 vessel traffic service directors, operators, and
13 watchstanders.

14 “(G) Establishment of certification and
15 competency evaluation for all vessel traffic serv-
16 ice directors, operators, and watchstanders.

17 “(H) Establishment of standard operating
18 language when communicating with vessel traf-
19 fic users.

20 “(I) Establishment of data collection, stor-
21 age, management, archiving, and dissemination
22 policies and procedures for vessel incidents and
23 near-miss incidents.

24 “(c) LOCAL VARIANCES.—

1 “(1) DEVELOPMENT.—In this section, the Sec-
2 retary may provide for such local variances as the
3 Secretary considers appropriate to account for the
4 unique vessel traffic, waterway characteristics, and
5 any additional factors that are appropriate to en-
6 hance navigational safety in any area where vessel
7 traffic services are provided.

8 “(2) REVIEW AND APPROVAL BY SECRETARY.—
9 The Captain of the Port covered by a vessel traffic
10 service center may develop and submit to the Sec-
11 retary regional policies in addition to the national
12 policy established and updated under subsection (b)
13 to account for variances from that national policy
14 with respect to local vessel traffic conditions and vol-
15 ume, geography, water body characteristics, water-
16 way usage, and any additional factors that the Cap-
17 tain considers appropriate.

18 “(3) REVIEW AND IMPLEMENTATION.—Not
19 later than 180 days after receiving regional policies
20 under paragraph (2)—

21 “(A) the Secretary shall review such re-
22 gional policies; and

23 “(B) the Captain of the port concerned
24 shall implement the policies that the Secretary
25 approves.

1 “(4) MAINTENANCE.—The Secretary shall
2 maintain a central depository for all local variances
3 approved under this section.

4 “(d) COOPERATIVE AGREEMENTS.—

5 “(1) IN GENERAL.—The Secretary may enter
6 into cooperative agreements with public or private
7 agencies, authorities, associations, institutions, cor-
8 porations, organizations, or other persons to carry
9 out the functions under subsection (a)(1).

10 “(2) INTERNATIONAL COORDINATION.—With
11 respect to vessel traffic service areas that cross
12 international boundaries, the Secretary may enter
13 into bilateral or cooperative agreements with inter-
14 national partners to jointly carry out the functions
15 under subsection (a)(1) and to jointly manage such
16 areas to collect, share, assess, and analyze informa-
17 tion in the possession or control of the international
18 partner.

19 “(3) LIMITATION.—

20 “(A) INHERENTLY GOVERNMENTAL FUNC-
21 TION.—A nongovernmental entity may not
22 under this subsection carry out an inherently
23 governmental function.

24 “(B) DEFINITION OF INHERENTLY GOV-
25 ERNMENTAL FUNCTION.—In this paragraph,

1 the term ‘inherently governmental function’
2 means any activity that is so intimately related
3 to the public interest as to mandate perform-
4 ance by an officer or employee of the Federal
5 Government, including an activity that requires
6 either the exercise of discretion in applying the
7 authority of the Government or the use of judg-
8 ment in making a decision for the Government.

9 “(4) DISCLOSURE.—The Commandant of the
10 Coast Guard shall de-identify information prior to
11 release to the public, including near miss incidents.

12 “(e) PERFORMANCE EVALUATION.—

13 “(1) IN GENERAL.—The Secretary shall develop
14 and implement a standard method for evaluating the
15 performance of vessel traffic service centers.

16 “(2) ELEMENTS.—The standard method devel-
17 oped and implemented under paragraph (1) shall in-
18 clude, at a minimum, analysis and collection of data
19 with respect to the following within a vessel traffic
20 service area covered by each vessel traffic service
21 center:

22 “(A) Volume of vessel traffic, categorized
23 by type of vessel.

24 “(B) Total volume of flammable, combus-
25 tible, or hazardous liquid cargo transported,

1 categorized by vessel type as provided in the
2 Notice of Arrival, if applicable, or as deter-
3 mined by other means.

4 “(C) Data on near-miss incidents.

5 “(D) Data on marine casualties.

6 “(E) Application by vessel traffic operators
7 of traffic management authority during near-
8 miss incidents and marine casualties.

9 “(F) Other additional methods as the Sec-
10 retary considers appropriate.

11 “(3) REPORT.—Not later than 1 year after the
12 date of the enactment of this paragraph, and bienni-
13 ally thereafter, the Secretary shall submit to the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Trans-
16 portation and Infrastructure of the House of Rep-
17 resentatives a report on the evaluation conducted
18 under paragraph (1) of the performance of vessel
19 traffic service centers, including—

20 “(A) recommendations to improve safety
21 and performance; and

22 “(B) data regarding marine casualties and
23 near-miss incidents that have occurred during
24 the period covered by the report.

25 “(f) RISK ASSESSMENT PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 a continuous risk assessment program to evaluate
3 and mitigate safety risks for each vessel traffic serv-
4 ice area to improve safety and reduce the risks of oil
5 and hazardous material discharge in navigable
6 waters.

7 “(2) METHOD FOR ASSESSMENT.—The Sec-
8 retary, in coordination with stakeholders and the
9 public, shall develop a standard method for con-
10 ducting risk assessments under paragraph (1) that
11 includes the collection and management of all infor-
12 mation necessary to identify and analyze potential
13 hazardous navigational trends within a vessel traffic
14 service area.

15 “(3) INFORMATION TO BE ASSESSED.—

16 “(A) IN GENERAL.—The Secretary shall
17 ensure that a risk assessment conducted under
18 paragraph (1) includes an assessment of the
19 following:

20 “(i) Volume of vessel traffic, cat-
21 egorized by type of vessel.

22 “(ii) Total volume of flammable, com-
23 bustible, or hazardous liquid cargo trans-
24 ported, categorized by vessel type as pro-

1 vided in the Notice of Arrival, if applicable,
2 or as determined by other means.

3 “(iii) Data on near-miss events inci-
4 dents.

5 “(iv) Data on marine casualties.

6 “(v) Geographic locations for near-
7 miss events incidents and marine casual-
8 ties, including latitude and longitude.

9 “(vi) Cyclical risk factors such as
10 weather, seasonal water body currents,
11 tides, bathymetry, and topography.

12 “(vii) Weather data, in coordination
13 with the National Oceanic and Atmos-
14 pheric Administration.

15 “(B) INFORMATION STORAGE AND MAN-
16 AGEMENT POLICIES.—The Secretary shall re-
17 tain all information collected under subpara-
18 graph (A) and ensure policies and procedures
19 are in place to standardize the format in which
20 that information is retained to facilitate statis-
21 tical analysis of that information to calculate
22 within a vessel traffic service area, at a min-
23 imum, the incident rate, intervention rate, and
24 casualty prevention rate.

25 “(4) PUBLIC AVAILABILITY.—

1 “(A) ASSESSMENTS AND INFORMATION.—

2 In accordance with section 552 of title 5, the
3 Secretary shall make any risk assessments con-
4 ducted under paragraph (1) and any informa-
5 tion collected under paragraph (3)(A) available
6 to the public.

7 “(B) INFORMATION IN POSSESSION OR
8 CONTROL OF INTERNATIONAL PARTNERS.—The
9 Secretary shall endeavor to coordinate with
10 international partners as described in sub-
11 section (d)(2) to enter into agreements to make
12 information collected, shared, and analyzed
13 under that paragraph available to the public.

14 “(C) DISCLOSURE.—The Commandant of
15 the Coast Guard shall de-identify information
16 prior to release to the public, including near-
17 miss incidents.

18 “(g) VESSEL TRAFFIC SERVICE TRAINING.—

19 “(1) TRAINING PROGRAM.—

20 “(A) IN GENERAL.—The Secretary shall
21 develop a comprehensive nationwide training
22 program for all vessel traffic service directors,
23 operators, and watchstanders.

24 “(B) ELEMENTS.—The comprehensive na-
25 tionwide training program under subparagraph

1 (A) and any variances to that program under
2 subsection (c) shall include, at a minimum, the
3 following:

4 “(i) Realistic vessel traffic scenarios
5 to the maximum extent practicable that in-
6 tegrate—

7 “(I) the national policy developed
8 under subsection (b);

9 “(II) international rules under
10 the International Navigational Rules
11 Act of 1977 (33 U.S.C. 1601 et seq.);

12 “(III) inland navigation rules
13 under part 83 of title 33, Code of
14 Federal Regulations;

15 “(IV) the application of vessel
16 traffic authority; and

17 “(V) communication with vessel
18 traffic service users.

19 “(ii) Proficiency training with respect
20 to use, interpretation, and integration of
21 available data on vessel traffic service dis-
22 play systems such as radar, and vessel
23 automatic identification system feeds.

24 “(iii) Practical application of—

1 “(I) the international rules under
2 the International Navigational Rules
3 Act of 1977 (33 U.S.C. 1601 et seq.);
4 and

5 “(II) the inland navigation rules
6 under part 83 of title 33, Code of
7 Federal Regulations.

8 “(iv) Proficiency training with respect
9 to the operation of radio communications
10 equipment and any other applicable sys-
11 tems necessary to execute vessel traffic
12 service authorities.

13 “(v) Incorporation of the Standard
14 Marine Communication Phrases adopted
15 by the International Maritime Organiza-
16 tion by resolution on April 4, 2000, as
17 amended and consolidated, or any suc-
18 cessor resolution.

19 “(vi) Incorporation to the maximum
20 extent possible of guidance and rec-
21 ommendations contained in vessel traffic
22 services operator training, vessel traffic
23 services supervisor training, or other rel-
24 evant training set forth by the Inter-

1 national Association of Marine Aids to
2 Navigation and Lighthouse Authorities.

3 “(vii) A minimum number of hours of
4 training for an individual to complete be-
5 fore the individual is qualified to fill a ves-
6 sel traffic services position without super-
7 vision.

8 “(viii) Local area geographic and
9 operational familiarization.

10 “(ix) Such additional components as
11 the Secretary considers appropriate.

12 “(2) STANDARD COMPETENCY QUALIFICATION
13 PROCESS.—

14 “(A) IN GENERAL.—The Secretary shall
15 develop a standard competency qualification
16 process to be applied to all personnel assigned,
17 employed, or working in a vessel traffic service
18 center.

19 “(B) APPLICATION OF PROCESS.—The
20 competency qualification process developed
21 under subparagraph (A) shall include measur-
22 able thresholds for determining proficiency.

23 “(3) INTERNATIONAL AND INLAND NAVIGATION
24 RULES TEST.—

1 “(A) IN GENERAL.—All personnel as-
2 signed, employed, or working in a vessel traffic
3 service center with responsibilities that include
4 communicating, interacting, or directing vessels
5 within a vessel traffic service area, as deter-
6 mined under the national policy developed
7 under subsection (b), shall be required to pass
8 a United States international and inland navi-
9 gation rules test developed by the Secretary.

10 “(B) ELEMENTS OF TEST.—The Secretary
11 shall determine the content and passing stand-
12 ard for the rules test developed under subpara-
13 graph (A).

14 “(C) TESTING FREQUENCY.—The Sec-
15 retary shall establish a frequency, not to exceed
16 once every 5 years, for personnel described in
17 subparagraph (A) to be required to pass the
18 rules test developed under such subparagraph.

19 “(h) RESEARCH ON VESSEL TRAFFIC.—

20 “(1) VESSEL COMMUNICATION.—The Secretary
21 shall conduct research, in consultation with subject
22 matter experts identified by the Secretary, to de-
23 velop more effective procedures for monitoring vessel
24 communications on radio frequencies to identify and
25 address unsafe situations in a vessel traffic service

1 area. The Secretary shall consider data collected
2 under subparagraph (A) of subsection (f)(3).

3 “(2) PROFESSIONAL MARINER REPRESENTA-
4 TION.—

5 “(A) IN GENERAL.—The Secretary shall
6 conduct research, in consultation with local
7 stakeholders and subject matter experts identi-
8 fied by the Secretary, to evaluate and determine
9 the feasibility, costs and benefits of representa-
10 tion by professional mariners on the vessel traf-
11 fic service watchfloor at each vessel traffic serv-
12 ice center.

13 “(B) IMPLEMENTATION.—The Secretary
14 shall implement representation by professional
15 mariners on the vessel traffic service watchfloor
16 at those vessel traffic service centers for which
17 it is determined feasible and beneficial pursuant
18 to research conducted under subparagraph (A).

19 “(i) INCLUSION OF IDENTIFICATION SYSTEM ON
20 CERTAIN VESSELS.—

21 “(1) IN GENERAL.—The National Navigation
22 Safety Advisory Committee shall advise and provide
23 recommendations to the Secretary on matters relat-
24 ing to the practicability, economic costs, regulatory
25 burden, and navigational impact of outfitting vessels

1 lacking independent means of propulsion that carry
2 flammable, combustible, or hazardous liquid cargo
3 with vessel automatic identification systems.

4 “(2) REGULATIONS.—Based on the evaluation
5 under paragraph (1), the Secretary shall prescribe
6 such regulations as the Secretary considers appro-
7 priate to establish requirements relating to the out-
8 fitting of vessels described in such subparagraph
9 with vessel automatic identification systems.

10 “(j) PERIODIC REVIEW OF VESSEL TRAFFIC SERV-
11 ICE NEEDS.—

12 “(1) IN GENERAL.—Based on the performance
13 evaluation conducted under subsection (e) and the
14 risk assessment conducted under subsection (f), the
15 Secretary shall periodically review vessel traffic serv-
16 ice areas to determine—

17 “(A) if there are any additional vessel traf-
18 fic service needs in those areas; and

19 “(B) if a vessel traffic service area should
20 be moved or modified.

21 “(2) INFORMATION TO BE ASSESSED.—

22 “(A) IN GENERAL.—The Secretary shall
23 ensure that a review conducted under para-
24 graph (1) includes an assessment of the fol-
25 lowing:

1 “(i) Volume of vessel traffic, cat-
2 egorized by type of vessel.

3 “(ii) Total volume of flammable, com-
4 bustible, or hazardous liquid cargo trans-
5 ported, categorized by vessel type as pro-
6 vided in the Notice of Arrival, if applicable,
7 or as determined by other means.

8 “(iii) Data on near miss incidents.

9 “(iv) Data on marine casualties.

10 “(v) Geographic locations for near-
11 miss incidents and marine casualties, in-
12 cluding latitude and longitude.

13 “(vi) Cyclical risk factors such as
14 weather, seasonal water body currents,
15 tides, bathymetry, and topography.

16 “(vii) Weather data, in coordination
17 with the National Oceanic and Atmos-
18 pheric Administration.

19 “(3) STAKEHOLDER INPUT.—In conducting the
20 periodic reviews under paragraph (1), the Secretary
21 shall seek input from port and waterway stake-
22 holders to identify areas of increased vessel conflicts
23 or marine casualties that could benefit from the use
24 of routing measures or vessel traffic service special

1 areas to improve safety, port security, and environ-
2 mental protection.

3 “(4) DISCLOSURE.—The Commandant of the
4 Coast Guard shall de-identify information prior to
5 release to the public, including near miss incidents.

6 “(k) LIMITATION OF LIABILITY FOR COAST GUARD
7 VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL
8 VESSEL TRAFFIC SERVICE OPERATORS.—

9 “(1) COAST GUARD VESSEL TRAFFIC SERVICE
10 PILOTS.—Any pilot, acting in the course and scope
11 of his or her duties while at a Coast Guard Vessel
12 Traffic Service Center, who provides information,
13 advice, or communication assistance while under the
14 supervision of a Coast Guard officer, member, or
15 employee shall not be liable for damages caused by
16 or related to such assistance unless the acts or omis-
17 sions of such pilot constitute gross negligence or
18 willful misconduct.

19 “(2) NON-FEDERAL VESSEL TRAFFIC SERVICE
20 OPERATORS.—An entity operating a non-Federal
21 vessel traffic information service or advisory service
22 pursuant to a duly executed written agreement with
23 the Coast Guard, and any pilot acting on behalf of
24 such entity, is not liable for damages caused by or
25 related to information, advice, or communication as-

1 sistance provided by such entity or pilot while so op-
2 erating or acting unless the acts or omissions of
3 such entity or pilot constitute gross negligence or
4 willful misconduct.

5 “(1) EXISTING AUTHORITY.—Nothing in this section
6 shall be construed to alter the existing authorities of the
7 Secretary to enhance navigation, vessel safety, marine en-
8 vironmental protection, and to ensure safety and preserva-
9 tion of life and property at sea.

10 “(m) DEFINITIONS.—In this section:

11 “(1) HAZARDOUS LIQUID CARGO.—The term
12 ‘hazardous liquid cargo’ has the meaning given that
13 term in regulations prescribed under section 5103 of
14 title 49.

15 “(2) MARINE CASUALTY.—The term ‘marine
16 casualty’ has the meaning given that term in regula-
17 tions prescribed under section 6101(a).

18 “(3) VESSEL TRAFFIC SERVICE AREA.—The
19 term ‘vessel traffic service area’ means an area spec-
20 ified in subpart C of part 161 of title 33, Code of
21 Federal Regulations, or any successor regulation.

22 “(4) VESSEL TRAFFIC SERVICE CENTER.—The
23 term ‘vessel traffic service center’ means a center for
24 the provision of vessel traffic services in a vessel
25 traffic service area.

1 “(5) NEAR MISS INCIDENT.—The term ‘near
2 miss incident’ means any occurrence or series of oc-
3 currences having the same origin, involving one or
4 more vessels, facilities, or any combination thereof,
5 resulting in the substantial threat of a marine cas-
6 ualty.

7 “(6) DE-IDENTIFIED.—The term ‘de-identified’
8 means the process by which all information that is
9 likely to establish the identity of the specific persons
10 or entities noted in the reports, data, or other infor-
11 mation is removed from the reports, data, or other
12 information.”.

13 **SEC. 8346. TRANSPORTATION WORK IDENTIFICATION CARD**
14 **PILOT PROGRAM.**

15 Section 70105(g) of title 46, United States Code, is
16 amended by striking “shall concurrently” and all that fol-
17 lows and inserting the following: “shall—

18 “(1) develop and, no later than 2 years after
19 the date of enactment of the Elijah E. Cummings
20 Coast Guard Authorization Act of 2020, implement
21 a joint application for merchant mariner’s docu-
22 ments under chapter 73 and for a transportation se-
23 curity card issued under this section; and

24 “(2) upon receipt of a joint application devel-
25 oped under paragraph (1) concurrently process an

1 application from an individual for merchant mari-
2 ner's documents under chapter 73 and an applica-
3 tion from such individual for a transportation secu-
4 rity card under this section.”.

5 **TITLE LVXXXIV—**
6 **MISCELLANEOUS**

Subtitle A—Navigation and Shipping

- Sec. 8401. Coastwise trade.
- Sec. 8402. Towing vessels operating outside boundary line.
- Sec. 8403. Sense of Congress regarding the maritime industry of the United States.
- Sec. 8404. Cargo preference study.
- Sec. 8405. Towing vessel inspection fees review.

Subtitle B—Maritime Domain Awareness

- Sec. 8411. Unmanned maritime systems and satellite vessel tracking technologies.
- Sec. 8412. Unmanned aircraft systems testing.
- Sec. 8413. Land-based unmanned aircraft system program of Coast Guard.
- Sec. 8414. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 8415. United States commercial space-based radio frequency maritime domain awareness testing and evaluation program.
- Sec. 8416. Authorization of use of automatic identification systems devices to mark fishing equipment.

Subtitle C—Arctic

- Sec. 8421. Coast Guard Arctic prioritization.
- Sec. 8422. Arctic PARS Native engagement.
- Sec. 8423. Voting requirement.
- Sec. 8424. Report on the Arctic capabilities of the Armed Forces.
- Sec. 8425. Report on Arctic search and rescue.
- Sec. 8426. Arctic Shipping Federal Advisory Committee.

Subtitle D—Other Matters

- Sec. 8431. Plan for wing-in-ground demonstration plan.
- Sec. 8432. Northern Michigan oil spill response planning.
- Sec. 8433. Documentation of LNG tankers.
- Sec. 8434. Replacement vessel.
- Sec. 8435. Educational vessel.
- Sec. 8436. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 8437. Anchorages.

Sec. 8438. Comptroller General of the United States study and report on vertical evacuation for tsunamis at Coast Guard Stations in Washington and Oregon.

Sec. 8439. Authority to enter into agreements with National Coast Guard Museum Association.

Sec. 8440. Video equipment; access and retention of records.

Sec. 8441. Regulations for covered small passenger vessels.

1 **Subtitle A—Navigation and** 2 **Shipping**

3 **SEC. 8401. COASTWISE TRADE.**

4 (a) IN GENERAL.—The Commandant shall review the
5 adequacy of and continuing need for provisions in title 46,
6 Code of Federal Regulations, that require a United States
7 vessel documented under chapter 121 of title 46, United
8 States Code, possessing a coastwise endorsement under
9 that chapter, and engaged in coastwise trade, to comply
10 with regulations for vessels engaged in an international
11 voyage.

12 (b) BRIEFING.—Not later than 180 days after the
13 date of the enactment of this Act, the Commandant shall
14 provide to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a briefing on the findings of the review required
18 under subsection (a) and a discussion of how existing laws
19 and regulations could be amended to ensure the safety of
20 vessels described in subsection (a) while infringing as little
21 as possible on commerce.

1 **SEC. 8402. TOWING VESSELS OPERATING OUTSIDE BOUND-**
2 **ARY LINE.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Boundary Line” has the meaning
5 given the term in section 103 of title 46, United
6 States Code;

7 (2) the term “Officer in Charge, Marine Inspec-
8 tion” has the meaning given the term in section
9 3305(d)(4) of title 46, United States Code; and

10 (3) the term “Secretary” means the Secretary
11 of the Department in which the Coast Guard is op-
12 erating.

13 (b) INTERIM EXEMPTION.—A towing vessel described
14 in subsection (c) and a response vessel included on a vessel
15 response plan are exempt from any additional require-
16 ments of subtitle II of title 46, United States Code, and
17 chapter I of title 33 and chapter I of title 46, Code of
18 Federal Regulations (as in effect on the date of the enact-
19 ment of this Act), that would result solely from such vessel
20 operating outside the Boundary Line, if—

21 (1) the vessel is—

22 (A) operating outside the Boundary Line
23 solely to perform regular harbor assist oper-
24 ations; or

25 (B) listed as a response vessel on a vessel
26 response plan and is operating outside the

1 Boundary Line solely to perform duties of a re-
2 sponse vessel;

3 (2) the vessel is approved for operations outside
4 the Boundary Line by the Officer in Charge, Marine
5 Inspection and the Coast Guard Marine Safety Cen-
6 ter; and

7 (3) the vessel has sufficient manning and life-
8 saving equipment for all persons on board, in ac-
9 cordance with part 15 and section 141.225 of title
10 46, Code of Federal Regulations (or any successor
11 regulation).

12 (c) APPLICABILITY.—This section applies to a towing
13 vessel—

14 (1) that is subject to inspection under chapter
15 33 of title 46, United States Code, and subchapter
16 M of chapter I of title 46, Code of Federal Regula-
17 tions (or any successor regulation);

18 (2) with only “Lakes, Bays, and Sounds” or
19 “Rivers” routes recorded on such vessel’s certificate
20 of inspection pursuant to section 136.230 of title 46,
21 Code of Federal Regulations (or any successor regu-
22 lation);

23 (3) that, with respect to a vessel described in
24 subsection (b)(1)(A), is operating as a harbor assist
25 vessel and regularly engaged in harbor assist oper-

1 ations, including the docking, undocking, mooring,
2 unmooring, and escorting of vessels with limited ma-
3 neuverability; and

4 (4) that, with respect to a vessel that is de-
5 scribed in subsection (b)(1)(B), is listed—

6 (A) on a vessel response plan under part
7 155 of title 33, Code of Federal Regulations, on
8 the date of approval of the vessel response plan;
9 or

10 (B) by name or reference in the vessel re-
11 sponse plan's geographic-specific appendix on
12 the date of approval of the vessel response plan.

13 (d) LIMITATIONS.—A vessel exempted under sub-
14 section (b) is subject to the following operating limitations:

15 (1) The voyage of a vessel described in sub-
16 section (b)(1)(A) shall—

17 (A) be less than 12 hours in total duration;

18 (B) originate and end in the inspection
19 zone of a single Officer in Charge, Marine In-
20 spection; and

21 (C) occur no further than 10 nautical
22 miles from the Boundary Line.

23 (2) The voyage of a vessel described in sub-
24 section (b)(1)(B) shall—

1 (A) originate and end in the inspection
2 zone of a single Officer in Charge, Marine In-
3 spection; and

4 (B) either—

5 (i) in the case of a voyage in the terri-
6 torial waters of Alaska, Guam, Hawaii,
7 American Samoa, and the Northern Mar-
8 iana Islands, have sufficient manning as
9 determined by the Secretary; or
10 (ii) be less than 12 hours.

11 (e) SAFETY.—

12 (1) SAFETY RESTRICTIONS.—The Officer in
13 Charge, Marine Inspection for an inspection zone
14 may restrict operations under the interim exemption
15 provided under subsection (b) for safety purposes.

16 (2) COMPREHENSIVE LISTS.—The Officer in
17 Charge, Marine Inspection for an inspection zone
18 shall maintain and periodically update a comprehen-
19 sive list of all towing vessels described in subsection
20 (c) that operate in the inspection zone.

21 (3) NOTIFICATION.—Not later than 24 hours
22 prior to intended operations outside of the Boundary
23 Line, a towing vessel exempted under subsection (b)
24 shall notify the Office in Charge, Marine Inspection

1 for the inspection zone of such operations. Such no-
2 tification shall include—

3 (A) the date, time, and length of voyage;

4 (B) a crew list, with each crew member's
5 credentials and work hours; and

6 (C) an attestation from the master of the
7 towing vessel that the vessel has sufficient man-
8 ning and lifesaving equipment for all persons on
9 board.

10 (f) BRIEFING.—Not later than 180 days after the
11 date of the enactment of this Act, the Commandant of
12 the Coast Guard shall brief the Committee on Commerce,
13 Science, and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives regarding the following:

16 (1) The impacts of the interim exemption pro-
17 vided under this section.

18 (2) Any safety concerns regarding the expira-
19 tion of such interim exemption.

20 (3) Whether such interim exemption should be
21 extended.

22 (g) TERMINATION.—The interim exemption provided
23 under subsection (b) shall terminate on the date that is
24 2 years after the date of the enactment of this Act.

1 **SEC. 8403. SENSE OF CONGRESS REGARDING THE MARI-**
2 **TIME INDUSTRY OF THE UNITED STATES.**

3 It is the sense of Congress that the maritime industry
4 of the United States contributes to the Nation's economic
5 prosperity and national security.

6 **SEC. 8404. CARGO PREFERENCE STUDY.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct an audit regarding the en-
9 forcement of the United States Cargo Preference Laws set
10 forth in sections 55302, 55303, 55304, and 55305 of title
11 46, United States Code, and section 2631 of title 10,
12 United States Code (hereinafter in this section referred
13 to as the “United States Cargo Preference Laws”).

14 (b) SCOPE.—The audit conducted under subsection
15 (a) shall include, for the period from October 14, 2008,
16 until the date of the enactment of this Act—

17 (1) a listing of the agencies and organizations
18 required to comply with the United States Cargo
19 Preference Laws;

20 (2) an analysis of the compliance or noncompli-
21 ance of such agencies and organizations with such
22 laws, including—

23 (A) the total amount of oceangoing cargo
24 that each such agency, organization, or con-
25 tractor procured for its own account or for

1 which financing was in any way provided with
2 Federal funds, including loan guarantees;

3 (B) the percentage of such cargo shipped
4 on privately owned commercial vessels of the
5 United States;

6 (C) an assessment of internal programs
7 and controls used by each such agency or orga-
8 nization to monitor and ensure compliance with
9 the United States Cargo Preference Laws, to
10 include education, training, and supervision of
11 its contracting personnel, and the procedures
12 and controls used to monitor compliance with
13 cargo preference requirements by contractors
14 and subcontractors; and

15 (D) instances in which cargoes are shipped
16 on foreign-flag vessels under non-availability de-
17 terminations but not counted as such for pur-
18 poses of calculating cargo preference compli-
19 ance; and

20 (3) an overview of enforcement activities under-
21 taken by the Maritime Administration from October
22 14, 2008, until the date of the enactment of this
23 Act, including a listing of all bills of lading collected
24 by the Maritime Administration during that period.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report detailing the results of the audit and pro-
7 viding recommendations related to such results, to in-
8 clude—

9 (1) actions that should be taken by agencies
10 and organizations to fully comply with the United
11 States Cargo Preference Laws; and

12 (2) Other measures that may compel agencies
13 and organizations, and their contractors and sub-
14 contractors, to use United States flag vessels in the
15 international transportation of ocean cargoes as
16 mandated by the United States Cargo Preference
17 Laws.

18 **SEC. 8405. TOWING VESSEL INSPECTION FEES REVIEW.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Commandant shall submit to the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate—

1 (1) the results of the review required under sec-
2 tion 815 of the Frank LoBiondo Coast Guard Au-
3 thorization Act of 2018 (Public Law 115–282); and

4 (2) a copy of any regulation required pursuant
5 to section 815(b) of such Act to establish specific in-
6 spection fees for such vessels.

7 **Subtitle B—Maritime Domain**
8 **Awareness**

9 **SEC. 8411. UNMANNED MARITIME SYSTEMS AND SATELLITE**
10 **VESSEL TRACKING TECHNOLOGIES.**

11 (a) ASSESSMENT.—The Commandant, acting
12 through the Blue Technology Center of Expertise, shall
13 regularly assess available unmanned maritime systems
14 and satellite vessel tracking technologies for potential use
15 to support missions of the Coast Guard.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this Act, and biennially
19 thereafter, the Commandant shall submit to the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate a report on the actual and potential effects of
24 the use of then-existing unmanned maritime systems

1 and satellite vessel tracking technologies on the mis-
2 sion effectiveness of the Coast Guard.

3 (2) CONTENTS.—Each report submitted under
4 paragraph (1) shall include the following:

5 (A) An inventory of current unmanned
6 maritime systems used by the Coast Guard, an
7 overview of such usage, and a discussion of the
8 mission effectiveness of such systems, including
9 any benefits realized or risks or negative as-
10 pects of such usage.

11 (B) An inventory of satellite vessel track-
12 ing technologies, and a discussion of the poten-
13 tial mission effectiveness of such technologies,
14 including any benefits or risks or negative as-
15 pects of such usage.

16 (C) A prioritized list of Coast Guard mis-
17 sion requirements that could be met with addi-
18 tional unmanned maritime systems, or with sat-
19 ellite vessel tracking technologies, and the esti-
20 mated costs of accessing, acquiring, or oper-
21 ating such systems, taking into consideration
22 the interoperability of such systems with the
23 current and future fleet of—

24 (i) National Security Cutters;

25 (ii) Fast Response Cutters;

- 1 (iii) Offshore Patrol Cutters;
- 2 (iv) Polar Security Cutters; and
- 3 (v) in-service legacy cutters, including
- 4 the 210- and 270-foot medium endurance
- 5 cutters and 225-foot Buoy Tenders.

6 (c) DEFINITIONS.—In this section:

7 (1) UNMANNED MARITIME SYSTEMS.—

8 (A) IN GENERAL.—The term “unmanned
9 maritime systems” means—

10 (i) remotely operated or autonomous
11 vehicles produced by the commercial sector
12 designed to travel in the air, on or under
13 the ocean surface, on land, or any com-
14 bination thereof, and that function without
15 an on-board human presence; and

16 (ii) associated components of such ve-
17 hicles, including control and communica-
18 tions systems, data transmission systems,
19 and processing systems.

20 (B) EXAMPLES.—Such term includes the
21 following:

- 22 (i) Unmanned undersea vehicles.
- 23 (ii) Unmanned surface vehicles.
- 24 (iii) Unmanned aerial vehicles.
- 25 (iv) Autonomous underwater vehicles.

1 (v) Autonomous surface vehicles.

2 (vi) Autonomous aerial vehicles.

3 (2) AVAILABLE UNMANNED MARITIME SYS-
4 TEMS.—The term “available unmanned maritime
5 systems” includes systems that can be purchased
6 commercially or are in use by the Department of
7 Defense or other Federal agencies.

8 (3) SATELLITE VESSEL TRACKING TECH-
9 NOLOGIES.—The term “satellite vessel tracking tech-
10 nologies” means shipboard broadcast systems that
11 use satellites and terrestrial receivers to continually
12 track vessels.

13 **SEC. 8412. UNMANNED AIRCRAFT SYSTEMS TESTING.**

14 (a) TRAINING AREA.—The Commandant shall carry
15 out and update, as appropriate, a program for the use of
16 one or more training areas to facilitate the use of un-
17 manned aircraft systems and small unmanned aircraft to
18 support missions of the Coast Guard.

19 (b) DESIGNATION OF AREA.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Com-
22 mandant shall, as part of the program under sub-
23 section (a), designate an area for the training, test-
24 ing, and development of unmanned aircraft systems
25 and small unmanned aircraft.

1 (2) CONSIDERATIONS.—In designating a train-
2 ing area under paragraph (1), the Commandant
3 shall—

4 (A) ensure that such training area has or
5 receives all necessary Federal Aviation Adminis-
6 tration flight authorization; and

7 (B) take into consideration all of the fol-
8 lowing attributes of the training area:

9 (i) Direct over-water maritime access
10 from the site.

11 (ii) The availability of existing Coast
12 Guard support facilities, including pier and
13 dock space.

14 (iii) Proximity to existing and avail-
15 able offshore Warning Area airspace for
16 test and training.

17 (iv) Existing facilities and infrastruc-
18 ture to support unmanned aircraft system-
19 augmented, and small unmanned aircraft-
20 augmented, training, evaluations, and exer-
21 cises.

22 (v) Existing facilities with a proven
23 track record of supporting unmanned air-
24 craft systems and small unmanned aircraft
25 systems flight operations.

1 (c) DEFINITIONS.—In this section—

2 (1) the term “existing” means as of the date of
3 enactment of this Act; and

4 (2) the terms “small unmanned aircraft” and
5 “unmanned aircraft system” have the meanings
6 given those terms in section 44801 of title 49,
7 United States Code.

8 **SEC. 8413. LAND-BASED UNMANNED AIRCRAFT SYSTEM**
9 **PROGRAM OF COAST GUARD.**

10 (a) FUNDING FOR CERTAIN ENHANCED CAPABILI-
11 TIES.—Section 319 of title 14, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(c) FUNDING FOR CERTAIN ENHANCED CAPABILI-
15 TIES.—In each of fiscal years 2020 and 2021, the Com-
16 mandant may provide additional funding of \$5,000,000
17 for additional long-range maritime patrol aircraft, ac-
18 quired through full and open competition.”.

19 (b) REPORT ON USE OF UNMANNED AIRCRAFT SYS-
20 TEMS FOR CERTAIN SURVEILLANCE.—

21 (1) REPORT REQUIRED.—Not later than March
22 31, 2021, the Commandant, in coordination with the
23 Administrator of the Federal Aviation Administra-
24 tion on matters related to aviation safety and civil-
25 ian aviation and aerospace operations, shall submit

1 to the appropriate committees of Congress a report
2 setting forth an assessment of the feasibility and ad-
3 visability of using unmanned aircraft systems for
4 surveillance of marine protected areas, the transit
5 zone, and the Arctic in order to—

6 (A) establish and maintain regular mari-
7 time domain awareness of such areas;

8 (B) ensure appropriate response to illegal
9 activities in such areas; and

10 (C) collaborate with State, local, and tribal
11 authorities, and international partners, in sur-
12 veillance missions over their waters in such
13 areas.

14 (2) APPROPRIATE COMMITTEES OF CONGRESS
15 DEFINED.—In this subsection, the term “appro-
16 priate committees of Congress” means—

17 (A) the Committee on Commerce, Science,
18 and Transportation and the Committee on
19 Homeland Security and Governmental Affairs
20 of the Senate; and

21 (B) the Committee on Transportation and
22 Infrastructure and the Committee on Homeland
23 Security of the House of Representatives.

1 **SEC. 8414. PROHIBITION ON OPERATION OR PROCURE-**
2 **MENT OF FOREIGN-MADE UNMANNED AIR-**
3 **CRAFT SYSTEMS.**

4 (a) PROHIBITION ON AGENCY OPERATION OR PRO-
5 CUREMENT.—The Commandant may not operate or enter
6 into or renew a contract for the procurement of—

7 (1) an unmanned aircraft system that—

8 (A) is manufactured in a covered foreign
9 country or by an entity domiciled in a covered
10 foreign country;

11 (B) uses flight controllers, radios, data
12 transmission devices, cameras, or gimbals man-
13 ufactured in a covered foreign country or by an
14 entity domiciled in a covered foreign country;

15 (C) uses a ground control system or oper-
16 ating software developed in a covered foreign
17 country or by an entity domiciled in a covered
18 foreign country; or

19 (D) uses network connectivity or data stor-
20 age located in or administered by an entity
21 domiciled in a covered foreign country; or

22 (2) a system manufactured in a covered foreign
23 country or by an entity domiciled in a covered for-
24 eign country for the detection or identification of un-
25 manned aircraft systems.

26 (b) EXEMPTION.—

1 (1) IN GENERAL.—The Commandant is exempt
2 from the restriction under subsection (a) if—

3 (A) the operation or procurement is for the
4 purposes of—

5 (i) counter-UAS system surrogate
6 testing and training; or

7 (ii) intelligence, electronic warfare,
8 and information warfare operations, test-
9 ing, analysis, and training; or

10 (B) the Commandant receives a certifi-
11 cation from the Coast Guard unit requesting to
12 operate or procure an unmanned aircraft sys-
13 tem otherwise restricted under subsection (a),
14 which shall include supporting manufacturer in-
15 formation, that the unmanned aircraft system
16 does not—

17 (i) connect to the internet or an out-
18 side telecommunications service;

19 (ii) connect to other devices or elec-
20 tronics, except as necessary to perform the
21 mission; or

22 (iii) perform any missions in support
23 of classified information or that may
24 threaten national security.

1 (2) EXPIRATION.—The authority under this
2 subsection to operate or procure an unmanned air-
3 craft system otherwise restricted under subsection
4 (a) expires on the date that is 2 years after the date
5 of the enactment of this Act.

6 (c) WAIVER.—The Commandant may waive the re-
7 striction under subsection (a) on a case by case basis by
8 certifying in writing to the Department of Homeland Se-
9 curity and the relevant committees of jurisdiction that the
10 operation or procurement is required in the national inter-
11 est of the United States.

12 (d) DEFINITIONS.—In this section:

13 (1) COVERED FOREIGN COUNTRY.—The term
14 “covered foreign country” means the People’s Re-
15 public of China.

16 (2) COUNTER-UAS SYSTEM.—The term
17 “counter-UAS system” has the meaning given such
18 term in section 44801 of title 49, United States
19 Code.

20 (3) UNMANNED AIRCRAFT SYSTEM.—The term
21 “unmanned aircraft system” has the meaning given
22 such term in section 44801 of title 49, United
23 States Code.

1 **SEC. 8415. UNITED STATES COMMERCIAL SPACE-BASED**
2 **RADIO FREQUENCY MARITIME DOMAIN**
3 **AWARENESS TESTING AND EVALUATION PRO-**
4 **GRAM.**

5 (a) TESTING AND EVALUATION PROGRAM.—The
6 Commandant, acting through the Blue Technology Center
7 of Expertise, shall carry out a testing and evaluation pro-
8 gram of United States commercial space-based radio fre-
9 quency geolocation and maritime domain awareness prod-
10 ucts and services to support the mission objectives of mari-
11 time enforcement by the Coast Guard and other compo-
12 nents of the Coast Guard. The objectives of this testing
13 and evaluation program shall include—

14 (1) developing an understanding of how United
15 States commercial space-based radio frequency data
16 products can meet current and future mission re-
17 quirements;

18 (2) establishing how United States commercial
19 space-based radio frequency data products should in-
20 tegrate into existing work flows; and

21 (3) establishing how United States commercial
22 space-based radio frequency data products could be
23 integrated into analytics platforms.

24 (b) REPORT.—Not later than 240 days after the date
25 of enactment of this Act, the Commandant shall prepare
26 and submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a report on the results of the testing and eval-
4 uation program under subsection (a), including rec-
5 ommendations on how the Coast Guard should fully ex-
6 ploit United States commercial space-based radio fre-
7 quency data products to meet current and future mission
8 requirements.

9 **SEC. 8416. AUTHORIZATION OF USE OF AUTOMATIC IDENTI-**
10 **FICATION SYSTEMS DEVICES TO MARK FISH-**
11 **ING EQUIPMENT.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “Assistant Secretary” means the
14 Assistant Secretary of Commerce for Communica-
15 tions and Information and the National Tele-
16 communications and Information Administration Ad-
17 ministrator;

18 (2) the term “Automatic Identification System”
19 has the meaning given the term in section 164.46(a)
20 of title 33, Code of Federal Regulations, or any suc-
21 cessor regulation;

22 (3) the term “Automatic Identification System
23 device” means a covered device that operates in
24 radio frequencies assigned for Automatic Identifica-
25 tion System stations;

1 (4) the term “Commission” means the Federal
2 Communications Commission; and

3 (5) the term “covered device” means a device
4 used to mark fishing equipment.

5 (b) RULEMAKING REQUIRED.—Not later than 180
6 days after the date of enactment of this Act, the Commis-
7 sion, in coordination with the Assistant Secretary, and in
8 consultation with the Commandant and the Secretary of
9 State, shall initiate a rulemaking proceeding to consider
10 whether to authorize covered devices to operate in radio
11 frequencies assigned for Automatic Identification System
12 stations.

13 (c) CONSIDERATIONS.—In conducting the rulemaking
14 under subsection (b), the Commission shall consider
15 whether imposing requirements with respect to the man-
16 ner in which Automatic Identification System devices are
17 deployed and used would enable the authorization of cov-
18 ered devices to operate in radio frequencies assigned for
19 Automatic Identification System stations consistent with
20 the core purpose of the Automatic Identification System
21 to prevent maritime accidents.

22 **Subtitle C—Arctic**

23 **SEC. 8421. COAST GUARD ARCTIC PRIORITIZATION.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The strategic importance of the Arctic con-
2 tinues to increase as the United States and other
3 countries recognize the military significance of the
4 sea lanes and choke points within the region and un-
5 derstand the potential for power projection from the
6 Arctic into multiple regions.

7 (2) Russia and China have conducted military
8 exercises together in the Arctic, have agreed to con-
9 nect the Northern Sea Route, claimed by Russia,
10 with China's Maritime Silk Road, and are working
11 together in developing natural gas resources in the
12 Arctic.

13 (3) The economic significance of the Arctic con-
14 tinues to grow as countries around the globe begin
15 to understand the potential for maritime transpor-
16 tation through, and economic and trade development
17 in, the region.

18 (4) Increases in human, maritime, and resource
19 development activity in the Arctic region may create
20 additional mission requirements for the Department
21 of Defense and the Department of Homeland Secu-
22 rity.

23 (5) The increasing role of the United States in
24 the Arctic has been highlighted in each of the last
25 four national defense authorization acts.

1 (6) The United States Coast Guard Arctic
2 Strategic Outlook released in April 2019 states,
3 “Demonstrating commitment to operational pres-
4 ence, Canada, Denmark, and Norway have made
5 strategic investments in ice-capable patrol ships
6 charged with national or homeland security missions.
7 The United States is the only Arctic State that has
8 not made similar investments in ice-capable surface
9 maritime security assets. This limits the ability of
10 the Coast Guard, and the Nation, to credibly uphold
11 sovereignty or respond to contingencies in the Arc-
12 tic.”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Arctic is a region of strategic impor-
16 tance to the national security interests of the United
17 States, and the Coast Guard must better align its
18 mission prioritization and development of capabilities
19 to meet the growing array of challenges in the re-
20 gion;

21 (2) the increasing freedom of navigation and
22 expansion of activity in the Arctic must be met with
23 an increasing show of Coast Guard forces capable of
24 exerting influence through persistent presence;

1 (3) Congress fully supports the needed and im-
2 portant re-capitalization of the fleet of cutters and
3 aircraft of the Coast Guard, but, the Coast Guard
4 must avoid overextending operational assets for re-
5 mote international missions at the cost of dedicated
6 focus on this domestic area of responsibility with
7 significant international interest and activity; and

8 (4) although some progress has been made to
9 increase awareness of Arctic issues and to promote
10 increased presence in the region, additional meas-
11 ures are needed to protect vital economic, environ-
12 mental, and national security interests of the United
13 States, and to show the commitment of the United
14 States to this emerging strategic choke point of in-
15 creasing great power competition.

16 (c) ARCTIC DEFINED.—In this section, the term
17 “Arctic” has the meaning given that term in section 112
18 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
19 4111).

20 **SEC. 8422. ARCTIC PARS NATIVE ENGAGEMENT.**

21 The Commandant shall—

22 (1) engage directly with local coastal whaling
23 and fishing communities in the Arctic region when
24 conducting the Alaskan Arctic Coast Port Access
25 Route Study, in accordance with chapter 700 of title

1 46, United States Code, and as described in the no-
2 tice of study published in the Federal Register on
3 December 21, 2018 (83 Fed. Reg. 65701); and

4 (2) consider the concerns of the Arctic coastal
5 community regarding any Alaskan Arctic Coast Port
6 Access Route, including safety needs and concerns.

7 **SEC. 8423. VOTING REQUIREMENT.**

8 Section 305(i)(1)(G)(iv) of the Magnuson-Stevens
9 Fishery Conservation and Management Act (16 U.S.C.
10 1855(i)(1)(G)(iv)) is amended to read as follows:

11 “(iv) VOTING REQUIREMENT.—The
12 panel may act only by the affirmative vote
13 of at least 5 of its members, except that
14 any decision made pursuant to the last
15 sentence of subparagraph (C) shall require
16 the unanimous vote of all 6 members of
17 the panel.”.

18 **SEC. 8424. REPORT ON THE ARCTIC CAPABILITIES OF THE**
19 **ARMED FORCES.**

20 (a) REPORT REQUIRED.—Not later than 180 days
21 after the date of the enactment of this Act, the Secretary
22 of the department in which the Coast Guard is operating
23 shall submit to the appropriate committees of Congress
24 a report setting forth the results of a study on the Arctic
25 capabilities of the Armed Forces. The Secretary shall

1 enter into a contract with an appropriate federally funded
2 research and development center for the conduct of the
3 study.

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

6 (1) A comparison of the capabilities of the
7 United States, the Russian Federation, the People's
8 Republic of China, and other countries operating in
9 the Arctic, including an assessment of the ability of
10 the navy of each such country to operate in varying
11 sea-ice conditions.

12 (2) A description of commercial and foreign
13 military surface forces currently operating in the
14 Arctic in conditions inaccessible to Navy surface
15 forces.

16 (3) An assessment of the potential security risk
17 posed to Coast Guard forces by military forces of
18 other countries operating in the Arctic in conditions
19 inaccessible to Navy surface or aviation forces in the
20 manner such forces currently operate.

21 (4) A comparison of the domain awareness ca-
22 pabilities of—

23 (A) Coast Guard forces operating alone;
24 and

1 (B) Coast Guard forces operating in tan-
2 dem with Navy surface and aviation forces and
3 the surface and aviation forces of other allies.

4 (5) A comparison of the defensive capabilities
5 of—

6 (A) Coast Guard forces operating alone;
7 and

8 (B) Coast Guard forces operating in mu-
9 tual defense with Navy forces, other Armed
10 Forces, and the military forces of allies.

11 (c) FORM.—The report required under subsection (a)
12 shall be submitted in unclassified form, but may contain
13 a classified annex.

14 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
15 FINED.—In this section, the term “appropriate commit-
16 tees of Congress” means—

17 (1) the Committee on Armed Services, the
18 Committee on Commerce, Science, and Transpor-
19 tation, and the Committee on Appropriations of the
20 Senate; and

21 (2) the Committee on Armed Services, the
22 Committee on Transportation and Infrastructure,
23 and the Committee on Appropriations of the House
24 of Representatives.

1 **SEC. 8425. REPORT ON ARCTIC SEARCH AND RESCUE.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Commandant shall
4 submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives a report on the search and rescue capabilities
8 of the Coast Guard in Arctic coastal communities.

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

11 (1) An identification of ways in which the Coast
12 Guard can more effectively partner with Arctic
13 coastal communities to respond to search and rescue
14 incidents through training, funding, and deployment
15 of assets.

16 (2) An analysis of the costs of forward deploy-
17 ing on a seasonal basis Coast Guard assets in sup-
18 port of such communities for responses to such inci-
19 dents.

20 **SEC. 8426. ARCTIC SHIPPING FEDERAL ADVISORY COM-**
21 **MITTEE.**

22 (a) PURPOSE.—The purpose of this section is to es-
23 tablish a Federal advisory committee to provide policy rec-
24 ommendations to the Secretary of Transportation on posi-
25 tioning the United States to take advantage of emerging
26 opportunities for Arctic maritime transportation.

1 (b) DEFINITIONS.—In this section:

2 (1) ADVISORY COMMITTEE.—The term “Advi-
3 sory Committee” means the Arctic Shipping Federal
4 Advisory Committee established under subsection
5 (c)(1).

6 (2) ARCTIC.—The term “Arctic” has the mean-
7 ing given the term in section 112 of the Arctic Re-
8 search and Policy Act of 1984 (15 U.S.C. 4111).

9 (3) ARCTIC SEA ROUTES.—The term “Arctic
10 Sea Routes” means the international Northern Sea
11 Route, the Transpolar Sea Route, and the North-
12 west Passage.

13 (c) ESTABLISHMENT OF THE ARCTIC SHIPPING FED-
14 ERAL ADVISORY COMMITTEE.—

15 (1) ESTABLISHMENT OF ADVISORY COM-
16 MITTEE.—

17 (A) IN GENERAL.—The Secretary of
18 Transportation, in coordination with the Sec-
19 retary of State, the Secretary of Defense acting
20 through the Secretary of the Army and the Sec-
21 retary of the Navy, the Secretary of Commerce,
22 and the Secretary of the Department in which
23 the Coast Guard is operating, shall establish an
24 Arctic Shipping Federal Advisory Committee in
25 the Department of Transportation to advise the

1 Secretary of Transportation and the Secretary
2 of the Department in which the Coast Guard is
3 operating on matters related to Arctic maritime
4 transportation, including Arctic seaway develop-
5 ment.

6 (B) MEETINGS.—The Advisory Committee
7 shall meet at the call of the Chairperson, and
8 at least once annually in Alaska.

9 (2) MEMBERSHIP.—

10 (A) IN GENERAL.—The Advisory Com-
11 mittee shall be composed of 17 members as de-
12 scribed in subparagraph (B).

13 (B) COMPOSITION.—The members of the
14 Advisory Committee shall be—

15 (i) 1 individual appointed and des-
16 ignated by the Secretary of Transportation
17 to serve as the Chairperson of the Advisory
18 Committee;

19 (ii) 1 individual appointed and des-
20 ignated by the Secretary of the Depart-
21 ment in which the Coast Guard is oper-
22 ating to serve as the Vice Chairperson of
23 the Advisory Committee;

24 (iii) 1 designee of the Secretary of
25 Commerce;

1 (iv) 1 designee of the Secretary of
2 State;

3 (v) 1 designee of the Secretary of
4 Transportation;

5 (vi) 1 designee of the Secretary of De-
6 fense;

7 (vii) 1 designee from the State of
8 Alaska, nominated by the Governor of
9 Alaska and designated by the Secretary of
10 Transportation;

11 (viii) 1 designee from the State of
12 Washington, nominated by the Governor of
13 Washington and designated by the Sec-
14 retary of Transportation;

15 (ix) 3 Alaska Native Tribal members;

16 (x) 1 individual representing Alaska
17 Native subsistence co-management groups
18 affected by Arctic maritime transportation;

19 (xi) 1 individual representing coastal
20 communities affected by Arctic maritime
21 transportation;

22 (xii) 1 individual representing vessels
23 of the United States (as defined in section
24 116 of title 46, United States Code) par-
25 ticipating in the shipping industry;

1 (xiii) 1 individual representing the
2 marine safety community;

3 (xiv) 1 individual representing the
4 Arctic business community; and

5 (xv) 1 individual representing mari-
6 time labor organizations.

7 (C) TERMS.—

8 (i) LIMITATIONS.—Each member of
9 the Advisory Committee described in
10 clauses (vii) through (xv) of subparagraph
11 (B) shall serve for a 2-year term and shall
12 not be eligible for more than 2 consecutive
13 term reappointments.

14 (ii) VACANCIES.—Any vacancy in the
15 membership of the Advisory Committee
16 shall not affect its responsibilities, but
17 shall be filled in the same manner as the
18 original appointment and in accordance
19 with the Federal Advisory Committee Act
20 (5 U.S.C. App.).

21 (3) FUNCTIONS.—The Advisory Committee
22 shall carry out all of the following functions:

23 (A) Develop a set of policy recommenda-
24 tions that would enhance the leadership role
25 played by the United States in improving the

1 safety and reliability of Arctic maritime trans-
2 portation in accordance with customary inter-
3 national maritime law and existing Federal au-
4 thority. Such policy recommendations shall con-
5 sider options to establish a United States entity
6 that could perform the following functions in
7 accordance with United States law and cus-
8 tomary international maritime law:

9 (i) Construction, operation, and main-
10 tenance of current and future maritime in-
11 frastructure necessary for vessels
12 transiting the Arctic Sea Routes, including
13 potential new deep draft and deepwater
14 ports.

15 (ii) Provision of services that are not
16 widely commercially available in the United
17 States Arctic that would—

18 (I) improve Arctic maritime safe-
19 ty and environmental protection;

20 (II) enhance Arctic maritime do-
21 main awareness; and

22 (III) support navigation and inci-
23 dent response for vessels transiting
24 the Arctic Sea Routes.

1 (iii) Establishment of rules of meas-
2 urement for vessels and cargo for the pur-
3 poses of levying voluntary rates of charges
4 or fees for services.

5 (B) As an option under subparagraph (A),
6 consider establishing a congressionally char-
7 tered seaway development corporation modeled
8 on the Saint Lawrence Seaway Development
9 Corporation, and—

10 (i) develop recommendations for es-
11 tablishing such a corporation and a de-
12 tailed implementation plan for establishing
13 such an entity; or

14 (ii) if the Advisory Committee decides
15 against recommending the establishment of
16 such a corporation, provide a written ex-
17 planation as to the rationale for the deci-
18 sion and develop an alternative, as prac-
19 ticable.

20 (C) Provide advice and recommendations,
21 as requested, to the Secretary of Transpor-
22 tation and the Secretary of the Department in
23 which the Coast Guard is operating on Arctic
24 marine transportation, including seaway devel-
25 opment, and consider national security inter-

1 ests, where applicable, in such recommenda-
2 tions.

3 (D) In developing the advice and rec-
4 ommendations under subparagraph (C), engage
5 with and solicit feedback from coastal commu-
6 nities, Alaska Native subsistence co-manage-
7 ment groups, and Alaska Native tribes.

8 (d) REPORT TO CONGRESS.—Not later than 2 years
9 after the date of enactment of this Act, the Advisory Com-
10 mittee shall submit a report with its recommendations
11 under subparagraphs (A) and (B) of subsection (c)(3) to
12 the Committee on Commerce, Science, and Transportation
13 of the Senate and the Committee on Transportation and
14 Infrastructure of the House of Representatives.

15 (e) TERMINATION OF THE ADVISORY COMMITTEE.—
16 Not later than 8 years after the submission of the report
17 described in subsection (d), the Secretary of Transpor-
18 tation shall dissolve the Advisory Committee.

19 (f) INTERNATIONAL ENGAGEMENT.—If a Special
20 Representative for the Arctic Region is appointed by the
21 Secretary of State, the duties of that Representative shall
22 include—

23 (1) coordination of any activities recommended
24 by the implementation plan submitted by the Advi-

1 sory Committee and approved by the Secretary of
2 Transportation; and

3 (2) facilitation of multilateral dialogues with
4 member and observer nations of the Arctic Council
5 to encourage cooperation on Arctic maritime trans-
6 portation.

7 (g) TRIBAL CONSULTATION.—In implementing any
8 of the recommendations provided under subsection
9 (c)(3)(C), the Secretary of Transportation shall consult
10 with Alaska Native tribes.

11 **Subtitle D—Other Matters**

12 **SEC. 8431. PLAN FOR WING-IN-GROUND DEMONSTRATION**

13 **PLAN.**

14 (a) IN GENERAL.—(1) The Commandant, in coordi-
15 nation with the Administrator of the Federal Aviation Ad-
16 ministration with regard to any regulatory or safety mat-
17 ter regarding airspace, air space authorization, or avia-
18 tion, shall develop plans for a demonstration program that
19 will determine whether wing-in-ground craft, as such term
20 is defined in section 2101 of title 46, United States Code,
21 that is capable of carrying at least one individual, can—

22 (A) provide transportation in areas in which en-
23 ergy exploration, development or production activity
24 takes place on the Outer Continental Shelf; and

1 (B) under the craft's own power, safely reach
2 helidecks or platforms located on offshore energy fa-
3 cilities.

4 (2) REQUIREMENTS.—The plans required under
5 paragraph (1) shall—

6 (A) examine and explain any safety issues with
7 regard to the operation of the such craft as a vessel,
8 or as an aircraft, or both;

9 (B) include a timeline and technical milestones
10 for the implementation of such a demonstration pro-
11 gram;

12 (C) outline resource requirements needed to un-
13 dertake such a demonstration program;

14 (D) describe specific operational circumstances
15 under which the craft may be used, including dis-
16 tance from United States land, altitude, number of
17 individuals, amount of cargo, and speed and weight
18 of vessel;

19 (E) describe the operations under which Fed-
20 eral Aviation Administration statutes, regulations,
21 circulars, or orders apply; and

22 (F) describe the certifications, permits, or au-
23 thorizations required to perform any operations.

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Commandant, along with

1 the Administrator of the Federal Aviation Administration
2 with regard to any regulatory or safety matter regarding
3 airspace, air space authorization, or aviation, shall brief
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on Com-
6 merce, Science and Transportation of the Senate on the
7 plan developed under subsection (a), including—

8 (1) any regulatory changes needed regarding in-
9 spections and manning, to allow such craft to oper-
10 ate between onshore facilities and offshore energy
11 facilities when such craft is operating as a vessel;

12 (2) any regulatory changes that would be nec-
13 essary to address potential impacts to air traffic
14 control, the National Airspace System, and other
15 aircraft operations, and to ensure safe operations on
16 or near helidecks and platforms located on offshore
17 energy facilities when such craft are operating as
18 aircraft; and

19 (3) any other statutory or regulatory changes
20 related to authority of the Federal Aviation Admin-
21 istration over operations of the craft.

22 **SEC. 8432. NORTHERN MICHIGAN OIL SPILL RESPONSE**
23 **PLANNING.**

24 Notwithstanding any other provision of law, not later
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of the department in which the Coast Guard
2 is operating, in consultation with the Administrator of the
3 Environmental Protection Agency and the Administrator
4 of the Pipeline and Hazardous Materials Safety Adminis-
5 tration, shall update the Northern Michigan Area Contin-
6 gency Plan to include a worst-case discharge from a pipe-
7 line in adverse weather conditions.

8 **SEC. 8433. DOCUMENTATION OF LNG TANKERS.**

9 (a) “*Safari Voyager*”.—

10 (1) IN GENERAL.—Notwithstanding sections
11 12112 and 12132 of title 46, United States Code,
12 the Secretary of the department in which the Coast
13 Guard is operating shall issue a certificate of docu-
14 mentation with a coastwise endorsement for the ves-
15 sel *Safari Voyager* (International Maritime Organi-
16 zation number 8963753).

17 (2) REVOCATION OF EFFECTIVENESS OF CER-
18 TIFICATE.—A certificate of documentation issued
19 under paragraph (1) is revoked on the date of the
20 sale of the vessel or the entity that owns the vessel.

21 (b) “*Pacific Provider*”.—

22 (1) IN GENERAL.—Notwithstanding sections
23 12112 and 12132 of title 46, United States Code,
24 the Secretary of the department in which the Coast
25 Guard is operating may issue a certificate of docu-

1 mentation with a coastwise endorsement for the ves-
2 sel *Pacific Provider* (United States official number
3 597967).

4 (2) REVOCATION OF EFFECTIVENESS OF CER-
5 TIFICATE.—A certificate of documentation issued
6 under paragraph (1) is revoked on the date of the
7 sale of the vessel or the entity that owns the vessel.

8 (c) AMERICA’S CUP ACT OF 2011.—Section 7(b) of
9 the America’s Cup Act of 2011 (Public Law 112–61) is
10 amended—

11 (1) in paragraph (3)—

12 (A) by striking “of the vessel on the date
13 of enactment of this Act”; and

14 (B) by inserting before the period the fol-
15 lowing: “, unless prior to any such sale the ves-
16 sel has been operated in a coastwise trade for
17 not less than 1 year after the date of enactment
18 of the Elijah E. Cummings Coast Guard Au-
19 thorization Act of 2020 and prior to sale of ves-
20 sel”;

21 (2) by redesignating paragraphs (2) and (3) as
22 paragraphs (4) and (5), respectively; and

23 (3) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) LIMITATION ON OWNERSHIP.—The Sec-
2 retary of the department in which the Coast Guard
3 is operating may only issue a certificate of docu-
4 mentation with a coastwise endorsement to a vessel
5 designated in paragraph (1) if the owner of the ves-
6 sel is an individual or individuals who are citizens of
7 the United States, or is an entity deemed to be such
8 a citizen under section 50501 of title 46, United
9 States Code.

10 “(3) LIMITATION ON REPAIR AND MODIFICA-
11 TION.—

12 “(A) REQUIREMENT.—Any qualified work
13 shall be performed at a shipyard facility located
14 in the United States.

15 “(B) EXCEPTIONS.—The requirement in
16 subparagraph (A) does not apply to any quali-
17 fied work—

18 “(i) for which the owner or operator
19 enters into a binding agreement no later
20 than 1 year after the date of enactment of
21 the Elijah E. Cummings Coast Guard Au-
22 thorization Act of 2020; or

23 “(ii) necessary for the safe towage of
24 the vessel from outside the United States

1 to a shipyard facility in the United States
2 for completion of the qualified work.

3 “(C) DEFINITION.—In this paragraph,
4 qualified work means repair and modification
5 necessary for the issuance of a certificate of in-
6 spection issued as a result of the waiver for
7 which a coastwise endorsement is issued under
8 paragraph (1).”.

9 **SEC. 8434. REPLACEMENT VESSEL.**

10 Notwithstanding section 208(g)(5) of the American
11 Fisheries Act (Public Law 105–277; 16 U.S.C. 1851
12 note), a vessel eligible under section 208(e)(21) of such
13 Act that is replaced under section 208(g) of such Act shall
14 be subject to a sideboard restriction catch limit of zero
15 metric tons in the Bering Sea and Aleutian Islands and
16 in the Gulf of Alaska unless that vessel is also a replace-
17 ment vessel under section 679.4(o)(4) of title 50, Code of
18 Federal Regulations, in which case such vessel shall not
19 be eligible to be a catcher/processor under section
20 206(b)(2) of such Act.

21 **SEC. 8435. EDUCATIONAL VESSEL.**

22 (a) IN GENERAL.—Notwithstanding section
23 12112(a)(2) of title 46, United States Code, the Secretary
24 of the department in which the Coast Guard is operating
25 may issue a certificate of documentation with a coastwise

1 endorsement for the vessel *Oliver Hazard Perry* (IMO
2 number 8775560; United States official number
3 1257224).

4 (b) TERMINATION OF EFFECTIVENESS OF ENDORSE-
5 MENT.—The coastwise endorsement authorized under sub-
6 section (a) for the vessel *Oliver Hazard Perry* (IMO num-
7 ber 8775560; United States official number 1257224)
8 shall expire on the first date on which any of the following
9 occurs:

10 (1) The vessel is sold to a person, including an
11 entity, that is not related by ownership or control to
12 the person, including an entity, that owned the ves-
13 sel on the date of the enactment of this Act.

14 (2) The vessel is rebuilt and not rebuilt in the
15 United States (as defined in section 12101(a) of
16 title 46, United States Code).

17 (3) The vessel is no longer operating in primary
18 service as a sailing school vessel.

19 **SEC. 8436. WATERS DEEMED NOT NAVIGABLE WATERS OF**
20 **THE UNITED STATES FOR CERTAIN PUR-**
21 **POSES.**

22 The Coalbank Slough in Coos Bay, Oregon, is
23 deemed to not be navigable waters of the United States
24 for all purposes of subchapter J of Chapter I of title 33,
25 Code of Federal Regulations.

1 **SEC. 8437. ANCHORAGES.**

2 (a) IN GENERAL.—The Secretary of the department
3 in which the Coast Guard is operating shall suspend the
4 establishment of new anchorage grounds on the Hudson
5 River between Yonkers, New York, and Kingston, New
6 York, under section 7 of the Rivers and Harbors Appro-
7 priations Act of 1915 (33 U.S.C. 471) or chapter 700 of
8 title 46, United States Code.

9 (b) RESTRICTION.—The Commandant may not es-
10 tablish or expand any anchorage grounds outside of the
11 reach on the Hudson River described in subsection (a)
12 without first providing notice to the Committee on Trans-
13 portation and Infrastructure of the House of Representa-
14 tives and the Committee on Commerce, Science, and
15 Transportation of the Senate not later than 180 days prior
16 to the establishment or expansion of any such anchorage
17 grounds.

18 (c) SAVINGS CLAUSE.—Nothing in this section—

19 (1) prevents the master or pilot of a vessel op-
20 erating on the reach of the Hudson River described
21 in subsection (a) from taking actions necessary to
22 maintain the safety of the vessel or to prevent the
23 loss of life or property; or

24 (2) shall be construed as limiting the authority
25 of the Secretary of the department in which the
26 Coast Guard is operating to exercise authority over

1 the movement of a vessel under section 70002 of
2 title 46, United States Code, or any other applicable
3 laws or regulations governing the safe navigation of
4 a vessel.

5 (d) STUDY.—The Commandant of the Coast Guard,
6 in consultation with the Hudson River Safety, Navigation,
7 and Operations Committee, shall conduct a study of the
8 Hudson River north of Tarrytown, New York to exam-
9 ine—

10 (1) the nature of vessel traffic including vessel
11 types, sizes, cargoes, and frequency of transits;

12 (2) the risks and benefits of historic practices
13 for commercial vessels anchoring; and

14 (3) the risks and benefits of establishing an-
15 chorage grounds on the Hudson River.

16 (e) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Commandant of the
18 Coast Guard shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report containing the findings, con-
22 clusions, and recommendations from the study required
23 under subsection (d).

1 **SEC. 8438. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES STUDY AND REPORT ON VERTICAL**
3 **EVACUATION FOR TSUNAMIS AT COAST**
4 **GUARD STATIONS IN WASHINGTON AND OR-**
5 **EGON.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a study that exam-
9 ines the potential use, in the event of a Cascadia
10 subduction zone event, of a vertical evacuation of
11 Coast Guard personnel stationed at United States
12 Coast Guard Station Grays Harbor and Sector Field
13 Office Port Angeles, Washington, and at United
14 States Coast Guard Station Yaquina Bay and
15 United States Coast Guard Motor Lifeboat Station
16 Coos Bay, Oregon, and the dependents of such
17 Coast Guard personnel housed in Coast Guard hous-
18 ing.

19 (2) ELEMENTS.—The study required under
20 paragraph (1) shall analyze the following:

21 (A) The number of such personnel and de-
22 pendants to be evacuated.

23 (B) The resources available to conduct an
24 evacuation, and the feasibility of a successful
25 evacuation in a case in which inundation maps
26 and timelines are available.

1 (C) With the resources available, the
2 amount of time needed to evacuate such per-
3 sonnel and dependents.

4 (D) Any resource that is otherwise avail-
5 able within a reasonable walking distance to the
6 Coast Guard facilities listed in paragraph (1).

7 (E) The benefit to the surrounding com-
8 munity of such a vertical evacuation.

9 (F) The interoperability of the tsunami
10 warning system with the Coast Guard commu-
11 nication systems at the Coast Guard facilities
12 listed in paragraph (1).

13 (G) Current interagency coordination and
14 communication policies in place for emergency
15 responders to address a Cascadia subduction
16 zone event.

17 (b) REPORT.—Not later than 1 year after the date
18 of the enactment of this Act, the Comptroller General shall
19 submit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report containing the findings, conclusions,
23 and recommendations, if any, from the study required
24 under subsection (a).

1 **SEC. 8439. AUTHORITY TO ENTER INTO AGREEMENTS WITH**
2 **NATIONAL COAST GUARD MUSEUM ASSOCIA-**
3 **TION.**

4 (a) IN GENERAL.—Section 316 of title 14, United
5 States Code, is amended to read as follows:

6 **“§ 316. National Coast Guard Museum**

7 “(a) ESTABLISHMENT.—The Commandant may es-
8 tablish, accept, operate, maintain and support the Mu-
9 seum, on lands which will be federally owned and adminis-
10 tered by the Coast Guard, and are located in New London,
11 Connecticut.

12 “(b) USE OF FUNDS.—

13 “(1) The Secretary shall not expend any funds
14 appropriated to the Coast Guard on the construction
15 of any museum established under this section.

16 “(2) Subject to the availability of appropria-
17 tions, the Secretary may expend funds appropriated
18 to the Coast Guard on the engineering and design
19 of a Museum.

20 “(3) The priority for the use of funds appro-
21 priated to the Coast Guard shall be to preserve, pro-
22 tect, and display historic Coast Guard artifacts, in-
23 cluding the design, fabrication, and installation of
24 exhibits or displays in which such artifacts are in-
25 cluded.

1 “(c) FUNDING PLAN.—Not later than 2 years after
2 the date of the enactment of the Elijah E. Cummings
3 Coast Guard Authorization Act of 2020 and at least 90
4 days before the date on which the Commandant accepts
5 the Museum under subsection (f), the Commandant shall
6 submit to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives a plan for constructing, operating, and main-
10 taining such Museum, including—

11 “(1) estimated planning, engineering, design,
12 construction, operation, and maintenance costs;

13 “(2) the extent to which appropriated, non-
14 appropriated, and non-Federal funds will be used for
15 such purposes, including the extent to which there is
16 any shortfall in funding for engineering, design, or
17 construction;

18 “(3) an explanation of any environmental reme-
19 diation issues related to the land associated with the
20 Museum; and

21 “(4) a certification by the Inspector General of
22 the department in which the Coast Guard is oper-
23 ating that the estimates provided pursuant to para-
24 graphs (1) and (2) are reasonable and realistic.

25 “(d) CONSTRUCTION.—

1 “(1) The Association may construct the Mu-
2 seum described in subsection (a).

3 “(2) The Museum shall be designed and con-
4 structed in compliance with the International Build-
5 ing Code 2018, and construction performed on Fed-
6 eral land under this section shall be exempt from
7 State and local requirements for building or demoli-
8 tion permits.

9 “(e) AGREEMENTS.—Under such terms and condi-
10 tions as the Commandant considers appropriate, notwith-
11 standing section 504, and until the Commandant accepts
12 the Museum under subsection (f), the Commandant
13 may—

14 “(1) license Federal land to the Association for
15 the purpose of constructing the Museum described in
16 subsection (a); and

17 “(2)(A) at a nominal charge, lease the Museum
18 from the Association for activities and operations re-
19 lated to the Museum; and

20 “(B) authorize the Association to generate
21 revenue from the use of the Museum.

22 “(f) ACCEPTANCE.—Not earlier than 90 days after
23 the Commandant submits the plan under subsection (c),
24 the Commandant shall accept the Museum from the Asso-

1 ciation and all right, title, and interest in and to the Mu-
2 seum shall vest in the United States when—

3 “(1) the Association demonstrates, in a manner
4 acceptable to the Commandant, that the Museum
5 meets the design and construction requirements of
6 subsection (d); and

7 “(2) all financial obligations of the Association
8 incident to the National Coast Guard Museum have
9 been satisfied.

10 “(g) SERVICES.—The Commandant may solicit from
11 the Association and accept services from nonprofit enti-
12 ties, including services related to activities for construction
13 of the Museum.

14 “(h) AUTHORITY.—The Commandant may not estab-
15 lish a Museum except as set forth in this section.

16 “(i) DEFINITIONS.—In this section:

17 “(1) MUSEUM.—The term ‘Museum’ means the
18 National Coast Guard Museum.

19 “(2) ASSOCIATION.—The term ‘Association’
20 means the National Coast Guard Museum Associa-
21 tion.”.

22 (b) BRIEFINGS.—Not later than March 1 of the fiscal
23 year after the fiscal year in which the report required
24 under subsection (d) of section 316 of title 14, United
25 States Code, is provided, and not later than March 1 of

1 each year thereafter until 1 year after the year in which
2 the National Coast Guard Museum is accepted pursuant
3 to subsection (f) of such section, the Commandant shall
4 brief the Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on Transportation
6 and Infrastructure of the House of Representatives on the
7 following issues with respect to the Museum:

- 8 (1) The acceptance of gifts.
- 9 (2) Engineering.
- 10 (3) Design and project status.
- 11 (4) Land ownership.
- 12 (5) Environmental remediation.
- 13 (6) Operation and support issues.
- 14 (7) Plans.

15 **SEC. 8440. VIDEO EQUIPMENT; ACCESS AND RETENTION OF**
16 **RECORDS.**

17 (a) MAINTENANCE AND PLACEMENT OF VIDEO SUR-
18 VEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46,
19 United States Code, is amended—

20 (1) by striking “The owner” and inserting the
21 following:

22 “(A) IN GENERAL.—The owner”;

23 (2) by striking “, as determined by the Sec-
24 retary”; and

25 (3) by adding at the end, the following:

1 “(B) PLACEMENT OF VIDEO SURVEIL-
2 LANCE EQUIPMENT.—

3 “(i) IN GENERAL.—Not later than 18
4 months after the date of the enactment of
5 the Elijah E. Cummings Coast Guard Au-
6 thorization Act of 2020, the Commandant
7 in consultation with other relevant Federal
8 agencies or entities as determined by the
9 Commandant, shall establish guidance for
10 performance of the risk assessment de-
11 scribed in paragraph (2) regarding the ap-
12 propriate placement of video surveillance
13 equipment in passenger and crew common
14 areas where there is no reasonable expecta-
15 tion of privacy.

16 “(ii) RISK ASSESSMENT.—Not later
17 than 1 year after the Commandant estab-
18 lishes the guidance described in paragraph
19 (1), the owner shall conduct the risk as-
20 sessment required under paragraph (1)
21 and shall—

22 “(I) evaluate the placement of
23 video surveillance equipment to deter,
24 prevent, and record a sexual assault
25 aboard the vessel considering factors

1 such as: ship layout and design,
2 itinerary, crew complement, number
3 of passengers, passenger demo-
4 graphics, and historical data on the
5 type and location of prior sexual as-
6 sault incident allegations;

7 “(II) incorporate to the max-
8 imum extent practicable the video sur-
9 veillance guidance established by the
10 Commandant regarding the appro-
11 priate placement of video surveillance
12 equipment;

13 “(III) arrange for the risk as-
14 sessment to be conducted by an inde-
15 pendent third party with expertise in
16 the use and placement of camera sur-
17 veillance to deter, prevent and record
18 criminal behavior; and

19 “(IV) the independent third
20 party referred to in paragraph (C)
21 shall be a company that has been ac-
22 cepted by a classification society that
23 is a member of the International As-
24 sociation of Classification Societies
25 (hereinafter referred to as ‘IACS’) or

1 another classification society recog-
2 nized by the Secretary as meeting ac-
3 ceptable standards for such a society
4 pursuant to section 3316(b).

5 “(C) SURVEILLANCE PLAN.—Not later
6 than 180 days after completion of the risk as-
7 sessment conducted under subparagraph
8 (B)(ii), the owner of a vessel shall develop a
9 plan to install video surveillance equipment in
10 places determined to be appropriate in accord-
11 ance with the results of the risk assessment
12 conducted under subparagraph (B)(ii), except
13 in areas where a person has a reasonable expect-
14 ation of privacy. Such plan shall be evaluated
15 and approved by an independent third party
16 with expertise in the use and placement of cam-
17 era surveillance to deter, prevent and record
18 criminal behavior that has been accepted as set
19 forth in paragraph (2)(D).

20 “(D) INSTALLATION.—The owner of a ves-
21 sel to which this section applies shall, consistent
22 with the surveillance plan approved under sub-
23 paragraph (C), install appropriate video surveil-
24 lance equipment aboard the vessel not later
25 than 2 years after approval of the plan, or dur-

1 ing the next scheduled drydock, whichever is
2 later.

3 “(E) ATTESTATION.—At the time of initial
4 installation under subparagraph (D), the vessel
5 owner shall obtain written attestations from—

6 “(i) an IACS classification society
7 that the video surveillance equipment is in-
8 stalled in accordance with the surveillance
9 plan required under subparagraph (C); and

10 “(ii) the company security officer that
11 the surveillance equipment and associated
12 systems are operational, which attestation
13 shall be obtained each year thereafter.

14 “(F) UPDATES.—The vessel owner shall
15 ensure the risk assessment described in sub-
16 paragraph (B)(ii) and installation plan in sub-
17 paragraph (C) are updated not later than 5
18 years after the initial installation conducted
19 under subparagraph (D), and every 5 years
20 thereafter. The updated assessment and plan
21 shall be approved by an independent third party
22 with expertise in the use and placement of cam-
23 era surveillance to deter, prevent, and record
24 criminal behavior that has been accepted by an
25 IACS classification society. The vessel owner

1 shall implement the updated installation plan
2 not later than 180 days after approval.

3 “(G) AVAILABILITY.—Each risk assess-
4 ment, installation plan and attestation shall be
5 protected from disclosure under the Freedom of
6 Information Act, section 552 of title 5 but shall
7 be available to the Coast Guard—

8 “(i) upon request, and

9 “(ii) at the time of the certificate of
10 compliance or certificate of inspection ex-
11 amination.

12 “(H) DEFINITIONS.—For purposes of this
13 section a ‘ship security officer’ is an individual
14 that, with the master’s approval, has full re-
15 sponsibility for vessel security consistent with
16 the International Ship and Port Facility Secu-
17 rity Code.”.

18 (b) ACCESS TO VIDEO RECORDS; NOTICE OF VIDEO
19 SURVEILLANCE.—Section 3507(b) of title 46, United
20 States Code, is further amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3);

23 (2) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
2 owner of a vessel to which this section applies shall
3 provide clear and conspicuous signs on board the
4 vessel notifying the public of the presence of video
5 surveillance equipment.”;

6 (3) in paragraph (3), as so redesignated—

7 (A) by striking “The owner” and inserting
8 the following:

9 “(A) LAW ENFORCEMENT.—The owner”;
10 and

11 (B) by adding at the end the following:

12 “(B) CIVIL ACTIONS.—Except as pro-
13 scribed by law enforcement authorities or court
14 order, the owner of a vessel to which this sec-
15 tion applies shall, upon written request, provide
16 to any individual or the individual’s legal rep-
17 resentative a copy of all records of video surveil-
18 lance—

19 “(i) in which the individual is a sub-
20 ject of the video surveillance; and

21 “(ii) that may provide evidence of any
22 sexual assault incident in a civil action.

23 “(C) LIMITED ACCESS.—The owner of a
24 vessel to which this section applies shall ensure
25 that access to records of video surveillance is

1 limited to the purposes described in this para-
2 graph.”.

3 (c) RETENTION REQUIREMENTS.—

4 (1) IN GENERAL.—Section 3507(b) of title 46,
5 United States Code, is further amended by adding
6 at the end the following:

7 “(4) RETENTION REQUIREMENTS.—The owner
8 of a vessel to which this section applies shall retain
9 all records of video surveillance for not less than 20
10 days after the footage is obtained. The vessel owner
11 shall include a statement in the security guide re-
12 quired by subsection (c)(1)(A) that the vessel owner
13 is required by law to retain video surveillance foot-
14 age for the period specified in this paragraph. If an
15 incident described in subsection (g)(3)(A)(i) is al-
16 leged and reported to law enforcement, all records of
17 video surveillance from the voyage that the Federal
18 Bureau of Investigation determines are relevant
19 shall—

20 “(A) be provided to the Federal Bureau of
21 Investigation; and

22 “(B) be preserved by the vessel owner for
23 not less than 4 years from the date of the al-
24 leged incident.”.

25 (2) ADMINISTRATIVE PROVISIONS.—

1 (A) STUDY AND REPORT.—Each owner of
2 a vessel to which section 3507 of title 46,
3 United States Code, applies shall, not later
4 than March 1, 2023, submit to the Committee
5 on Transportation and Infrastructure of the
6 House of Representatives and the Committee
7 on Commerce, Science, and Transportation of
8 the Senate a report detailing the total number
9 of voyages for the preceding year and the per-
10 centage of those voyages that were 30 days or
11 longer.

12 (B) INTERIM STANDARDS.—Not later than
13 180 days after the date of enactment of this
14 Act, the Commandant, in consultation with the
15 Federal Bureau of Investigation, shall promul-
16 gate interim standards for the retention of
17 records of video surveillance.

18 (C) FINAL STANDARDS.—Not later than 1
19 year after the date of enactment of this Act, the
20 Commandant, in consultation with the Federal
21 Bureau of Investigation, shall promulgate final
22 standards for the retention of records of video
23 surveillance.

1 (D) CONSIDERATIONS.—In promulgating
2 standards under subparagraphs (B) and (B),
3 the Commandant shall—

4 (i) consider factors that would aid in
5 the investigation of serious crimes, includ-
6 ing the results of the report by the Com-
7 mandant provided under subparagraph
8 (A), as well as crimes that go unreported
9 until after the completion of a voyage;

10 (ii) consider the different types of
11 video surveillance systems and storage re-
12 quirements in creating standards both for
13 vessels currently in operation and for ves-
14 sels newly built;

15 (iii) consider privacy, including stand-
16 ards for permissible access to and moni-
17 toring and use of the records of video sur-
18 veillance; and

19 (iv) consider technological advance-
20 ments, including requirements to update
21 technology.

22 **SEC. 8441. REGULATIONS FOR COVERED SMALL PAS-**
23 **SENGER VESSELS.**

24 (a) IN GENERAL.—Section 3306 of title 46, United
25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph (1),
3 by inserting “, including covered small pas-
4 senger vessels (as defined in subsection (n)(5))”
5 after “vessels subject to inspection”; and

6 (B) in paragraph (5), by inserting before
7 the period at the end “, including rechargeable
8 devices utilized for personal or commercial elec-
9 tronic equipment”; and

10 (2) by adding at the end the following:

11 “(n) COVERED SMALL PASSENGER VESSELS.—

12 “(1) REGULATIONS.—The Secretary shall pre-
13 scribe additional regulations to secure the safety of
14 individuals and property on board covered small pas-
15 senger vessels.

16 “(2) COMPREHENSIVE REVIEW.—In order to
17 prescribe the regulations under paragraph (1), the
18 Secretary shall conduct a comprehensive review of
19 all requirements (including calculations), in existence
20 on the date of enactment of the Elijah E. Cummings
21 Coast Guard Authorization Act of 2020, that apply
22 to covered small passenger vessels, with respect to
23 fire detection, protection, and suppression systems,
24 and avenues of egress, on board such vessels.

25 “(3) REQUIREMENTS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the regulations prescribed under
3 paragraph (1) shall include, with respect to cov-
4 ered small passenger vessels, regulations for—

5 “(i) marine firefighting training pro-
6 grams to improve crewmember training
7 and proficiency, including emergency
8 egress training for each member of the
9 crew, to occur for all members on the
10 crew—

11 “(I) at least monthly while such
12 members are employed on board the
13 vessel; and

14 “(II) each time a new crew-
15 member joins the crew of such vessel;

16 “(ii) in all areas on board the vessel
17 where passengers and crew have access, in-
18 cluding dining areas, sleeping quarters,
19 and lounges—

20 “(I) interconnected fire detection
21 equipment, including audible and vis-
22 ual alarms; and

23 “(II) additional fire extinguishers
24 and other firefighting equipment;

1 “(iii) the installation and use of moni-
2 toring devices to ensure the wakefulness of
3 the required night watch;

4 “(iv) increased fire detection and sup-
5 pression systems (including additional fire
6 extinguishers) on board such vessels in un-
7 manned areas with machinery or areas
8 with other potential heat sources;

9 “(v) all general areas accessible to
10 passengers to have no less than 2 inde-
11 pendent avenues of escape that are—

12 “(I) constructed and arranged to
13 allow for free and unobstructed egress
14 from such areas;

15 “(II) located so that if one ave-
16 nue of escape is not available, another
17 avenue of escape is available; and

18 “(III) not located directly above,
19 or dependent on, a berth;

20 “(vi) the handling, storage, and oper-
21 ation of flammable items, such as re-
22 chargeable batteries, including lithium ion
23 batteries utilized for commercial purposes
24 on board such vessels;

1 “(vii) passenger emergency egress
2 drills for all areas on the vessel to which
3 passengers have access, which shall occur
4 prior to the vessel beginning each excursion;
5 and

6 “(viii) all passengers to be provided a
7 copy of the emergency egress plan for the
8 vessel.

9 “(B) APPLICABILITY TO CERTAIN COVERED
10 SMALL PASSENGER VESSELS.—The requirements
11 described in clauses (iii), (v), (vii),
12 and (viii) of subparagraph (A) shall only apply
13 to a covered small passenger vessel that has
14 overnight passenger accommodations.

15 “(4) INTERIM REQUIREMENTS.—

16 “(A) INTERIM REQUIREMENTS.—The Secretary
17 shall, prior to issuing final regulations
18 under paragraph (1), implement interim requirements
19 to enforce the requirements under
20 paragraph (3).

21 “(B) IMPLEMENTATION.—The Secretary
22 shall implement the interim requirements under
23 subparagraph (A) without regard to chapters 5
24 and 6 of title 5 and Executive Order Nos.
25 12866 and 13563 (5 U.S.C. 601 note; relating

1 to regulatory planning and review and relating
2 to improving regulation and regulatory review).

3 “(5) DEFINITION OF COVERED SMALL PAS-
4 Senger Vessel.—In this subsection, the term ‘cov-
5 ered small passenger vessel’—

6 “(A) except as provided in subparagraph
7 (B), means a small passenger vessel (as defined
8 in section 2101) that—

9 “(i) has overnight passenger accom-
10 modations; or

11 “(ii) is operating on a coastwise or
12 oceans route; and

13 “(B) does not include a ferry (as defined
14 in section 2101) or fishing vessel (as defined in
15 section 2101).”.

16 (b) SECTION 3202.—Section 3202(b) of title 46,
17 United States Code, is amended—

18 (1) by redesignating paragraphs (1) and (2) as
19 subparagraphs (A) and (B), respectively, and indent-
20 ing appropriately;

21 (2) by striking “This chapter” and inserting
22 the following:

23 “(1) IN GENERAL.—This chapter”; and

24 (3) by adding at the end the following:

1 “(2) SAFETY MANAGEMENT SYSTEM.—Notwith-
2 standing any other provision in this chapter, includ-
3 ing paragraph (1)(B), any regulations under section
4 3203, including the safety management system es-
5 tablished by such regulations, issued on or after the
6 date of enactment of the Elijah E. Cummings Coast
7 Guard Authorization Act of 2020, shall apply to all
8 covered small passenger vessels, as defined in section
9 3306(n)(5).”.

10 (c) SECTION 3203.—Section 3203(a) of title 46,
11 United States Code, is amended by inserting “(including,
12 for purposes of this section, all covered small passenger
13 vessels, as defined in section 3306(n)(5))” after “vessels
14 to which this chapter applies”.

15 **TITLE LVXXXV—TECHNICAL,**
16 **CONFORMING, AND CLARI-**
17 **FYING AMENDMENTS**

Sec. 8501. Transfers.

Sec. 8502. Additional transfers.

Sec. 8503. License exemptions; repeal of obsolete provisions.

Sec. 8504. Maritime transportation system.

Sec. 8505. References to “persons” and “seamen”.

Sec. 8506. References to “himself” and “his”.

Sec. 8507. Miscellaneous technical corrections.

Sec. 8508. Technical corrections relating to codification of Ports and Water-
ways Safety Act.

Sec. 8509. Aids to navigation.

Sec. 8510. Transfers related to employees of Lighthouse Service.

Sec. 8511. Transfers related to surviving spouses of Lighthouse Service employ-
ees.

Sec. 8512. Repeals related to lighthouse statutes.

Sec. 8513. Common appropriation structure.

1 **SEC. 8501. TRANSFERS.**

2 (a) IN GENERAL.—

3 (1) Section 215 of the Coast Guard and Mari-
4 time Transportation Act of 2004 (Public Law 108–
5 293; 14 U.S.C. 504 note) is redesignated as section
6 322 of title 14, United States Code, transferred to
7 appear after section 321 of such title (as added by
8 this division), and amended so that the enumerator,
9 section heading, typeface, and typestyle conform to
10 those appearing in other sections in title 14, United
11 States Code.

12 (2) Section 406 of the Maritime Transportation
13 Security Act of 2002 (Public Law 107–295; 14
14 U.S.C. 501 note) is redesignated as section 720 of
15 title 14, United States Code, transferred to appear
16 after section 719 of such title (as added by this divi-
17 sion), and amended so that the enumerator, section
18 heading, typeface, and typestyle conform to those
19 appearing in other sections in title 14, United States
20 Code.

21 (3) Section 1110 of title 14, United States
22 Code, is redesignated as section 5110 of such title
23 and transferred to appear after section 5109 of such
24 title (as added by this division).

1 (4) Section 401 of the Coast Guard Authoriza-
2 tion Act of 2010 (Public Law 111–281) is amended
3 by striking subsection (e).

4 (5) Subchapter I of chapter 11 of title 14,
5 United States Code, as amended by this division, is
6 amended by inserting after section 1109 the fol-
7 lowing:

8 **“§ 1110. Elevation of disputes to the Chief Acquisition**
9 **Officer**

10 “If, after 90 days following the elevation to the Chief
11 Acquisition Officer of any design or other dispute regard-
12 ing level 1 or level 2 acquisition, the dispute remains unre-
13 solved, the Commandant shall provide to the appropriate
14 congressional committees a detailed description of the
15 issue and the rationale underlying the decision taken by
16 the Chief Acquisition Officer to resolve the issue.”.

17 (6) Section 7 of the Rivers and Harbors Appro-
18 priations Act of 1915 (33 U.S.C. 471) is amended—

19 (A) by transferring such section to appear
20 after section 70005 of title 46, United States
21 Code;

22 (B) by striking “SEC. 7.” and inserting
23 **“§70006. Establishment by Secretary**
24 **of the department in which the Coast**
25 **Guard is operating of anchorage**

1 **grounds and regulations generally”;**

2 and

3 (C) by adjusting the margins with respect
4 to subsections (a) and (b) for the presence of
5 a section heading accordingly.

6 (7) Section 217 of the Coast Guard Authoriza-
7 tion Act of 2010 (Public Law 111–281; 14 U.S.C.
8 504 note)—

9 (A) is redesignated as section 5112 of title
10 14, United States Code, transferred to appear
11 after section 5111 of such title (as added by
12 this division), and amended so that the enu-
13 merator, section heading, typeface, and
14 typestyle conform to those appearing in other
15 sections in title 14, United States Code; and

16 (B) is amended—

17 (i) by striking the heading and insert-
18 ing the following:

19 **“§ 5112. Sexual assault and sexual harassment in the**
20 **Coast Guard”; and**

21 (ii) in subsection (b), by adding at the
22 end the following:

23 “(5)(A) The number of instances in which a
24 covered individual was accused of misconduct or

1 crimes considered collateral to the investigation of a
2 sexual assault committed against the individual.

3 “(B) The number of instances in which adverse
4 action was taken against a covered individual who
5 was accused of collateral misconduct or crimes as
6 described in subparagraph (A).

7 “(C) The percentage of investigations of sexual
8 assaults that involved an accusation or adverse ac-
9 tion against a covered individual as described in sub-
10 paragraphs (A) and (B).

11 “(D) In this paragraph, the term ‘covered indi-
12 vidual’ means an individual who is identified as a
13 victim of a sexual assault in the case files of a mili-
14 tary criminal investigative organization.”.

15 (b) CLERICAL AMENDMENTS.—

16 (1) The analysis for chapter 3 of title 14,
17 United States Code, as amended by this division, is
18 further amended by adding at the end the following:

“322. Redistricting notification requirement.”.

19 (2) The analysis for chapter 7 of title 14,
20 United States Code, as amended by this division, is
21 further amended by adding at the end the following:

“720. VHF communication services.”.

1 (3) The analysis for chapter 11 of title 14,
2 United States Code, is amended by striking the item
3 relating to section 1110 and inserting the following:

“1110. Elevation of disputes to the Chief Acquisition Officer.”.

4 (4) The analysis for chapter 51 of title 14,
5 United States Code, as amended by this division, is
6 further amended by adding at the end the following:

“5110. Mission need statement.

“5111. Report on diversity at Coast Guard Academy.

“5112. Sexual assault and sexual harassment in the Coast Guard.”.

7 (5) The analysis for chapter 700 of title 46,
8 United States Code, is further amended by inserting
9 after the item relating to section 70005 the fol-
10 lowing:

“70006. Establishment by the Secretary of the department in which the Coast
Guard is operating of anchorage grounds and regulations gen-
erally.”.

11 **SEC. 8502. ADDITIONAL TRANSFERS.**

12 (a) SECTION 204 OF THE MARINE TRANSPORTATION
13 SECURITY ACT.—

14 (1) The Maritime Transportation Security Act
15 of 2002 is amended by striking section 204 (33
16 U.S.C. 1902a).

17 (2) Section 3 of the Act to Prevent Pollution
18 from Ships (33 U.S.C. 1902)—

19 (A) is amended by redesignating sub-
20 sections (e) through (i) as subsections (f)
21 through (j) respectively; and

1 (B) by inserting after subsection (d) the
2 following:

3 “(e) DISCHARGE OF AGRICULTURAL CARGO RES-
4 IDUE.—Notwithstanding any other provision of law, the
5 discharge from a vessel of any agricultural cargo residue
6 material in the form of hold washings shall be governed
7 exclusively by the provisions of this Act that implement
8 Annex V to the International Convention for the Preven-
9 tion of Pollution from Ships.”.

10 (b) LNG TANKERS.—

11 (1) The Coast Guard and Maritime Transpor-
12 tation Act of 2006 is amended by striking section
13 304 (Public Law 109–241; 120 Stat. 527).

14 (2) Section 5 of the Deepwater Port Act of
15 1974 (33 U.S.C. 1504) is amended by adding at the
16 end the following:

17 “(j) LNG TANKERS.—

18 “(1) PROGRAM.—The Secretary of Transpor-
19 tation shall develop and implement a program to
20 promote the transportation of liquefied natural gas
21 to and from the United States on United States flag
22 vessels.

23 “(2) INFORMATION TO BE PROVIDED.—When
24 the Coast Guard is operating as a contributing agen-
25 cy in the Federal Energy Regulatory Commission’s

1 shoreside licensing process for a liquefied natural
2 gas or liquefied petroleum gas terminal located on
3 shore or within State seaward boundaries, the Coast
4 Guard shall provide to the Commission the informa-
5 tion described in section 5(c)(2)(K) of the Deep-
6 water Port Act of 1974 (33 U.S.C. 1504(c)(2)(K))
7 with respect to vessels reasonably anticipated to be
8 servicing that port.”.

9 **SEC. 8503. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE**
10 **PROVISIONS.**

11 (a) SERVICE UNDER LICENSES ISSUED WITHOUT
12 EXAMINATION.—

13 (1) REPEAL.—Section 8303 of title 46, United
14 States Code, and the item relating to that section in
15 the analysis for chapter 83 of that title, are re-
16 pealed.

17 (2) CONFORMING AMENDMENT.—Section
18 14305(a)(10) of title 46, United States Code, is
19 amended by striking “sections 8303 and 8304” and
20 inserting “section 8304”.

21 (b) STANDARDS FOR TANK VESSELS OF THE UNITED
22 STATES.—Section 9102 of title 46, United States Code,
23 is amended—

24 (1) by striking “(a)” before the first sentence;
25 and

1 (2) by striking subsection (b).

2 **SEC. 8504. MARITIME TRANSPORTATION SYSTEM.**

3 (a) MARITIME TRANSPORTATION SYSTEM.—Section
4 312(b)(4) of title 14, United States Code, is amended by
5 striking “marine transportation system” and inserting
6 “maritime transportation system”.

7 (b) CLARIFICATION OF REFERENCE TO MARINE
8 TRANSPORTATION SYSTEM PROGRAMS.—Section
9 50307(a) of title 46, United States Code, is amended by
10 striking “marine transportation” and inserting “maritime
11 transportation”.

12 **SEC. 8505. REFERENCES TO “PERSONS” AND “SEAMEN”.**

13 (a) TECHNICAL CORRECTION OF REFERENCES TO
14 “PERSONS”.—Title 14, United States Code, is amended
15 as follows:

16 (1) In section 312(d), by striking “persons”
17 and inserting “individuals”.

18 (2) In section 313(d)(2)(B), by striking “per-
19 son” and inserting “individual”.

20 (3) In section 504—

21 (A) in subsection (a)(19)(B), by striking
22 “a person” and inserting “an individual”; and

23 (B) in subsection (c)(4), by striking “sea-
24 men;” and inserting “mariners;”.

1 (4) In section 521, by striking “persons” each
2 place it appears and inserting “individuals”.

3 (5) In section 522—

4 (A) by striking “a person” and inserting
5 “an individual”; and

6 (B) by striking “person” the second and
7 third place it appears and inserting “indi-
8 vidual”.

9 (6) In section 525(a)(1)(C)(ii), by striking
10 “person” and inserting “individual”.

11 (7) In section 526—

12 (A) by striking “person” each place it ap-
13 pears and inserting “individual”;

14 (B) by striking “persons” each place it ap-
15 pears and inserting “individuals”; and

16 (C) in subsection (b), by striking “per-
17 son’s” and inserting “individual’s”.

18 (8) In section 709—

19 (A) by striking “persons” and inserting
20 “individuals”; and

21 (B) by striking “person” and inserting “in-
22 dividual”.

23 (9) In section 933(b), by striking “Every per-
24 son” and inserting “An individual”.

1 (10) In section 1102(d), by striking “persons”
2 and inserting “individuals”.

3 (11) In section 1902(b)(3)—

4 (A) in subparagraph (A), by striking “per-
5 son or persons” and inserting “individual or in-
6 dividuals”; and

7 (B) in subparagraph (B), by striking “per-
8 son” and inserting “individual”.

9 (12) In section 1941(b), by striking “persons”
10 and inserting “individuals”.

11 (13) In section 2101(b), by striking “person”
12 and inserting “individual”.

13 (14) In section 2102(c), by striking “A person”
14 and inserting “An individual”.

15 (15) In section 2104(b)—

16 (A) by striking “persons” and inserting
17 “individuals”; and

18 (B) by striking “A person” and inserting
19 “An individual”.

20 (16) In section 2118(d), by striking “person”
21 and inserting “individual who is”.

22 (17) In section 2147(d), by striking “a person”
23 and inserting “an individual”.

24 (18) In section 2150(f), by striking “person”
25 and inserting “individual who is”.

1 (19) In section 2161(b), by striking “person”
2 and inserting “individual”.

3 (20) In section 2317—

4 (A) by striking “persons” and inserting
5 “individuals”;

6 (B) by striking “person” each place it ap-
7 pears and inserting “individual”; and

8 (C) in subsection (c)(2), by striking “per-
9 son’s” and inserting “individual’s”.

10 (21) In section 2531—

11 (A) by striking “person” each place it ap-
12 pears and inserting “individual”; and

13 (B) by striking “persons” each place it ap-
14 pears and inserting “individuals”.

15 (22) In section 2709, by striking “persons” and
16 inserting “individuals”.

17 (23) In section 2710—

18 (A) by striking “persons” and inserting
19 “individuals”; and

20 (B) by striking “person” each place it ap-
21 pears and inserting “individual”.

22 (24) In section 2711(b), by striking “person”
23 and inserting “individual”.

24 (25) In section 2732, by striking “a person”
25 and inserting “an individual”.

1 (26) In section 2733—

2 (A) by striking “A person” and inserting
3 “An individual”; and

4 (B) by striking “that person” and insert-
5 ing “that individual”.

6 (27) In section 2734, by striking “person” each
7 place it appears and inserting “individual”.

8 (28) In section 2735, by striking “a person”
9 and inserting “an individual”.

10 (29) In section 2736, by striking “person” and
11 inserting “individual”.

12 (30) In section 2737, by striking “a person”
13 and inserting “an individual”.

14 (31) In section 2738, by striking “person” and
15 inserting “individual”.

16 (32) In section 2739, by striking “person” and
17 inserting “individual”.

18 (33) In section 2740—

19 (A) by striking “person” and inserting “in-
20 dividual”; and

21 (B) by striking “one” the second place it
22 appears.

23 (34) In section 2741—

24 (A) in subsection (a), by striking “a per-
25 son” and inserting “an individual”;

1 (B) in subsection (b)(1), by striking “per-
2 son’s” and inserting “individual’s”; and

3 (C) in subsection (b)(2), by striking “per-
4 son” and inserting “individual”.

5 (35) In section 2743, by striking “person” each
6 place it appears and inserting “individual”.

7 (36) In section 2744—

8 (A) in subsection (b), by striking “a per-
9 son” and inserting “an individual”; and

10 (B) in subsections (a) and (c), by striking
11 “person” each place it appears and inserting
12 “individual”.

13 (37) In section 2745, by striking “person” and
14 inserting “individual”.

15 (38)(A) In section 2761—

16 (i) in the section heading, by striking
17 “**Persons**” and inserting “**Individuals**”;

18 (ii) by striking “persons” and inserting
19 “individuals”; and

20 (iii) by striking “person” and inserting
21 “individual”.

22 (B) In the analysis for chapter 27, by striking
23 the item relating to section 2761 and inserting the
24 following:

“2761. Individuals discharged as result of court-martial; allowances to.”.

1 (39)(A) In the heading for section 2767, by
2 striking “**persons**” and inserting “**individuals**”.

3 (B) In the analysis for chapter 27, by striking
4 the item relating to section 2767 and inserting the
5 following:

“2767. Reimbursement for medical-related travel expenses for certain individuals
residing on islands in the continental United States.”.

6 (40) In section 2769—

7 (A) by striking “a person’s” and inserting
8 “an individual’s”; and

9 (B) in paragraph (1), by striking “person”
10 and inserting “individual”.

11 (41) In section 2772(a)(2), by striking “per-
12 son” and inserting “individual”.

13 (42) In section 2773—

14 (A) in subsection (b), by striking “per-
15 sons” each place it appears and inserting “indi-
16 viduals”; and

17 (B) in subsection (d), by striking “a per-
18 son” and inserting “an individual”.

19 (43) In section 2775, by striking “person” each
20 place it appears and inserting “individual”.

21 (44) In section 2776, by striking “person” and
22 inserting “individual”.

23 (45)(A) In section 2777—

1 (i) in the heading, by striking “**persons**”
2 and inserting “**individuals**”; and

3 (ii) by striking “persons” each place it ap-
4 pears and inserting “individuals”.

5 (B) In the analysis for chapter 27, by striking
6 the item relating to section 2777 and inserting the
7 following:

“2777. Clothing for destitute shipwrecked individuals.”.

8 (46) In section 2779, by striking “persons”
9 each place it appears and inserting “individuals”.

10 (47) In section 2902(c), by striking “person”
11 and inserting “individual”.

12 (48) In section 2903(b), by striking “person”
13 and inserting “individual”.

14 (49) In section 2904(b)(1)(B), by striking “a
15 person” and inserting “an individual”.

16 (50) In section 3706—

17 (A) by striking “a person” and inserting
18 “an individual”; and

19 (B) by striking “person’s” and inserting
20 “individual’s”.

21 (51) In section 3707—

22 (A) in subsection (c)—

23 (i) by striking “person” and inserting
24 “individual”; and

1 (ii) by striking “person’s” and insert-
2 ing “individual’s”; and

3 (B) in subsection (e), by striking “a per-
4 son” and inserting “an individual”.

5 (52) In section 3708, by striking “person” each
6 place it appears and inserting “individual”.

7 (53) In section 3738—

8 (A) by striking “a person” each place it
9 appears and inserting “an individual”;

10 (B) by striking “person’s” and inserting
11 “individual’s”; and

12 (C) by striking “A person” and inserting
13 “An individual”.

14 (b) CORRECTION OF REFERENCES TO PERSONS AND
15 SEAMEN.—

16 (1) Section 2303a(a) of title 46, United States
17 Code, is amended by striking “persons” and insert-
18 ing “individuals”.

19 (2) Section 2306(a)(3) of title 46, United
20 States Code, is amended to read as follows:

21 “(3) An owner, charterer, managing operator, or
22 agent of a vessel of the United States notifying the Coast
23 Guard under paragraph (1) or (2) shall—

24 “(A) provide the name and identification num-
25 ber of the vessel, the names of individuals on board,

1 and other information that may be requested by the
2 Coast Guard; and

3 “(B) submit written confirmation to the Coast
4 Guard within 24 hours after nonwritten notification
5 to the Coast Guard under such paragraphs.”.

6 (3) Section 7303 of title 46, United States
7 Code, is amended by striking “seaman” each place
8 it appears and inserting “individual”.

9 (4) Section 7319 of title 46, United States
10 Code, is amended by striking “seaman” each place
11 it appears and inserting “individual”.

12 (5) Section 7501(b) of title 46, United States
13 Code, is amended by striking “seaman” and insert-
14 ing “holder”.

15 (6) Section 7508(b) of title 46, United States
16 Code, is amended by striking “individual seamen or
17 a specifically identified group of seamen” and insert-
18 ing “an individual or a specifically identified group
19 of individuals”.

20 (7) Section 7510 of title 46, United States
21 Code, is amended—

22 (A) in subsection (c)(8)(B), by striking
23 “merchant seamen” and inserting “merchant
24 mariner”; and

1 (B) in subsection (d), by striking “mer-
2 chant seaman” and inserting “merchant mar-
3 iner”.

4 (8) Section 8103(k)(3)(C) of title 46, United
5 States Code, is amended by striking “merchant
6 mariners” each place it appears and inserting “mer-
7 chant mariner’s”.

8 (9) Section 8104 of title 46, United States
9 Code, is amended—

10 (A) in subsection (c), by striking “a li-
11 censed individual or seaman” and inserting “an
12 individual”;

13 (B) in subsection (d), by striking “A li-
14 censed individual or seaman” and inserting “An
15 individual”;

16 (C) in subsection (e), by striking “a sea-
17 man” each place it appears and inserting “an
18 individual”; and

19 (D) in subsection (j), by striking “seaman”
20 and inserting “individual”.

21 (10) Section 8302(d) of title 46, United States
22 Code, is amended by striking “3 persons” and in-
23 serting “3 individuals”.

1 (11) Section 11201 of title 46, United States
2 Code, is amended by striking “a person” each place
3 it appears and inserting “an individual”.

4 (12) Section 11202 of title 46, United States
5 Code, is amended—

6 (A) by striking “a person” and inserting
7 “an individual”; and

8 (B) by striking “the person” each place it
9 appears and inserting “the individual”.

10 (13) Section 11203 of title 46, United States
11 Code, is amended—

12 (A) by striking “a person” each place it
13 appears and inserting “an individual”; and

14 (B) in subsection (a)(2), by striking “that
15 person” and inserting “that individual”.

16 (14) Section 15109(i)(2) of title 46, United
17 States Code, is amended by striking “additional per-
18 sons” and inserting “additional individuals”.

19 **SEC. 8506. REFERENCES TO “HIMSELF” AND “HIS”.**

20 (a) Section 1927 of title 14, United States Code, is
21 amended by—

22 (1) striking “of his initial” and inserting “of an
23 initial”; and

24 (2) striking “from his pay” and inserting “from
25 the pay of such cadet”.

1 (b) Section 2108(b) of title 14, United States Code,
2 is amended by striking “himself” and inserting “such offi-
3 cer”.

4 (c) Section 2732 of title 14, United States Code, as
5 amended by this division, is further amended—

6 (1) by striking “distinguishes himself conspicu-
7 ously by” and inserting “displays conspicuous”; and

8 (2) by striking “his” and inserting “such indi-
9 vidual’s”.

10 (d) Section 2736 of title 14, United States Code, as
11 amended by this division, is further amended by striking
12 “distinguishes himself by” and inserting “performs”.

13 (e) Section 2738 of title 14, United States Code, as
14 amended by this division, is further amended by striking
15 “distinguishes himself by” and inserting “displays”.

16 (f) Section 2739 of title 14, United States Code, as
17 amended by this division, is further amended by striking
18 “distinguishes himself by” and inserting “displays”.

19 (g) Section 2742 of title 14, United States Code, is
20 amended by striking “he distinguished himself” and in-
21 serting “of the acts resulting in the consideration of such
22 award”.

23 (h) Section 2743 of title 14, United States Code, as
24 amended by this division, is further amended—

25 (1) by striking “distinguishes himself”; and

1 (2) by striking “he” and inserting “such indi-
2 vidual”.

3 **SEC. 8507. MISCELLANEOUS TECHNICAL CORRECTIONS.**

4 (a) MISCELLANEOUS TECHNICAL CORRECTIONS.—

5 (1) Section 3305(d)(3)(B) of title 46, United
6 States Code, is amended by striking “Coast Guard
7 Authorization Act of 2017” and inserting “Frank
8 LoBiondo Coast Guard Authorization Act of 2018”.

9 (2) Section 4312 of title 46, United States
10 Code, is amended by striking “Coast Guard Author-
11 ization Act of 2017” each place it appears and in-
12 serting “Frank LoBiondo Coast Guard Authoriza-
13 tion Act of 2018 (Public Law 115–282)”.

14 (3) The analysis for chapter 700 of title 46,
15 United States Code, is amended—

16 (A) by striking the item relating to the
17 heading for the first subchapter and inserting
18 the following:

“SUBCHAPTER I—VESSEL OPERATIONS”;

19 (B) by striking the item relating to the
20 heading for the second subchapter and inserting
21 the following:

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY”;

22 (C) by striking the item relating to the
23 heading for the third subchapter and the item

1 relating to section 70021 of such chapter and
2 inserting the following:

“SUBCHAPTER III—CONDITIONS FOR ENTRY INTO PORTS IN THE UNITED
STATES

“70021. Conditions for entry into ports in the United States.”;

3 (D) by striking the item relating to the
4 heading for the fourth subchapter and inserting
5 the following:

“SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT,
INVESTIGATORY POWERS, APPLICABILITY”;

6 (E) by striking the item relating to the
7 heading for the fifth subchapter and inserting
8 the following:

“SUBCHAPTER V—REGATTAS AND MARINE PARADES”;

9 and

10 (F) by striking the item relating to the
11 heading for the sixth subchapter and inserting
12 the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF
THE UNITED STATES”.

13 (4) Section 70031 of title 46, United States
14 Code, is amended by striking “A through C” and in-
15 serting “I through III”.

16 (5) Section 70032 of title 46, United States
17 Code, is amended by striking “A through C” and in-
18 serting “I through III”.

1 (6) Section 70033 of title 46, United States
2 Code, is amended by striking “A through C” and in-
3 serting “I through III”.

4 (7) Section 70034 of title 46, United States
5 Code, is amended by striking “A through C” each
6 place it appears and inserting “I through III”.

7 (8) Section 70035(a) of title 46, United States
8 Code, is amended by striking “A through C” and in-
9 serting “I through III”.

10 (9) Section 70036 of title 46, United States
11 Code, is amended by—

12 (A) striking “A through C” each place it
13 appears and inserting “I through III”; and

14 (B) striking “A, B, or C” each place it ap-
15 pears and inserting “I, II, or III”.

16 (10) Section 70051 of title 46, United States
17 Code, is amended—

18 (A) by striking “immediate Federal re-
19 sponse,” and all that follows through “subject
20 to the approval” and inserting “immediate Fed-
21 eral response, the Secretary of the department
22 in which the Coast Guard is operating may
23 make, subject to the approval”; and

24 (B) by striking “authority to issue such
25 rules” and all that follows through “Any appro-

1 priasation” and inserting “authority to issue such
2 rules and regulations to the Secretary of the de-
3 partment in which the Coast Guard is oper-
4 ating. Any appropriation”.

5 (11) Section 70052(e) of title 46, United States
6 Code, is amended by striking “Secretary” and in-
7 serting “Secretary of the department in which the
8 Coast Guard is operating” each place it appears.

9 (b) ALTERATION OF BRIDGES; TECHNICAL
10 CHANGES.—The Act of June 21, 1940 (33 U.S.C. 511
11 et seq.), popularly known as the Truman-Hobbs Act, is
12 amended by striking section 12 (33 U.S.C. 522).

13 (c) REPORT OF DETERMINATION; TECHNICAL COR-
14 RECTION.—Section 105(f)(2) of the Pribilof Islands Tran-
15 sition Act (16 U.S.C. 1161 note; Public Law 106–562)
16 is amended by striking “subsection (a),” and inserting
17 “paragraph (1),”.

18 (d) TECHNICAL CORRECTIONS TO FRANK LOBIONDO
19 COAST GUARD AUTHORIZATION ACT OF 2018.—

20 (1) Section 408 of the Frank LoBiondo Coast
21 Guard Authorization Act of 2018 (Public Law 115–
22 282) and the item relating to such section in section
23 2 of such Act are repealed, and the provisions of law
24 redesignated, transferred, or otherwise amended by

1 section 408 are amended to read as if such section
2 were not enacted.

3 (2) Section 514(b) of the Frank LoBiondo
4 Coast Guard Authorization Act of 2018 (Public Law
5 115–282) is amended by striking “Chapter 30” and
6 inserting “Chapter 3”.

7 (3) Section 810(d) of the Frank LoBiondo
8 Coast Guard Authorization Act of 2018 (Public Law
9 115–282) is amended by striking “within 30 days
10 after receiving the notice under subsection (a)(1),
11 the Secretary shall, by not later than 60 days after
12 transmitting such notice,” and inserting “in accord-
13 ance within subsection (a)(2), the Secretary shall”.

14 (4) Section 820(a) of the Frank LoBiondo
15 Coast Guard Authorization Act of 2018 (Public Law
16 115–282) is amended by striking “years 2018 and”
17 and inserting “year”.

18 (5) Section 820(b)(2) of the Frank LoBiondo
19 Coast Guard Authorization Act of 2018 (Public Law
20 115–282) is amended by inserting “and the Consoli-
21 dated Appropriations Act, 2018 (Public Law 115–
22 141)” after “(Public Law 115–31)”.

23 (6) Section 821(a)(2) of the Frank LoBiondo
24 Coast Guard Authorization Act of 2018 (Public Law
25 115–282) is amended by striking “Coast Guard Au-

1 thorization Act of 2017” and inserting “Frank
2 LoBiondo Coast Guard Authorization Act of 2018”.

3 (7) This section shall take effect on the date of
4 the enactment of the Frank LoBiondo Coast Guard
5 Authorization Act of 2018 (Public Law 115–282)
6 and apply as if included therein.

7 (e) TECHNICAL CORRECTION.—Section 533(d)(2)(A)
8 of the Coast Guard Authorization Act of 2016 (Public
9 Law 114–120) is amended by striking “Tract 6” and in-
10 serting “such Tract”.

11 (f) DISTANT WATER TUNA FLEET; TECHNICAL COR-
12 RECTIONS.—Section 421 of the Coast Guard and Mari-
13 time Transportation Act of 2006 (Public Law 109–241)
14 is amended—

15 (1) in subsection (a)—

16 (A) by striking “Notwithstanding” and in-
17 serting the following:

18 “(1) IN GENERAL.—Notwithstanding”; and

19 (B) by adding at the end the following:

20 “(2) DEFINITION.—In this subsection, the term
21 ‘treaty area’ has the meaning given the term in the
22 Treaty on Fisheries Between the Governments of
23 Certain Pacific Island States and the Government of
24 the United States of America as in effect on the
25 date of the enactment of the Coast Guard and Mari-

1 time Transportation Act of 2006 (Public Law 109–
2 241).”; and

3 (2) in subsection (c)—

4 (A) by striking “12.6 or 12.7” and insert-
5 ing “13.6”; and

6 (B) by striking “and Maritime Transpor-
7 tation Act of 2012” and inserting “Authoriza-
8 tion Act of 2020”.

9 **SEC. 8508. TECHNICAL CORRECTIONS RELATING TO CODI-**
10 **FICATION OF PORTS AND WATERWAYS SAFE-**
11 **TY ACT.**

12 Effective upon the enactment of section 401 of the
13 Frank LoBiondo Coast Guard Authorization Act of 2018
14 (Public Law 115–282), and notwithstanding section
15 402(e) of such Act—

16 (1) section 16 of the Ports and Waterways
17 Safety Act, as added by section 315 of the Coun-
18 tering America’s Adversaries Through Sanctions Act
19 (Public Law 115–44; 131 Stat. 947)—

20 (A) is redesignated as section 70022 of
21 title 46, United States Code, transferred to ap-
22 pear after section 70021 of that title, and
23 amended so that the enumerator, section head-
24 ing, typeface, and typestyle conform to those

1 appearing in other sections in title 46, United
2 States Code; and

3 (B) as so redesignated and transferred, is
4 amended—

5 (i) in subsections (b) and (e), by strik-
6 ing “section 4(a)(5)” each place it appears
7 and inserting “section 70001(a)(5)”;

8 (ii) in subsection (c)(2), by striking
9 “not later than” and all that follows
10 through “thereafter,” and inserting “peri-
11 odically”; and

12 (iii) by striking subsection (h); and

13 (2) chapter 700 of title 46, United States Code,
14 is amended—

15 (A) in section 70002(2), by inserting “or
16 70022” after “section 70021”;

17 (B) in section 70036(e), by inserting “or
18 70022” after “section 70021”; and

19 (C) in the analysis for such chapter—

20 (i) by inserting “Sec.” above the sec-
21 tion items, in accordance with the style
22 and form of such an entry in other chapter
23 analyses of such title; and

24 (ii) by adding at the end the fol-
25 lowing:

“70022. Prohibition on entry and operation.”.

1 **SEC. 8509. AIDS TO NAVIGATION.**

2 (a) Section 541 of title 14, United States Code, is
3 amended—

4 (1) by striking “In” and inserting “(a) In”; and

5 (2) by adding at the end the following:

6 “(b) In the case of pierhead beacons, the Com-
7 mandant may—

8 “(1) acquire, by donation or purchase in behalf
9 of the United States, the right to use and occupy
10 sites for pierhead beacons; and

11 “(2) properly mark all pierheads belonging to
12 the United States situated on the northern and
13 northwestern lakes, whenever the Commandant is
14 duly notified by the department charged with the
15 construction or repair of pierheads that the con-
16 struction or repair of any such pierheads has been
17 completed.”.

18 (b) Subchapter III of chapter 5 of title 14, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 548. Prohibition against officers and employees**
22 **being interested in contracts for mate-**
23 **rials**

24 “No officer, enlisted member, or civilian member of
25 the Coast Guard in any manner connected with the con-
26 struction, operation, or maintenance of lighthouses, shall

1 be interested, either directly or indirectly, in any contract
2 for labor, materials, or supplies for the construction, oper-
3 ation, or maintenance of lighthouses, or in any patent,
4 plan, or mode of construction or illumination, or in any
5 article of supply for the construction, operation, or mainte-
6 nance of lighthouses.

7 **“§ 549. Lighthouse and other sites; necessity and suf-**
8 **ficiency of cession by State of jurisdiction**

9 “(a) No lighthouse, beacon, public pier, or landmark,
10 shall be built or erected on any site until cession of juris-
11 diction over the same has been made to the United States.

12 “(b) For the purposes of subsection (a), a cession by
13 a State of jurisdiction over a place selected as the site
14 of a lighthouse, or other structure or work referred to in
15 subsection (a), shall be deemed sufficient if the cession
16 contains a reservation that process issued under authority
17 of such State may continue to be served within such place.

18 “(c) If no reservation of service described in sub-
19 section (b) is contained in a cession, all process may be
20 served and executed within the place ceded, in the same
21 manner as if no cession had been made.

22 **“§ 550. Marking pierheads in certain lakes**

23 “The Commandant of the Coast Guard shall properly
24 mark all pierheads belonging to the United States situated
25 on the northern and northwestern lakes, whenever he is

1 duly notified by the department charged with the construc-
2 tion or repair of pierheads that the construction or repair
3 of any such pierhead has been completed.”.

4 (c) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 5 of title 14, United States Code, is amended by insert-
6 ing after the item relating to section 547 the following:

“548. Prohibition against officers and employees being interested in contracts
for materials.

“549. Lighthouse and other sites; necessity and sufficiency of cession by State
of jurisdiction.

“550. Marking pierheads in certain lakes.”.

7 **SEC. 8510. TRANSFERS RELATED TO EMPLOYEES OF LIGHT-**
8 **HOUSE SERVICE.**

9 (a) Section 6 of chapter 103 of the Act of June 20,
10 1918 (33 U.S.C. 763) is repealed.

11 (b) Chapter 25 of title 14, United States Code, is
12 amended by inserting after section 2531 the following:

13 **“§ 2532. Retirement of employees**

14 “(a) OPTIONAL RETIREMENT.—Except as provided
15 in subsections (d) and (e), a covered employee may retire
16 from further performance of duty if such officer or em-
17 ployee—

18 “(1) has completed 30 years of active service in
19 the Government and is at least 55 years of age;

20 “(2) has completed 25 years of active service in
21 the Government and is at least 62 years of age; or

22 “(3) is involuntarily separated from further per-
23 formance of duty, except by removal for cause on

1 charges of misconduct or delinquency, after com-
2 pleting 25 years of active service in the Government,
3 or after completing 20 years of such service and if
4 such employee is at least 50 years of age.

5 “(b) COMPULSORY RETIREMENT.—A covered em-
6 ployee who becomes 70 years of age shall be compulsorily
7 retired from further performance of duty.

8 “(c) RETIREMENT FOR DISABILITY.—

9 “(1) IN GENERAL.—A covered employee who
10 has completed 15 years of active service in the Gov-
11 ernment and is found, after examination by a med-
12 ical officer of the United States, to be disabled for
13 useful and efficient service by reason of disease or
14 injury not due to vicious habits, intemperance, or
15 willful misconduct of such officer or employee, shall
16 be retired.

17 “(2) RESTORATION TO ACTIVE DUTY.—Any in-
18 dividual retired under paragraph (1) may, upon re-
19 covery, be restored to active duty, and shall from
20 time to time, before reaching the age at which such
21 individual may retire under subsection (a), be reex-
22 amined by a medical officer of the United States
23 upon the request of the Secretary of the department
24 in which the Coast Guard is operating.

25 “(d) ANNUAL COMPENSATION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), The annual compensation of a person re-
3 tired under this section shall be a sum equal to one-
4 fortieth of the average annual pay received for the
5 last 3 years of service for each year of active service
6 in the Lighthouse Service, or in a department or
7 branch of the Government having a retirement sys-
8 tem, not to exceed thirty-fortieths of such average
9 annual pay received.

10 “(2) RETIREMENT BEFORE 55.—The retirement
11 pay computed under paragraph (1) for any officer or
12 employee retiring under this section shall be reduced
13 by one-sixth of 1 percent for each full month the of-
14 ficer or employee is under 55 years of age at the
15 date of retirement.

16 “(3) NO ALLOWANCE OR SUBSISTENCE.—Re-
17 tirement pay under this section shall not include any
18 amount on account of subsistence or other allow-
19 ance.

20 “(e) EXCEPTION.—The retirement and pay provision
21 in this section shall not apply to—

22 “(1) any person in the field service of the
23 Lighthouse Service whose duties do not require sub-
24 stantially all their time; or

25 “(2) persons of the Coast Guard.

1 “(f) WAIVER.—Any person entitled to retirement pay
2 under this section may decline to accept all or any part
3 of such retirement pay by a waiver signed and filed with
4 the Secretary of the Treasury. Such waiver may be re-
5 voked in writing at any time, but no payment of the retire-
6 ment pay waived shall be made covering the period during
7 which such waiver was in effect.

8 “(g) DEFINITION.—For the purposes of this section,
9 the term ‘covered employee’ means an officer or employee
10 engaged in the field service or on vessels of the Lighthouse
11 Service, except a person continuously employed in district
12 offices or shop.”.

13 (c) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 25 of title 14, United States Code, is amended by in-
15 serting after the item relating to section 2531 the fol-
16 lowing:

“2532. Retirement of employees.”.

17 **SEC. 8511. TRANSFERS RELATED TO SURVIVING SPOUSES**
18 **OF LIGHTHOUSE SERVICE EMPLOYEES.**

19 (a) BENEFIT TO SURVIVING SPOUSES.—Chapter 25
20 of title 14, United States Code, is further amended by in-
21 serting after section 2532 (as added by this division) the
22 following:

23 **“§ 2533. Surviving spouses**

24 “The Secretary of the department in which the Coast
25 Guard is operating shall pay \$100 per month to the sur-

1 living spouse of a current or former employee of the
2 Lighthouse Service in accordance with section 2532 if
3 such employee dies—

4 “(1) at a time when such employee was receiv-
5 ing or was entitled to receive retirement pay under
6 this subchapter; or

7 “(2) from non-service-connected causes after
8 fifteen or more years of employment in such serv-
9 ice.”.

10 (b) TRANSFERS RELATED TO SURVIVING SPOUSES
11 OF LIGHTHOUSE SERVICE EMPLOYEES.—

12 (1) Chapter 25 of title 14, United States Code,
13 is amended by inserting after section 2533 (as added
14 by this division) the following:

15 “§ 2534. **Application for benefits**”.

16 (2)(A) Section 3 of chapter 761 of the Act of
17 August 19, 1950 (33 U.S.C. 773), is redesignated as
18 section 2534(a) of title 14, United States Code,
19 transferred to appear after the heading of section
20 2534 of that title, and amended so that the enu-
21 merator, section heading, typeface, and typestyle
22 conform to those appearing in other sections in title
23 14, United States Code.

1 (B) Section 2534(a), as so redesignated, trans-
2 ferred, and amended is further amended by striking
3 “this Act” and inserting “section 2533”.

4 (3)(A) Section 4 of chapter 761 of the Act of
5 August 19, 1950 (33 U.S.C. 774), is redesignated as
6 section 2534(b) of title 14, United States Code,
7 transferred to appear after section 2534(a) of that
8 title, and amended so that the enumerator, section
9 heading, typeface, and typestyle conform to those
10 appearing in other sections in title 14, United States
11 Code.

12 (B) Section 2534(b), as so redesignated, trans-
13 ferred, and amended is further amended by striking
14 “the provisions of this Act” and inserting “section
15 2533”.

16 (4)(A) The proviso under the heading “Pay-
17 ment to Civil Service Retirement and Disability
18 Fund” of title V of division C of Public Law 112–
19 74 (33 U.S.C. 776) is redesignated as section
20 2534(c) of title 14, United States Code, transferred
21 to appear after section 2534(b) of that title, and
22 amended so that the enumerator, section heading,
23 typeface, and typestyle conform to those appearing
24 in other sections in title 14, United States Code.

1 (B) Section 2534(c), as so redesignated, trans-
2 ferred, and amended is further amended by striking
3 “the Act of May 29, 1944, and the Act of August
4 19, 1950 (33 U.S.C. 771–775),” and inserting “sec-
5 tion 2533”.

6 (c) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 25 of title 14, United States Code, is further amended
8 by inserting after the item relating to section 2532 (as
9 added by this division) the following:

“2533. Surviving spouses.

“2534. Application for benefits.”.

10 **SEC. 8512. REPEALS RELATED TO LIGHTHOUSE STATUTES.**

11 (a) IN GENERAL.—The following provisions are re-
12 pealed:

13 (1) Section 4680 of the Revised Statutes of the
14 United States (33 U.S.C. 725).

15 (2) Section 4661 of the Revised Statutes of the
16 United States (33 U.S.C. 727).

17 (3) Section 4662 of the Revised Statutes of the
18 United States (33 U.S.C. 728).

19 (4) The final paragraph in the account “For
20 Life-Saving and Life-Boat Stations” under the head-
21 ing Treasury Department in the first section of
22 chapter 130 of the Act of March 3, 1875 (33 U.S.C.
23 730a).

1 (5) Section 11 of chapter 301 of the Act of
2 June 17, 1910 (33 U.S.C. 743).

3 (6) The first section of chapter 215 of the Act
4 of May 13, 1938 (33 U.S.C. 745a).

5 (7) The first section of chapter 313 of the Act
6 of February 25, 1929 (33 U.S.C. 747b).

7 (8) Section 2 of chapter 103 of the Act of June
8 20, 1918 (33 U.S.C. 748).

9 (9) Section 4 of chapter 371 of the Act of May
10 22, 1926 (33 U.S.C. 754a).

11 (10) Chapter 642 of the Act of August 10,
12 1939 (33 U.S.C. 763a–1).

13 (11) Chapter 788 of the Act of October 29,
14 1949 (33 U.S.C. 763–1).

15 (12) Chapter 524 of the Act of July 9, 1956
16 (33 U.S.C. 763–2).

17 (13) The last 2 provisos under the heading
18 Lighthouse Service, under the heading Department
19 of Commerce, in the first section of chapter 161 of
20 the Act of March 4, 1921 (41 Stat. 1417, formerly
21 33 U.S.C. 764).

22 (14) Section 3 of chapter 215 of the Act of May
23 13, 1938 (33 U.S.C. 770).

1 (15) The first section and section 2 of chapter
2 761 of the Act of August 19, 1950 (33 U.S.C. 771
3 and 772).

4 (b) SAVINGS.—

5 (1) Notwithstanding any repeals made by this
6 section, any individual beneficiary currently receiving
7 payments under the authority of any provisions re-
8 pealed in this section shall continue to receive such
9 benefits.

10 (2) Notwithstanding the repeals made under
11 paragraphs (10) and (11) of subsection (a), any pay
12 increases made under chapter 788 of the Act of Oc-
13 tober 29, 1949, and chapter 524 of the Act of July
14 9, 1956, as in effect prior to their repeal shall re-
15 main in effect.

16 **SEC. 8513. COMMON APPROPRIATION STRUCTURE.**

17 (a) COMMON APPROPRIATIONS STRUCTURE.—

18 (1) PROSPECTIVE PAYMENT OF FUNDS NEC-
19 CESSARY TO PROVIDE MEDICAL CARE.—Section 506
20 of title 14, United States Code, is amended—

21 (A) in subsection (a)(1), by inserting “as
22 established under chapter 56 of title 10” after
23 “Medicare-Eligible Retiree Health Care Fund”;
24 and

1 (B) in subsection (b)(1), by striking “oper-
2 ating expenses” and inserting “operations and
3 support”.

4 (2) USE OF CERTAIN APPROPRIATED FUNDS.—
5 Section 903 of title 14, United States Code, is
6 amended—

7 (A) in subsection (a), by striking “acquisi-
8 tion, construction, and improvement of facili-
9 ties, for research, development, test, and eval-
10 uation; and for the alteration of bridges over
11 the navigable waters” and inserting “procure-
12 ment, construction, and improvement of facili-
13 ties and for research and development”; and

14 (B) in subsection (d)(1), amended by sec-
15 tion 241(b)(1), by striking “operating ex-
16 penses” and inserting “operations and sup-
17 port”.

18 (3) CONFIDENTIAL INVESTIGATIVE EX-
19 PENSES.—Section 944 of title 14, United States
20 Code, is amended—

21 (A) by striking “necessary expenses for the
22 operation” and inserting “the operations and
23 support”; and

24 (B) by striking “his” each place it appears
25 and inserting “the Commandant’s”.

1 (4) PROCUREMENT OF PERSONNEL.—Section
2 2701 of title 14, United States Code, is amended—

3 (A) by striking “operating expense” and
4 inserting “operations and support”;

5 (B) by striking “but not limited to”; and

6 (C) by striking “in order”.

7 (5) REQUIREMENT FOR PRIOR AUTHORIZATION
8 OF APPROPRIATIONS.—Section 4901 of title 14,
9 United States Code, is amended—

10 (A) in paragraph (1), by striking “main-
11 tenance” and inserting “support”;

12 (B) in paragraph (2), by striking “acquisi-
13 tion” and inserting “procurement”;

14 (C) by striking paragraphs (3), (4), and
15 (6);

16 (D) by redesignating paragraph (5) as
17 paragraph (3); and

18 (E) in paragraph (3), as redesignated by
19 subparagraph (D), by striking “research, devel-
20 opment, test, and evaluation” and inserting
21 “research and development.”.

22 (b) TITLE 46.—Sections 3317(b), 7504, 80301(c),
23 and 80505(b)(3) of title 46, United States Code, are each
24 amended by striking “operating expenses” and inserting
25 “operations and support”.

1 (c) OIL SPILL LIABILITY TRUST FUND.—Section
2 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C.
3 2712(a)(5)(A)) is amended by striking “operating ex-
4 penses” and inserting “operations and support”.

5 **TITLE LVXXXVI—FEDERAL**
6 **MARITIME COMMISSION**

7 **SEC. 8601. SHORT TITLE.**

8 This title may be cited as the “Federal Maritime
9 Commission Authorization Act of 2020”.

10 **SEC. 8602. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 308 of title 46, United States Code, is
12 amended by striking “\$28,012,310 for fiscal year 2018
13 and \$28,544,543 for fiscal year 2019” and inserting
14 “\$29,086,888 for fiscal year 2020 and \$29,639,538 for
15 fiscal year 2021”.

16 **SEC. 8603. UNFINISHED PROCEEDINGS.**

17 Section 305 of title 46, United States Code, is
18 amended—

19 (1) by striking “The Federal” and inserting
20 “(a) IN GENERAL.—The Federal”; and

21 (2) by adding at the end the following:

22 “(b) TRANSPARENCY.—

23 “(1) IN GENERAL.—In conjunction with the
24 transmittal by the President to the Congress of the
25 Budget of the United States for fiscal year 2021

1 and biennially thereafter, the Federal Maritime
2 Commission shall submit to the Committee on Com-
3 merce, Science, and Transportation of the Senate
4 and the Committee on Transportation and Infra-
5 structure of the House of Representatives reports
6 that describe the Commission's progress toward ad-
7 dressing the issues raised in each unfinished regu-
8 latory proceeding, regardless of whether the pro-
9 ceeding is subject to a statutory or regulatory dead-
10 line.

11 “(2) FORMAT OF REPORTS.—Each report under
12 paragraph (1) shall, among other things, clearly
13 identify for each unfinished regulatory proceeding—

14 “(A) the popular title;

15 “(B) the current stage of the proceeding;

16 “(C) an abstract of the proceeding;

17 “(D) what prompted the action in ques-
18 tion;

19 “(E) any applicable statutory, regulatory,
20 or judicial deadline;

21 “(F) the associated docket number;

22 “(G) the date the rulemaking was initi-
23 ated;

24 “(H) a date for the next action; and

1 “(I) if a date for the next action identified
2 in the previous report is not met, the reason for
3 the delay.”.

4 **SEC. 8604. NATIONAL SHIPPER ADVISORY COMMITTEE.**

5 (a) IN GENERAL.—Part B of subtitle IV of title 46,
6 United States Code, is amended by adding at the end the
7 following:

8 **“CHAPTER 425—NATIONAL SHIPPER**
9 **ADVISORY COMMITTEE**

“42501. Definitions.

“42502. National Shipper Advisory Committee.

“42503. Administration.

10 **“§ 42501. Definitions**

11 “In this chapter:

12 “(1) COMMISSION.—The term ‘Commission’
13 means the Federal Maritime Commission.

14 “(2) COMMITTEE.—The term ‘Committee’
15 means the National Shipper Advisory Committee es-
16 tablished under section 42502.

17 **“§ 42502. National Shipper Advisory Committee**

18 “(a) ESTABLISHMENT.—There is established a Na-
19 tional Shipper Advisory Committee.

20 “(b) FUNCTION.—The Committee shall advise the
21 Federal Maritime Commission on policies relating to the
22 competitiveness, reliability, integrity, and fairness of the
23 international ocean freight delivery system.

24 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Committee shall con-
2 sist of 24 members appointed by the Commission in
3 accordance with this section.

4 “(2) EXPERTISE.—Each member of the Com-
5 mittee shall have particular expertise, knowledge,
6 and experience in matters relating to the function of
7 the Committee.

8 “(3) REPRESENTATION.—REPRESENTA-
9 TION.—Members of the Committee shall be ap-
10 pointed as follows: —

11 “(A) Twelve members shall represent enti-
12 ties who import cargo to the United States
13 using ocean common carriers.

14 “(B) Twelve members shall represent enti-
15 ties who export cargo from the United States
16 using ocean common carriers.

17 **“§ 42503. Administration**

18 “(a) MEETINGS.—The Committee shall, not less than
19 once each year, meet at the call of the Commission or a
20 majority of the members of the Committee.

21 “(b) EMPLOYEE STATUS.—A member of the Com-
22 mittee shall not be considered an employee of the Federal
23 Government by reason of service on such Committee, ex-
24 cept for the purposes of the following:

25 “(1) Chapter 81 of title 5.

1 “(2) Chapter 171 of title 28 and any other
2 Federal law relating to tort liability.

3 “(c) VOLUNTEER SERVICES AND COMPENSATION.—

4 “(1) Notwithstanding any other provision of
5 law, a member of the Committee may serve on such
6 committee on a voluntary basis without pay.

7 “(2) No member of the Committee shall receive
8 compensation for service on the Committee.

9 “(d) STATUS OF MEMBERS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), with respect to a member of the Com-
12 mittee whom the Commission appoints to represent
13 an entity or group—

14 “(A) the member is authorized to rep-
15 resent the interests of the applicable entity or
16 group; and

17 “(B) requirements under Federal law that
18 would interfere with such representation and
19 that apply to a special Government employee
20 (as defined in section 202(a) of title 18), in-
21 cluding requirements relating to employee con-
22 duct, political activities, ethics, conflicts of in-
23 terest, and corruption, do not apply to the
24 member.

1 “(2) EXCEPTION.—Notwithstanding subsection
2 (b), a member of the Committee shall be treated as
3 a special Government employee for purposes of the
4 committee service of the member if the member,
5 without regard to service on the Committee, is a spe-
6 cial Government employee.

7 “(e) SERVICE ON COMMITTEE.—

8 “(1) SOLICITATION OF NOMINATIONS.—Before
9 appointing an individual as a member of the Com-
10 mittee, the Commission shall publish a timely notice
11 in the Federal Register soliciting nominations for
12 membership on such Committee.

13 “(2) APPOINTMENTS.—

14 “(A) IN GENERAL.—After considering
15 nominations received pursuant to a notice pub-
16 lished under paragraph (1), the Commission
17 may appoint a member to the Committee.

18 “(B) PROHIBITION.—The Commission
19 shall not seek, consider, or otherwise use infor-
20 mation concerning the political affiliation of a
21 nominee in making an appointment to the Com-
22 mittee.

23 “(3) SERVICE AT PLEASURE OF COMMISSION.—
24 Each member of the Committee shall serve at the
25 pleasure of the Commission.

1 “(4) SECURITY BACKGROUND EXAMINATIONS.—

2 The Commission may require an individual to have
3 passed an appropriate security background examina-
4 tion before appointment to the Committee.

5 “(5) PROHIBITION.—A Federal employee may
6 not be appointed as a member of the Committee.

7 “(6) TERMS.—

8 “(A) IN GENERAL.—The term of each
9 member of the Committee shall expire on De-
10 cember 31 of the third full year after the effec-
11 tive date of the appointment.

12 “(B) CONTINUED SERVICE AFTER TERM.—

13 When the term of a member of the Committee
14 ends, the member, for a period not to exceed 1
15 year, may continue to serve as a member until
16 a successor is appointed.

17 “(7) VACANCIES.—A vacancy on the Committee
18 shall be filled in the same manner as the original ap-
19 pointment.

20 “(8) SPECIAL RULE FOR REAPPOINTMENTS.—

21 Notwithstanding paragraphs (1) and (2), the Com-
22 mission may reappoint a member of a committee for
23 any term, other than the first term of the member,
24 without soliciting, receiving, or considering nomina-
25 tions for such appointment.

1 “(f) STAFF SERVICES.—The Commission shall fur-
2 nish to the Committee any staff and services considered
3 by the Commission to be necessary for the conduct of the
4 Committee’s functions.

5 “(g) CHAIR; VICE CHAIR.—

6 “(1) IN GENERAL.—The Committee shall elect
7 a Chair and Vice Chair from among the committee’s
8 members.

9 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—

10 The Vice Chair shall act as Chair in the absence or
11 incapacity of, or in the event of a vacancy in the of-
12 fice of, the Chair.

13 “(h) SUBCOMMITTEES AND WORKING GROUPS.—

14 “(1) IN GENERAL.—The Chair of the Com-
15 mittee may establish and disestablish subcommittees
16 and working groups for any purpose consistent with
17 the function of the Committee.

18 “(2) PARTICIPANTS.—Subject to conditions im-
19 posed by the Chair, members of the Committee may
20 be assigned to subcommittees and working groups
21 established under paragraph (1).

22 “(i) CONSULTATION, ADVICE, REPORTS, AND REC-
23 OMMENDATIONS.—

24 “(1) CONSULTATION.—Before taking any sig-
25 nificant action, the Commission shall consult with,

1 and consider the information, advice, and rec-
2 ommendations of, the Committee if the function of
3 the Committee is to advise the Commission on mat-
4 ters related to the significant action.

5 “(2) ADVICE, REPORTS, AND RECOMMENDA-
6 TIONS.—The Committee shall submit, in writing, to
7 the Commission its advice, reports, and rec-
8 ommendations, in a form and at a frequency deter-
9 mined appropriate by the Committee.

10 “(3) EXPLANATION OF ACTIONS TAKEN.—Not
11 later than 60 days after the date on which the Com-
12 mission receives recommendations from the Com-
13 mittee under paragraph (2), the Commission shall—

14 “(A) publish the recommendations on a
15 public website; and

16 “(B) respond, in writing, to the Committee
17 regarding the recommendations, including by
18 providing an explanation of actions taken re-
19 garding the recommendations.

20 “(4) SUBMISSION TO CONGRESS.—The Commis-
21 sion shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committee on Commerce, Science,
24 and Transportation of the Senate the advice, re-

1 ports, and recommendations received from the Com-
2 mittee under paragraph (2).

3 “(j) OBSERVERS.—The Commission may designate a
4 representative to—

5 “(1) attend any meeting of the Committee; and

6 “(2) participate as an observer at such meeting.

7 “(k) TERMINATION.—The Committee shall terminate
8 on September 30, 2029.”.

9 (b) NO ADDITIONAL FUNDS AUTHORIZED.—No
10 funds in addition to the funds authorized in section 308
11 of title 46, United States Code, are authorized to carry
12 out this title or the amendments made by this section.

13 (c) CLERICAL AMENDMENT.—The analysis for sub-
14 title IV of title 46, United States Code, is amended by
15 inserting after the item related to chapter 423 the fol-
16 lowing:

“CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE”.

17 **SEC. 8605. TRANSFER OF FEDERAL MARITIME COMMISSION**
18 **PROVISIONS.**

19 (a) TRANSFER.—

20 (1) Subtitle IV of title 46, United States Code,
21 is amended by adding at the end the following:

1 **“PART D—FEDERAL MARITIME COMMISSION**
2 **“CHAPTER 461—FEDERAL MARITIME**
3 **COMMISSION”.**

4 (2) Chapter 3 of title 46, United States Code,
5 is redesignated as chapter 461 of part D of subtitle
6 IV of such title and transferred to appear in such
7 part.

8 (3) Sections 301 through 308 of such title are
9 redesignated as sections 46101 through 46108, re-
10 spectively, of such title.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 46101(c)(3)(A)(v) of title 46,
13 United States Code, as so redesignated, is amended
14 by striking “304” and inserting “46104”.

15 (2) section 322(b) of the Coast Guard Per-
16 sonnel and Maritime Safety Act of 2002 (31 U.S.C.
17 1113 note) is amended by striking “208 of the Mer-
18 chant Marine Act, 1936 (46 App. U.S.C. 1118)”
19 and inserting “46106(a) of title 46, United States
20 Code”.

21 (3) Section 1031(23) of the National Defense
22 Authorization Act for Fiscal Year 2000 (31 U.S.C.
23 1113 note) is amended by striking “208, 901(b)(2),
24 and 1211 of the Merchant Marine Act, 1936 (46
25 App. U.S.C. 1118, 1241(b)(2), 1291)” and inserting

1 “44106(a) and 55305(d) of title 46, United States
2 Code”.

3 (4) The analysis for subtitle I of title 46,
4 United States Code, is amended by striking the item
5 relating to chapter 3.

6 (5) The analysis for subtitle IV of such title is
7 amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

“461. Federal Maritime Commission46101”.

8 (6) The analysis for chapter 461 of part D of
9 subtitle IV of such title, as so redesignated, is
10 amended to read as follows:

“Sec.
“46101. General organization.
“46102. Quorum.
“46103. Meetings.
“46104. Delegation of authority.
“46105. Regulations.
“46106. Annual report.
“46107. Expenditures.
“46108. Authorization of appropriations.”.

11 (c) TECHNICAL CORRECTION.—Section 46103(c)(3)
12 of title 46, United States Code, as so redesignated, is
13 amended by striking “555b(c)” and inserting “552b(c)”.

14 **DIVISION H—OTHER MATTERS**
15 **TITLE XC—HOMELAND**
16 **SECURITY MATTERS**

Sec. 9001. Department of Homeland Security CISA Director.
Sec. 9002. Sector risk management agencies.
Sec. 9003. Review and analysis of inland waters seaport security.
Sec. 9004. Department of Homeland Security reports on digital content forgery
technology.
Sec. 9005. GAO study of cybersecurity insurance.
Sec. 9006. Strategy to secure email.

Sec. 9007. Department of Homeland Security large-scale non-intrusive inspection scanning plan.

1 **SEC. 9001. DEPARTMENT OF HOMELAND SECURITY CISA DI-**
2 **RECTOR.**

3 (a) IN GENERAL.—Subsection (b) of section 2202 of
4 the Homeland Security Act of 2002 (6 U.S.C. 652) is
5 amended by—

6 (1) redesignating paragraph (2) as paragraph
7 (3); and

8 (2) inserting after paragraph (1) the following
9 new paragraph:

10 “(2) QUALIFICATIONS.—

11 “(A) IN GENERAL.—The Director shall be
12 appointed from among individuals who have—

13 “(i) extensive knowledge in at least
14 two of the areas specified in subparagraph
15 (B); and

16 “(ii) not fewer than five years of dem-
17 onstrated experience in efforts to foster co-
18 ordination and collaboration between the
19 Federal Government, the private sector,
20 and other entities on issues related to cy-
21 bersecurity, infrastructure security, or se-
22 curity risk management.

23 “(B) SPECIFIED AREAS.—The areas speci-
24 fied in this subparagraph are the following:

1 “(i) Cybersecurity.

2 “(ii) Infrastructure security.

3 “(iii) Security risk management.”.

4 (b) AMENDMENT TO POSITION LEVEL OF CISA DI-
5 RECTOR.—Subchapter II of chapter 53 of title 5, United
6 States Code, is amended—

7 (1) in section 5313, by inserting after “Admin-
8 istrator of the Transportation Security Administra-
9 tion.” the following:

10 “Director, Cybersecurity and Infrastructure Se-
11 curity Agency.”; and

12 (2) in section 5314, by striking “Director, Cy-
13 bersecurity and Infrastructure Security Agency.”.

14 (c) EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSE-
15 CURITY.—

16 (1) IN GENERAL.—Section 2203 of the Home-
17 land Security Act of 2002 (6 U.S.C. 653) is amend-
18 ed—

19 (A) in subsection (a)—

20 (i) in paragraph (2)—

21 (I) in the heading, by striking
22 “ASSISTANT DIRECTOR.—” and in-
23 serting “EXECUTIVE ASSISTANT DI-
24 RECTOR.—”; and

1 (II) in the matter preceding sub-
2 paragraph (A)—

3 (aa) by striking “Assistant
4 Director for Cybersecurity” and
5 inserting “Executive Assistant
6 Director for Cybersecurity”; and

7 (bb) by striking “the ‘Assist-
8 ant Director’ and inserting ‘the
9 Executive Assistant Director’”;
10 and

11 (ii) in paragraph (3)—

12 (I) by inserting “or Assistant Di-
13 rector for Cybersecurity” after “As-
14 sistant Secretary for Cybersecurity
15 and Communications”; and

16 (II) by striking “Assistant Direc-
17 tor for Cybersecurity.” and inserting
18 “Executive Assistant Director for Cy-
19 bersecurity.”; and

20 (B) in subsection (b), in the matter pre-
21 ceding paragraph (1), by striking “Assistant
22 Director” and inserting “Executive Assistant
23 Director”.

24 (2) CONTINUATION IN OFFICE.—The individual
25 serving as the Assistant Director for Cybersecurity

1 of the Cybersecurity and Infrastructure Security
2 Agency of the Department of Homeland Security on
3 the day before the date of enactment of this Act may
4 serve as the Executive Assistant Director for Cyber-
5 security on and after that date without the need for
6 renomination or reappointment.

7 (d) EXECUTIVE ASSISTANT DIRECTOR FOR INFRA-
8 STRUCTURE SECURITY.—

9 (1) IN GENERAL.—Section 2204 of the Home-
10 land Security Act of 2002 (6 U.S.C. 654) is amend-
11 ed—

12 (A) in subsection (a)—

13 (i) in paragraph (2)—

14 (I) in the heading, by striking
15 “ASSISTANT DIRECTOR.—” and in-
16 serting “EXECUTIVE ASSISTANT DI-
17 RECTOR.—”; and

18 (II) in the matter preceding sub-
19 paragraph (A)—

20 (aa) by striking “Assistant
21 Director for Infrastructure Secu-
22 rity” and inserting “Executive
23 Assistant Director for Infrastruc-
24 ture Security”; and

1 (bb) by striking “the ‘Assist-
2 ant Director’ and inserting ‘the
3 Executive Assistant Director’”;
4 and

5 (ii) in paragraph (3)—

6 (I) by inserting “or Assistant Di-
7 rector for Infrastructure Security”
8 after “Assistant Secretary for Infra-
9 structure Protection”; and

10 (II) by striking “Assistant Direc-
11 tor for Infrastructure Security.” and
12 inserting “Executive Assistant Direc-
13 tor for Infrastructure Security.”; and

14 (B) in subsection (b), by striking “Assist-
15 ant Director” in the matter preceding para-
16 graph (1) and inserting “Executive Assistant
17 Director”.

18 (2) CONTINUATION IN OFFICE.—The individual
19 serving as the Assistant Director for Infrastructure
20 Security of the Cybersecurity and Infrastructure Se-
21 curity Agency of the Department of Homeland Secu-
22 rity on the day before the date of enactment of this
23 Act may serve as the Executive Assistant Director
24 for Infrastructure Security on and after that date
25 without the need for renomination or reappointment.

1 (e) EXECUTIVE ASSISTANT DIRECTOR FOR EMER-
2 GENCY COMMUNICATIONS.—

3 (1) IN GENERAL.—Section 1801 of the Home-
4 land Security Act of 2002 (6 U.S.C. 571) is amend-
5 ed—

6 (A) in subsection (b)—

7 (i) in the heading, by striking “AS-
8 SISTANT DIRECTOR.—” and inserting
9 “EXECUTIVE ASSISTANT DIRECTOR.—”;

10 (ii) in the first sentence, by striking
11 “Assistant Director for Emergency Com-
12 munications.” and inserting “Executive
13 Assistant Director for Emergency Commu-
14 nications (in this section referred to as the
15 ‘Executive Assistant Director’).”;

16 (iii) in the second and third sentences,
17 by striking “Assistant Director” both
18 places such term appears and inserting
19 “Executive Assistant Director”; and

20 (B) in subsection (c), in the matter pre-
21 ceding paragraph (1), by striking “Assistant
22 Director for Emergency Communications” and
23 inserting “Executive Assistant Director”;

24 (C) in subsection (d), in the matter pre-
25 ceding paragraph (1), by striking “Assistant

1 Director for Emergency Communications” and
2 inserting “Executive Assistant Director”;

3 (D) in subsection (e), in the matter pre-
4 ceding paragraph (1), by striking “Assistant
5 Director for Emergency Communications” and
6 inserting “Executive Assistant Director”; and

7 (E) by adding at the end the following new
8 subsection:

9 “(g) REFERENCE.—Any reference to the Assistant
10 Director for Emergency Communications in any law, regu-
11 lation, map, document, record, or other paper of the
12 United States shall be deemed to be a reference to the
13 Executive Assistant Director for Emergency Communica-
14 tions.”.

15 (2) CONTINUATION IN OFFICE.—The individual
16 serving as the Assistant Director for Emergency
17 Communications of the Department of Homeland
18 Security on the day before the date of enactment of
19 this Act may serve as the Executive Assistant Direc-
20 tor for Emergency Communications on and after
21 that date.

22 **SEC. 9002. SECTOR RISK MANAGEMENT AGENCIES.**

23 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and the Committee on Armed Services in the
6 House of Representatives; and

7 (B) the Committee on Homeland Security
8 and Governmental Affairs and the Committee
9 on Armed Services in the Senate.

10 (2) CRITICAL INFRASTRUCTURE.—The term
11 “critical infrastructure” has the meaning given that
12 term in section 1016(e) of Public Law 107–56 (42
13 U.S.C. 5195c(e)).

14 (3) DEPARTMENT.—The term “Department”
15 means the Department of Homeland Security.

16 (4) DIRECTOR.—The term “Director” means
17 the Director of the Cybersecurity and Infrastructure
18 Security Agency of the Department.

19 (5) INFORMATION SHARING AND ANALYSIS OR-
20 GANIZATION.—The term “information sharing and
21 analysis organization” has the meaning given that
22 term in section 2222(5) of the Homeland Security
23 Act of 2002 (6 U.S.C. 671(5)).

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of Homeland Security.

1 (7) SECTOR RISK MANAGEMENT AGENCY.—The
2 term “sector risk management agency” has the
3 meaning given the term “Sector-Specific Agency” in
4 section 2201(5) of the Homeland Security Act of
5 2002 (6 U.S.C. 651(5)).

6 (b) CRITICAL INFRASTRUCTURE SECTOR DESIGNA-
7 TION.—

8 (1) INITIAL REVIEW.—Not later than 180 days
9 after the date of the enactment of this section, the
10 Secretary, in consultation with the heads of Sector
11 Risk Management Agencies, shall—

12 (A) review the current framework for se-
13 curing critical infrastructure, as described in
14 section 2202(c)(4) of the Homeland Security
15 Act (6 U.S.C. 652(c)(4)) and Presidential Pol-
16 icy Directive 21; and

17 (B) submit to the President and appro-
18 priate congressional committees a report that
19 includes—

20 (i) information relating to—

21 (I) the analysis framework or
22 methodology used to—

23 (aa) evaluate the current
24 framework for securing critical

1 infrastructure referred to in sub-
2 paragraph (A); and

3 (bb) develop recommenda-
4 tions to—

5 (AA) revise the current
6 list of critical infrastructure
7 sectors designated pursuant
8 to Presidential Policy Direc-
9 tive 21, any successor or re-
10 lated document, or policy; or

11 (BB) identify and des-
12 ignate any subsectors of
13 such sectors;

14 (II) the data, metrics, and other
15 information used to develop the rec-
16 ommendations required under clause
17 (ii); and

18 (ii) recommendations relating to—

19 (I) revising—

20 (aa) the current framework
21 for securing critical infrastruc-
22 ture referred to in subparagraph
23 (A);

24 (bb) the current list of crit-
25 ical infrastructure sectors des-

1 ignated pursuant to Presidential
2 Policy Directive 21, any suc-
3 cessor or related document, or
4 policy; or

5 (cc) the identification and
6 designation of any subsectors of
7 such sectors; and

8 (II) any revisions to the list of
9 designated Federal departments or
10 agencies that serve as the Sector Risk
11 Management Agency for a sector or
12 subsector of such section, necessary to
13 comply with paragraph (3)(B).

14 (2) PERIODIC EVALUATION BY THE SEC-
15 RETARY.—At least once every five years, the Sec-
16 retary, in consultation with the Director and the
17 heads of Sector Risk Management Agencies, shall—

18 (A) evaluate the current list of designated
19 critical infrastructure sectors and subsectors of
20 such sectors and the appropriateness of Sector
21 Risk Management Agency designations, as set
22 forth in Presidential Policy Directive 21, any
23 successor or related document, or policy; and

24 (B) recommend, as appropriate, to the
25 President—

1 (i) revisions to the current list of des-
2 ignated critical infrastructure sectors or
3 subsectors of such sectors; and

4 (ii) revisions to the designation of any
5 Federal department or agency designated
6 as the Sector Risk Management Agency
7 for a sector or subsector of such sector.

8 (3) REVIEW AND REVISION BY THE PRESI-
9 DENT.—Not later than 180 days after the Secretary
10 submits a recommendation pursuant to paragraph
11 (1) or (2), the President shall—

12 (A) review the recommendation and revise,
13 as appropriate, the designation of a critical in-
14 frastructure sector or subsector or the designa-
15 tion of a Sector Risk Management Agency; and

16 (B) submit to the appropriate congres-
17 sional committees, the Majority and Minority
18 Leaders of the Senate, and the Speaker and
19 Minority Leader of the House of Representa-
20 tives, a report that includes—

21 (i) an explanation with respect to the
22 basis for accepting or rejecting the rec-
23 ommendations of the Secretary; and

1 (ii) information relating to the anal-
2 ysis framework, methodology, metrics, and
3 data used to—

4 (I) evaluate the current frame-
5 work for securing critical infrastruc-
6 ture referred to in paragraph (1)(A);
7 and

8 (II) develop—

9 (aa) recommendations to re-
10 vise—

11 (AA) the list of critical
12 infrastructure sectors des-
13 ignated pursuant to Presi-
14 dential Policy Directive 21,
15 any successor or related doc-
16 ument, or policy; or

17 (BB) the designation of
18 any subsectors of such sec-
19 tors; and

20 (bb) the recommendations of
21 the Secretary.

22 (4) PUBLICATION.—Any designation of critical
23 infrastructure sectors shall be published in the Fed-
24 eral Register.

25 (c) SECTOR RISK MANAGEMENT AGENCIES.—

1 (1) IN GENERAL.—Subtitle A of title XXII of
2 the Homeland Security Act of 2002 is amended by
3 adding at the end the following new section:

4 **“SEC. 2215. SECTOR RISK MANAGEMENT AGENCIES.**

5 “(a) IN GENERAL.—Consistent with applicable law,
6 Presidential directives, Federal regulations, and strategic
7 guidance from the Secretary, each Sector Risk Manage-
8 ment Agency, in coordination with the Director, shall—
9 “(1) provide specialized sector-specific expertise
10 to critical infrastructure owners and operators with-
11 in its designated critical infrastructure sector or sub-
12 sector of such sector; and

13 “(2) support programs and associated activities
14 of such sector or subsector of such sector.

15 “(b) IMPLEMENTATION.—In carrying out this sec-
16 tion, Sector Risk Management Agencies shall—

17 “(1) coordinate with the Department and, as
18 appropriate, other relevant Federal departments and
19 agencies;

20 “(2) collaborate with critical infrastructure
21 owners and operators within the designated critical
22 infrastructure sector or subsector of such sector; and

23 “(3) coordinate with independent regulatory
24 agencies, and State, local, Tribal, and territorial en-
25 tities, as appropriate.

1 “(c) RESPONSIBILITIES.—Consistent with applicable
2 law, Presidential directives, Federal regulations, and stra-
3 tegic guidance from the Secretary, each Sector Risk Man-
4 agement Agency shall utilize its specialized expertise re-
5 garding its designated critical infrastructure sector or sub-
6 sector of such sector and authorities under applicable law
7 to—

8 “(1) support sector risk management, in coordi-
9 nation with the Director, including—

10 “(A) establishing and carrying out pro-
11 grams to assist critical infrastructure owners
12 and operators within the designated sector or
13 subsector of such sector in identifying, under-
14 standing, and mitigating threats, vulnerabilities,
15 and risks to their systems or assets, or within
16 a region, sector, or subsector of such sector;
17 and

18 “(B) recommending security measures to
19 mitigate the consequences of destruction, com-
20 promise, and disruption of systems and assets;

21 “(2) assess sector risk, in coordination with the
22 Director, including—

23 “(A) identifying, assessing, and prioritizing
24 risks within the designated sector or subsector
25 of such sector, considering physical security and

1 cybersecurity threats, vulnerabilities, and con-
2 sequences; and

3 “(B) supporting national risk assessment
4 efforts led by the Department;

5 “(3) sector coordination, including—

6 “(A) serving as a day-to-day Federal inter-
7 face for the prioritization and coordination of
8 sector-specific activities and responsibilities
9 under this title;

10 “(B) serving as the Federal Government
11 coordinating council chair for the designated
12 sector or subsector of such sector; and

13 “(C) participating in cross-sector coordi-
14 nating councils, as appropriate;

15 “(4) facilitating, in coordination with the Direc-
16 tor, the sharing with the Department and other ap-
17 propriate Federal department of information regard-
18 ing physical security and cybersecurity threats with-
19 in the designated sector or subsector of such sector,
20 including—

21 “(A) facilitating, in coordination with the
22 Director, access to, and exchange of, informa-
23 tion and intelligence necessary to strengthen
24 the security of critical infrastructure, including
25 through information sharing and analysis orga-

1 nizations and the national cybersecurity and
2 communications integration center established
3 pursuant to section 2209;

4 “(B) facilitating the identification of intel-
5 ligence needs and priorities of critical infra-
6 structure owners and operators in the des-
7 ignated sector or subsector of such sector, in
8 coordination with the Director of National In-
9 telligence and the heads of other Federal de-
10 partments and agencies, as appropriate;

11 “(C) providing the Director, and facili-
12 tating awareness within the designated sector
13 or subsector of such sector, of ongoing, and
14 where possible, real-time awareness of identified
15 threats, vulnerabilities, mitigations, and other
16 actions related to the security of such sector or
17 subsector of such sector; and

18 “(D) supporting the reporting require-
19 ments of the Department under applicable law
20 by providing, on an annual basis, sector-specific
21 critical infrastructure information;

22 “(5) supporting incident management, includ-
23 ing—

24 “(A) supporting, in coordination with the
25 Director, incident management and restoration

1 efforts during or following a security incident;
2 and

3 “(B) supporting the Director, upon re-
4 quest, in national cybersecurity asset response
5 activities for critical infrastructure; and

6 “(6) contributing to emergency preparedness ef-
7 forts, including—

8 “(A) coordinating with critical infrastruc-
9 ture owners and operators within the des-
10 ignated sector or subsector of such sector and
11 the Director in the development of planning
12 documents for coordinated action in the event
13 of a natural disaster, act of terrorism, or other
14 man-made disaster or emergency;

15 “(B) participating in and, in coordination
16 with the Director, conducting or facilitating, ex-
17 ercises and simulations of potential natural dis-
18 asters, acts of terrorism, or other man-made
19 disasters or emergencies within the designated
20 sector or subsector of such sector; and

21 “(C) supporting the Department and other
22 Federal departments or agencies in developing
23 planning documents or conducting exercises or
24 simulations when relevant to the designated sec-
25 tor or subsector or such sector.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—The Homeland Security Act of 2002 is
3 amended—

4 (A) in section 320—

5 (i) in subsection (d)(3)(C), by striking
6 “Sector-Specific Agency” and inserting
7 “Sector Risk Management Agency”; and

8 (ii) in subsection (e)(1), by striking
9 “Sector-Specific Agency” and inserting
10 “Sector Risk Management Agency”;

11 (B) in section 524—

12 (i) in subsection (b)(2)(E)(i)(II), by
13 striking “sector-specific agency” and in-
14 serting “Sector Risk Management Agen-
15 cy”; and

16 (ii) in subsection (c)(1)(B), by strik-
17 ing “sector-specific agency” and inserting
18 “Sector Risk Management Agency”;

19 (C) in section 2201(5)—

20 (i) in the paragraph heading, by strik-
21 ing “SECTOR-SPECIFIC AGENCY” and in-
22 serting “SECTOR RISK MANAGEMENT
23 AGENCY”; and

1 (ii) by striking “Sector-Specific Agen-
2 cy” and inserting “Sector Risk Manage-
3 ment Agency”;

4 (D) in section 2202(i), by striking “Sector-
5 Specific Agency” and inserting “Sector Risk
6 Management Agency”; and

7 (E) in section 2214(c)(4), by striking “sec-
8 tor-specific agency” and inserting “Sector Risk
9 Management Agency”.

10 (3) REFERENCES.—Any reference to a Sector
11 Specific Agency (including any permutations or con-
12 jugations thereof) in any law, regulation, map, docu-
13 ment, record, or other paper of the United States
14 shall be deemed to—

15 (A) be a reference to the Sector Risk Man-
16 agement Agency of the relevant critical infra-
17 structure sector; and

18 (B) have the meaning give such term in
19 section 2201(5) of the Homeland Security Act
20 of 2002.

21 (4) CLERICAL AMENDMENT.—The table of con-
22 tents in section 1(b) of the Homeland Security Act
23 of 2002 is amended by inserting after the item relat-
24 ing to section 2214 the following new item:

“Sec. 2215. Sector Risk Management Agencies.”.

1 (d) REPORT AND AUDITING.—Not later than two
2 years after the date of the enactment of this Act and every
3 four years thereafter for 12 years, the Comptroller Gen-
4 eral of the United States shall submit to the Committee
5 on Homeland Security of the House of Representatives
6 and the Committee on Homeland Security and Govern-
7 mental Affairs of the Senate a report on the effectiveness
8 of Sector Risk Management Agencies in carrying out their
9 responsibilities under section 2215 of the Homeland Secu-
10 rity Act of 2002, as added by this section.

11 **SEC. 9003. REVIEW AND ANALYSIS OF INLAND WATERS SEA-**
12 **PORT SECURITY.**

13 (a) SEAPORT CARGO REVIEW.—

14 (1) ELEMENTS.—The Secretary of Homeland
15 Security shall conduct a review of all Great Lakes
16 and selected inland waters seaports that receive
17 international cargo—

18 (A) to determine, for each such seaport—

19 (i) the current screening capability,
20 including the types and numbers of screen-
21 ing equipment and whether such equip-
22 ment is physically located at a seaport or
23 assigned and available in the area and
24 made available to use;

1 (ii) the number of U.S. Customs and
2 Border Protection personnel assigned from
3 a Field Operations office, broken out by
4 role;

5 (iii) the expenditures for procurement
6 and overtime incurred by U.S. Customs
7 and Border Protection during the most re-
8 cent fiscal year;

9 (iv) the types of cargo received, such
10 as containerized, break-bulk, and bulk;

11 (v) the legal entity that owns the sea-
12 port;

13 (vi) a description of the use of space
14 at the seaport by U.S. Customs and Bor-
15 der Protection, including—

16 (I) whether U.S. Customs and
17 Border Protection or the General
18 Services Administration owns or
19 leases any facilities at the seaport;
20 and

21 (II) if U.S. Customs and Border
22 Protection is provided space at the
23 seaport, a description of such space,
24 including the number of workstations;
25 and

1 (vii) the current cost-sharing arrange-
2 ment for screening technology or reimburs-
3 able services;

4 (B) to identify, for each Field Operations
5 office—

6 (i) any ports of entry that are staffed
7 remotely from service ports;

8 (ii) the distance of each such service
9 port from the corresponding ports of entry;
10 and

11 (iii) the number of officers and the
12 types of equipment U.S. Customs and Bor-
13 der Protection uses to screen cargo enter-
14 ing or exiting through such ports; and

15 (C) that includes a threat assessment of
16 incoming containerized and noncontainerized
17 cargo at Great Lakes seaports and selected in-
18 land waters seaports.

19 (2) SEAPORT SELECTION.—In selecting sea-
20 ports on inland waters to include in the review under
21 paragraph (1), the Secretary of Homeland Security
22 shall ensure that the inland waters seaports are—

23 (A) equal in number to the Great Lakes
24 seaports included in the review;

1 (B) comparable to Great Lakes seaports
2 included in the review, as measured by number
3 of imported shipments arriving at the seaport
4 each year; and

5 (C) covered by at least the same number of
6 Field Operations offices as the Great Lakes
7 seaports included in the review, but are not cov-
8 ered by the same Field Operations offices as
9 such Great Lakes seaports.

10 (3) REPORT REQUIRED.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary of Homeland Security shall
14 submit to the appropriate congressional com-
15 mittees a report containing—

16 (i) the results of the review conducted
17 pursuant to paragraph (1); and

18 (ii) an explanation of the methodology
19 used for such review regarding the screen-
20 ing practices for foreign cargo arriving at
21 seaports on the Great Lakes and inland
22 waters.

23 (B) FORM.—The report required under
24 subparagraph (A) shall be submitted in unclas-

1 sified form, to the maximum extent possible,
2 but may include a classified annex, if necessary.

3 (b) INLAND WATERS THREAT ANALYSIS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security shall submit to the ap-
7 propriate congressional committees an inland waters
8 threat analysis containing an identification and de-
9 scription of—

10 (A) current and potential terrorism and
11 criminal threats posed by individuals and
12 groups seeking—

13 (i) to enter the United States through
14 inland waters; or

15 (ii) to exploit security vulnerabilities
16 on inland waters;

17 (B) security challenges at inland waters
18 ports of the United States regarding—

19 (i) terrorism and instruments of ter-
20 ror entering the United States; or

21 (ii) criminal activity, as measured by
22 the total flow of illegal goods and illicit
23 drugs, related to the inland waters;

24 (C) security mitigation efforts with respect
25 to the inland waters—

1 (i) to prevent terrorists and instru-
2 ments of terror from entering the United
3 States; or

4 (ii) to reduce criminal activity related
5 to the inland waters;

6 (D) vulnerabilities related to cooperation
7 between State, local, tribal, and territorial law
8 enforcement, or international agreements, that
9 hinder effective security, counterterrorism, anti-
10 trafficking efforts, and the flow of legitimate
11 trade with respect to inland waters; and

12 (E) metrics and performance measures
13 used by the Secretary of Homeland Security to
14 evaluate inland waters security, as appropriate.

15 (2) ANALYSIS REQUIREMENTS.—In preparing
16 the threat analysis required under paragraph (1),
17 the Secretary of Homeland Security shall consider
18 and examine—

19 (A) technology needs and challenges;

20 (B) personnel needs and challenges;

21 (C) the roles of State, local, tribal, and ter-
22 ritorial law enforcement, private sector part-
23 ners, and the public, relating to inland waters
24 security;

1 (D) the need for cooperation among Fed-
2 eral, State, local, tribal, territorial, and inter-
3 national partner law enforcement, private sector
4 partners, and the public, relating to inland
5 waters security; and

6 (E) the challenges posed by geography
7 with respect to inland waters security.

8 (3) FORM.—The Secretary of Homeland Secu-
9 rity shall submit the threat analysis required under
10 paragraph (1) in unclassified form, to the maximum
11 extent possible, but may include a classified annex,
12 if necessary.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Homeland Security and
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives; and

19 (2) the Committee on Homeland Security and
20 Governmental Affairs and the Committee on Com-
21 merce, Science, and Transportation of the Senate.

1 **SEC. 9004. DEPARTMENT OF HOMELAND SECURITY RE-**
2 **PORTS ON DIGITAL CONTENT FORGERY**
3 **TECHNOLOGY.**

4 (a) **REPORTS REQUIRED.**—Not later than one year
5 after the date of enactment of this Act, and annually
6 thereafter for 5 years, the Secretary of Homeland Secu-
7 rity, acting through the Under Secretary for Science and
8 Technology of the Department of Homeland Security, and
9 with respect to paragraphs (6) and (7) of subsection (b),
10 in consultation with the Director of National Intelligence,
11 shall submit to Congress a report on the state of digital
12 content forgery technology.

13 (b) **CONTENTS.**—Each report produced under sub-
14 section (a) shall include the following:

15 (1) An assessment of the underlying tech-
16 nologies used to create or propagate digital content
17 forgeries, including the evolution of such tech-
18 nologies and patterns of dissemination of such tech-
19 nologies.

20 (2) A description of the types of digital content
21 forgeries, including those used to commit fraud,
22 cause harm, harass, coerce, or silence vulnerable
23 groups or individuals, or violate civil rights recog-
24 nized under Federal law.

25 (3) An assessment of how foreign governments,
26 and the proxies and networks thereof, use, or could

1 use, digital content forgeries to harm national secu-
2 rity.

3 (4) An assessment of how non-governmental en-
4 tities in the United States use, or could use, digital
5 content forgeries.

6 (5) An assessment of the uses, applications,
7 dangers, and benefits, including the impact on indi-
8 viduals, of deep learning or digital content forgery
9 technologies used to generate realistic depictions of
10 events that did not occur.

11 (6) An analysis of the methods used to deter-
12 mine whether content is created by digital content
13 forgery technology, and an assessment of any effec-
14 tive heuristics used to make such a determination,
15 as well as recommendations on how to identify and
16 address suspect content and elements to provide
17 warnings to users of such content.

18 (7) A description of the technological counter-
19 measures that are, or could be, used to address con-
20 cerns with digital content forgery technology.

21 (8) Any additional information the Secretary
22 determines appropriate.

23 (c) CONSULTATION AND PUBLIC HEARINGS.—In pro-
24 ducing each report required under subsection (a), the Sec-
25 retary may—

1 (1) consult with any other agency of the Fed-
2 eral Government that the Secretary considers nec-
3 essary; and

4 (2) conduct public hearings to gather, or other-
5 wise allow interested parties an opportunity to
6 present, information and advice relevant to the pro-
7 duction of the report.

8 (d) FORM OF REPORT.—Each report required under
9 subsection (a) shall be produced in unclassified form, but
10 may contain a classified annex.

11 (e) APPLICABILITY OF OTHER LAWS.—

12 (1) FOIA.—Nothing in this section, or in a re-
13 port produced under this section, may be construed
14 to allow the disclosure of information or a record
15 that is exempt from public disclosure under section
16 552 of title 5, United States Code (commonly known
17 as the “Freedom of Information Act”).

18 (2) PAPERWORK REDUCTION ACT.—Subchapter
19 I of chapter 35 of title 44, United States Code (com-
20 monly known as the “Paperwork Reduction Act”),
21 shall not apply to this section.

22 (f) DIGITAL CONTENT FORGERY DEFINED.—In this
23 section, the term “digital content forgery technology”
24 means the use of emerging technologies, including artifi-
25 cial intelligence and machine learning techniques, to fab-

1 ricate or manipulate audio, visual, or text content with the
2 intent to mislead.

3 **SEC. 9005. GAO STUDY OF CYBERSECURITY INSURANCE.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study to assess and analyze the
6 state and availability of insurance coverage in the United
7 States for cybersecurity risks, including by—

8 (1) identifying the number and dollar volume of
9 cyber insurance policies currently in force and the
10 percentage of businesses, and specifically small busi-
11 nesses, that have cyber insurance coverage;

12 (2) assessing the extent to which States have
13 established minimum standards for the scope of
14 cyber insurance policies; and

15 (3) identifying any barriers to modeling and un-
16 derwriting cybersecurity risks.

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Comptroller General shall
19 submit to Congress a report setting forth the findings and
20 conclusions of the study conducted under subsection (a),
21 including—

22 (1) recommendations on whether intervention
23 by the Federal Government would help facilitate the
24 growth and development of insurers offering cov-
25 erage for cybersecurity risks; and

1 (2) a discussion of the availability and afford-
2 ability of such coverage and policyholder education
3 regarding such coverage.

4 **SEC. 9006. STRATEGY TO SECURE EMAIL.**

5 (a) IN GENERAL.—Not later than December 31,
6 2021, the Secretary of Homeland Security shall develop
7 and submit to Congress a strategy, including rec-
8 ommendations, to implement across all United States-
9 based email providers Domain-based Message Authentica-
10 tion, Reporting, and Conformance standard at scale.

11 (b) ELEMENTS.—The strategy required under sub-
12 section (a) shall include the following:

13 (1) A recommendation for the minimum-size
14 threshold for United States-based email providers
15 for applicability of Domain-based Message Authen-
16 tication, Reporting, and Conformance.

17 (2) A description of the security and privacy
18 benefits of implementing the Domain-based Message
19 Authentication, Reporting, and Conformance stand-
20 ard at scale, including recommendations for national
21 security exemptions, as appropriate, as well as the
22 burdens of such implementation and an identifica-
23 tion of the entities on which such burdens would
24 most likely fall.

1 (3) An identification of key United States and
2 international stakeholders associated with such im-
3 plementation.

4 (4) An identification of any barriers to such im-
5 plementation, including a cost-benefit analysis where
6 feasible.

7 (5) An initial estimate of the total cost to the
8 Federal Government and implementing entities in
9 the private sector of such implementation, including
10 recommendations for defraying such costs, if appli-
11 cable.

12 (c) CONSULTATION.—In developing the strategy and
13 recommendations under subsection (a), the Secretary of
14 Homeland Security may, as appropriate, consult with rep-
15 resentatives from the information technology sector.

16 (d) DEFINITION.—In this section, the term “Domain-
17 based Message Authentication, Reporting, and Conform-
18 ance” means an email authentication, policy, and report-
19 ing protocol that verifies the authenticity of the sender of
20 an email and blocks and reports to the sender fraudulent
21 accounts.

1 **SEC. 9007. DEPARTMENT OF HOMELAND SECURITY LARGE-**
2 **SCALE NON-INTRUSIVE INSPECTION SCAN-**
3 **NING PLAN.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Home-
6 land Security shall submit to the Committee on Homeland
7 Security and Governmental Affairs of the Senate and the
8 Committee on Homeland Security of the House of Rep-
9 resentatives a plan for increasing to 100 percent the rate
10 of high-throughput scanning of commercial and passenger
11 vehicles and freight rail traffic entering the United States
12 at land ports of entry and rail-border crossings along the
13 border using large-scale non-intrusive inspection systems
14 or similar technology to enhance border security.

15 (b) BASELINE INFORMATION.—The plan under sub-
16 section (a) shall include, at a minimum, the following in-
17 formation regarding large-scale non-intrusive inspection
18 systems or similar technology operated by U.S. Customs
19 and Border Protection at land ports of entry and rail-bor-
20 der crossings as of the date of the enactment of this Act:

21 (1) An inventory of large-scale non-intrusive in-
22 spection systems or similar technology in use at each
23 land port of entry.

24 (2) For each system or technology identified in
25 the inventory under paragraph (1)—

1 (A) the scanning method of such system or
2 technology;

3 (B) the location of such system or tech-
4 nology at each land port of entry that specifies
5 whether in use in pre-primary, primary, or sec-
6 ondary inspection area, or some combination of
7 such areas;

8 (C) the percentage of commercial and pas-
9 senger vehicles and freight rail traffic scanned
10 by such system or technology;

11 (D) seizure data directly attributed to
12 scanned commercial and passenger vehicles and
13 freight rail traffic; and

14 (E) the number of personnel required to
15 operate each system or technology.

16 (3) Information regarding the continued use of
17 other technology and tactics used for scanning, such
18 as canines and human intelligence in conjunction
19 with large scale, nonintrusive inspection systems.

20 (c) ELEMENTS.—The plan under subsection (a) shall
21 include the following elements:

22 (1) Benchmarks for achieving incremental
23 progress towards 100 percent high-throughput scan-
24 ning within the next 6 years of commercial and pas-
25 senger vehicles and freight rail traffic entering the

1 United States at land ports of entry and rail-border
2 crossings along the border with corresponding pro-
3 jected incremental improvements in scanning rates
4 by fiscal year and rationales for the specified time-
5 frames for each land port of entry.

6 (2) Estimated costs, together with an acquisi-
7 tion plan, for achieving the 100 percent high-
8 throughput scanning rate within the timeframes
9 specified in paragraph (1), including acquisition, op-
10 erations, and maintenance costs for large-scale, non-
11 intrusive inspection systems or similar technology,
12 and associated costs for any necessary infrastructure
13 enhancements or configuration changes at each port
14 of entry. Such acquisition plan shall promote, to the
15 extent practicable, opportunities for entities that
16 qualify as small business concerns (as defined under
17 section 3(a) of the Small Business Act (15 U.S.C.
18 632(a)).

19 (3) Any projected impacts, as identified by the
20 Commissioner of U.S. Customs and Border Protec-
21 tion, on the total number of commercial and pas-
22 senger vehicles and freight rail traffic entering at
23 land ports of entry and rail-border crossings where
24 such systems are in use, and average wait times at

1 peak and non-peak travel times, by lane type if ap-
2 plicable, as scanning rates are increased.

3 (4) Any projected impacts, as identified by the
4 Commissioner of U.S. Customs and Border Protec-
5 tion, on land ports of entry and rail-border crossings
6 border security operations as a result of implementa-
7 tion actions, including any changes to the number of
8 U.S. Customs and Border Protection officers or
9 their duties and assignments.

10 (d) ANNUAL REPORT.—Not later than one year after
11 the submission of the plan under subsection (a), and bien-
12 nially thereafter for the following six years, the Secretary
13 of Homeland Security shall submit to the Committee on
14 Homeland Security and Governmental Affairs of the Sen-
15 ate and the Committee on Homeland Security of the
16 House of Representatives a report that describes the
17 progress implementing the plan and includes—

18 (1) an inventory of large-scale, nonintrusive in-
19 spection systems or similar technology operated by
20 U.S. Customs and Border Protection at each land
21 port of entry;

22 (2) for each system or technology identified in
23 the inventory required under paragraph (1)—

24 (A) the scanning method of such system or
25 technology;

1 (B) the location of such system or tech-
2 nology at each land port of entry that specifies
3 whether in use in pre-primary, primary, or sec-
4 ondary inspection area, or some combination of
5 such areas;

6 (C) the percentage of commercial and pas-
7 senger vehicles and freight rail traffic scanned
8 by such system or technology; and

9 (D) seizure data directly attributed to
10 scanned commercial and passenger vehicles and
11 freight rail traffic;

12 (3) the total number of commercial and pas-
13 senger vehicles and freight rail traffic entering at
14 each land port of entry at which each system or
15 technology is in use, and information on average
16 wait times at peak and non-peak travel times, by
17 lane type if applicable;

18 (4) a description of the progress towards reach-
19 ing the benchmarks referred to in subsection (c)(1),
20 and an explanation if any of such benchmarks are
21 not achieved as planned;

22 (5) a comparison of actual costs (including in-
23 formation on any awards of associated contracts) to
24 estimated costs set forth in subsection (c)(2);

1 (6) any realized impacts, as identified by the
2 Commissioner of U.S. Customs and Border Protec-
3 tion, on land ports of entry and rail-border crossings
4 operations as a result of implementation actions, in-
5 cluding any changes to the number of U.S. Customs
6 and Border Protection officers or their duties and
7 assignments;

8 (7) any proposed changes to the plan and an
9 explanation for such changes, including changes
10 made in response to any Department of Homeland
11 Security research and development findings or
12 changes in terrorist or transnational criminal organi-
13 zations tactics, techniques, or procedures; and

14 (8) any challenges to implementing the plan or
15 meeting the benchmarks, and plans to mitigate any
16 such challenges.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “large-scale, non-intrusive inspec-
19 tion system” means a technology, including x-ray,
20 gamma-ray, and passive imaging systems, capable of
21 producing an image of the contents of a commercial
22 or passenger vehicle or freight rail car in 1 pass of
23 such vehicle or car.

24 (2) The term “scanning” means utilizing non-
25 intrusive imaging equipment, radiation detection

1 equipment, or both, to capture data, including im-
2 ages of a commercial or passenger vehicle or freight
3 rail car.

4 **TITLE XCI—VETERANS AFFAIRS**
5 **MATTERS**

Sec. 9101. Modification of licensure requirements for Department of Veterans
Affairs health care professionals providing treatment via tele-
medicine.

Sec. 9102. Additional care for newborn children of veterans.

Sec. 9103. Expansion of eligibility for HUD-VASH.

Sec. 9104. Study on unemployment rate of women veterans who served on ac-
tive duty in the Armed Forces after September 11, 2001.

Sec. 9105. Access of veterans to Individual Longitudinal Exposure Record.

Sec. 9106. Department of Veterans Affairs report on undisbursed funds.

Sec. 9107. Transfer of Mare Island Naval Cemetery to Secretary of Veterans
Affairs for maintenance by National Cemetery Administration.

Sec. 9108. Comptroller General report on Department of Veterans Affairs han-
dling of disability compensation claims by certain veterans.

Sec. 9109. Additional diseases associated with exposure to certain herbicide
agents for which there is a presumption of service connection
for veterans who served in the Republic of Vietnam.

6 **SEC. 9101. MODIFICATION OF LICENSURE REQUIREMENTS**
7 **FOR DEPARTMENT OF VETERANS AFFAIRS**
8 **HEALTH CARE PROFESSIONALS PROVIDING**
9 **TREATMENT VIA TELEMEDICINE.**

10 Section 1730C(b) of title 38, United States Code, is
11 amended to read as follows:

12 “(b) COVERED HEALTH CARE PROFESSIONALS.—
13 For purposes of this section, a covered health care profes-
14 sional is any of the following individuals:

15 “(1) A health care professional who—

16 “(A) is an employee of the Department ap-
17 pointed under section 7306, 7401, 7405, 7406,
18 or 7408 of this title or under title 5;

1 “(B) is authorized by the Secretary to pro-
2 vide health care under this chapter;

3 “(C) is required to adhere to all standards
4 for quality relating to the provision of health
5 care in accordance with applicable policies of
6 the Department; and

7 “(D)(i) has an active, current, full, and
8 unrestricted license, registration, or certification
9 in a State to practice the health care profession
10 of the health care professional; or

11 “(ii) with respect to a health care profes-
12 sion listed under section 7402(b) of this title,
13 has the qualifications for such profession as set
14 forth by the Secretary.

15 “(2) A postgraduate health care employee
16 who—

17 “(A) is appointed under section 7401(1),
18 7401(3), or 7405 of this title or title 5 for any
19 category of personnel described in paragraph
20 (1) or (3) of section 7401 of this title;

21 “(B) must obtain an active, current, full,
22 and unrestricted license, registration, or certifi-
23 cation or meet qualification standards set forth
24 by the Secretary within a specified time frame;
25 and

1 “(C) is under the clinical supervision of a
2 health care professional described in paragraph
3 (1); or

4 “(3) A health professions trainee who—

5 “(A) is appointed under section 7405 or
6 7406 of this title; and

7 “(B) is under the clinical supervision of a
8 health care professional described in paragraph
9 (1).”.

10 **SEC. 9102. ADDITIONAL CARE FOR NEWBORN CHILDREN OF**
11 **VETERANS.**

12 Section 1786 of title 38, United States Code, is
13 amended—

14 (1) in subsection (a), by striking “The Sec-
15 retary” and inserting “Except as provided in sub-
16 section (c), the Secretary”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(c) EXCEPTION BASED ON MEDICAL NECESSITY.—

20 Pursuant to such regulations as the Secretary shall pre-
21 scribe to carry out this section, the Secretary may furnish
22 more than seven days of health care services described in
23 subsection (b), and may furnish transportation necessary
24 to receive such services, to a newborn child based on med-
25 ical necessity if the child is in need of additional care, in-

1 cluding if the child has been discharged or released from
2 a hospital and requires readmittance to ensure the health
3 and welfare of the child.”.

4 **SEC. 9103. EXPANSION OF ELIGIBILITY FOR HUD-VASH.**

5 (a) HUD PROVISIONS.—Section 8(o)(19) of the
6 United States Housing Act of 1937 (42 U.S.C.
7 1437f(o)(19)) is amended by adding at the end the fol-
8 lowing new subparagraph:

9 “(D) VETERAN DEFINED.—In this para-
10 graph, the term ‘veteran’ has the meaning given
11 that term in section 2002(b) of title 38, United
12 States Code.”.

13 (b) VHA CASE MANAGERS.—Subsection (b) of sec-
14 tion 2003 of title 38, United States Code, is amended by
15 adding at the end the following: “In the case of vouchers
16 provided under the HUD-VASH program under section
17 8(o)(19) of such Act, for purposes of the preceding sen-
18 tence, the term ‘veteran’ shall have the meaning given
19 such term in section 2002(b) of this title.”.

20 (c) ANNUAL REPORTS.—

21 (1) IN GENERAL.—Not less frequently than
22 once each year, the Secretary of Veterans Affairs
23 shall submit to the Committee on Veterans’ Affairs
24 of the Senate and the Committee on Veterans’ Af-
25 fairs of the House of Representatives a report on the

1 homelessness services provided under programs of
2 the Department of Veterans Affairs, including serv-
3 ices under HUD–VASH program under section
4 8(o)(19) of the United States Housing Act of 1937
5 (42 U.S.C. 1437f(o)(19)).

6 (2) INCLUDED INFORMATION.—Each such an-
7 nual report shall include, with respect to the year
8 preceding the submittal of the report, a statement of
9 the number of eligible individuals who were fur-
10 nished such homelessness services and the number of
11 individuals furnished such services under each such
12 program, disaggregated by the number of men who
13 received such services and the number of women
14 who received such services, and such other informa-
15 tion as the Secretary considers appropriate.

16 **SEC. 9104. STUDY ON UNEMPLOYMENT RATE OF WOMEN**
17 **VETERANS WHO SERVED ON ACTIVE DUTY IN**
18 **THE ARMED FORCES AFTER SEPTEMBER 11,**
19 **2001.**

20 (a) STUDY.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Veterans Affairs, in consultation with the
24 Bureau of Labor Statistics of the Department of
25 Labor, shall conduct a study on why post-9/11 vet-

1 erans who are women are at higher risk of unem-
2 ployment than all other groups of women veterans
3 and their non-veteran counterparts.

4 (2) CONDUCT OF STUDY.—

5 (A) IN GENERAL.—The Secretary shall
6 conduct the study under paragraph (1) through
7 the Center for Women Veterans under section
8 318 of title 38, United States Code.

9 (B) CONSULTATION.—In carrying out the
10 study conducted under paragraph (1), the Sec-
11 retary may consult with—

12 (i) the Department of Labor;

13 (ii) other Federal agencies, including
14 the Department of Defense, the Office of
15 Personnel Management, and the Small
16 Business Administration;

17 (iii) foundations; and

18 (iv) other entities in the private sec-
19 tor.

20 (3) ELEMENTS OF STUDY.—The study con-
21 ducted under paragraph (1) shall include, with re-
22 spect to post-9/11 veterans who are women, an anal-
23 ysis of each of the following:

24 (A) Rank at the time of separation from
25 the Armed Forces.

1 (B) Geographic location of residence upon
2 such separation.

3 (C) Highest level of education achieved as
4 of the time of such separation.

5 (D) The percentage of such veterans who
6 enrolled in a program of education or an em-
7 ployment training program of the Department
8 of Veterans Affairs or the Department of Labor
9 after such separation.

10 (E) Industries that have employed such
11 veterans.

12 (F) Military occupational specialties of
13 such veterans while serving as members of the
14 Armed Forces.

15 (G) Barriers to employment of such vet-
16 erans.

17 (H) Causes of the fluctuations in employ-
18 ment of such veterans.

19 (I) Employment training programs of the
20 Department of Veterans Affairs or the Depart-
21 ment of Labor that are available to such vet-
22 erans as of the date of the enactment of this
23 Act.

24 (J) Economic indicators that affect the un-
25 employment of such veterans.

1 (K) Health conditions of such veterans
2 that could affect employment.

3 (L) Whether there are differences in the
4 analyses conducted under subparagraphs (A)
5 through (K) depending on the race of such vet-
6 erans.

7 (M) The difference between unemployment
8 rates of post-9/11 veterans who are women
9 compared to unemployment rates of post-9/11
10 veterans who are men, including an analysis of
11 potential causes of such difference.

12 (N) Such other matters as the Secretary
13 determines appropriate.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 completing the study under subsection (a), the Sec-
17 retary shall submit to the Committee on Veterans'
18 Affairs of the Senate and the Committee on Vet-
19 erans' Affairs of the House of Representatives a re-
20 port on such study.

21 (2) ELEMENTS.—The report required by para-
22 graph (1) shall include the following:

23 (A) The analysis conducted under sub-
24 section (a)(3).

1 (B) A description of the methods used to
2 conduct the study under subsection (a).

3 (C) Such other matters relating to the un-
4 employment rates of post-9/11 veterans who are
5 women as the Secretary considers appropriate.

6 (c) POST-9/11 VETERAN DEFINED.—In this section,
7 the term “post-9/11 veteran” means a veteran who served
8 on active duty in the Armed Forces on or after September
9 11, 2001.

10 **SEC. 9105. ACCESS OF VETERANS TO INDIVIDUAL LONGITU-**
11 **DINAL EXPOSURE RECORD.**

12 The Secretary of Veterans Affairs shall provide to a
13 veteran read-only access to the documents of the veteran
14 contained in the Individual Longitudinal Exposure Record
15 in a printable format through a portal accessible through
16 an internet website of the Department of Veterans Affairs.

17 **SEC. 9106. DEPARTMENT OF VETERANS AFFAIRS REPORT**
18 **ON UNDISBURSED FUNDS.**

19 (a) REPORT REQUIRED.—Not later than 120 days
20 after the date of the enactment of this Act, the Secretary
21 of Veterans Affairs shall submit to the Committees on
22 Veterans’ Affairs of the Senate and House of Representa-
23 tives a report on the undisbursed funds of the Department
24 of Veterans Affairs.

1 (b) ELEMENTS.—The report required under sub-
2 section (a) shall include each of the following:

3 (1) The total quantities and value, for each of
4 the preceding ten fiscal years, of—

5 (A) the undisbursed funds in the posses-
6 sion of the Department; and

7 (B) the undisbursed funds of the Depart-
8 ment that were transferred to the Department
9 of Treasury.

10 (2) The policies and procedures of the Depart-
11 ment for managing undisbursed funds and for com-
12 municating with veterans, other beneficiaries, and
13 heirs regarding undisbursed funds.

14 (3) The challenges regarding the policies and
15 procedures identified under paragraph (2), any legal
16 barriers to improving such policies and procedures,
17 and the plans of the Secretary for improvement.

18 (c) REVIEW OF REPORT.—The Comptroller General
19 of the United States shall conduct a review of the report
20 submitted under subsection (a).

21 (d) UNDISBURSED FUNDS DEFINED.—The term
22 “undisbursed funds”—

23 (1) means any amount of money that is owed
24 to a beneficiary and that has not been disbursed—

1 (A) in the case of an amount that is owed
2 by reason of an insurance benefit under chapter
3 19 of title 38, United States Code, for a period
4 of one year or longer; or

5 (B) in the case of an amount that is owed
6 by reason of any other benefit under the laws
7 administered by the Secretary of Veterans Af-
8 fairs, for a period of 30 days or longer; and

9 (2) does not include any amount of money
10 that—

11 (A) has not been disbursed due to a con-
12 tested claim for benefits under the laws admin-
13 istered by the Secretary; or

14 (B) is in dispute by two or more parties
15 over who is the entitled beneficiary.

16 **SEC. 9107. TRANSFER OF MARE ISLAND NAVAL CEMETERY**
17 **TO SECRETARY OF VETERANS AFFAIRS FOR**
18 **MAINTENANCE BY NATIONAL CEMETERY AD-**
19 **MINISTRATION.**

20 (a) AGREEMENT.—Beginning on the date that is 180
21 days after the date on which the Secretary submits the
22 report required by subsection (c)(1), the Secretary of Vet-
23 erans Affairs shall seek to enter into an agreement with
24 the city of Vallejo, California, under which the city of
25 Vallejo shall transfer to the Secretary all right, title, and

1 interest in the Mare Island Naval Cemetery in Vallejo,
2 California, at no cost to the Secretary. The Secretary shall
3 seek to enter into such agreement before the date that
4 is one year after the date on which such report is sub-
5 mitted.

6 (b) MAINTENANCE BY NATIONAL CEMETERY ADMIN-
7 ISTRATION.—If the Mare Island Naval Cemetery is trans-
8 ferred to the Secretary of Veterans Affairs pursuant to
9 subsection (a), the National Cemetery Administration
10 shall maintain the cemetery in the same manner as other
11 cemeteries under the jurisdiction of the National Cemetery
12 Administration.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Sec-
16 retary shall submit to the Committee on Veterans'
17 Affairs of the Senate and the Committee on Vet-
18 erans' Affairs of the House of Representatives a re-
19 port on the feasibility and advisability of exercising
20 the authority to enter into an agreement under sub-
21 section (a).

22 (2) CONTENTS.—The report submitted under
23 paragraph (1) shall include the following:

24 (A) An assessment of the feasibility and
25 advisability of entering into such an agreement.

1 (B) An estimate of the costs, including
2 both direct and indirect costs, that the Depart-
3 ment of Veterans Affairs would incur by enter-
4 ing into such an agreement.

5 (d) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) it is only potentially advisable and feasible
8 to transfer the Mare Island Naval Cemetery from
9 the city of Vallejo, California, to the Department of
10 Veterans Affairs because the cemetery was pre-
11 viously under the control of the Department of De-
12 fense; and

13 (2) the City of Vallejo should provide in-kind
14 non-monetary contributions for the improvement and
15 maintenance of Mare Island Naval Cemetery, includ-
16 ing labor and equipment, to the extent practicable,
17 to the Department of Veterans Affairs, following any
18 transfer of the cemetery to the Department.

19 **SEC. 9108. COMPTROLLER GENERAL REPORT ON DEPART-**
20 **MENT OF VETERANS AFFAIRS HANDLING OF**
21 **DISABILITY COMPENSATION CLAIMS BY CER-**
22 **TAIN VETERANS.**

23 Not later than one year after the date of the enact-
24 ment of this Act, the Comptroller General of the United
25 States shall submit to Congress a report containing an

1 evaluation of how the Department of Veterans Affairs has
2 handled claims for disability compensation under the laws
3 administered by the Secretary of Veterans Affairs sub-
4 mitted by veterans who—

5 (1) have type 1 diabetes; and

6 (2) have been exposed to an herbicide agent (as
7 defined in section 1116(a)(3) of title 38, United
8 States Code).

9 **SEC. 9109. ADDITIONAL DISEASES ASSOCIATED WITH EXPO-**
10 **SURE TO CERTAIN HERBICIDE AGENTS FOR**
11 **WHICH THERE IS A PRESUMPTION OF SERV-**
12 **ICE CONNECTION FOR VETERANS WHO**
13 **SERVED IN THE REPUBLIC OF VIETNAM.**

14 Section 1116(a)(2) of title 38, United States Code,
15 is amended by adding at the end the following new sub-
16 paragraphs:

17 “(I) Parkinsonism.

18 “(J) Bladder cancer.

19 “(K) Hypothyroidism.”.

20 **TITLE XCII—COMMUNICATIONS**
21 **MATTERS**

Sec. 9201. Reliable emergency alert distribution improvement.

Sec. 9202. Wireless supply chain innovation and multilateral security.

Sec. 9203. Spectrum information technology modernization efforts.

Sec. 9204. Internet of Things.

1 **SEC. 9201. RELIABLE EMERGENCY ALERT DISTRIBUTION**
2 **IMPROVEMENT.**

3 (a) WIRELESS EMERGENCY ALERTS SYSTEM OFFER-
4 INGS.—

5 (1) AMENDMENT.—Section 602(b)(2)(E) of the
6 Warning, Alert, and Response Network Act (47
7 U.S.C. 1201(b)(2)(E)) is amended—

8 (A) by striking the second and third sen-
9 tences; and

10 (B) by striking “other than an alert issued
11 by the President.” and inserting the following:
12 “other than an alert issued by—

13 “(i) the President; or

14 “(ii) the Administrator of the Federal
15 Emergency Management Agency.”.

16 (2) REGULATIONS.—Not later than 180 days
17 after the date of enactment of this Act, the Commis-
18 sion, in consultation with the Administrator, shall
19 adopt regulations to implement the amendment
20 made by paragraph (1)(B).

21 (b) STATE EMERGENCY ALERT SYSTEM PLANS AND
22 EMERGENCY COMMUNICATIONS COMMITTEES.—

23 (1) STATE EMERGENCY COMMUNICATIONS COM-
24 MITTEE.—Not later than 180 days after the date of
25 enactment of this Act, the Commission shall adopt
26 regulations that—

1 (A) encourage the chief executive of each
2 State—

3 (i) to establish an SECC if the State
4 does not have an SECC; or

5 (ii) if the State has an SECC, to re-
6 view the composition and governance of the
7 SECC;

8 (B) provide that—

9 (i) each SECC, not less frequently
10 than annually, shall—

11 (I) meet to review and update its
12 State EAS Plan;

13 (II) certify to the Commission
14 that the SECC has met as required
15 under subclause (I); and

16 (III) submit to the Commission
17 an updated State EAS Plan; and

18 (ii) not later than 60 days after the
19 date on which the Commission receives an
20 updated State EAS Plan under clause
21 (i)(III), the Commission shall—

22 (I) approve or disapprove the up-
23 dated State EAS Plan; and

24 (II) notify the chief executive of
25 the State of the Commission's ap-

1 proval or disapproval of such plan,
2 and reason therefor; and

3 (C) establish a State EAS Plan content
4 checklist for SECCs to use when reviewing and
5 updating a State EAS Plan for submission to
6 the Commission under subparagraph (B)(i).

7 (2) CONSULTATION.—The Commission shall
8 consult with the Administrator regarding the adop-
9 tion of regulations under paragraph (1)(C).

10 (3) DEFINITIONS.—In this subsection—

11 (A) the term “SECC” means a State
12 Emergency Communications Committee;

13 (B) the term “State” means any State of
14 the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, the United
16 States Virgin Islands, Guam, American Samoa,
17 the Commonwealth of the Northern Mariana Is-
18 lands, and any possession of the United States;
19 and

20 (C) the term “State EAS Plan” means a
21 State Emergency Alert System Plan.

22 (c) FALSE ALERT REPORTING.—Not later than 180
23 days after the date of enactment of this Act, the Commis-
24 sion, in consultation with the Administrator, shall com-
25 plete a rulemaking proceeding to establish a system to re-

1 ceive from the Administrator or State, Tribal, or local gov-
2 ernments reports of false alerts under the Emergency
3 Alert System or the Wireless Emergency Alerts System
4 for the purpose of recording such false alerts and exam-
5 ining the causes of such false alerts.

6 (d) REPEATING EMERGENCY ALERT SYSTEM MES-
7 SAGES FOR NATIONAL SECURITY.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Commis-
10 sion, in consultation with the Administrator, shall
11 complete a rulemaking proceeding to modify the
12 Emergency Alert System to provide for repeating
13 Emergency Alert System messages while an alert re-
14 mains pending that is issued by—

15 (A) the President;

16 (B) the Administrator; or

17 (C) any other entity determined appro-
18 priate under the circumstances by the Commis-
19 sion, in consultation with the Administrator.

20 (2) SCOPE OF RULEMAKING.—Paragraph (1)
21 shall—

22 (A) apply to warnings of national security
23 events, meaning emergencies of national signifi-
24 cance, such as a missile threat, terror attack, or
25 other act of war or threat to public safety; and

1 (B) not apply to more typical warnings,
2 such as a weather alert, AMBER Alert, or dis-
3 aster alert.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 subsection shall be construed to impair, limit, or
6 otherwise change—

7 (A) the authority of the President granted
8 by law to alert and warn the public; or

9 (B) the role of the President as com-
10 mander-in-chief with respect to the identifica-
11 tion, dissemination, notification, or alerting of
12 information of missile threats against the
13 United States, or threats to public safety.

14 (e) INTERNET AND ONLINE STREAMING SERVICES
15 EMERGENCY ALERT EXAMINATION.—

16 (1) STUDY.—Not later than 180 days after the
17 date of enactment of this Act, and after providing
18 public notice and opportunity for comment, the
19 Commission shall complete an inquiry to examine
20 the feasibility of updating the Emergency Alert Sys-
21 tem to enable or improve alerts to consumers pro-
22 vided through the internet, including through
23 streaming services.

24 (2) REPORT.—Not later than 90 days after
25 completing the inquiry under paragraph (1), the

1 Commission shall submit a report on the findings
2 and conclusions of the inquiry to—

3 (A) the Committee on Commerce, Science,
4 and Transportation of the Senate; and

5 (B) the Committee on Energy and Com-
6 merce of the House of Representatives.

7 (f) DEFINITIONS.—In this section—

8 (1) the term “Administrator” means the Ad-
9 ministrator of the Federal Emergency Management
10 Agency;

11 (2) the term “Commission” means the Federal
12 Communications Commission;

13 (3) the term “Emergency Alert System” means
14 the national public warning system, the rules for
15 which are set forth in part 11 of title 47, Code of
16 Federal Regulations (or any successor regulation);
17 and

18 (4) the term “Wireless Emergency Alerts Sys-
19 tem” means the wireless national public warning
20 system established under the Warning, Alert, and
21 Response Network Act (47 U.S.C. 1201 et seq.), the
22 rules for which are set forth in part 10 of title 47,
23 Code of Federal Regulations (or any successor regu-
24 lation).

1 **SEC. 9202. WIRELESS SUPPLY CHAIN INNOVATION AND**
2 **MULTILATERAL SECURITY.**

3 (a) COMMUNICATIONS TECHNOLOGY SECURITY
4 FUNDS.—

5 (1) PUBLIC WIRELESS SUPPLY CHAIN INNOVA-
6 TION FUND.—

7 (A) ESTABLISHMENT.—

8 (i) IN GENERAL.—There is established
9 in the Treasury of the United States a
10 trust fund to be known as the “Public
11 Wireless Supply Chain Innovation Fund”
12 (referred to in this paragraph as the “In-
13 novation Fund”).

14 (ii) AVAILABILITY.—

15 (I) IN GENERAL.—Amounts ap-
16 propriated to the Innovation Fund
17 shall remain available through the end
18 of the tenth fiscal year beginning
19 after the date on which funds are ap-
20 propriated to the Fund.

21 (II) REMAINDER TO TREAS-
22 URY.—Any amounts remaining in the
23 Innovation Fund after the end of the
24 tenth fiscal year beginning after the
25 date of appropriation shall be depos-

1 ited in the general fund of the Treas-
2 ury.

3 (B) USE OF FUND.—

4 (i) IN GENERAL.—Amounts appro-
5 priated to the Innovation Fund shall be
6 available to the Secretary, acting through
7 the NTIA Administrator, to make grants
8 on a competitive basis under this para-
9 graph in such amounts as the Secretary,
10 acting through the NTIA Administrator,
11 determines appropriate, subject to clause
12 (ii).

13 (ii) LIMITATION ON GRANT
14 AMOUNTS.—The amount of a grant award-
15 ed under this paragraph to a recipient for
16 a specific research focus area may not ex-
17 ceed \$50,000,000.

18 (C) ADMINISTRATION OF FUND.—The Sec-
19 retary, acting through the NTIA Administrator,
20 in consultation with the Commission, the Under
21 Secretary of Commerce for Standards and
22 Technology, the Secretary of Homeland Secu-
23 rity, the Secretary of Defense, and the Director
24 of the Intelligence Advanced Research Projects
25 Activity of the Office of the Director of Na-

1 tional Intelligence, shall establish criteria for
2 grants awarded under this paragraph, by the
3 NTIA Administrator and administer the Inno-
4 vation Fund, to support the following:

5 (i) Promoting and deploying tech-
6 nology, including software, hardware, and
7 microprocessing technology, that will en-
8 hance competitiveness in the fifth-genera-
9 tion (commonly known as “5G”) and suc-
10 cessor wireless technology supply chains
11 that use open and interoperable interface
12 radio access networks.

13 (ii) Accelerating commercial deploy-
14 ments of open interface standards-based
15 compatible, interoperable equipment, such
16 as equipment developed pursuant to the
17 standards set forth by organizations such
18 as the O-RAN Alliance, the Telecom Infra
19 Project, 3GPP, the Open-RAN Software
20 Community, or any successor organiza-
21 tions.

22 (iii) Promoting and deploying compat-
23 ibility of new 5G equipment with future
24 open standards-based, interoperable equip-
25 ment.

1 (iv) Managing integration of multi-
2 vendor network environments.

3 (v) Identifying objective criteria to de-
4 fine equipment as compliant with open
5 standards for multi-vendor network equip-
6 ment interoperability.

7 (vi) Promoting and deploying security
8 features enhancing the integrity and avail-
9 ability of equipment in multi-vendor net-
10 works.

11 (vii) Promoting and deploying network
12 function virtualization to facilitate multi-
13 vendor interoperability and a more diverse
14 vendor market.

15 (D) NONDUPLICATION.—To the greatest
16 extent practicable, the Secretary, acting
17 through the NTIA Administrator, shall ensure
18 that any research funded by a grant awarded
19 under this paragraph avoids duplication of
20 other Federal or private sector research.

21 (E) TIMING.—Not later than one year
22 after the date on which funds are appropriated
23 to the Innovation Fund, the Secretary, acting
24 through the NTIA Administrator, shall begin
25 awarding grants under this paragraph.

1 (F) FEDERAL ADVISORY BODY.—

2 (i) ESTABLISHMENT.—The Secretary,
3 acting through the NTIA Administrator,
4 and in consultation with the Under Sec-
5 retary of Commerce for Standards and
6 Technology, shall establish a Federal advi-
7 sory committee, in accordance with the
8 Federal Advisory Committee Act (5 U.S.C.
9 App.), composed of government and pri-
10 vate sector experts, to advise the Secretary
11 and the NTIA Administrator on the ad-
12 ministration of the Innovation Fund.

13 (ii) COMPOSITION.—The advisory
14 committee established under clause (i)
15 shall be composed of—

16 (I) representatives from—

17 (aa) the Commission;

18 (bb) the Department of De-
19 fense;

20 (cc) the Intelligence Ad-
21 vanced Research Projects Activ-
22 ity of the Office of the Director
23 of National Intelligence;

24 (dd) the National Institute
25 of Standards and Technology;

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1 (ee) the Department of
2 State;

3 (ff) the National Science
4 Foundation;

5 (gg) the Department of
6 Homeland Security; and

7 (hh) the National Tele-
8 communications and Information
9 Administration; and

10 (II) other representatives from
11 the private and public sectors, at the
12 discretion of the NTIA Administrator.

13 (iii) DUTIES.—The advisory com-
14 mittee established under clause (i) shall
15 advise the Secretary and the NTIA Admin-
16 istrator on technology developments to help
17 inform—

18 (I) the strategic direction of the
19 Innovation Fund; and

20 (II) efforts of the Federal Gov-
21 ernment to promote a more secure, di-
22 verse, sustainable, and competitive
23 supply chain.

24 (G) REPORTS TO CONGRESS.—

1 (i) INITIAL REPORT.—Not later than
2 180 days after the date of the enactment
3 of this Act, the Secretary, acting through
4 the NTIA Administrator, shall submit to
5 the relevant committees of Congress a re-
6 port with—

7 (I) additional recommendations
8 on promoting the competitiveness and
9 sustainability of trusted suppliers in
10 the wireless supply chain; and

11 (II) any additional authorities
12 needed to facilitate the timely adop-
13 tion of open standards-based equip-
14 ment, including authority to provide
15 loans, loan guarantees, and other
16 forms of credit extension that would
17 maximize the use of funds.

18 (ii) ANNUAL REPORT.—For each fis-
19 cal year for which amounts in the Innova-
20 tion Fund are available under this para-
21 graph, the Secretary, acting through the
22 NTIA Administrator, shall submit to Con-
23 gress a report that—

1 (I) describes how, and to whom,
2 amounts in the Innovation Fund have
3 been deployed;

4 (II) details the progress of the
5 Secretary and the NTIA Adminis-
6 trator in meeting the objectives de-
7 scribed in subparagraph (C); and

8 (III) includes any additional in-
9 formation that the Secretary and the
10 NTIA Administrator determine appro-
11 priate.

12 (2) MULTILATERAL TELECOMMUNICATIONS SE-
13 CURITY FUND.—

14 (A) ESTABLISHMENT OF FUND.—

15 (i) IN GENERAL.—There is established
16 in the Treasury of the United States a
17 trust fund to be known as the “Multilat-
18 eral Telecommunications Security Fund”.

19 (ii) USE OF FUND.—Amounts appro-
20 priated to the Multilateral Telecommuni-
21 cations Security Fund shall be available to
22 the Secretary of State to make expendi-
23 tures under this paragraph in such
24 amounts as the Secretary of State deter-
25 mines appropriate.

1 (iii) AVAILABILITY.—

2 (I) IN GENERAL.—Amounts ap-
3 propriated to the Multilateral Tele-
4 communications Security Fund—

5 (aa) shall remain available
6 through the end of the tenth fis-
7 cal year beginning after the date
8 of appropriation; and

9 (bb) may only be allocated
10 upon the Secretary of State
11 reaching an arrangement or
12 agreement with foreign govern-
13 ment partners to participate in
14 the common funding mechanism
15 described in subparagraph (B).

16 (II) REMAINDER TO TREAS-
17 URY.—Any amounts remaining in the
18 Multilateral Telecommunications Se-
19 curity Fund after the end of the tenth
20 fiscal year beginning after the date of
21 the enactment of this Act shall be de-
22 posited in the general fund of the
23 Treasury.

24 (B) ADMINISTRATION OF FUND.—The Sec-
25 retary of State, in consultation with the NTIA

1 Administrator, the Secretary of Homeland Se-
2 curity, the Secretary of Defense, the Secretary
3 of the Treasury, the Director of National Intel-
4 ligence, and the Commission, is authorized to
5 establish a common funding mechanism, in co-
6 ordination with foreign partners, that uses
7 amounts from the Multilateral Telecommuni-
8 cations Security Fund to support the develop-
9 ment and adoption of secure and trusted tele-
10 communications technologies. In creating and
11 sustaining a common funding mechanism, the
12 Secretary of State should leverage United
13 States funding in order to secure commitments
14 and contributions from trusted foreign partners
15 such as the United Kingdom, Canada, Aus-
16 tralia, New Zealand, and Japan, and should
17 prioritize the following objectives:

18 (i) Advancing research and develop-
19 ment of secure and trusted communica-
20 tions technologies.

21 (ii) Strengthening supply chains.

22 (iii) Promoting the use of trusted ven-
23 dors.

24 (C) ANNUAL REPORT TO CONGRESS.—Not
25 later than 1 year after the date of the enact-

1 ment of this Act, and annually thereafter for
2 each fiscal year during which amounts in the
3 Multilateral Telecommunications Security Fund
4 are available, the Secretary of State shall sub-
5 mit to the relevant committees of Congress a
6 report on the status and progress of the fund-
7 ing mechanism established under subparagraph
8 (B), including—

9 (i) any funding commitments from
10 foreign partners, including each specific
11 amount committed;

12 (ii) governing criteria for use of the
13 Multilateral Telecommunications Security
14 Fund;

15 (iii) an account of—

16 (I) how, and to whom, funds
17 have been deployed;

18 (II) amounts remaining in the
19 Multilateral Telecommunications Se-
20 curity Fund; and

21 (III) the progress of the Sec-
22 retary of State in meeting the objec-
23 tive described in subparagraph (B);
24 and

1 (iv) additional authorities needed to
2 enhance the effectiveness of the Multilat-
3 eral Telecommunications Security Fund in
4 achieving the security goals of the United
5 States.

6 (D) NOTIFICATIONS TO BE PROVIDED BY
7 THE FUND.—

8 (i) IN GENERAL.—Not later than 15
9 days prior to the Fund making a financial
10 commitment associated with the provision
11 of expenditures under subparagraph (A)(ii)
12 in an amount in excess of \$1,000,000, the
13 Secretary of State shall submit to the ap-
14 propriate congressional committees a re-
15 port in writing that contains the informa-
16 tion required by clause (ii).

17 (ii) INFORMATION REQUIRED.—The
18 information required by this clause in-
19 cludes—

20 (I) the amount of each such ex-
21 penditure;

22 (II) an identification of the re-
23 cipient or beneficiary; and

24 (III) a description of the project
25 or activity and the purpose to be

1 achieved of an expenditure by the
2 Fund.

3 (iii) ARRANGEMENTS OR AGREE-
4 MENTS.—The Secretary of State shall no-
5 tify the appropriate congressional commit-
6 tees not later than 30 days after entering
7 into a new bilateral or multilateral ar-
8 rangement or agreement described in sub-
9 paragraph (A)(iii)(I)(bb).

10 (iv) APPROPRIATE CONGRESSIONAL
11 COMMITTEES DEFINED.—In this subpara-
12 graph, the term “appropriate congressional
13 committees” means—

14 (I) the Committee on Foreign
15 Relations of the Senate;

16 (II) the Committee on Appropria-
17 tions of the Senate;

18 (III) the Committee on Foreign
19 Affairs of the House of Representa-
20 tives; and

21 (IV) the Committee on Appro-
22 priations of the House of Representa-
23 tives.

1 (b) PROMOTING UNITED STATES LEADERSHIP IN
2 INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS
3 STANDARDS-SETTING BODIES.—

4 (1) IN GENERAL.—The Secretary of State, the
5 Secretary of Commerce, and the Chairman of the
6 Commission, or their designees, shall consider how
7 to enhance representation of the United States at
8 international forums that set standards for 5G net-
9 works and for future generations of wireless commu-
10 nications networks, including—

11 (A) the International Telecommunication
12 Union (commonly known as “ITU”);

13 (B) the International Organization for
14 Standardization (commonly known as “ISO”);

15 (C) the Inter-American Telecommunication
16 Commission (commonly known as “CITEL”);
17 and

18 (D) the voluntary standards organizations
19 that develop protocols for wireless devices and
20 other equipment, such as the 3GPP and the In-
21 stitute of Electrical and Electronics Engineers
22 (commonly known as “IEEE”).

23 (2) ANNUAL REPORT.—The Secretary of State,
24 the Secretary of Commerce, and the Chairman of
25 the Commission shall jointly submit to the relevant

1 committees of Congress an annual report on the
2 progress made under paragraph (1).

3 (c) DEFINITIONS.— In this section:

4 (1) The term “3GPP” means the Third Gen-
5 eration Partnership Project.

6 (2) The term “5G network” means a radio net-
7 work as described by 3GPP Release 15 or higher.

8 (3) The term “Commission” means the Federal
9 Communications Commission.

10 (4) The term “NTIA Administrator” means the
11 Assistant Secretary of Commerce for Communica-
12 tions and Information.

13 (5) The term “Open-RAN” means the Open
14 Radio Access Network approach to standardization
15 adopted by the O-RAN Alliance, Telecom Infra
16 Project, or 3GPP, or any similar set of open stand-
17 ards for multi-vendor network equipment interoper-
18 ability.

19 (6) The term “relevant committees of Con-
20 gress” means—

21 (A) the Select Committee on Intelligence of
22 the Senate;

23 (B) the Committee on Foreign Relations of
24 the Senate;

1 (C) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (D) the Committee on Armed Services of
4 the Senate;

5 (E) the Committee on Commerce, Science,
6 and Transportation of the Senate;

7 (F) the Committee on Appropriations of
8 the Senate;

9 (G) the Permanent Select Committee on
10 Intelligence of the House of Representatives;

11 (H) the Committee on Foreign Affairs of
12 the House of Representatives;

13 (I) the Committee on Homeland Security
14 of the House of Representatives;

15 (J) the Committee on Armed Services of
16 the House of Representatives;

17 (K) the Committee on Energy and Com-
18 merce of the House of Representatives; and

19 (L) the Committee on Appropriations of
20 the House of Representatives.

21 (7) The term “Secretary” means the Secretary
22 of Commerce.

1 **SEC. 9203. SPECTRUM INFORMATION TECHNOLOGY MOD-**
2 **ERNIZATION EFFORTS.**

3 (a) INITIAL INTERAGENCY SPECTRUM INFORMATION
4 TECHNOLOGY COORDINATION.—Not later than 90 days
5 after the date of the enactment of this Act, the Assistant
6 Secretary of Commerce for Communications and Informa-
7 tion, in consultation with the Policy and Plans Steering
8 Group, shall identify a process to establish goals, including
9 parameters to measure the achievement of such goals, for
10 the modernization of the infrastructure of covered agen-
11 cies relating to managing the use of Federal spectrum by
12 such agencies, which shall include—

13 (1) the standardization of data inputs, modeling
14 algorithms, modeling and simulation processes, anal-
15 ysis tools with respect to Federal spectrum, assump-
16 tions, and any other tool to ensure interoperability
17 and functionality with respect to such infrastructure;

18 (2) other potential innovative technological ca-
19 pabilities with respect to such infrastructure, includ-
20 ing cloud-based databases, artificial intelligence tech-
21 nologies, automation, and improved modeling and
22 simulation capabilities;

23 (3) ways to improve the management of the use
24 of Federal spectrum by covered agencies through
25 such infrastructure, including by—

1 (A) increasing the efficiency of such infra-
2 structure;

3 (B) addressing validation of usage with re-
4 spect to such infrastructure;

5 (C) increasing the accuracy of such infra-
6 structure;

7 (D) validating models used by such infra-
8 structure; and

9 (E) monitoring and enforcing requirements
10 that are imposed on covered agencies with re-
11 spect to the use of Federal spectrum by covered
12 agencies;

13 (4) ways to improve the ability of covered agen-
14 cies to meet mission requirements in congested envi-
15 ronments with respect to Federal spectrum, includ-
16 ing as part of automated adjustments to operations
17 based on changing conditions in such environments;

18 (5) the creation of a time-based automated
19 mechanism—

20 (A) to share Federal spectrum between
21 covered agencies to collaboratively and dynami-
22 cally increase access to Federal spectrum by
23 such agencies; and

24 (B) that could be scaled across Federal
25 spectrum; and

1 (6) the collaboration between covered agencies
2 necessary to ensure the interoperability of Federal
3 spectrum.

4 (b) SPECTRUM INFORMATION TECHNOLOGY MOD-
5 ERNIZATION.—

6 (1) IN GENERAL.—Not later than 240 days
7 after the date of the enactment of this Act, the As-
8 sistant Secretary of Commerce for Communications
9 and Information shall submit to Congress a report
10 that contains a plan for the National Telecommuni-
11 cations and Information Administration (in this sec-
12 tion referred to as the “NTIA”) to modernize and
13 automate the infrastructure of the NTIA relating to
14 managing the use of Federal spectrum by covered
15 agencies so as to more efficiently manage such use.

16 (2) CONTENTS.—The report required by para-
17 graph (1) shall include—

18 (A) an assessment of the current, as of the
19 date on which such report is submitted, infra-
20 structure of the NTIA described in such para-
21 graph;

22 (B) an acquisition strategy for the modern-
23 ized infrastructure of the NTIA described in
24 such paragraph, including how such modernized
25 infrastructure will enable covered agencies to be

1 more efficient and effective in the use of Fed-
2 eral spectrum;

3 (C) a timeline for the implementation of
4 the modernization efforts described in such
5 paragraph;

6 (D) plans detailing how the modernized in-
7 frastructure of the NTIA described in such
8 paragraph will—

9 (i) enhance the security and reliability
10 of such infrastructure so that the NTIA is
11 in compliance with the requirements of
12 subchapter II of chapter 35 of title 44,
13 United States Code, with respect to such
14 infrastructure;

15 (ii) improve data models and analysis
16 tools to increase the efficiency of the spec-
17 trum use described in such paragraph;

18 (iii) enhance automation and
19 workflows, and reduce the scope and level
20 of manual effort, in order to—

21 (I) administer the management
22 of the spectrum use described in such
23 paragraph; and

24 (II) improve data quality and
25 processing time; and

1 (iv) improve the timeliness of spec-
2 trum analyses and requests for informa-
3 tion, including requests submitted pursu-
4 ant to section 552 of title 5, United States
5 Code;

6 (E) an operations and maintenance plan
7 with respect to the modernized infrastructure of
8 the NTIA described in such paragraph;

9 (F) a strategy for coordination between the
10 covered agencies within the Policy and Plans
11 Steering Group, which shall include—

12 (i) a description of—

13 (I) such coordination efforts, as
14 in effect on the date on which such re-
15 port is submitted; and

16 (II) a plan for coordination of
17 such efforts after the date on which
18 such report is submitted, including
19 with respect to the efforts described in
20 subsection (c);

21 (ii) a plan for standardizing—

22 (I) electromagnetic spectrum
23 analysis tools;

24 (II) modeling and simulation
25 processes and technologies; and

1 (III) databases to provide tech-
2 nical interference assessments that
3 are usable across the Federal Govern-
4 ment as part of a common spectrum
5 management infrastructure for cov-
6 ered agencies; and

7 (iii) a plan for each covered agency to
8 implement a modernization plan described
9 in subsection (c)(1) that is tailored to the
10 particular timeline of such agency;

11 (G) identification of manually intensive
12 processes involved in managing Federal spec-
13 trum and proposed enhancements to such proc-
14 esses;

15 (H) metrics to evaluate the success of the
16 modernization efforts described in such para-
17 graph and any similar future efforts; and

18 (I) an estimate of the cost of the mod-
19 ernization efforts described in such paragraph
20 and any future maintenance with respect to the
21 modernized infrastructure of the NTIA de-
22 scribed in such paragraph, including the cost of
23 any personnel and equipment relating to such
24 maintenance.

1 (c) COVERED AGENCY SPECTRUM INFORMATION
2 TECHNOLOGY MODERNIZATION.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of the enactment of this Act, the head of
5 each covered agency shall submit to the Assistant
6 Secretary of Commerce for Communications and In-
7 formation and the Policy and Plans Steering Group
8 a report that describes a plan for such agency to
9 modernize the infrastructure of such agency with re-
10 spect to the use of Federal spectrum by such agency
11 so that such modernized infrastructure of such agen-
12 cy is interoperable with the modernized infrastruc-
13 ture of the NTIA, as described in subsection (b).

14 (2) CONTENTS.—Each report submitted by the
15 head of a covered agency under paragraph (1)
16 shall—

17 (A) include—

18 (i) an assessment of the current, as of
19 the date on which such report is sub-
20 mitted, management capabilities of such
21 agency with respect to the use of fre-
22 quencies that are assigned to such agency,
23 which shall include a description of any
24 challenges faced by such agency with re-
25 spect to such management;

1 (ii) a timeline for completion of the
2 modernization efforts described in such
3 paragraph;

4 (iii) a description of potential innova-
5 tive technological capabilities for the man-
6 agement of frequencies that are assigned
7 to such agency, as determined under sub-
8 section (a);

9 (iv) identification of agency-specific
10 requirements or constraints relating to the
11 infrastructure of such agency;

12 (v) identification of any existing, as of
13 the date on which such report is sub-
14 mitted, systems of such agency that are
15 duplicative of the modernized infrastruc-
16 ture of the NTIA, as described in sub-
17 section (b); and

18 (vi) with respect to the report sub-
19 mitted by the Secretary of Defense—

20 (I) a strategy for the integration
21 of systems or the flow of data among
22 the Armed Forces, the military de-
23 partments, the Defense Agencies and
24 Department of Defense Field Activi-

1 ties, and other components of the De-
2 partment of Defense;

3 (II) a plan for the implementa-
4 tion of solutions to the use of Federal
5 spectrum by the Department of De-
6 fense involving information at multiple
7 levels of classification; and

8 (III) a strategy for addressing,
9 within the modernized infrastructure
10 of the Department of Defense de-
11 scribed in such paragraph, the ex-
12 change of information between the
13 Department of Defense and the NTIA
14 in order to accomplish required proc-
15 essing of all Department of Defense
16 domestic spectrum coordination and
17 management activities; and

18 (B) be submitted in an unclassified format,
19 with a classified annex, as appropriate.

20 (3) NOTIFICATION OF CONGRESS.—Upon sub-
21 mission of a report under paragraph (1), the head
22 of a covered agency shall notify Congress that such
23 report has been submitted.

24 (d) GAO OVERSIGHT.—The Comptroller General of
25 the United States shall—

1 (1) not later than 180 days after the date of
2 the enactment of this Act, conduct a review of the
3 infrastructure of covered agencies, as such infra-
4 structure exists on the date of the enactment of this
5 Act;

6 (2) upon submission of all of the reports re-
7 quired by subsection (c), begin conducting oversight
8 of the implementation of the modernization plans
9 submitted by the Assistant Secretary and covered
10 agencies under subsections (b) and (c), respectively;

11 (3) not later than 2 years after the date on
12 which the Comptroller General begins conducting
13 oversight under paragraph (2), and biennially there-
14 after until December 31, 2030, submit a report re-
15 garding such oversight to—

16 (A) with respect to the implementation of
17 the modernization plan of the Department of
18 Defense, the Committee on Armed Services of
19 the Senate and the Committee on Armed Serv-
20 ices of the House of Representatives; and

21 (B) with respect to the implementation of
22 the modernization plans of all covered agencies,
23 including the Department of Defense, the Com-
24 mittee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on En-

1 ergy and Commerce of the House of Represent-
2 atives; and

3 (4) until December 31, 2030, provide regular
4 briefings to—

5 (A) with respect to the application of this
6 section to the Department of Defense, the Com-
7 mittee on Armed Services of the Senate and the
8 Committee on Armed Services of the House of
9 Representatives; and

10 (B) with respect to the application of this
11 section to all covered agencies, including the
12 Department of Defense, the Committee on
13 Commerce, Science, and Transportation of the
14 Senate and the Committee on Energy and Com-
15 merce of the House of Representatives.

16 (e) DEFINITIONS.—In this section:

17 (1) The term “covered agency”—

18 (A) means any Federal entity that the As-
19 sistant Secretary of Commerce for Communica-
20 tions and Information determines is appro-
21 priate; and

22 (B) includes the Department of Defense.

23 (2) The term “Federal entity” has the meaning
24 given such term in section 113(l) of the National

1 Telecommunications and Information Administration
2 Organization Act (47 U.S.C. 923(l)).

3 (3) The term “Federal spectrum” means fre-
4 quencies assigned on a primary basis to a covered
5 agency.

6 (4) The term “infrastructure” means informa-
7 tion technology systems and information tech-
8 nologies, tools, and databases.

9 **SEC. 9204. INTERNET OF THINGS.**

10 (a) DEFINITIONS.—In this section:

11 (1) COMMISSION.—The term “Commission”
12 means the Federal Communications Commission.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 (3) STEERING COMMITTEE.—The term “steer-
16 ing committee” means the steering committee estab-
17 lished under subsection (b)(5)(A).

18 (4) WORKING GROUP.—The term “working
19 group” means the working group convened under
20 subsection (b)(1).

21 (b) FEDERAL WORKING GROUP.—

22 (1) IN GENERAL.—The Secretary shall convene
23 a working group of Federal stakeholders for the pur-
24 pose of providing recommendations and a report to

1 Congress relating to the aspects of the Internet of
2 Things described in paragraph (2).

3 (2) DUTIES.—The working group shall—

4 (A) identify any Federal regulations, stat-
5 utes, grant practices, budgetary or jurisdic-
6 tional challenges, and other sector-specific poli-
7 cies that are inhibiting, or could inhibit, the de-
8 velopment or deployment of the Internet of
9 Things;

10 (B) consider policies or programs that en-
11 courage and improve coordination among Fed-
12 eral agencies that have responsibilities that are
13 relevant to the objectives of this section;

14 (C) consider any findings or recommenda-
15 tions made by the steering committee and,
16 where appropriate, act to implement those rec-
17 ommendations;

18 (D) examine—

19 (i) how Federal agencies can benefit
20 from utilizing the Internet of Things;

21 (ii) the use of Internet of Things tech-
22 nology by Federal agencies as of the date
23 on which the working group performs the
24 examination;

1 (iii) the preparedness and ability of
2 Federal agencies to adopt Internet of
3 Things technology as of the date on which
4 the working group performs the examina-
5 tion and in the future; and

6 (iv) any additional security measures
7 that Federal agencies may need to take
8 to—

9 (I) safely and securely use the
10 Internet of Things, including meas-
11 ures that ensure the security of crit-
12 ical infrastructure; and

13 (II) enhance the resiliency of
14 Federal systems against cyber threats
15 to the Internet of Things; and

16 (E) in carrying out the examinations re-
17 quired under subclauses (I) and (II) of sub-
18 paragraph (D)(iv), ensure to the maximum ex-
19 tent possible the coordination of the current
20 and future activities of the Federal Government
21 relating to security with respect to the Internet
22 of Things.

23 (3) AGENCY REPRESENTATIVES.—In convening
24 the working group under paragraph (1), the Sec-
25 retary shall have discretion to appoint representa-

1 tives from Federal agencies and departments as ap-
2 propriate and shall specifically consider seeking rep-
3 resentation from—

4 (A) the Department of Commerce, includ-
5 ing—

6 (i) the National Telecommunications
7 and Information Administration;

8 (ii) the National Institute of Stand-
9 ards and Technology; and

10 (iii) the National Oceanic and Atmos-
11 pheric Administration;

12 (B) the Department of Transportation;

13 (C) the Department of Homeland Security;

14 (D) the Office of Management and Budget;

15 (E) the National Science Foundation;

16 (F) the Commission;

17 (G) the Federal Trade Commission;

18 (H) the Office of Science and Technology

19 Policy;

20 (I) the Department of Energy; and

21 (J) the Federal Energy Regulatory Com-
22 mission.

23 (4) NONGOVERNMENTAL STAKEHOLDERS.—The
24 working group shall consult with nongovernmental

1 stakeholders with expertise relating to the Internet
2 of Things, including—

3 (A) the steering committee;

4 (B) information and communications tech-
5 nology manufacturers, suppliers, service pro-
6 viders, and vendors;

7 (C) subject matter experts representing in-
8 dustrial sectors other than the technology sector
9 that can benefit from the Internet of Things,
10 including the transportation, energy, agri-
11 culture, and health care sectors;

12 (D) small, medium, and large businesses;

13 (E) think tanks and academia;

14 (F) nonprofit organizations and consumer
15 groups;

16 (G) security experts;

17 (H) rural stakeholders; and

18 (I) other stakeholders with relevant exper-
19 tise, as determined by the Secretary.

20 (5) STEERING COMMITTEE.—

21 (A) ESTABLISHMENT.—There is estab-
22 lished within the Department of Commerce a
23 steering committee to advise the working group.

1 (B) DUTIES.—The steering committee
2 shall advise the working group with respect
3 to—

4 (i) the identification of any Federal
5 regulations, statutes, grant practices, pro-
6 grams, budgetary or jurisdictional chal-
7 lenges, and other sector-specific policies
8 that are inhibiting, or could inhibit, the de-
9 velopment of the Internet of Things;

10 (ii) situations in which the use of the
11 Internet of Things is likely to deliver sig-
12 nificant and scalable economic and societal
13 benefits to the United States, including
14 benefits from or to—

15 (I) smart traffic and transit tech-
16 nologies;

17 (II) augmented logistics and sup-
18 ply chains;

19 (III) sustainable infrastructure;

20 (IV) precision agriculture;

21 (V) environmental monitoring;

22 (VI) public safety; and

23 (VII) health care;

24 (iii) whether adequate spectrum is
25 available to support the growing Internet

1 of Things and what legal or regulatory
2 barriers may exist to providing any spec-
3 trum needed in the future;

4 (iv) policies, programs, or multi-stake-
5 holder activities that—

6 (I) promote or are related to the
7 privacy of individuals who use or are
8 affected by the Internet of Things;

9 (II) may enhance the security of
10 the Internet of Things, including the
11 security of critical infrastructure;

12 (III) may protect users of the
13 Internet of Things; and

14 (IV) may encourage coordination
15 among Federal agencies with jurisdic-
16 tion over the Internet of Things;

17 (v) the opportunities and challenges
18 associated with the use of Internet of
19 Things technology by small businesses; and

20 (vi) any international proceeding,
21 international negotiation, or other inter-
22 national matter affecting the Internet of
23 Things to which the United States is or
24 should be a party.

1 (C) MEMBERSHIP.—The Secretary shall
2 appoint to the steering committee members rep-
3 resenting a wide range of stakeholders outside
4 of the Federal Government with expertise relat-
5 ing to the Internet of Things, including—

6 (i) information and communications
7 technology manufacturers, suppliers, serv-
8 ice providers, and vendors;

9 (ii) subject matter experts rep-
10 resenting industrial sectors other than the
11 technology sector that can benefit from the
12 Internet of Things, including the transpor-
13 tation, energy, agriculture, and health care
14 sectors;

15 (iii) small, medium, and large busi-
16 nesses;

17 (iv) think tanks and academia;

18 (v) nonprofit organizations and con-
19 sumer groups;

20 (vi) security experts;

21 (vii) rural stakeholders; and

22 (viii) other stakeholders with relevant
23 expertise, as determined by the Secretary.

24 (D) REPORT.—Not later than 1 year after
25 the date of enactment of this Act, the steering

1 committee shall submit to the working group a
2 report that includes any findings or rec-
3 ommendations of the steering committee.

4 (E) INDEPENDENT ADVICE.—

5 (i) IN GENERAL.—The steering com-
6 mittee shall set the agenda of the steering
7 committee in carrying out the duties of the
8 steering committee under subparagraph
9 (B).

10 (ii) SUGGESTIONS.—The working
11 group may suggest topics or items for the
12 steering committee to study, and the steer-
13 ing committee shall take those suggestions
14 into consideration in carrying out the du-
15 ties of the steering committee.

16 (iii) REPORT.—The steering com-
17 mittee shall ensure that the report sub-
18 mitted under subparagraph (D) is the re-
19 sult of the independent judgment of the
20 steering committee.

21 (F) NO COMPENSATION FOR MEMBERS.—A
22 member of the steering committee shall serve
23 without compensation.

24 (G) TERMINATION.—The steering com-
25 mittee shall terminate on the date on which the

1 working group submits the report under para-
2 graph (6).

3 (6) REPORT TO CONGRESS.—

4 (A) IN GENERAL.—Not later than 18
5 months after the date of enactment of this Act,
6 the working group shall submit to Congress a
7 report that includes—

8 (i) the findings and recommendations
9 of the working group with respect to the
10 duties of the working group under para-
11 graph (2);

12 (ii) the report submitted by the steer-
13 ing committee under paragraph (5)(D), as
14 the report was received by the working
15 group;

16 (iii) recommendations for action or
17 reasons for inaction, as applicable, with re-
18 spect to each recommendation made by the
19 steering committee in the report submitted
20 under paragraph (5)(D); and

21 (iv) an accounting of any progress
22 made by Federal agencies to implement
23 recommendations made by the working
24 group or the steering committee.

1 (B) COPY OF REPORT.—The working
2 group shall submit a copy of the report de-
3 scribed in subparagraph (A) to—

4 (i) the Committee on Commerce,
5 Science, and Transportation and the Com-
6 mittee on Energy and Natural Resources
7 of the Senate;

8 (ii) the Committee on Energy and
9 Commerce of the House of Representa-
10 tives; and

11 (iii) any other committee of Congress,
12 upon request to the working group.

13 (c) ASSESSING SPECTRUM NEEDS.—

14 (1) IN GENERAL.—The Commission, in con-
15 sultation with the National Telecommunications and
16 Information Administration, shall issue a notice of
17 inquiry seeking public comment on the current, as of
18 the date of enactment of this Act, and future spec-
19 trum needs to enable better connectivity relating to
20 the Internet of Things.

21 (2) REQUIREMENTS.—In issuing the notice of
22 inquiry under paragraph (1), the Commission shall
23 seek comments that consider and evaluate—

24 (A) whether adequate spectrum is avail-
25 able, or is planned for allocation, for commer-

1 cial wireless services that could support the
2 growing Internet of Things;

3 (B) if adequate spectrum is not available
4 for the purposes described in subparagraph (A),
5 how to ensure that adequate spectrum is avail-
6 able for increased demand with respect to the
7 Internet of Things;

8 (C) what regulatory barriers may exist to
9 providing any needed spectrum that would sup-
10 port uses relating to the Internet of Things;
11 and

12 (D) what the role of unlicensed and li-
13 censed spectrum is and will be in the growth of
14 the Internet of Things.

15 (3) REPORT.—Not later than 1 year after the
16 date of enactment of this Act, the Commission shall
17 submit to the Committee on Commerce, Science, and
18 Transportation of the Senate and the Committee on
19 Energy and Commerce of the House of Representa-
20 tives a report summarizing the comments submitted
21 in response to the notice of inquiry issued under
22 paragraph (1).

23 **TITLE XCIII—INTELLIGENCE**
24 **MATTERS**

Sec. 9301. Requirement for facilitation of establishment of social media data
and threat analysis center.

Sec. 9302. Independent study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

1 **SEC. 9301. REQUIREMENT FOR FACILITATION OF ESTAB-**
2 **LISHMENT OF SOCIAL MEDIA DATA AND**
3 **THREAT ANALYSIS CENTER.**

4 (a) REQUIREMENT TO FACILITATE ESTABLISH-
5 MENT.—Subsection (c)(1) of section 5323 of the Damon
6 Paul Nelson and Matthew Young Pollard Intelligence Au-
7 thorization Act for Fiscal Years 2018, 2019, and 2020
8 (division E of Public Law 116–92; 50 U.S.C. 3369) is
9 amended—

10 (1) by striking “The Director” and inserting
11 “Not later than June 1, 2021, the Director”; and
12 (2) by striking “may” and inserting “shall”.

13 (b) REPORTING ON FOREIGN MALIGN INFLUENCE
14 CAMPAIGNS ON SOCIAL MEDIA PLATFORMS TARGETING
15 ELECTIONS FOR FEDERAL OFFICE.—Such section is
16 amended—

17 (1) by redesignating subsections (f) and (g) as
18 subsections (g) and (h), respectively; and

19 (2) by inserting after subsection (e) the fol-
20 lowing new subsection (f):

21 “(f) FOREIGN MALIGN INFLUENCE CAMPAIGNS ON
22 SOCIAL MEDIA PLATFORMS TARGETING ELECTIONS FOR
23 FEDERAL OFFICE.—

24 “(1) REPORTS.—

1 “(A) REQUIREMENT.—Not later than 90
2 days before the date of each regularly scheduled
3 general election for Federal office, the Director
4 of the Center shall submit to the appropriate
5 congressional committees a report on foreign
6 malign influence campaigns on and across so-
7 cial media platforms targeting such election.

8 “(B) MATTERS INCLUDED.—Each report
9 under subparagraph (A) shall include an anal-
10 ysis of the following:

11 “(i) The patterns, tools, and tech-
12 niques of foreign malign influence cam-
13 paigns across all platforms on social media
14 by a covered foreign country targeting a
15 regularly scheduled general election for
16 Federal office.

17 “(ii) Inauthentic accounts and ‘bot’
18 networks across platforms, including the
19 scale to which such accounts or networks
20 exist, how platforms currently act to re-
21 move such accounts or networks, and what
22 percentage of such accounts or networks
23 have been removed during the period cov-
24 ered by the report.

1 “(iii) The estimated reach and impact
2 of intentional or weaponized disinformation
3 by inauthentic accounts and ‘bot’ net-
4 works, including an analysis of amplifi-
5 cation by users and algorithmic distribu-
6 tion.

7 “(iv) The trends of types of media
8 that are being used for dissemination
9 through foreign malign influence cam-
10 paigns, including machine-manipulated
11 media, and the intended targeted groups.

12 “(C) INITIAL REPORT.—Not later than
13 August 1, 2021, the Director of the Center
14 shall submit to the appropriate congressional
15 committees a report under subparagraph (A)
16 addressing the regularly scheduled general elec-
17 tion for Federal office occurring during 2020.

18 “(D) FORM.—Each report under this para-
19 graph shall be submitted in an unclassified
20 form, but may include a classified annex.

21 “(2) BRIEFINGS.—

22 “(A) REQUIREMENT.—Not later than 30
23 days after the date on which the Director sub-
24 mits to the appropriate congressional commit-
25 tees a report under paragraph (1), the Director

1 of National Intelligence, in coordination with
2 the Secretary of Defense, the Secretary of
3 Homeland Security, and the Director of the
4 Federal Bureau of Investigation, shall provide
5 to such committees a briefing assessing threats
6 from foreign malign influence campaigns on so-
7 cial media from covered countries to the regu-
8 larly scheduled general election for Federal of-
9 fice covered by the report.

10 “(B) MATTERS TO BE INCLUDED.—Each
11 briefing under subparagraph (A) shall include
12 the following:

13 “(i) The patterns, tools, and tech-
14 niques of foreign malign influence cam-
15 paigns across all platforms on social media
16 by a covered foreign country targeting a
17 regularly scheduled general election for
18 Federal office.

19 “(ii) An assessment of the findings
20 from the report for which the briefing is
21 provided.

22 “(iii) The activities and methods used
23 to mitigate the threats associated with
24 such findings by the Department of De-
25 fense, the Department of Homeland Secu-

1 rity, or other relevant departments or
2 agencies of the Federal Government.

3 “(iv) The steps taken by departments
4 or agencies of the Federal Government to
5 cooperate with social media companies to
6 mitigate the threats identified.”.

7 (c) DEFINITIONS.—Subsection (h) of such section, as
8 redesignated by subsection (b) of this section, is amended
9 to read as follows:

10 “(h) DEFINITIONS.—

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means—

14 “(A) the congressional intelligence commit-
15 tees;

16 “(B) the Committee on Armed Services,
17 the Committee on Appropriations, the Com-
18 mittee on Homeland Security, the Committee
19 on Foreign Affairs, and the Committee on the
20 Judiciary of the House of Representatives; and

21 “(C) the Committee on Armed Services,
22 the Committee on Appropriations, the Com-
23 mittee on Homeland Security and Government
24 Affairs, the Committee on Foreign Relations,

1 and the Committee on the Judiciary of the Sen-
2 ate.

3 “(2) COVERED FOREIGN COUNTRY AND FOR-
4 EIGN MALIGN INFLUENCE.—The terms ‘covered for-
5 eign country’ and ‘foreign malign influence’ have the
6 meanings given those terms in section 119C of the
7 National Security Act of 1947 (50 U.S.C. 3059).

8 “(3) MACHINE-MANIPULATED MEDIA.—The
9 term ‘machine-manipulated media’ has the meaning
10 given that term in section 5724.”.

11 (d) CONFORMING AMENDMENTS.—

12 (1) REPORTING.—Subsection (d) of such sec-
13 tion is amended—

14 (A) in the matter preceding paragraph (1),
15 by striking “If the Director” and all that fol-
16 lows through “the Center, the” and inserting
17 “The”; and

18 (B) in paragraph (1), by striking “180
19 days after the date of the enactment of this
20 Act” and inserting “August 1, 2021”.

21 (2) FUNDING.—Subsection (g) of such section,
22 as redesignated by subsection (b) of this section, is
23 amended by striking “fiscal year 2020 and 2021”
24 and inserting “fiscal year 2021 and 2022”.

1 (3) CLERICAL.—Such section 5323 is further
2 amended—

3 (A) in the section heading, by striking
4 “**ENCOURAGEMENT OF**”; and

5 (B) in subsection (c)—

6 (i) in the subsection heading, by strik-
7 ing “**AUTHORITY**” and inserting “**RE-**
8 **QUIREMENT**”; and

9 (ii) in paragraph (1), in the para-
10 graph heading, by striking “**AUTHORITY**”
11 and inserting “**REQUIREMENT**”.

12 **SEC. 9302. INDEPENDENT STUDY ON IDENTIFYING AND AD-**
13 **DRESSING THREATS THAT INDIVIDUALLY OR**
14 **COLLECTIVELY AFFECT NATIONAL SECU-**
15 **RITY, FINANCIAL SECURITY, OR BOTH.**

16 (a) INDEPENDENT STUDY.—Not later than 30 days
17 after the date of the enactment of this Act, the Director
18 of National Intelligence, in coordination with the Sec-
19 retary of the Treasury and the heads of other relevant
20 departments and agencies of the Federal Government,
21 shall seek to enter into a contract with a federally funded
22 research and development center under which the center
23 will conduct a study on identifying and addressing threats
24 that individually or collectively affect national security, fi-
25 nancial security, or both.

1 (b) ELEMENTS OF STUDY.—In carrying out the
2 study under subsection (a), the federally funded research
3 and development center selected under such subsection
4 shall—

5 (1) identify threats that individually or collec-
6 tively affect national security, financial security, or
7 both, including—

8 (A) foreign influence in companies seeking
9 to access capital markets by conducting initial
10 public offerings in other countries;

11 (B) the use of financial instruments, mar-
12 kets, payment systems, or digital assets in ways
13 that appear legitimate but may be part of a for-
14 eign malign strategy to weaken or undermine
15 the economic security of the United States; and

16 (C) any other known or potential threats
17 that individually or collectively affect national
18 security, financial security, or both currently or
19 in the foreseeable future;

20 (2) assess the extent to which the United States
21 Government is currently able to identify and charac-
22 terize the threats identified under paragraph (1);

23 (3) assess the extent to which the United States
24 Government is currently able to address the risk
25 posed by the threats identified under paragraph (1);

1 (4) assess whether current levels of information
2 sharing and cooperation between the United States
3 Government and allies and partners of the United
4 States have been helpful or can be improved upon in
5 order for the United States Government to identify,
6 characterize, and mitigate the threats identified
7 under paragraph (1); and

8 (5) recommend opportunities, and any such au-
9 thorities or resources required, to improve the effi-
10 ciency and effectiveness of the United States Gov-
11 ernment in identifying and countering the threats
12 identified under paragraph (1).

13 (c) SUBMISSION TO DIRECTOR OF NATIONAL INTEL-
14 LIGENCE.—Not later than 180 days after the date of the
15 enactment of this Act, the federally funded research and
16 development center selected to conduct the study under
17 subsection (a) shall submit to the Director of National In-
18 telligence a report on the results of the study in both clas-
19 sified and unclassified form.

20 (d) SUBMISSION TO CONGRESS.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date on which the Director of National Intel-
23 ligence receives the report under subsection (c), the
24 Director shall submit to the appropriate congres-
25 sional committees—

1 (A) a copy of the report, without change,
2 in both classified and unclassified form; and

3 (B) such comments as the Director, in co-
4 ordination with the Secretary of the Treasury
5 and the heads of other relevant departments
6 and agencies of the Federal Government, may
7 have with respect to the report.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—In this subsection, the term “appropriate
10 congressional committees” means—

11 (A) the Committee on Armed Services, the
12 Select Committee on Intelligence, the Com-
13 mittee on Banking, Housing, and Urban Af-
14 fairs, the Committee on Foreign Relations, and
15 the Committee on Appropriations of the Senate;
16 and

17 (B) the Committee on Armed Services, the
18 Permanent Select Committee on Intelligence,
19 the Committee on Financial Services, the Com-
20 mittee on Foreign Affairs, and the Committee
21 on Appropriations of the House of Representa-
22 tives.

23 **TITLE XCIV—SCIENCE, SPACE,**
24 **AND TECHNOLOGY MATTERS**

Subtitle A—Cybersecurity Matters

Sec. 9401. Improving national initiative for cybersecurity education.

- Sec. 9402. Development of standards and guidelines for improving cybersecurity workforce of Federal agencies.
- Sec. 9403. Modifications to Federal cyber scholarship-for-service program.
- Sec. 9404. Additional modifications to Federal cyber scholarship-for-service program.
- Sec. 9405. Cybersecurity in programs of the National Science Foundation.
- Sec. 9406. Cybersecurity in STEM programs of the National Aeronautics and Space Administration.
- Sec. 9407. National cybersecurity challenges.

Subtitle B—Other Matters

- Sec. 9411. Established Program to Stimulate Competitive Research.
- Sec. 9412. Industries of the future.
- Sec. 9413. National Institute of Standards and Technology Manufacturing Extension Partnership program supply chain database.
- Sec. 9414. Study on Chinese policies and influence in the development of international standards for emerging technologies.
- Sec. 9415. Coordination with Hollings Manufacturing Extension Partnership Centers.

1 Subtitle A—Cybersecurity Matters

2 SEC. 9401. IMPROVING NATIONAL INITIATIVE FOR CYBER-
3 SECURITY EDUCATION.

4 (a) PROGRAM IMPROVEMENTS GENERALLY.—Sub-
5 section (a) of section 401 of the Cybersecurity Enhance-
6 ment Act of 2014 (15 U.S.C. 7451) is amended—

7 (1) in paragraph (5), by striking “; and” and
8 inserting a semicolon;

9 (2) by redesignating paragraph (6) as para-
10 graph (10); and

11 (3) by inserting after paragraph (5) the fol-
12 lowing:

13 “(6) supporting efforts to identify cybersecurity
14 workforce skill gaps in public and private sectors;

1 “(7) facilitating Federal programs to advance
2 cybersecurity education, training, and workforce de-
3 velopment;

4 “(8) in coordination with the Department of
5 Defense, the Department of Homeland Security, and
6 other appropriate agencies, considering any specific
7 needs of the cybersecurity workforce of critical infra-
8 structure, including cyber physical systems and con-
9 trol systems;

10 “(9) advising the Director of the Office of Man-
11 agement and Budget, as needed, in developing
12 metrics to measure the effectiveness and effect of
13 programs and initiatives to advance the cybersecu-
14 rity workforce; and”.

15 (b) STRATEGIC PLAN.—Subsection (c) of such sec-
16 tion is amended—

17 (1) by striking “The Director” and inserting
18 the following:

19 “(1) IN GENERAL.—The Director”; and

20 (2) by adding at the end the following:

21 “(2) REQUIREMENT.—The strategic plan devel-
22 oped and implemented under paragraph (1) shall in-
23 clude an indication of how the Director will carry
24 out this section.”.

25 (c) CYBERSECURITY CAREER PATHWAYS.—

1 (1) IDENTIFICATION OF MULTIPLE CYBERSECURITY CAREER PATHWAYS.—In carrying out subsection (a) of such section and not later than 540 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in coordination with the Secretary of Defense, the Secretary of Homeland Security, the Director of the Office of Personnel Management, and the heads of other appropriate agencies, use a consultative process with other Federal agencies, academia, and industry to identify multiple career pathways for cybersecurity work roles that can be used in the private and public sectors.

14 (2) REQUIREMENTS.—The Director shall ensure that the multiple cybersecurity career pathways identified under paragraph (1) indicate the knowledge, skills, and abilities, including relevant education, training, internships, apprenticeships, certifications, and other experiences, that—

20 (A) align with employers' cybersecurity skill needs, including proficiency level requirements, for its workforce; and

23 (B) prepare an individual to be successful in entering or advancing in a cybersecurity career.

1 (3) EXCHANGE PROGRAM.—Consistent with re-
2 quirements under chapter 37 of title 5, United
3 States Code, the Director of the National Institute
4 of Standards and Technology, in coordination with
5 the Director of the Office of Personnel Management,
6 may establish a voluntary program for the exchange
7 of employees engaged in one of the cybersecurity
8 work roles identified in the National Initiative for
9 Cybersecurity Education (NICE) Cybersecurity
10 Workforce Framework (NIST Special Publication
11 800–181), or successor framework, between the Na-
12 tional Institute of Standards and Technology and
13 private sector institutions, including nonpublic or
14 commercial businesses, research institutions, or in-
15 stitutions of higher education, as the Director of the
16 National Institute of Standards and Technology con-
17 siders feasible.

18 (d) PROFICIENCY TO PERFORM CYBERSECURITY
19 TASKS.—Not later than 540 days after the date of the
20 enactment of this Act, the Director of the National Insti-
21 tute of Standards and Technology shall, in coordination
22 with the Secretary of Defense, the Secretary of Homeland
23 Security, and the heads of other appropriate agencies—
24 (1) in carrying out subsection (a) of such sec-
25 tion, assess the scope and sufficiency of efforts to

1 measure an individual’s capability to perform spe-
2 cific tasks found in the National Initiative for Cyber-
3 security Education (NICE) Cybersecurity Workforce
4 Framework (NIST Special Publication 800–181) at
5 all proficiency levels; and

6 (2) submit to Congress a report—

7 (A) on the findings of the Director with re-
8 spect to the assessment carried out under para-
9 graph (1); and

10 (B) with recommendations for effective
11 methods for measuring the cybersecurity pro-
12 ficiency of learners.

13 (e) CYBERSECURITY METRICS.—Such section is fur-
14 ther amended by adding at the end the following:

15 “(e) CYBERSECURITY METRICS.—In carrying out
16 subsection (a), the Director of the Office of Management
17 and Budget may seek input from the Director of the Na-
18 tional Institute of Standards and Technology, in coordina-
19 tion with the Department of Homeland Security, the De-
20 partment of Defense, the Office of Personnel Manage-
21 ment, and such agencies as the Director of the National
22 Institute of Standards and Technology considers relevant,
23 to develop quantifiable metrics for evaluating Federally
24 funded cybersecurity workforce programs and initiatives
25 based on the outcomes of such programs and initiatives.”.

1 (f) REGIONAL ALLIANCES AND MULTISTAKEHOLDER
2 PARTNERSHIPS.—Such section is further amended by
3 adding at the end the following:

4 “(f) REGIONAL ALLIANCES AND MULTISTAKE-
5 HOLDER PARTNERSHIPS.—

6 “(1) IN GENERAL.—Pursuant to section 2(b)(4)
7 of the National Institute of Standards and Tech-
8 nology Act (15 U.S.C. 272(b)(4)), the Director shall
9 establish cooperative agreements between the Na-
10 tional Initiative for Cybersecurity Education (NICE)
11 of the Institute and regional alliances or partner-
12 ships for cybersecurity education and workforce.

13 “(2) AGREEMENTS.—The cooperative agree-
14 ments established under paragraph (1) shall advance
15 the goals of the National Initiative for Cybersecurity
16 Education Cybersecurity Workforce Framework
17 (NIST Special Publication 800–181), or successor
18 framework, by facilitating local and regional partner-
19 ships to—

20 “(A) identify the workforce needs of the
21 local economy and classify such workforce in ac-
22 cordance with such framework;

23 “(B) identify the education, training, ap-
24 prenticeship, and other opportunities available
25 in the local economy; and

1 “(C) support opportunities to meet the
2 needs of the local economy.

3 “(3) FINANCIAL ASSISTANCE.—

4 “(A) FINANCIAL ASSISTANCE AUTHOR-
5 IZED.—The Director may award financial as-
6 sistance to a regional alliance or partnership
7 with whom the Director enters into a coopera-
8 tive agreement under paragraph (1) in order to
9 assist the regional alliance or partnership in
10 carrying out the terms of the cooperative agree-
11 ment.

12 “(B) AMOUNT OF ASSISTANCE.—The ag-
13 gregate amount of financial assistance awarded
14 under subparagraph (A) per cooperative agree-
15 ment shall not exceed \$200,000.

16 “(C) MATCHING REQUIREMENT.—The Di-
17 rector may not award financial assistance to a
18 regional alliance or partnership under subpara-
19 graph (A) unless the regional alliance or part-
20 nership agrees that, with respect to the costs to
21 be incurred by the regional alliance or partner-
22 ship in carrying out the cooperative agreement
23 for which the assistance was awarded, the re-
24 gional alliance or partnership will make avail-
25 able (directly or through donations from public

1 or private entities) non-Federal contributions,
2 including in-kind contributions, in an amount
3 equal to 50 percent of Federal funds provided
4 under the award.

5 “(4) APPLICATION.—

6 “(A) IN GENERAL.—A regional alliance or
7 partnership seeking to enter into a cooperative
8 agreement under paragraph (1) and receive fi-
9 nancial assistance under paragraph (3) shall
10 submit to the Director an application therefore
11 at such time, in such manner, and containing
12 such information as the Director may require.

13 “(B) REQUIREMENTS.—Each application
14 submitted under subparagraph (A) shall include
15 the following:

16 “(i)(I) A plan to establish (or identi-
17 fication of, if it already exists) a multi-
18 stakeholder workforce partnership that in-
19 cludes—

20 “(aa) at least one institution
21 of higher education or nonprofit
22 training organization; and

23 “(bb) at least one local em-
24 ployer or owner or operator of
25 critical infrastructure.

1 “(II) Participation from aca-
2 demic institutions in the Federal
3 Cyber Scholarships for Service Pro-
4 gram, the National Centers of Aca-
5 demic Excellence in Cybersecurity
6 Program, or advanced technological
7 education programs, as well as ele-
8 mentary and secondary schools, train-
9 ing and certification providers, State
10 and local governments, economic de-
11 velopment organizations, or other
12 community organizations is encour-
13 aged.

14 “(ii) A description of how the work-
15 force partnership would identify the work-
16 force needs of the local economy.

17 “(iii) A description of how the multi-
18 stakeholder workforce partnership would
19 leverage the programs and objectives of the
20 National Initiative for Cybersecurity Edu-
21 cation, such as the Cybersecurity Work-
22 force Framework and the strategic plan of
23 such initiative.

24 “(iv) A description of how employers
25 in the community will be recruited to sup-

1 port internships, externships, apprentice-
2 ships, or cooperative education programs
3 in conjunction with providers of education
4 and training. Inclusion of programs that
5 seek to include veterans, Indian Tribes,
6 and underrepresented groups, including
7 women, minorities, persons from rural and
8 underserved areas, and persons with dis-
9 abilities is encouraged.

10 “(v) A definition of the metrics to be
11 used in determining the success of the ef-
12 forts of the regional alliance or partnership
13 under the agreement.

14 “(C) PRIORITY CONSIDERATION.—In
15 awarding financial assistance under paragraph
16 (3)(A), the Director shall give priority consider-
17 ation to a regional alliance or partnership that
18 includes an institution of higher education that
19 is designated as a National Center of Academic
20 Excellence in Cybersecurity or which received
21 an award under the Federal Cyber Scholarship
22 for Service program located in the State or re-
23 gion of the regional alliance or partnership.

24 “(5) AUDITS.—Each cooperative agreement for
25 which financial assistance is awarded under para-

1 graph (3) shall be subject to audit requirements
2 under part 200 of title 2, Code of Federal Regula-
3 tions (relating to uniform administrative require-
4 ments, cost principles, and audit requirements for
5 Federal awards), or successor regulation.

6 “(6) REPORTS.—

7 “(A) IN GENERAL.—Upon completion of a
8 cooperative agreement under paragraph (1), the
9 regional alliance or partnership that partici-
10 pated in the agreement shall submit to the Di-
11 rector a report on the activities of the regional
12 alliance or partnership under the agreement,
13 which may include training and education out-
14 comes.

15 “(B) CONTENTS.—Each report submitted
16 under subparagraph (A) by a regional alliance
17 or partnership shall include the following:

18 “(i) An assessment of efforts made by
19 the regional alliance or partnership to
20 carry out paragraph (2).

21 “(ii) The metrics used by the regional
22 alliance or partnership to measure the suc-
23 cess of the efforts of the regional alliance
24 or partnership under the cooperative agree-
25 ment.”.

1 (g) TRANSFER OF SECTION.—

2 (1) TRANSFER.—Such section is transferred to
3 the end of title III of such Act and redesignated as
4 section 303.

5 (2) REPEAL.—Title IV of such Act is repealed.

6 (3) CLERICAL.—The table of contents in sec-
7 tion 1(b) of such Act is amended—

8 (A) by striking the items relating to title
9 IV and section 401; and

10 (B) by inserting after the item relating to
11 section 302 the following:

“Sec. 303. National cybersecurity awareness and education program.”.

12 (4) CONFORMING AMENDMENTS.—

13 (A) Section 302(3) of the Federal Cyberse-
14 curity Workforce Assessment Act of 2015 (Pub-
15 lic Law 114–113; 5 U.S.C. 301 note) is amend-
16 ed by striking “under section 401 of the Cyber-
17 security Enhancement Act of 2014 (15 U.S.C.
18 7451)” and inserting “under section 303 of the
19 Cybersecurity Enhancement Act of 2014 (Pub-
20 lic Law 113–274)”.

21 (B) Section 2(c)(3) of the NIST Small
22 Business Cybersecurity Act (Public Law 115–
23 236; 15 U.S.C. 272 note) is amended by strik-
24 ing “under section 401 of the Cybersecurity
25 Enhancement Act of 2014 (15 U.S.C. 7451)”

1 and inserting “under section 303 of the Cyber-
2 security Enhancement Act of 2014 (Public Law
3 113–274)”.

4 (C) Section 302(f) of the Cybersecurity
5 Enhancement Act of 2014 (15 U.S.C. 7442(f))
6 is amended by striking “under section 401”
7 and inserting “under section 303”.

8 **SEC. 9402. DEVELOPMENT OF STANDARDS AND GUIDE-**
9 **LINES FOR IMPROVING CYBERSECURITY**
10 **WORKFORCE OF FEDERAL AGENCIES.**

11 (a) IN GENERAL.—Section 20(a) of the National In-
12 stitute of Standards and Technology Act (15 U.S.C.
13 278g–3(a)) is amended—

14 (1) in paragraph (3), by striking “; and” and
15 inserting a semicolon;

16 (2) in paragraph (4), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(5) identify and develop standards and guide-
20 lines for improving the cybersecurity workforce for
21 an agency as part of the National Initiative for Cy-
22 bersecurity Education (NICE) Cybersecurity Work-
23 force Framework (NIST Special Publication 800–
24 181), or successor framework.”.

1 (b) PUBLICATION OF STANDARDS AND GUIDELINES
2 ON CYBERSECURITY AWARENESS.—Not later than three
3 years after the date of the enactment of this Act and pur-
4 suant to section 20 of the National Institute of Standards
5 and Technology Act (15 U.S.C. 278g–3), the Director of
6 the National Institute of Standards and Technology shall
7 publish standards and guidelines for improving cybersecu-
8 rity awareness of employees and contractors of Federal
9 agencies.

10 **SEC. 9403. MODIFICATIONS TO FEDERAL CYBER SCHOLAR-**
11 **SHIP-FOR-SERVICE PROGRAM.**

12 Section 302 of the Cybersecurity Enhancement Act
13 of 2014 (15 U.S.C. 7442) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (2), by striking “infor-
16 mation technology” and inserting “information
17 technology and cybersecurity”;

18 (B) by amending paragraph (3) to read as
19 follows:

20 “(3) prioritize the placement of scholarship re-
21 cipients fulfilling the post-award employment obliga-
22 tion under this section to ensure that—

23 “(A) not less than 70 percent of such re-
24 cipients are placed in an executive agency (as

1 defined in section 105 of title 5, United States
2 Code);

3 “(B) not more than 10 percent of such re-
4 cipients are placed as educators in the field of
5 cybersecurity at qualified institutions of higher
6 education that provide scholarships under this
7 section; and

8 “(C) not more than 20 percent of such re-
9 cipients are placed in positions described in
10 paragraphs (2) through (5) of subsection (d);
11 and”; and

12 (C) in paragraph (4), in the matter pre-
13 ceding subparagraph (A), by inserting “, includ-
14 ing by seeking to provide awards in coordina-
15 tion with other relevant agencies for summer
16 cybersecurity camp or other experiences, includ-
17 ing teacher training, in each of the 50 States,”
18 after “cybersecurity education”;

19 (2) in subsection (d)—

20 (A) in paragraph (4), by striking “or” at
21 the end;

22 (B) in paragraph (5), by striking the pe-
23 riod at the end and inserting “; or”; and

24 (C) by adding at the end the following:

1 “(6) as provided by subsection (b)(3)(B), a
2 qualified institution of higher education.”; and

3 (3) in subsection (m)—

4 (A) in paragraph (1), in the matter pre-
5 ceding subparagraph (A), by striking “cyber”
6 and inserting “cybersecurity”; and

7 (B) in paragraph (2), by striking “cyber”
8 and inserting “cybersecurity”.

9 **SEC. 9404. ADDITIONAL MODIFICATIONS TO FEDERAL**
10 **CYBER SCHOLARSHIP-FOR-SERVICE PRO-**
11 **GRAM.**

12 Section 302 of the Cybersecurity Enhancement Act
13 of 2014 (15 U.S.C. 7442) is further amended—

14 (1) in subsection (f)—

15 (A) in paragraph (4), by striking “and”
16 after the semicolon; and

17 (B) by striking paragraph (5) and insert-
18 ing the following:

19 “(5) enter into an agreement accepting and ac-
20 knowledging the post award employment obligations,
21 pursuant to section (d);

22 “(6) accept and acknowledge the conditions of
23 support under section (g); and

24 “(7) accept all terms and conditions of a schol-
25 arship under this section.”;

1 (2) in subsection (g)—

2 (A) in paragraph (1), by inserting “the Of-
3 fice of Personnel Management (in coordination
4 with the National Science Foundation) and” be-
5 fore “the qualified institution”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (D), by striking
8 “or” after the semicolon; and

9 (ii) by striking subparagraph (E) and
10 inserting the following:

11 “(E) fails to maintain or fulfill any of the
12 post-graduation or post-award obligations or re-
13 quirements of the individual; or

14 “(F) fails to fulfill the requirements of
15 paragraph (1).”;

16 (3) in subsection (h)(2), by inserting “and the
17 Director of the Office of Personnel Management”
18 after “Foundation”;

19 (4) in subsection (k)(1)(A), by striking “and
20 the Director” and all that follows through “owed”
21 and inserting “, the Director of the National Science
22 Foundation, and the Director of the Office of Per-
23 sonnel Management of the amounts owed”; and

24 (5) in subsection (m)(2), by striking “once
25 every 3 years” and all that follows through “work-

1 force” and inserting “once every two years, to the
2 Committee on Commerce, Science, and Transpor-
3 tation and the Committee on Homeland Security
4 and Governmental Affairs of the Senate and the
5 Committee on Science, Space, and Technology and
6 the Committee on Oversight and Reform of the
7 House of Representatives a report, including—

8 “(A) the results of the evaluation under
9 paragraph (1);

10 “(B) the disparity in any reporting be-
11 tween scholarship recipients and their respective
12 institutions of higher education; and

13 “(C) any recent statistics regarding the
14 size, composition, and educational requirements
15 of the Federal cyber workforce.”.

16 **SEC. 9405. CYBERSECURITY IN PROGRAMS OF THE NA-**
17 **TIONAL SCIENCE FOUNDATION.**

18 (a) COMPUTER SCIENCE AND CYBERSECURITY EDU-
19 CATION RESEARCH.—Section 310 of the American Inno-
20 vation and Competitiveness Act (42 U.S.C. 1862s–7) is
21 amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by inserting “and cy-
24 bersecurity” after “computer science”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (C), by striking “
2 and” after the semicolon;

3 (ii) in subparagraph (D), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(E) tools and models for the integration
9 of cybersecurity and other interdisciplinary ef-
10 forts into computer science education and com-
11 putational thinking at secondary and postsec-
12 ondary levels of education.”; and

13 (2) in subsection (c), by inserting “, cybersecu-
14 rity,” after “computing”.

15 (b) SCIENTIFIC AND TECHNICAL EDUCATION.—Sec-
16 tion 3(j)(9) of the Scientific and Advanced-Technology Act
17 of 1992 (42 U.S.C. 1862i(j)(9)) is amended by inserting
18 “and cybersecurity” after “computer science”.

19 (c) LOW-INCOME SCHOLARSHIP PROGRAM.—Section
20 414(d) of the American Competitiveness and Workforce
21 Improvement Act of 1998 (42 U.S.C. 1869c) is amend-
22 ed—

23 (1) in paragraph (1), by striking “or computer
24 science” and inserting “computer science, or cyber-
25 security”; and

1 (2) in paragraph (2)(A)(iii), by inserting “cy-
2 bersecurity,” after “computer science,”.

3 (d) PRESIDENTIAL AWARDS FOR TEACHING EXCEL-
4 LENCE.—The Director of the National Science Founda-
5 tion shall ensure that educators and mentors in fields re-
6 lating to cybersecurity can be considered for—

7 (1) Presidential Awards for Excellence in Math-
8 ematics and Science Teaching made under section
9 117 of the National Science Foundation Authoriza-
10 tion Act of 1988 (42 U.S.C. 1881b); and

11 (2) Presidential Awards for Excellence in
12 STEM Mentoring administered under section 307 of
13 the American Innovation and Competitiveness Act
14 (42 U.S.C. 1862s–6).

15 **SEC. 9406. CYBERSECURITY IN STEM PROGRAMS OF THE**
16 **NATIONAL AERONAUTICS AND SPACE ADMIN-**
17 **ISTRATION.**

18 In carrying out any STEM education program of the
19 National Aeronautics and Space Administration (referred
20 to in this section as “NASA”), including a program of
21 the Office of STEM Engagement, the Administrator of
22 NASA shall, to the maximum extent practicable, encour-
23 age the inclusion of cybersecurity education opportunities
24 in such program.

1 **SEC. 9407. NATIONAL CYBERSECURITY CHALLENGES.**

2 (a) IN GENERAL.—Title II of the Cybersecurity En-
3 hancement Act of 2014 (15 U.S.C. 7431 et seq.) is amend-
4 ed by adding at the end the following:

5 **“SEC. 205. NATIONAL CYBERSECURITY CHALLENGES.**

6 “(a) ESTABLISHMENT OF NATIONAL CYBERSECU-
7 RITY CHALLENGES.—

8 “(1) IN GENERAL.—To achieve high-priority
9 breakthroughs in cybersecurity by 2028, the Sec-
10 retary of Commerce shall establish the following na-
11 tional cybersecurity challenges:

12 “(A) ECONOMICS OF A CYBER ATTACK.—
13 Building more resilient systems that measur-
14 ably and exponentially raise adversary costs of
15 carrying out common cyber attacks.

16 “(B) CYBER TRAINING.—

17 “(i) Empowering the people of the
18 United States with an appropriate and
19 measurably sufficient level of digital lit-
20 eracy to make safe and secure decisions
21 online.

22 “(ii) Developing a cybersecurity work-
23 force with measurable skills to protect and
24 maintain information systems.

25 “(C) EMERGING TECHNOLOGY.—Advanc-
26 ing cybersecurity efforts in response to emerg-

1 ing technology, such as artificial intelligence,
2 quantum science, next generation communica-
3 tions, autonomy, data science, and computa-
4 tional technologies.

5 “(D) REIMAGINING DIGITAL IDENTITY.—
6 Maintaining a high sense of usability while im-
7 proving the privacy, security, and safety of on-
8 line activity of individuals in the United States.

9 “(E) FEDERAL AGENCY RESILIENCE.—Re-
10 ducing cybersecurity risks to Federal networks
11 and systems, and improving the response of
12 Federal agencies to cybersecurity incidents on
13 such networks and systems.

14 “(2) COORDINATION.—In establishing the chal-
15 lenges under paragraph (1), the Secretary shall co-
16 ordinate with the Secretary of Homeland Security on
17 the challenges under subparagraphs (B) and (E) of
18 such paragraph.

19 “(b) PURSUIT OF NATIONAL CYBERSECURITY CHAL-
20 LENGES.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this section, the
23 Secretary, acting through the Under Secretary of
24 Commerce for Standards and Technology, shall com-

1 mence efforts to pursue the national cybersecurity
2 challenges established under subsection (a).

3 “(2) COMPETITIONS.—The efforts required by
4 paragraph (1) shall include carrying out programs to
5 award prizes, including cash and noncash prizes,
6 competitively pursuant to the authorities and proc-
7 esses established under section 24 of the Stevenson-
8 Wydler Technology Innovation Act of 1980 (15
9 U.S.C. 3719) or any other applicable provision of
10 law.

11 “(3) ADDITIONAL AUTHORITIES.—In carrying
12 out paragraph (1), the Secretary may enter into and
13 perform such other transactions as the Secretary
14 considers necessary and on such terms as the Sec-
15 retary considers appropriate.

16 “(4) COORDINATION.—In pursuing national cy-
17 bersecurity challenges under paragraph (1), the Sec-
18 retary shall coordinate with the following:

19 “(A) The Director of the National Science
20 Foundation.

21 “(B) The Secretary of Homeland Security.

22 “(C) The Director of the Defense Ad-
23 vanced Research Projects Agency.

24 “(D) The Director of the Office of Science
25 and Technology Policy.

1 “(E) The Director of the Office of Man-
2 agement and Budget.

3 “(F) The Administrator of the General
4 Services Administration.

5 “(G) The Federal Trade Commission.

6 “(H) The heads of such other Federal
7 agencies as the Secretary of Commerce con-
8 siders appropriate for purposes of this section.

9 “(5) SOLICITATION OF ACCEPTANCE OF
10 FUNDS.—

11 “(A) IN GENERAL.—Pursuant to section
12 24 of the Stevenson-Wydler Technology Innova-
13 tion Act of 1980 (15 U.S.C. 3719), the Sec-
14 retary shall request and accept funds from
15 other Federal agencies, State, United States
16 territory, local, or Tribal government agencies,
17 private sector for-profit entities, and nonprofit
18 entities to support efforts to pursue a national
19 cybersecurity challenge under this section.

20 “(B) RULE OF CONSTRUCTION.—Nothing
21 in subparagraph (A) may be construed to re-
22 quire any person or entity to provide funds or
23 otherwise participate in an effort or competition
24 under this section.

25 “(c) RECOMMENDATIONS.—

1 “(1) IN GENERAL.—In carrying out this sec-
2 tion, the Secretary of Commerce shall designate an
3 advisory council to seek recommendations.

4 “(2) ELEMENTS.—The recommendations re-
5 quired by paragraph (1) shall include the following:

6 “(A) A scope for efforts carried out under
7 subsection (b).

8 “(B) Metrics to assess submissions for
9 prizes under competitions carried out under
10 subsection (b) as the submissions pertain to the
11 national cybersecurity challenges established
12 under subsection (a).

13 “(3) NO ADDITIONAL COMPENSATION.—The
14 Secretary may not provide any additional compensa-
15 tion, except for travel expenses, to a member of the
16 advisory council designated under paragraph (1) for
17 participation in the advisory council.”.

18 (b) CONFORMING AMENDMENTS.—Section 201(a)(1)
19 of such Act (15 U.S.C. 7431(a)(1)) is amended—

20 (1) in subparagraph (J), by striking “and”
21 after the semicolon;

22 (2) by redesignating subparagraph (K) as sub-
23 paragraph (L); and

24 (3) by inserting after subparagraph (J) the fol-
25 lowing:

1 “(K) implementation of section 205
2 through research and development on the topics
3 identified under subsection (a) of such section;
4 and”.

5 (c) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is amended by inserting after
7 the item relating to section 204 the following:

“Sec. 205. National cybersecurity challenges.”.

8 **Subtitle B—Other Matters**

9 **SEC. 9411. ESTABLISHED PROGRAM TO STIMULATE COM-** 10 **PETITIVE RESEARCH.**

11 Section 2203(b) of the Energy Policy Act of 1992
12 (42 U.S.C. 13503(b)) is amended by striking paragraph
13 (3) and inserting the following new paragraph (3):

14 “(3) ESTABLISHED PROGRAM TO STIMULATE
15 COMPETITIVE RESEARCH.—

16 “(A) DEFINITIONS.—In this paragraph:

17 “(i) ELIGIBLE JURISDICTION.—The
18 term ‘eligible jurisdiction’ means a State
19 that is determined to be eligible for a grant
20 under this paragraph in accordance with
21 subparagraph (D).

22 “(ii) EPSCoR.—The term ‘EPSCoR’
23 means the Established Program to Stimu-
24 late Competitive Research operated under
25 subparagraph (B).

1 “(iii) NATIONAL LABORATORY.—The
2 term ‘National Laboratory’ has the mean-
3 ing given the term in section 2 of the En-
4 ergy Policy Act of 2005 (42 U.S.C.
5 15801).

6 “(iv) STATE.—The term ‘State’
7 means—

8 “(I) a State;

9 “(II) the District of Columbia;

10 “(III) the Commonwealth of
11 Puerto Rico;

12 “(IV) Guam; and

13 “(V) the United States Virgin Is-
14 lands.

15 “(B) PROGRAM OPERATION.—The Sec-
16 retary shall operate an Established Program to
17 Stimulate Competitive Research.

18 “(C) OBJECTIVES.—The objectives of
19 EPSCoR shall be—

20 “(i) to increase the number of re-
21 searchers in eligible jurisdictions, especially
22 at institutions of higher education, capable
23 of performing nationally competitive
24 science and engineering research in sup-
25 port of the mission of the Department of

1 Energy in the areas of applied energy re-
2 search, environmental management, and
3 basic science;

4 “(ii) to improve science and engineer-
5 ing research and education programs at in-
6 stitutions of higher education in eligible ju-
7 risdictions and enhance the capabilities of
8 eligible jurisdictions to develop, plan, and
9 execute research that is competitive, in-
10 cluding through investing in research
11 equipment and instrumentation; and

12 “(iii) to increase the probability of
13 long-term growth of competitive funding to
14 eligible jurisdictions.

15 “(D) ELIGIBLE JURISDICTIONS.—

16 “(i) IN GENERAL.—The Secretary
17 may establish criteria for determining
18 whether a State is eligible for a grant
19 under this paragraph.

20 “(ii) REQUIREMENT.—Except as pro-
21 vided in clause (iii), in establishing criteria
22 under clause (i), the Secretary shall ensure
23 that a State is eligible for a grant under
24 this paragraph if the State, as determined
25 by the Secretary, is a State that—

1 “(I) historically has received rel-
2 atively little Federal research and de-
3 velopment funding; and

4 “(II) has demonstrated a com-
5 mitment—

6 “(aa) to develop the re-
7 search bases in the State; and

8 “(bb) to improve science and
9 engineering research and edu-
10 cation programs at institutions of
11 higher education in the State.

12 “(iii) ELIGIBILITY UNDER NSF
13 EPSCOR.—At the election of the Secretary,
14 or if the Secretary declines to establish cri-
15 teria under clause (i), the Secretary may
16 continue to use the eligibility criteria in
17 use on the date of enactment of the Wil-
18 liam M. (Mac) Thornberry National De-
19 fense Authorization Act for Fiscal Year
20 2021 or any successor criteria.

21 “(E) GRANTS IN AREAS OF APPLIED EN-
22 ERGY RESEARCH, ENVIRONMENTAL MANAGE-
23 MENT, AND BASIC SCIENCE.—

24 “(i) IN GENERAL.—EPSCoR shall
25 make grants to eligible jurisdictions to

1 carry out and support applied energy re-
2 search and research in all areas of environ-
3 mental management and basic science
4 sponsored by the Department of Energy,
5 including—

6 “(I) energy efficiency, fossil en-
7 ergy, renewable energy, and other ap-
8 plied energy research;

9 “(II) electricity delivery research;

10 “(III) cybersecurity, energy secu-
11 rity, and emergency response;

12 “(IV) environmental manage-
13 ment; and

14 “(V) basic science research.

15 “(ii) ACTIVITIES.—EPSCoR shall
16 make grants under this subparagraph for
17 activities consistent with the objectives de-
18 scribed in subparagraph (C) in the areas of
19 applied energy research, environmental
20 management, and basic science described
21 in clause (i), including—

22 “(I) to support research that is
23 carried out in partnership with the
24 National Laboratories;

1 “(II) to provide for graduate
2 traineeships;

3 “(III) to support research by
4 early career faculty; and

5 “(IV) to improve research capa-
6 bilities through biennial research im-
7 plementation grants.

8 “(iii) NO COST SHARING.—EPSCoR
9 shall not impose any cost-sharing require-
10 ment with respect to a grant made under
11 this subparagraph, but may require letters
12 of commitment from National Labora-
13 tories.

14 “(F) OTHER ACTIVITIES.—EPSCoR may
15 carry out such activities as may be necessary to
16 meet the objectives described in subparagraph
17 (C) in the areas of applied energy research, en-
18 vironmental management, and basic science de-
19 scribed in subparagraph (E)(i).

20 “(G) PROGRAM IMPLEMENTATION.—

21 “(i) IN GENERAL.—Not later than
22 270 days after the date of enactment of
23 the William M. (Mac) Thornberry National
24 Defense Authorization Act for Fiscal Year
25 2021, the Secretary shall submit to the

1 Committees on Energy and Natural Re-
2 sources and Appropriations of the Senate
3 and the Committees on Energy and Com-
4 merce and Appropriations of the House of
5 Representatives a plan describing how the
6 Secretary shall implement EPSCoR.

7 “(ii) CONTENTS OF PLAN.—The plan
8 described in clause (i) shall include a de-
9 scription of—

10 “(I) the management structure of
11 EPSCoR, which shall ensure that all
12 research areas and activities described
13 in this paragraph are incorporated
14 into EPSCoR;

15 “(II) efforts to conduct outreach
16 to inform eligible jurisdictions and
17 faculty of changes to, and opportuni-
18 ties under, EPSCoR;

19 “(III) how EPSCoR plans to in-
20 crease engagement with eligible juris-
21 dictions, faculty, and State commit-
22 tees, including by holding regular
23 workshops, to increase participation in
24 EPSCoR; and

1 “(IV) any other issues relating to
2 EPSCoR that the Secretary deter-
3 mines appropriate.

4 “(H) PROGRAM EVALUATION.—

5 “(i) IN GENERAL.—Not later than 5
6 years after the date of enactment of the
7 William M. (Mac) Thornberry National
8 Defense Authorization Act for Fiscal Year
9 2021, the Secretary shall contract with a
10 federally funded research and development
11 center, the National Academy of Sciences,
12 or a similar organization to carry out an
13 assessment of the effectiveness of
14 EPSCoR, including an assessment of—

15 “(I) the tangible progress made
16 towards achieving the objectives de-
17 scribed in subparagraph (C);

18 “(II) the impact of research sup-
19 ported by EPSCoR on the mission of
20 the Department of Energy; and

21 “(III) any other issues relating to
22 EPSCoR that the Secretary deter-
23 mines appropriate.

24 “(ii) LIMITATION.—The organization
25 with which the Secretary contracts under

1 clause (i) shall not be a National Labora-
2 tory.

3 “(iii) REPORT.—Not later than 6
4 years after the date of enactment of the
5 William M. (Mac) Thornberry National
6 Defense Authorization Act for Fiscal Year
7 2021, the Secretary shall submit to the
8 Committee on Energy and Natural Re-
9 sources and the Committee on Appropria-
10 tions of the Senate and the Committee on
11 Science, Space and Technology and the
12 Committee on Appropriations of the House
13 of Representatives a report describing the
14 results of the assessment carried out under
15 clause (i), including recommendations for
16 improvements that would enable the Sec-
17 retary to achieve the objectives described
18 in subparagraph (C).”.

19 **SEC. 9412. INDUSTRIES OF THE FUTURE.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Industries of the Future Act of 2020”.

22 (b) REPORT ON FEDERAL RESEARCH AND DEVELOP-
23 MENT FOCUSED ON INDUSTRIES OF THE FUTURE.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, the Di-

1 rector of the Office of Science and Technology Policy
2 shall submit to Congress a report on research and
3 development investments, infrastructure, and work-
4 force development investments of the Federal Gov-
5 ernment that enable continued United States leader-
6 ship in industries of the future.

7 (2) CONTENTS.—The report submitted under
8 paragraph (1) shall include the following:

9 (A) A definition, for purposes of this sec-
10 tion, of the term “industries of the future” that
11 includes emerging technologies.

12 (B) An assessment of the current baseline
13 of investments in civilian research and develop-
14 ment investments of the Federal Government in
15 the industries of the future.

16 (C) A plan to double such baseline invest-
17 ments in artificial intelligence and quantum in-
18 formation science by fiscal year 2022.

19 (D) A detailed plan to increase invest-
20 ments described in subparagraph (B) in indus-
21 tries of the future to \$10,000,000,000 per year
22 by fiscal year 2025.

23 (E) A plan to leverage investments de-
24 scribed in subparagraphs (B), (C), and (D) in
25 industries of the future to elicit complimentary

1 investments by non-Federal entities, including
2 providing incentives for significant complemen-
3 tary investments by such entities and facili-
4 tating public-private partnerships.

5 (F) Proposals for the Federal Government,
6 including any necessary draft legislation, to im-
7 plement such plans.

8 (c) INDUSTRIES OF THE FUTURE COORDINATION
9 COUNCIL.—

10 (1) ESTABLISHMENT.—

11 (A) IN GENERAL.—The President shall es-
12 tablish or designate a council to advise the Di-
13 rector of the Office of Science and Technology
14 Policy on matters relevant to the Director and
15 the industries of the future.

16 (B) DESIGNATION.—The council estab-
17 lished or designated under subparagraph (A)
18 shall be known as the “Industries of the Future
19 Coordination Council” (in this section the
20 “Council”).

21 (2) MEMBERSHIP.—

22 (A) COMPOSITION.—The Council shall be
23 composed of employees of the Federal Govern-
24 ment who shall be appointed as follows:

1 (i) One member appointed by the Di-
2 rector.

3 (ii) A chairperson of the Select Com-
4 mittee on Artificial Intelligence of the Na-
5 tional Science and Technology Council.

6 (iii) A chairperson of the Sub-
7 committee on Advanced Manufacturing of
8 the National Science and Technology
9 Council.

10 (iv) A chairperson of the Sub-
11 committee on Quantum Information
12 Science of the National Science and Tech-
13 nology Council.

14 (v) Such other members as the Presi-
15 dent considers appropriate.

16 (B) CHAIRPERSON.—The member ap-
17 pointed to the Council under paragraph (A)(i)
18 shall serve as the chairperson of the Council.

19 (3) DUTIES.—The duties of the Council are as
20 follows:

21 (A) To provide the Director with advice on
22 ways in which in the Federal Government can
23 ensure the United States continues to lead the
24 world in developing emerging technologies that
25 improve the quality of life of the people of the

1 United States, increase economic competitive-
2 ness of the United States, and strengthen the
3 national security of the United States, including
4 identification of the following:

5 (i) Federal investments required in
6 fundamental research and development, in-
7 frastructure, technology transfer, and
8 workforce development of the United
9 States workers who will support the indus-
10 tries of the future.

11 (ii) Actions necessary to create and
12 further develop the workforce that will sup-
13 port the industries of the future.

14 (iii) Actions required to leverage the
15 strength of the research and development
16 ecosystem of the United States, which in-
17 cludes academia, industry, and nonprofit
18 organizations, to support industries of the
19 future.

20 (iv) Ways that the Federal Govern-
21 ment can consider leveraging existing part-
22 nerships and creating new partnerships
23 and other multisector collaborations to ad-
24 vance the industries of the future.

1 (v) Actions required to accelerate the
2 translation of federally funded research
3 and development to practice and meaning-
4 ful benefits for society while mitigating any
5 risks.

6 (B) To provide the Director with advice on
7 matters relevant to the report required under
8 subsection (b).

9 (4) COORDINATION.—The Council shall coordi-
10 nate with and utilize relevant existing National
11 Science and Technology Council committees to the
12 maximum extent feasible in order to minimize dupli-
13 cation of effort.

14 (5) APPLICABILITY OF FACA.—The Federal Ad-
15 visory Committee Act (5 U.S.C. App.) shall not
16 apply to the Council established under this sub-
17 section.

18 (6) SUNSET.—The Council shall terminate on
19 the date that is 6 years after the date of the enact-
20 ment of this Act.

1 **SEC. 9413. NATIONAL INSTITUTE OF STANDARDS AND**
2 **TECHNOLOGY MANUFACTURING EXTENSION**
3 **PARTNERSHIP PROGRAM SUPPLY CHAIN**
4 **DATABASE.**

5 (a) IN GENERAL.—The Director of the National In-
6 stitute of Standards and Technology shall carry out a
7 study to evaluate the feasibility, advisability, and costs of
8 establishing a national supply chain database within the
9 Manufacturing Extension Partnership program of the Na-
10 tional Institute of Standards and Technology to—

11 (1) understand the manufacturing capabilities
12 of United States manufacturers; and

13 (2) minimize disruptions to the supply chain,
14 which may include defense supplies, food, and med-
15 ical devices, including personal protective equipment.

16 (b) CONSIDERATIONS.—In carrying out the study
17 under subsection (a), the Director of the National Insti-
18 tute of Standards and Technology shall consider the fol-
19 lowing:

20 (1) Whether a national supply chain database
21 may enable the National Institute of Standards and
22 Technology and the small and medium manufactur-
23 ers of the Manufacturing Extension Partnership pro-
24 gram to—

25 (A) understand the available domestic
26 manufacturing capabilities; and

1 (B) meet the needs for urgent products in
2 the event of a supply chain disruption.

3 (2) How information from State-level databases
4 maintained within the Manufacturing Extension
5 Partnership program would be incorporated into the
6 national supply chain database.

7 (3) The relationship, if any, between a national
8 supply chain database within the Manufacturing Ex-
9 tension Partnership program and supply chain ef-
10 forts conducted by other agencies in the Federal
11 Government and non-Federal entities.

12 (4) Whether the National Institute of Stand-
13 ards and Technology could use existing technologies
14 and solutions to establish a national supply chain
15 database.

16 (5) How a national supply chain database could
17 be regularly maintained and updated to ensure effec-
18 tiveness.

19 (6) The nature of the information that could be
20 voluntarily collected from manufacturers for a na-
21 tional supply chain database.

22 (7) What mechanisms should be in place to en-
23 sure that the information under paragraph (6) is
24 verified.

1 (8) What security measures may be necessary
2 to protect information, including protocols to ensure
3 that information in the national supply chain data-
4 base is accessed according to the nature of the infor-
5 mation in such database with individuals with the
6 appropriate level of authorization.

7 (9) Whether there should be restrictions to pro-
8 tect proprietary business and personal information
9 under paragraph (6).

10 (10) The cost of developing and maintaining
11 such a database, including staffing.

12 (c) REPORT TO CONGRESS.—Not later than 180 days
13 after the date of the enactment of this Act, the Director
14 of the National Institute of Standards and Technology
15 shall submit to Congress a report that includes the find-
16 ings and any recommendations from the study required
17 under subsection (a). Such report shall include a descrip-
18 tion of any new legislation that may be required to imple-
19 ment a new national supply chain database through the
20 Manufacturing Extension Partnership program.

21 **SEC. 9414. STUDY ON CHINESE POLICIES AND INFLUENCE**
22 **IN THE DEVELOPMENT OF INTERNATIONAL**
23 **STANDARDS FOR EMERGING TECHNOLOGIES.**

24 (a) STUDY.—Not later than 180 days after the date
25 of the enactment of this Act, the Director of the National

1 Institute of Standards and Technology shall enter into an
2 agreement with an appropriate entity with relevant exper-
3 tise, as determined by the Director, to conduct a study
4 and make recommendations with respect to the effect of
5 the policies of the People’s Republic of China and coordi-
6 nation among industrial entities within the People’s Re-
7 public of China on international bodies engaged in devel-
8 oping and setting international standards for emerging
9 technologies. The study may include—

10 (1) an assessment of how the role of the Peo-
11 ple’s Republic of China in international standards
12 setting organizations has grown over the previous 10
13 years, including in leadership roles in standards-
14 drafting technical committees, and the quality or
15 value of that participation;

16 (2) an assessment of the effect of the standard-
17 ization strategy of the People’s Republic of China,
18 as identified in the “Chinese Standard 2035”, on
19 international bodies engaged in developing and set-
20 ting standards for select emerging technologies, such
21 as advanced communication technologies or cloud
22 computing and cloud services;

23 (3) an examination of whether international
24 standards for select emerging technologies are being
25 designed to promote interests of the People’s Repub-

1 lic of China that are expressed in the “Made in
2 China 2025” plan to the exclusion of other partici-
3 pants;

4 (4) an examination of how the previous prac-
5 tices that the People’s Republic of China has used
6 while participating in international standards setting
7 organizations may foretell how the People’s Republic
8 of China is likely to engage in international stand-
9 ardization activities of critical technologies like arti-
10 ficial intelligence and quantum information science,
11 and what may be the consequences;

12 (5) recommendations on how the United States
13 can take steps to mitigate the influence of the Peo-
14 ple’s Republic of China and bolster United States
15 public and private sector participation in inter-
16 national standards-setting bodies; and

17 (6) any other area the Director, in consultation
18 with the entity selected to conduct the study, deter-
19 mines is important to address.

20 (b) REPORT TO CONGRESS.—The agreement entered
21 into under subsection (a) shall provide that, not later than
22 two years after the date of the enactment of this Act, the
23 entity conducting the study shall—

24 (1) submit to the Committee on Science, Space,
25 and Technology and the Committee on Foreign Af-

1 fairs of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation
3 and the Committee on Foreign Relations of the Sen-
4 ate a report containing the findings and rec-
5 ommendations of the study; and

6 (2) make a copy of such report available on a
7 publicly accessible website.

8 **SEC. 9415. COORDINATION WITH HOLLINGS MANUFAC-**
9 **TURING EXTENSION PARTNERSHIP CENTERS.**

10 Notwithstanding section 34(d)(2)(A)(iv) of the Na-
11 tional Institute for Standards and Technology Act (15
12 U.S.C. 278s(d)(2)(A)(iv)), each Manufacturing USA In-
13 stitute (established under subsection (d) of such section)
14 shall, as appropriate, contract with a Hollings Manufac-
15 turing Extension Partnership Center (established under
16 section 25 of such Act) in each State in which such Insti-
17 tute provides services, either directly or through another
18 such Center, to provide defense industrial base-related
19 outreach, technical assistance, workforce development, and
20 technology transfer assistance to small and medium-sized
21 manufacturers. No Center shall charge in excess of its
22 standard rate for such services. Funds received by a Cen-
23 ter through such a contract shall not constitute financial
24 assistance under section 25(e) of such Act.

1 **TITLE XCV—NATURAL**
2 **RESOURCES MATTERS**

Sec. 9501. Transfer of funds for Oklahoma City national memorial endowment fund.

Sec. 9502. Workforce issues for military realignments in the Pacific.

Sec. 9503. Affirmation of authority for non-oil and gas operations on the outer Continental Shelf.

3 **SEC. 9501. TRANSFER OF FUNDS FOR OKLAHOMA CITY NA-**
4 **TIONAL MEMORIAL ENDOWMENT FUND.**

5 Section 7(1) of the Oklahoma City National Memorial
6 Act of 1997 (16 U.S.C. 450ss–5(1)) is amended by strik-
7 ing “there is hereby authorized” and inserting “the Sec-
8 retary may provide, from the National Park Service’s Na-
9 tional Recreation and Preservation account, the remainder
10 of”.

11 **SEC. 9502. WORKFORCE ISSUES FOR MILITARY REALIGN-**
12 **MENTS IN THE PACIFIC.**

13 Section 6(b)(1)(B)(i) of the Joint Resolution entitled
14 “A Joint Resolution to approve the ‘Covenant To Estab-
15 lish a Commonwealth of the Northern Mariana Islands in
16 Political Union With the United States of America’, and
17 for other purposes”, approved March 24, 1976 (48 U.S.C.
18 1806(b)(1)(B)(i)) is amended—

19 (1) by striking “contact” and inserting “con-
20 tract”;

21 (2) by inserting “supporting,” after “connected
22 to,”;

1 (3) by striking “or” before “associated with”;

2 (4) by inserting “or adversely affected by” after

3 “associated with,”; and

4 (5) by inserting “, with priority given to feder-

5 ally funded military projects” after “and in the

6 Commonwealth”.

7 **SEC. 9503. AFFIRMATION OF AUTHORITY FOR NON-OIL AND**

8 **GAS OPERATIONS ON THE OUTER CONTI-**

9 **NENTAL SHELF.**

10 Section 4(a)(1) of the Outer Continental Shelf Lands

11 Act (43 U.S.C. 1333(a)(1)) is amended to read as follows:

12 “(1) JURISDICTION OF THE UNITED STATES ON

13 THE OUTER CONTINENTAL SHELF.—

14 “(A) IN GENERAL.—The Constitution and

15 laws and civil and political jurisdiction of the

16 United States are extended, to the same extent

17 as if the outer Continental Shelf were an area

18 of exclusive Federal jurisdiction located within

19 a State, to—

20 “(i) the subsoil and seabed of the

21 outer Continental Shelf;

22 “(ii) all artificial islands on the outer

23 Continental Shelf;

24 “(iii) installations and other devices

25 permanently or temporarily attached to the

1 seabed, which may be erected thereon for
2 the purpose of exploring for, developing, or
3 producing resources, including non-mineral
4 energy resources; or

5 “(iv) any such installation or other
6 device (other than a ship or vessel) for the
7 purpose of transporting or transmitting
8 such resources.

9 “(B) LEASES ISSUED EXCLUSIVELY
10 UNDER THIS ACT.—Mineral or energy leases on
11 the outer Continental Shelf shall be maintained
12 or issued only under the provisions of this
13 Act.”.

14 **TITLE XCVI—OVERSIGHT AND**
15 **REFORM MATTERS**

Sec. 9601. Inventory of program activities of Federal agencies.

Sec. 9602. Preservation of electronic messages and other records.

Sec. 9603. Continuity of the economy plan.

16 **SEC. 9601. INVENTORY OF PROGRAM ACTIVITIES OF FED-**
17 **ERAL AGENCIES.**

18 (a) INVENTORY OF GOVERNMENT PROGRAMS.—Sec-
19 tion 1122(a) of title 31, United States Code, is amended—

20 (1) by redesignating paragraphs (1) and (2) as
21 paragraphs (2) and (3), respectively;

22 (2) by inserting before paragraph (2), as so re-
23 designated, the following:

1 “(1) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) the term ‘Federal financial assist-
4 ance’ has the meaning given that term under
5 section 7501;

6 “(B) the term ‘open Government data
7 asset’ has the meaning given that term under
8 section 3502 of title 44;

9 “(C) the term ‘program’ means a single
10 program activity or an organized set of aggre-
11 gated, disaggregated, or consolidated program
12 activities by one or more agencies directed to-
13 ward a common purpose or goal; and

14 “(D) the term ‘program activity’ has the
15 meaning given that term in section 1115(h).”;
16 (3) in paragraph (2), as so redesignated—

17 (A) by striking “IN GENERAL.—Not later
18 than October 1, 2012, the Office of Manage-
19 ment and Budget shall” and inserting
20 “WEBSITE AND PROGRAM INVENTORY.—The
21 Director of the Office of Management and
22 Budget shall”;

23 (B) in subparagraph (A), by inserting
24 “that includes the information required under

1 subsections (b) and (c)” after “a single
2 website”; and

3 (C) by striking subparagraphs (B) and (C)
4 and inserting the following:

5 “(B) include on the website described in
6 subparagraph (A), or another appropriate Fed-
7 eral Government website where related informa-
8 tion is made available, as determined by the Di-
9 rector—

10 “(i) a program inventory that shall
11 identify each program; and

12 “(ii) for each program identified in
13 the program inventory, the information re-
14 quired under paragraph (3);

15 “(C) make the information in the program
16 inventory required under subparagraph (B)
17 available as an open Government data asset;
18 and

19 “(D) at a minimum—

20 “(i) update the information required
21 to be included on the single website under
22 subparagraph (A) on a quarterly basis;
23 and

1 “(ii) update the program inventory re-
2 quired under subparagraph (B) on an an-
3 nual basis.”;

4 (4) in paragraph (3), as so redesignated—

5 (A) in the matter preceding subparagraph
6 (A), by striking “described under paragraph (1)
7 shall include” and inserting “identified in the
8 program inventory required under paragraph
9 (2)(B) shall include”;

10 (B) in subparagraph (B), by striking
11 “and” at the end;

12 (C) in subparagraph (C), by striking the
13 period at the end and inserting “and,”; and

14 (D) by adding at the end the following:

15 “(D) for each program activity that is part
16 of a program—

17 “(i) a description of the purposes of
18 the program activity and the contribution
19 of the program activity to the mission and
20 goals of the agency;

21 “(ii) a consolidated view for the cur-
22 rent fiscal year and each of the 2 fiscal
23 years before the current fiscal year of—

24 “(I) the amount appropriated;

25 “(II) the amount obligated; and

1 “(III) the amount outlayed;

2 “(iii) to the extent practicable and
3 permitted by law, links to any related eval-
4 uation, assessment, or program perform-
5 ance review by the agency, an inspector
6 general, or the Government Accountability
7 Office (including program performance re-
8 ports required under section 1116), and
9 other related evidence assembled in re-
10 sponse to implementation of the Founda-
11 tions for Evidence-Based Policymaking Act
12 of 2018 (Public Law 115–435; 132 Stat.
13 5529);

14 “(iv) an identification of the statutes
15 that authorize the program activity or the
16 authority under which the program activity
17 was created or operates;

18 “(v) an identification of any major
19 regulations specific to the program activity;

20 “(vi) any other information that the
21 Director of the Office of Management and
22 Budget determines relevant relating to pro-
23 gram activity data in priority areas most
24 relevant to Congress or the public to in-

1 crease transparency and accountability;
2 and

3 “(vii) for each assistance listing under
4 which Federal financial assistance is pro-
5 vided, for the current fiscal year and each
6 of the 2 fiscal years before the current fis-
7 cal year and consistent with existing law
8 relating to the protection of personally
9 identifiable information—

10 “(I) a linkage to the relevant
11 program activities that fund Federal
12 financial assistance by assistance list-
13 ing;

14 “(II) information on the popu-
15 lation intended to be served by the as-
16 sistance listing based on the language
17 of the solicitation, as required under
18 section 6102;

19 “(III) to the extent practicable
20 and based on data reported to the
21 agency providing the Federal financial
22 assistance, the results of the Federal
23 financial assistance awards provided
24 by the assistance listing;

1 “(IV) to the extent practicable,
2 the percentage of the amount appro-
3 priated for the assistance listing that
4 is used for management and adminis-
5 tration;

6 “(V) the identification of each
7 award of Federal financial assistance
8 and, to the extent practicable, the
9 name of each direct or indirect recipi-
10 ent of the award; and

11 “(VI) any information relating to
12 the award of Federal financial assist-
13 ance that is required to be included on
14 the website established under section
15 2(b) of the Federal Funding Account-
16 ability and Transparency Act of 2006
17 (31 U.S.C. 6101 note).”; and

18 (5) by adding at the end the following:

19 “(4) ARCHIVING.—The Director of the Office of
20 Management and Budget shall—

21 “(A) archive and preserve the information
22 included in the program inventory required
23 under paragraph (2)(B) after the end of the pe-
24 riod during which such information is made
25 available under paragraph (3); and

1 “(B) make information archived in accord-
2 ance with subparagraph (A) publicly available
3 as an open Government data asset.”.

4 (b) GUIDANCE, IMPLEMENTATION, REPORTING, AND
5 REVIEW.—

6 (1) DEFINITIONS.—In this subsection—

7 (A) the term “appropriate congressional
8 committees” means the Committee on Oversight
9 and Reform of the House of Representatives
10 and the Committee on Homeland Security and
11 Governmental Affairs of the Senate;

12 (B) the term “Director” means the Direc-
13 tor of the Office of Management and Budget;

14 (C) the term “program” has the meaning
15 given that term in section 1122(a)(1) of title
16 31, United States Code, as amended by sub-
17 section (a) of this section;

18 (D) the term “program activity” has the
19 meaning given that term in section 1115(h) of
20 title 31, United States Code; and

21 (E) the term “Secretary” means the Sec-
22 retary of the Treasury.

23 (2) PLAN FOR IMPLEMENTATION AND RECON-
24 CILING PROGRAM DEFINITIONS.—Not later than 180
25 days after the date of enactment of this Act, the Di-

1 rector, in consultation with the Secretary, shall sub-
2 mit to the appropriate congressional committees a
3 report that—

4 (A) includes a plan that—

5 (i) discusses how making available on
6 a website the information required under
7 subsection (a) of section 1122 of title 31,
8 United States Code, as amended by sub-
9 section (a), will leverage existing data
10 sources while avoiding duplicative or over-
11 lapping information in presenting informa-
12 tion relating to program activities and pro-
13 grams;

14 (ii) indicates how any gaps in data
15 will be assessed and addressed;

16 (iii) indicates how the Director will
17 display such data; and

18 (iv) discusses how the Director will
19 expand the information collected with re-
20 spect to program activities to incorporate
21 the information required under the amend-
22 ments made by subsection (a);

23 (B) sets forth details regarding a pilot pro-
24 gram, developed in accordance with best prac-
25 tices for effective pilot programs—

1 (i) to develop and implement a func-
2 tional program inventory that could be lim-
3 ited in scope; and

4 (ii) under which the information re-
5 quired under the amendments made by
6 subsection (a) with respect to program ac-
7 tivities shall be made available on the
8 website required under section 1122(a) of
9 title 31, United States Code;

10 (C) establishes an implementation timeline
11 for—

12 (i) gathering and building program
13 activity information;

14 (ii) developing and implementing the
15 pilot program;

16 (iii) seeking and responding to stake-
17 holder comments;

18 (iv) developing and presenting find-
19 ings from the pilot program to the appro-
20 priate congressional committees;

21 (v) notifying the appropriate congres-
22 sional committees regarding how program
23 activities will be aggregated, disaggregated,
24 or consolidated as part of identifying pro-
25 grams; and

1 (vi) implementing a Governmentwide
2 program inventory through an iterative ap-
3 proach; and

4 (D) includes recommendations, if any, to
5 reconcile the conflicting definitions of the term
6 “program” in relevant Federal statutes, as it
7 relates to the purpose of this section.

8 (3) IMPLEMENTATION.—

9 (A) IN GENERAL.—Not later than 3 years
10 after the date of enactment of this Act, the Di-
11 rector shall make available online all informa-
12 tion required under the amendments made by
13 subsection (a) with respect to all programs.

14 (B) EXTENSIONS.—The Director may,
15 based on an analysis of the costs of implemen-
16 tation, and after submitting to the appropriate
17 congressional committees a notification of the
18 action by the Director, extend the deadline for
19 implementation under subparagraph (A) by not
20 more than a total of 1 year.

21 (4) REPORTING.—Not later than 2 years after
22 the date on which the Director makes available on-
23 line all information required under the amendments
24 made by subsection (a) with respect to all programs,
25 the Comptroller General of the United States shall

1 submit to the appropriate congressional committees
2 a report regarding the implementation of this section
3 and the amendments made by this section, which
4 shall—

5 (A) review how the Director and agencies
6 determined how to aggregate, disaggregate, or
7 consolidate program activities to provide the
8 most useful information for an inventory of
9 Government programs;

10 (B) evaluate the extent to which the pro-
11 gram inventory required under section 1122 of
12 title 31, United States Code, as amended by
13 this section, provides useful information for
14 transparency, decision-making, and oversight;

15 (C) evaluate the extent to which the pro-
16 gram inventory provides a coherent picture of
17 the scope of Federal investments in particular
18 areas; and

19 (D) include the recommendations of the
20 Comptroller General, if any, for improving im-
21 plementation of this section and the amend-
22 ments made by this section.

23 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) IN GENERAL.—Section 1122 of title 31,
25 United States Code, is amended—

1 (A) in subsection (b), in the matter pre-
2 ceding paragraph (1), by inserting “described in
3 subsection (a)(2)(A)” after “the website” each
4 place it appears;

5 (B) in subsection (c), in the matter pre-
6 ceding paragraph (1), by inserting “described in
7 subsection (a)(2)(A)” after “the website”; and

8 (C) in subsection (d)—

9 (i) in the subsection heading, by strik-
10 ing “ON WEBSITE”; and

11 (ii) in the first sentence, by striking
12 “on the website”.

13 (2) OTHER AMENDMENTS.—

14 (A) Section 1115(a) of title 31, United
15 States Code, is amended in the matter pre-
16 ceding paragraph (1) by striking “the website
17 provided under” and inserting “a website de-
18 scribed in”.

19 (B) Section 10 of the GPRA Moderniza-
20 tion Act of 2010 (31 U.S.C. 1115 note) is
21 amended—

22 (i) in subsection (a)(3), by striking
23 “the website described under” and insert-
24 ing “a website described in”; and

25 (ii) in subsection (b)—

1 (I) in paragraph (1), by striking
2 “the website described under” and in-
3 serting “a website described in”; and

4 (II) in paragraph (3), by striking
5 “the website as required under” and
6 inserting “a website described in”.

7 (C) Section 1120(a)(5) of title 31, United
8 States Code, is amended by striking “the
9 website described under” and inserting “a
10 website described in”.

11 (D) Section 1126(b)(2)(E) of title 31,
12 United States Code, is amended by striking
13 “the website of the Office of Management and
14 Budget pursuant to” and inserting “a website
15 described in”.

16 (E) Section 3512(a)(1) of title 31, United
17 States Code, is amended by striking “the
18 website described under” and inserting “a
19 website described in”.

20 **SEC. 9602. PRESERVATION OF ELECTRONIC MESSAGES AND**
21 **OTHER RECORDS.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Electronic Message Preservation Act”.

24 (b) PRESERVATION OF ELECTRONIC MESSAGES AND
25 OTHER RECORDS.—

1 (1) REQUIREMENT FOR PRESERVATION OF
2 ELECTRONIC MESSAGES.—Chapter 29 of title 44,
3 United States Code, is amended by adding at the
4 end the following new section:

5 **“§ 2912. Preservation of electronic messages and**
6 **other records**

7 “(a) REGULATIONS REQUIRED.—The Archivist shall
8 promulgate regulations governing Federal agency preser-
9 vation of electronic messages that are determined to be
10 records. Such regulations shall, at a minimum—

11 “(1) require the electronic capture, manage-
12 ment, and preservation of such electronic records in
13 accordance with the records disposition requirements
14 of chapter 33;

15 “(2) require that such electronic records are
16 readily accessible for retrieval through electronic
17 searches; and

18 “(3) include timelines for Federal agency imple-
19 mentation of the regulations that ensure compliance
20 as expeditiously as practicable.

21 “(b) COVERAGE OF OTHER ELECTRONIC
22 RECORDS.—To the extent practicable, the regulations pro-
23 mulgated under subsection (a) shall also include require-
24 ments for the capture, management, and preservation of
25 other electronic records.

1 “(c) REVIEW OF REGULATIONS REQUIRED.—The Ar-
2 chivist shall periodically review and, as necessary, amend
3 the regulations promulgated under subsection (a).”.

4 (2) DEADLINE FOR REGULATIONS.—Not later
5 than one year after the date of the enactment of this
6 Act, the Archivist shall propose the regulations re-
7 quired under section 2912(a) of title 44, United
8 States Code, as added by paragraph (1).

9 (3) REPORTS ON IMPLEMENTATION OF REGU-
10 LATIONS.—

11 (A) AGENCY REPORT TO ARCHIVIST.—Not
12 later than two years after the date of the enact-
13 ment of this Act, the head of each Federal
14 agency shall submit to the Archivist a report on
15 the agency’s compliance with the regulations
16 promulgated under section 2912 of title 44,
17 United States Code, as added by paragraph (1),
18 and shall make the report publicly available on
19 the website of the agency.

20 (B) ARCHIVIST REPORT TO CONGRESS.—
21 Not later than 90 days after receipt of all re-
22 ports required by subparagraph (A), the Archi-
23 vist shall submit to the Committee on Home-
24 land Security and Governmental Affairs of the
25 Senate and the Committee on Oversight and

1 Reform of the House of Representatives a re-
2 port on Federal agency compliance with the
3 regulations promulgated under section 2912(a)
4 of title 44, United States Code, as added by
5 paragraph (1), and shall make the report pub-
6 licly available on the website of the agency.

7 (C) FEDERAL AGENCY DEFINED.—In this
8 subsection, the term “Federal agency” has the
9 meaning given that term in section 2901 of title
10 44, United States Code.

11 (4) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 29 of title 44,
13 United States Code, is amended by adding after the
14 item relating to section 2911 the following new item:

“2912. Preservation of electronic messages and other records.”.

15 (5) DEFINITIONS.—Section 2901 of title 44,
16 United States Code, is amended—

17 (A) by striking “and” at the end of para-
18 graph (14); and

19 (B) by striking paragraph (15) and insert-
20 ing the following new paragraphs:

21 “(15) the term ‘electronic messages’ means
22 electronic mail and other electronic messaging sys-
23 tems that are used for purposes of communicating
24 between individuals; and

1 “(16) the term ‘electronic records management
2 system’ means software designed to manage elec-
3 tronic records, including by—

4 “(A) categorizing and locating records;

5 “(B) ensuring that records are retained as
6 long as necessary;

7 “(C) identifying records that are due for
8 disposition; and

9 “(D) ensuring the storage, retrieval, and
10 disposition of records.”.

11 **SEC. 9603. CONTINUITY OF THE ECONOMY PLAN.**

12 (a) REQUIREMENT.—

13 (1) IN GENERAL.—The President shall develop
14 and maintain a plan to maintain and restore the
15 economy of the United States in response to a sig-
16 nificant event.

17 (2) PRINCIPLES.—The plan required under
18 paragraph (1) shall—

19 (A) be consistent with—

20 (i) a free market economy; and

21 (ii) the rule of law; and

22 (B) respect private property rights.

23 (3) CONTENTS.—The plan required under para-
24 graph (1) shall—

1 (A) examine the distribution of goods and
2 services across the United States necessary for
3 the reliable functioning of the United States
4 during a significant event;

5 (B) identify the economic functions of rel-
6 evant actors, the disruption, corruption, or dys-
7 function of which would have a debilitating ef-
8 fect in the United States on—

9 (i) security;

10 (ii) economic security;

11 (iii) defense readiness; or

12 (iv) public health or safety;

13 (C) identify the critical distribution mecha-
14 nisms for each economic sector that should be
15 prioritized for operation during a significant
16 event, including—

17 (i) bulk power and electric trans-
18 mission systems;

19 (ii) national and international finan-
20 cial systems, including wholesale payments,
21 stocks, and currency exchanges;

22 (iii) national and international com-
23 munications networks, data-hosting serv-
24 ices, and cloud services;

1 (iv) interstate oil and natural gas
2 pipelines; and

3 (v) mechanisms for the interstate and
4 international trade and distribution of ma-
5 terials, food, and medical supplies, includ-
6 ing road, rail, air, and maritime shipping;

7 (D) identify economic functions of relevant
8 actors, the disruption, corruption, or dysfunc-
9 tion of which would cause—

10 (i) catastrophic economic loss;

11 (ii) the loss of public confidence; or

12 (iii) the widespread imperilment of
13 human life;

14 (E) identify the economic functions of rel-
15 evant actors that are so vital to the economy of
16 the United States that the disruption, corrup-
17 tion, or dysfunction of those economic functions
18 would undermine response, recovery, or mobili-
19 zation efforts during a significant event;

20 (F) incorporate, to the greatest extent
21 practicable, the principles and practices con-
22 tained within Federal plans for the continuity
23 of Government and continuity of operations;

24 (G) identify—

- 1 (i) industrial control networks for
2 which a loss of internet connectivity, a loss
3 of network integrity or availability, an ex-
4 ploitation of a system connected to the net-
5 work, or another failure, disruption, cor-
6 ruption, or dysfunction would have a de-
7 bilitating effect in the United States on—
- 8 (I) security;
9 (II) economic security;
10 (III) defense readiness; or
11 (IV) public health or safety; and
- 12 (ii) for each industrial control network
13 identified under clause (i), risk mitigation
14 measures, including—
- 15 (I) the installation of parallel
16 services;
17 (II) the use of stand-alone analog
18 services; or
19 (III) the significant hardening of
20 the industrial control network against
21 failure, disruption, corruption, or dys-
22 function;
- 23 (H) identify critical economic sectors for
24 which the preservation of data in a protected,
25 verified, and uncorrupted status would be re-

1 quired for the quick recovery of the economy of
2 the United States in the face of a significant
3 disruption following a significant event;

4 (I) include a list of raw materials, indus-
5 trial goods, and other items, the absence of
6 which would significantly undermine the ability
7 of the United States to sustain the functions
8 described in subparagraphs (B), (D), and (E);

9 (J) provide an analysis of supply chain di-
10 versification for the items described in subpara-
11 graph (I) in the event of a disruption caused by
12 a significant event;

13 (K) include—

14 (i) a recommendation as to whether
15 the United States should maintain a stra-
16 tegic reserve of 1 or more of the items de-
17 scribed in subparagraph (I); and

18 (ii) for each item described in sub-
19 paragraph (I) for which the President rec-
20 ommends maintaining a strategic reserve
21 under clause (i), an identification of mech-
22 anisms for tracking inventory and avail-
23 ability of the item in the strategic reserve;

24 (L) identify mechanisms in existence on
25 the date of enactment of this Act and mecha-

1 nisms that can be developed to ensure that the
2 swift transport and delivery of the items de-
3 scribed in subparagraph (I) is feasible in the
4 event of a distribution network disturbance or
5 degradation, including a distribution network
6 disturbance or degradation caused by a signifi-
7 cant event;

8 (M) include guidance for determining the
9 prioritization for the distribution of the items
10 described in subparagraph (I), including dis-
11 tribution to States and Indian Tribes;

12 (N) consider the advisability and feasibility
13 of mechanisms for extending the credit of the
14 United States or providing other financial sup-
15 port authorized by law to key participants in
16 the economy of the United States if the exten-
17 sion or provision of other financial support—

18 (i) is necessary to avoid severe eco-
19 nomic degradation; or

20 (ii) allows for the recovery from a sig-
21 nificant event;

22 (O) include guidance for determining cat-
23 egories of employees that should be prioritized
24 to continue to work in order to sustain the
25 functions described in subparagraphs (B), (D),

1 and (E) in the event that there are limitations
2 on the ability of individuals to travel to work-
3 places or to work remotely, including consider-
4 ations for defense readiness;

5 (P) identify critical economic sectors nec-
6 essary to provide material and operational sup-
7 port to the defense of the United States;

8 (Q) determine whether the Secretary of
9 Homeland Security, the National Guard, and
10 the Secretary of Defense have adequate author-
11 ity to assist the United States in a recovery
12 from a severe economic degradation caused by
13 a significant event;

14 (R) review and assess the authority and
15 capability of heads of other agencies that the
16 President determines necessary to assist the
17 United States in a recovery from a severe eco-
18 nomic degradation caused by a significant
19 event; and

20 (S) consider any other matter that would
21 aid in protecting and increasing the resilience of
22 the economy of the United States from a sig-
23 nificant event.

24 (b) COORDINATION.—In developing the plan required
25 under subsection (a)(1), the President shall—

1 (1) receive advice from—

2 (A) the Secretary of Homeland Security;

3 (B) the Secretary of Defense;

4 (C) the Secretary of the Treasury;

5 (D) the Secretary of Health and Human
6 Services;

7 (E) the Secretary of Commerce;

8 (F) the Secretary of Transportation;

9 (G) the Secretary of Energy;

10 (H) the Administrator of the Small Busi-
11 ness Administration; and

12 (I) the head of any other agency that the
13 President determines necessary to complete the
14 plan;

15 (2) consult with economic sectors relating to
16 critical infrastructure through sector-coordinated
17 councils, as appropriate;

18 (3) consult with relevant State, Tribal, and
19 local governments and organizations that represent
20 those governments; and

21 (4) consult with any other non-Federal entity
22 that the President determines necessary to complete
23 the plan.

24 (c) SUBMISSION TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, and not less fre-
3 quently than every 3 years thereafter, the President
4 shall submit the plan required under subsection
5 (a)(1) and the information described in paragraph
6 (2) to—

7 (A) the majority and minority leaders of
8 the Senate;

9 (B) the Speaker and the minority leader of
10 the House of Representatives;

11 (C) the Committee on Armed Services of
12 the Senate;

13 (D) the Committee on Armed Services of
14 the House of Representatives;

15 (E) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 (F) the Committee on Homeland Security
18 of the House of Representatives;

19 (G) the Committee on Health, Education,
20 Labor, and Pensions of the Senate;

21 (H) the Committee on Commerce, Science,
22 and Transportation of the Senate;

23 (I) the Committee on Energy and Com-
24 merce of the House of Representatives;

1 (J) the Committee on Banking, Housing,
2 and Urban Affairs of the Senate;

3 (K) the Committee on Finance of the Sen-
4 ate;

5 (L) the Committee on Financial Services
6 of the House of Representatives;

7 (M) the Committee on Small Business and
8 Entrepreneurship of the Senate;

9 (N) the Committee on Small Business of
10 the House of Representatives;

11 (O) the Committee on Energy and Natural
12 Resources of the Senate;

13 (P) the Committee on Environment and
14 Public Works of the Senate;

15 (Q) the Committee on Indian Affairs of the
16 Senate;

17 (R) the Committee on Oversight and Re-
18 form of the House of Representatives;

19 (S) Committee on the Budget of the House
20 of Representatives; and

21 (T) any other committee of the Senate or
22 the House of Representatives that has jurisdic-
23 tion over the subject of the plan.

24 (2) ADDITIONAL INFORMATION.—The informa-
25 tion described in this paragraph is—

1 (A) any change to Federal law that would
2 be necessary to carry out the plan required
3 under subsection (a)(1); and

4 (B) any proposed changes to the funding
5 levels provided in appropriation Acts for the
6 most recent fiscal year that can be implemented
7 in future appropriation Acts or additional re-
8 sources necessary to—

9 (i) implement the plan required under
10 subsection (a)(1); or

11 (ii) maintain any program offices and
12 personnel necessary to—

13 (I) maintain the plan required
14 under subsection (a)(1) and the plans
15 described in subsection (a)(3)(F); and

16 (II) conduct exercises, assess-
17 ments, and updates to the plans de-
18 scribed in subclause (I) over time.

19 (3) BUDGET OF THE PRESIDENT.—The Presi-
20 dent may include the information described in para-
21 graph (2)(B) in the budget required to be submitted
22 by the President under section 1105(a) of title 31,
23 United States Code.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “agency” has the meaning given
2 the term in section 551 of title 5, United States
3 Code.

4 (2) The term “economic sector” means a sector
5 of the economy of the United States.

6 (3) The term “relevant actor” means—

7 (A) the Federal Government;

8 (B) a State, local, or Tribal government;

9 or

10 (C) the private sector.

11 (4) The term “significant event” means an
12 event that causes severe degradation to economic ac-
13 tivity in the United States due to—

14 (A) a cyber attack; or

15 (B) another significant event that is nat-
16 ural or human-caused.

17 (5) The term “State” means any State of the
18 United States, the District of Columbia, the Com-
19 monwealth of Puerto Rico, the Virgin Islands,
20 Guam, American Samoa, the Commonwealth of the
21 Northern Mariana Islands, and any possession of the
22 United States.

23 **TITLE XCVII—FINANCIAL**
24 **SERVICES MATTERS**

Subtitle A—Kleptocracy Asset Recovery Rewards Act

Sec. 9701. Short title.

Sec. 9702. Sense of Congress.

Sec. 9703. Department of the Treasury Kleptocracy Asset Recovery Rewards Pilot Program.

Subtitle B—Combating Russian Money Laundering

Sec. 9711. Short title.

Sec. 9712. Statement of policy.

Sec. 9713. Sense of Congress.

Sec. 9714. Determination with respect to primary money laundering concern of Russian illicit finance.

Subtitle C—Other Matters

Sec. 9721. Certified notice at completion of an assessment.

Sec. 9722. Ensuring Chinese debt transparency.

Sec. 9723. Accountability for World Bank Loans to China.

Sec. 9724. Fairness for Taiwan nationals regarding employment at international financial institutions.

1 **Subtitle A—Kleptocracy Asset** 2 **Recovery Rewards Act**

3 **SEC. 9701. SHORT TITLE.**

4 The subtitle may be cited as the “Kleptocracy Asset
5 Recovery Rewards Act”.

6 **SEC. 9702. SENSE OF CONGRESS.**

7 It is the sense of Congress that a stolen asset recov-
8 ery rewards program to help identify and recover stolen
9 assets linked to foreign government corruption and the
10 proceeds of such corruption hidden behind complex finan-
11 cial structures is needed in order to—

12 (1) intensify the global fight against corruption;

13 and

14 (2) serve United States efforts to identify and
15 recover such stolen assets, forfeit proceeds of such
16 corruption, and, where appropriate and feasible, re-

1 turn the stolen assets or proceeds thereof to the
2 country harmed by the acts of corruption.

3 **SEC. 9703. DEPARTMENT OF THE TREASURY KLEPTOCRACY**
4 **ASSET RECOVERY REWARDS PILOT PRO-**
5 **GRAM.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—There is established in the
8 Department of the Treasury a program to be known
9 as the “Kleptocracy Asset Recovery Rewards Pilot
10 Program” for the payment of rewards to carry out
11 the purposes of this section.

12 (2) PURPOSE.—The rewards program shall be
13 designed to support U.S. Government programs and
14 investigations aimed at restraining, seizing, for-
15 feiting, or repatriating stolen assets linked to foreign
16 government corruption and the proceeds of such cor-
17 ruption.

18 (3) IMPLEMENTATION.—The rewards program
19 shall be administered by the Secretary of the Treas-
20 ury, with the concurrence of the Secretary of State
21 and the Attorney General, and in consultation, as
22 appropriate, with the heads of such other depart-
23 ments and agencies as the Secretary may find ap-
24 propriate.

1 (b) REWARDS AUTHORIZED.—The Secretary of the
2 Treasury may, with the concurrence of the Secretary of
3 State and the Attorney General, and in consultation, as
4 appropriate, with the heads of other relevant Federal de-
5 partments and agencies, pay a reward to any individual,
6 if that individual furnishes information leading to—

7 (1) the restraining or seizure of stolen assets in
8 an account at a U.S. financial institution (including
9 a U.S. branch of a foreign financial institution), that
10 come within the United States, or that come within
11 the possession or control of any United States per-
12 son;

13 (2) the forfeiture of stolen assets in an account
14 at a U.S. financial institution (including a U.S.
15 branch of a foreign financial institution), that come
16 within the United States, or that come within the
17 possession or control of any United States person; or

18 (3) where appropriate, the repatriation of stolen
19 assets in an account at a U.S. financial institution
20 (including a U.S. branch of a foreign financial insti-
21 tution), that come within the United States, or that
22 come within the possession or control of any United
23 States person.

24 (c) PROCEDURES.—To ensure that the payment of
25 rewards pursuant to this section does not duplicate or

1 interfere with any other payment authorized by the De-
2 partment of Justice or other Federal agencies for the ob-
3 taining of information or other evidence, the Secretary of
4 the Treasury, in consultation with the Secretary of State,
5 the Attorney General, and the heads of such other agen-
6 cies as the Secretary may find appropriate, shall establish
7 procedures for the offering, administration, and payment
8 of rewards under this section, including procedures for—

9 (1) identifying actions with respect to which re-
10 wards will be offered;

11 (2) the receipt and analysis of data; and

12 (3) the payment of rewards and approval of
13 such payments.

14 (d) PAYMENT OF REWARDS.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—For
16 the purpose of paying rewards pursuant to this sec-
17 tion, there is authorized to be appropriated—

18 (A) \$450,000 for fiscal year 2021; and

19 (B) for each fiscal year, any amount, not
20 to exceed the amount recovered during the fis-
21 cal year in stolen assets described under sub-
22 section (b), that the Secretary determines is
23 necessary to carry out this program consistent
24 with this section.

1 (2) LIMITATION ON ANNUAL PAYMENTS.—Ex-
2 cept as provided under paragraph (3), the total
3 amount of rewards paid pursuant to this section
4 may not exceed \$25 million in any calendar year.

5 (3) PRESIDENTIAL AUTHORITY.—The President
6 may waive the limitation under paragraph (2) with
7 respect to a calendar year if the President provides
8 written notice of such waiver to the appropriate
9 committees of the Congress at least 30 days before
10 any payment in excess of such limitation is made
11 pursuant to this section.

12 (4) PRIORITY OF PAYMENTS.—In paying any
13 reward under this section, the Secretary shall, to the
14 extent possible, make such reward payment—

15 (A) first, from appropriated funds author-
16 ized under paragraph (1)(A); and

17 (B) second, from appropriated funds au-
18 thorized under paragraph (1)(B).

19 (e) LIMITATIONS.—

20 (1) SUBMISSION OF INFORMATION.—No award
21 may be made under this section based on informa-
22 tion submitted to the Secretary unless such informa-
23 tion is submitted under penalty of perjury.

1 (2) MAXIMUM AMOUNT.—No reward paid under
2 this section may exceed \$5 million, unless the Sec-
3 retary—

4 (A) personally authorizes such greater
5 amount in writing;

6 (B) determines that offer or payment of a
7 reward of a greater amount is necessary due to
8 the exceptional nature of the case; and

9 (C) notifies the appropriate committees of
10 the Congress of such determination.

11 (3) APPROVAL.—

12 (A) IN GENERAL.—No reward amount may
13 be paid under this section without the written
14 approval of the Secretary, with the concurrence
15 of the Secretary of State and the Attorney Gen-
16 eral.

17 (B) DELEGATION.—The Secretary may not
18 delegate the approval required under subpara-
19 graph (A) to anyone other than an Under Sec-
20 retary of the Department of the Treasury.

21 (4) PROTECTION MEASURES.—If the Secretary
22 determines that the identity of the recipient of a re-
23 ward or of the members of the recipient's immediate
24 family must be protected, the Secretary shall, con-
25 sistent with applicable law, take such measures in

1 connection with the payment of the reward as the
2 Secretary considers necessary to effect such protec-
3 tion.

4 (5) FORMS OF REWARD PAYMENT.—The Sec-
5 retary may make a reward under this section in the
6 form of a monetary payment.

7 (f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF
8 REWARD.—

9 (1) OFFICER AND EMPLOYEES.—An officer or
10 employee of any entity of Federal, State, or local
11 government or of a foreign government who, while in
12 the performance of official duties, furnishes informa-
13 tion described under subsection (b) shall not be eligi-
14 ble for a reward under this section.

15 (2) PARTICIPATING INDIVIDUALS.—If the claim
16 for a reward is brought by an individual who the
17 Secretary has a reasonable basis to believe know-
18 ingly planned, initiated, directly participated in, or
19 facilitated the actions that led to assets of a foreign
20 state or governmental entity being stolen, misappro-
21 priated, or illegally diverted or to the payment of
22 bribes or other foreign governmental corruption, the
23 Secretary shall appropriately reduce, and may deny,
24 such award. If such individual is convicted of crimi-
25 nal conduct arising from the role described in the

1 preceding sentence, the Secretary shall deny or may
2 seek to recover any reward, as the case may be.

3 (g) REPORT.—

4 (1) IN GENERAL.—Within 180 days of the en-
5 actment of this section, and annually thereafter for
6 3 years, the Secretary shall issue a report to the ap-
7 propriate committees of the Congress—

8 (A) detailing to the greatest extent possible
9 the amount, location, and ownership or bene-
10 ficial ownership of any stolen assets that, on or
11 after the date of the enactment of this section,
12 come within the United States or that come
13 within the possession or control of any United
14 States person;

15 (B) discussing efforts being undertaken to
16 identify more such stolen assets and their own-
17 ers or beneficial owners; and

18 (C) including a discussion of the inter-
19 actions of the Department of the Treasury with
20 the international financial institutions (as de-
21 fined in section 1701(c)(2) of the International
22 Financial Institutions Act) to identify the
23 amount, location, and ownership, or beneficial
24 ownership, of stolen assets held in financial in-
25 stitutions outside the United States.

1 (2) EXCEPTION.—The report issued under
2 paragraph (1) shall not include information related
3 to ongoing investigations or information related to
4 closed investigations that would reveal identities of
5 individuals not charged with a criminal offense,
6 would reveal identities of investigative sources or
7 methods, would reveal identities of witnesses, would
8 compromise subsequent investigations, or the disclo-
9 sure of which is otherwise prohibited by law, the
10 Federal Rules of Criminal Procedure, regulation, or
11 court order.

12 (h) REPORT ON DISPOSITION OF RECOVERED AS-
13 SETS.—Within 360 days of the enactment of this Act, the
14 Secretary of the Treasury, with the concurrence of the
15 Secretary of State and the Attorney General, shall issue
16 a report to the appropriate committees of Congress de-
17 scribing policy choices and recommendations for disposi-
18 tion of stolen assets recovered pursuant to this section.

19 (i) SUNSET OF PILOT PROGRAM.—The authorities
20 under this section, as well as the program established pur-
21 suant to this section, shall terminate three years after the
22 date of the enactment of this Act.

23 (j) DEFINITIONS.—For purposes of this section:

24 (1) APPROPRIATE COMMITTEES OF THE CON-
25 GRESS.—The term “appropriate committees of the

1 Congress” means the Committee on Financial Serv-
2 ices of the House of Representatives, the Committee
3 on Banking, Housing, and Urban Affairs of the Sen-
4 ate, the Committee on the Judiciary of the House of
5 Representatives, the Committee on the Judiciary of
6 the Senate, the Committee on Foreign Affairs of the
7 House of Representatives, and the Committee on
8 Foreign Relations of the Senate.

9 (2) FINANCIAL ASSET.—The term ‘financial
10 asset’ means any funds, investments, or ownership
11 interests, as defined by the Secretary, that on or
12 after the date of the enactment of this section come
13 within the United States or that come within the
14 possession or control of any United States person.

15 (3) FOREIGN GOVERNMENT CORRUPTION.—The
16 term “foreign government corruption” means cor-
17 ruption, as defined by the United Nations Conven-
18 tion Against Corruption.

19 (4) FOREIGN PUBLIC OFFICIAL.—The term
20 “foreign public official” includes any person who oc-
21 cupies a public office by virtue of having been elect-
22 ed, appointed, or employed, including any military,
23 civilian, special, honorary, temporary, or uncompen-
24 sated official.

1 (5) IMMEDIATE FAMILY MEMBER.—The term
2 “immediate family member”, with respect to an indi-
3 vidual, has the meaning given the term “member of
4 the immediate family” under section 36(k) of the
5 State Department Basic Authorities Act of 1956 (22
6 U.S.C. 2708(k)).

7 (6) REWARDS PROGRAM.—The term “rewards
8 program” means the program established in sub-
9 section (a)(1) of this section.

10 (7) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 (8) STOLEN ASSETS.—The term “stolen assets”
13 means financial assets within the jurisdiction of the
14 United States, constituting, derived from, or trace-
15 able to, any proceeds obtained directly or indirectly
16 from foreign government corruption.

17 **Subtitle B—Combating Russian**
18 **Money Laundering**

19 **SEC. 9711. SHORT TITLE.**

20 This subtitle may be cited as the “Combating Rus-
21 sian Money Laundering Act”.

22 **SEC. 9712. STATEMENT OF POLICY.**

23 It is the policy of the United States to—

24 (1) protect the United States financial sector
25 from abuse by malign actors; and

1 (2) use all available financial tools to counter
2 adversaries.

3 **SEC. 9713. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the efforts of the Government of the Rus-
6 sian Federation, Russian state-owned enterprises,
7 and Russian oligarchs to move and disguise the
8 source, ownership, location, or control of illicit funds
9 or value constitute money laundering;

10 (2) such money laundering efforts could assist
11 in the Russian Government's ongoing political and
12 economic influence and destabilization operations,
13 which in turn could affect United States and Euro-
14 pean democracy, national security, and rule of law;

15 (3) the Secretary of the Treasury should deter-
16 mine whether Russia and the financial institutions
17 through which the Russian Government, political
18 leaders, state-owned enterprises, and oligarchs laun-
19 der money are of primary money laundering concern;
20 and

21 (4) the Secretary of the Treasury should con-
22 sider the need for financial institutions and other
23 obligated entities to apply enhanced due diligence
24 measures to transactions with the Russian Govern-

1 ment, political leaders, state-owned enterprises, and
2 financial institutions.

3 **SEC. 9714. DETERMINATION WITH RESPECT TO PRIMARY**
4 **MONEY LAUNDERING CONCERN OF RUSSIAN**
5 **ILLICIT FINANCE.**

6 (a) DETERMINATION.—If the Secretary of the Treas-
7 ury determines that reasonable grounds exist for con-
8 cluding that one or more financial institutions operating
9 outside of the United States, or 1 or more classes of trans-
10 actions within, or involving, a jurisdiction outside of the
11 United States, or 1 or more types of accounts within, or
12 involving, a jurisdiction outside of the United States is of
13 primary money laundering concern in connection with
14 Russian illicit finance, the Secretary of the Treasury may,
15 by order, regulation, or otherwise as permitted by law—

16 (1) require domestic financial institutions and
17 domestic financial agencies to take 1 or more of the
18 special measures described in section 5318A(b) of
19 title 31, United States Code; or

20 (2) prohibit, or impose conditions upon, certain
21 transmittals of funds (to be defined by the Sec-
22 retary) by any domestic financial institution or do-
23 mestic financial agency, if such transmittal of funds
24 involves any such institution, class of transaction, or
25 type of account.

1 (b) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary of
4 the Treasury shall submit to the Committees on Fi-
5 nancial Services and Foreign Affairs of the House of
6 Representatives and the Committees on Banking,
7 Housing, and Urban Affairs and Foreign Relations
8 of the Senate a report that shall identify any addi-
9 tional regulations, statutory changes, enhanced due
10 diligence, and reporting requirements that are nec-
11 essary to better identify, prevent, and combat money
12 laundering linked to Russia, including related to—

13 (A) identifying the beneficial ownership of
14 anonymous companies;

15 (B) strengthening current, or enacting
16 new, reporting requirements and customer due
17 diligence requirements for the real estate sector,
18 law firms, and other trust and corporate service
19 providers;

20 (C) enhanced know-your-customer proce-
21 dures and screening for transactions involving
22 Russian political leaders, Russian state-owned
23 enterprises, and known Russian transnational
24 organized crime figures; and

1 (D) establishing a permanent solution to
2 collecting information nationwide to track own-
3 ership of real estate.

4 (2) FORMAT.—The report required under this
5 subsection shall be made available to the public, in-
6 cluding on the website of the Department of the
7 Treasury, but may contain a classified annex and be
8 accompanied by a classified briefing.

9 (c) SENSE OF CONGRESS ON INTERNATIONAL CO-
10 OPERATION.—It is the sense of the Congress that the Sec-
11 retary of the Treasury and other relevant cabinet members
12 (such as the Secretary of State, Secretary of Homeland
13 Security, and Attorney General) should work jointly with
14 European, E.U., and U.K. financial intelligence units,
15 trade transparency units, and appropriate law enforce-
16 ment authorities to present, both in the report required
17 under subsection (b) and in future analysis of suspicious
18 transaction reports, cash transaction reports, currency
19 and monetary instrument reports, and other relevant data
20 to identify trends and assess risks in the movement of il-
21 licit funds from Russia through the United States, British,
22 and European financial systems.

1 **Subtitle C—Other Matters**

2 **SEC. 9721. CERTIFIED NOTICE AT COMPLETION OF AN AS-**
3 **SESSMENT.**

4 (a) IN GENERAL.—Section 721(b)(3) of the Defense
5 Production Act of 1950 (50 U.S.C. 4565(b)(3)) is amend-
6 ed—

7 (1) in subparagraph (A)—

8 (A) in the heading, by adding “OR ASSESS-
9 MENT” at the end; and

10 (B) by striking “subsection (b) that con-
11 cludes action under this section” and inserting
12 “this subsection that concludes action under
13 this section, or upon the Committee making a
14 notification under paragraph
15 (1)(C)(v)(III)(aa)(DD)”;

16 (2) in subparagraph (C)(i)—

17 (A) in subclause (I), by striking “and” at
18 the end;

19 (B) in subclause (II), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(III) whether the transaction is
23 described under clause (i), (ii), (iii),
24 (iv), or (v) of subsection (a)(4)(B).”.

25 (b) TECHNICAL CORRECTIONS.—

1 (1) IN GENERAL.—Section 1727(a) of the For-
2 eign Investment Risk Review Modernization Act of
3 2018 (Public Law 115–232) is amended—

4 (A) in paragraph (3), by striking
5 “(4)(C)(v)” and inserting “(4)(F)”; and

6 (B) in paragraph (4), by striking “sub-
7 paragraph (B)” and inserting “subparagraph
8 (C)”.

9 (2) EFFECTIVE DATE.—The amendments under
10 paragraph (1) shall take effect on the date of enact-
11 ment of the Foreign Investment Risk Review Mod-
12 ernization Act of 2018.

13 **SEC. 9722. ENSURING CHINESE DEBT TRANSPARENCY.**

14 (a) UNITED STATES POLICY AT THE INTERNATIONAL
15 FINANCIAL INSTITUTIONS.—The Secretary of the Treas-
16 ury shall instruct the United States Executive Director at
17 each international financial institution (as defined in sec-
18 tion 1701(c)(2) of the International Financial Institutions
19 Act) that it is the policy of the United States to use the
20 voice and vote of the United States at the respective insti-
21 tution to seek to secure greater transparency with respect
22 to the terms and conditions of financing provided by the
23 government of the People’s Republic of China to any mem-
24 ber state of the respective institution that is a recipient

1 of financing from the institution, consistent with the rules
2 and principles of the Paris Club.

3 (b) REPORT REQUIRED.—The Chairman of the Na-
4 tional Advisory Council on International Monetary and Fi-
5 nancial Policies shall include in the annual report required
6 by section 1701 of the International Financial Institutions
7 Act—

8 (1) a description of progress made toward ad-
9 vancing the policy described in subsection (a) of this
10 section; and

11 (2) a discussion of financing provided by enti-
12 ties owned or controlled by the government of the
13 People’s Republic of China to the member states of
14 international financial institutions that receive fi-
15 nancing from the international financial institutions,
16 including any efforts or recommendations by the
17 Chairman to seek greater transparency with respect
18 to the former financing.

19 (c) SUNSET.—Subsections (a) and (b) of this section
20 shall have no force or effect after the earlier of—

21 (1) the date that is 7 years after the date of the
22 enactment of this Act; or

23 (2) 30 days after the date that the Secretary
24 reports to the Committee on Financial Services of
25 the House of Representatives and the Committee on

1 Foreign Relations of the Senate that the People's
2 Republic of China is in substantial compliance with
3 the rules and principles of the Paris Club.

4 **SEC. 9723. ACCOUNTABILITY FOR WORLD BANK LOANS TO**
5 **CHINA.**

6 (a) UNITED STATES SUPPORT FOR GRADUATION OF
7 CHINA FROM WORLD BANK ASSISTANCE.—

8 (1) IN GENERAL.—The United States Governor
9 of the International Bank for Reconstruction and
10 Development (in this section referred to as the
11 “IBRD”) shall instruct the United States Executive
12 Director at the IBRD that it is the policy of the
13 United States to—

14 (A) pursue the expeditious graduation of
15 the People's Republic of China from assistance
16 by the IBRD, consistent with the lending cri-
17 teria of the IBRD; and

18 (B) until the graduation of China from
19 IBRD assistance, prioritize projects in China
20 that contribute to global public goods, to the ex-
21 tent practicable.

22 (2) SUNSET.—Paragraph (1) shall have no
23 force or effect on or after the earlier of—

24 (A) the date that is 7 years after the date
25 of the enactment of this Act; or

1 (B) the date that the Secretary of the
2 Treasury reports to the Committee on Financial
3 Services of the House of Representatives and
4 the Committee on Foreign Relations of the Sen-
5 ate that termination of paragraph (1) is impor-
6 tant to the national interest of the United
7 States, with a detailed explanation of the rea-
8 sons therefor.

9 (b) ACCOUNTABILITY FOR WORLD BANK LOANS TO
10 THE PEOPLE'S REPUBLIC OF CHINA.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the
13 United States Governor of the IBRD shall submit
14 the report described in paragraph (2) to the Com-
15 mittee on Financial Services of the House of Rep-
16 resentatives and the Committee on Foreign Rela-
17 tions of the Senate.

18 (2) REPORT DESCRIBED.—The report described
19 in this paragraph shall include the following:

20 (A) A detailed description of the efforts of
21 the United States Governor of the IBRD to en-
22 force the timely graduation of countries from
23 the IBRD, with a particular focus on the ef-
24 forts with regard to the People's Republic of
25 China.

1 (B) If the People's Republic of China is a
2 member country of the IBRD, an explanation
3 of any economic or political factors that have
4 prevented the graduation of the People's Re-
5 public of China from the IBRD.

6 (C) A discussion of any effects resulting
7 from fungibility and IBRD lending to China,
8 including the potential for IBRD lending to
9 allow for funding by the government of the Peo-
10 ple's Republic of China of activities that may be
11 inconsistent with the national interest of the
12 United States.

13 (D) An action plan to help ensure that the
14 People's Republic of China graduates from the
15 IBRD within 2 years after submission of the
16 report, consistent with the lending eligibility cri-
17 teria of the IBRD.

18 (3) WAIVER OF REQUIREMENT THAT REPORT
19 INCLUDE ACTION PLAN.—The Secretary of the
20 Treasury may waive the requirement of paragraph
21 (2)(D) on reporting to the Committee on Financial
22 Services of the House of Representatives and the
23 Committee on Foreign Relations of the Senate that
24 the waiver is important to the national interest of

1 the United States, with a detailed explanation of the
2 reasons therefor.

3 (c) ENSURING DEBT TRANSPARENCY WITH RE-
4 SPECT TO THE BELT AND ROAD INITIATIVE.—Within 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of the Treasury shall, in consultation with the Sec-
7 retary of State, submit to the Committee on Financial
8 Services and the Committee on Foreign Affairs of the
9 House of Representatives and the Committee on Foreign
10 Relations of the Senate a report (which should be sub-
11 mitted in unclassified form but may include a classified
12 annex) that includes the following:

13 (1) An assessment of the level of indebtedness
14 of countries receiving assistance through the Belt
15 and Road Initiative that are also beneficiary coun-
16 tries of the international financial institutions, in-
17 cluding the level and nature of indebtedness to the
18 People's Republic of China or an entity owned or
19 controlled by the government of the People's Repub-
20 lic of China.

21 (2) An analysis of debt management assistance
22 provided by the World Bank, the International Mon-
23 etary Fund, and the Office of Technical Assistance
24 of the Department of the Treasury to borrowing
25 countries of the Belt and Road Initiative of the Peo-

1 ple's Republic of China (or any comparable initiative
2 or successor initiative of China).

3 (3) An assessment of the effectiveness of
4 United States efforts, including bilateral efforts and
5 multilateral efforts, at the World Bank, the Inter-
6 national Monetary Fund, other international finan-
7 cial institutions and international organizations to
8 promote debt transparency.

9 **SEC. 9724. FAIRNESS FOR TAIWAN NATIONALS REGARDING**
10 **EMPLOYMENT AT INTERNATIONAL FINAN-**
11 **CIAL INSTITUTIONS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) Taiwan is responsible for remarkable
15 achievements in economic and democratic develop-
16 ment, with its per capita gross domestic product ris-
17 ing in purchasing power parity terms from \$3,470 in
18 1980 to more than \$55,000 in 2018;

19 (2) the experience of Taiwan in creating a vi-
20 brant and advanced economy under democratic gov-
21 ernance and the rule of law can inform the work of
22 the international financial institutions, including
23 through the contributions and insights of Taiwan
24 nationals; and

1 (3) Taiwan nationals who seek employment at
2 the international financial institutions should not be
3 held at a disadvantage in hiring because the eco-
4 nomic success of Taiwan has rendered it ineligible
5 for financial assistance from such institutions.

6 (b) IN GENERAL.—The Secretary of the Treasury
7 shall instruct the United States Executive Director at each
8 international financial institution to use the voice and vote
9 of the United States to seek to ensure that Taiwan nation-
10 als are not discriminated against in any employment deci-
11 sion by the institution, including employment through con-
12 sulting or part-time opportunities, on the basis of—

13 (1) whether they are citizens or nationals of, or
14 holders of a passport issued by, a member country
15 of, or a state or other jurisdiction that receives as-
16 sistance from, the international financial institution;
17 or

18 (2) any other consideration that, in the deter-
19 mination of the Secretary, unfairly disadvantages
20 Taiwan nationals with respect to employment at the
21 institution.

22 (c) WAIVER AUTHORITY.—The Secretary of the
23 Treasury may waive subsection (b) for not more than 1
24 year at a time after reporting to the Committee on Finan-
25 cial Services of the House of Representatives and the

1 Committee on Foreign Relations of the Senate that pro-
2 viding the waiver—

3 (1) will substantially promote the objective of
4 equitable treatment for Taiwan nationals at the
5 international financial institutions; or

6 (2) is in the national interest of the United
7 States, with a detailed explanation of the reasons
8 therefor.

9 (d) PROGRESS REPORT.—The Chairman of the Na-
10 tional Advisory Council on International Monetary and Fi-
11 nancial Policies shall submit to the committees specified
12 in subsection (c) an annual report, in writing, that de-
13 scribes the progress made toward advancing the policy de-
14 scribed in subsection (b), and a summary of employment
15 trends with respect to Taiwan nationals at the inter-
16 national financial institutions.

17 (e) INTERNATIONAL FINANCIAL INSTITUTION DE-
18 FINED.—In this section, the term “international financial
19 institutions” has the meaning given the term in section
20 1701(c)(2) of the International Financial Institutions Act
21 (22 U.S.C. 262r(c)(2)).

22 (f) SUNSET.—The preceding provisions of this sec-
23 tion shall have no force or effect beginning on the earlier
24 of—

1 (1) the date that is 7 years after the date of the
2 enactment of this Act; or

3 (2) the date that the Secretary of the Treasury
4 reports to the committees specified in subsection (c)
5 that each international financial institution has
6 adopted the policy described in subsection (b).

7 **TITLE XCIX—CREATING HELP-**
8 **FUL INCENTIVES TO**
9 **PRODUCE SEMICONDUCTORS**
10 **FOR AMERICA**

Sec. 9901. Definitions.

Sec. 9902. Semiconductor incentives.

Sec. 9903. Department of Defense.

Sec. 9904. Department of Commerce study on status of microelectronics tech-
nologies in the United States industrial base.

Sec. 9905. Funding for development and adoption of measurably secure semi-
conductors and measurably secure semiconductors supply
chains.

Sec. 9906. Advanced microelectronics research and development.

Sec. 9907. Prohibition relating to foreign entities of concern.

Sec. 9908. Defense Production Act of 1950 efforts.

11 **SEC. 9901. DEFINITIONS.**

12 In this title:

13 (1) The term “appropriate committees of Con-
14 gress” means—

15 (A) the Select Committee on Intelligence,
16 the Committee on Energy and Natural Re-
17 sources, the Committee on Commerce, Science,
18 and Transportation, the Committee on Foreign
19 Relations, the Committee on Armed Services,
20 the Committee on Appropriations, the Com-

1 committee on Banking, Housing, and Urban Af-
2 fairs, the Committee on Homeland Security and
3 Governmental Affairs, and the Committee on
4 Finance of the Senate; and

5 (B) the Permanent Select committee on
6 Intelligence, the Committee on Energy and
7 Commerce, the Committee on Foreign Affairs,
8 the Committee on Armed Services, the Com-
9 mittee on Science, Space, and Technology, the
10 Committee on Appropriations, the Committee
11 on Financial Services, the Committee on Home-
12 land Security, and the Committee on Ways and
13 Means of the House of Representatives..

14 (2) The term “covered entity” means a private
15 entity, a consortium of private entities, or a consor-
16 tium of public and private entities with a dem-
17 onstrated ability to substantially finance, construct,
18 expand, or modernize a facility relating to fabrica-
19 tion, assembly, testing, advanced packaging, or re-
20 search and development of semiconductors.

21 (3) The term “covered incentive”:

22 (A) means an incentive offered by a gov-
23 ernmental entity to a covered entity for the pur-
24 poses of constructing within the jurisdiction of
25 the governmental entity, or expanding or mod-

1 ernizing an existing facility within that jurisdic-
2 tion, a facility described in paragraph (2); and

3 (B) a workforce-related incentive (includ-
4 ing a grant agreement relating to workforce
5 training or vocational education), any conces-
6 sion with respect to real property, funding for
7 research and development with respect to semi-
8 conductors, and any other incentive determined
9 appropriate by the Secretary, in consultation
10 with the Secretary of State.

11 (4) The term “person” includes an individual,
12 partnership, association, corporation, organization,
13 or any other combination of individuals.

14 (5) The term “foreign entity”—

15 (A) means—

16 (i) a government of a foreign country
17 and a foreign political party;

18 (ii) a natural person who is not a law-
19 ful permanent resident of the United
20 States, citizen of the United States, or any
21 other protected individual (as such term is
22 defined in section 274B(a)(3) of the Immi-
23 gration and Nationality Act (8 U.S.C.
24 1324b(a)(3)); or

1 (iii) a partnership, association, cor-
2 poration, organization, or other combina-
3 tion of persons organized under the laws of
4 or having its principal place of business in
5 a foreign country; and

6 (B) includes—

7 (i) any person owned by, controlled
8 by, or subject to the jurisdiction or direc-
9 tion of a an entity listed in subparagraph
10 (A);

11 (ii) any person, wherever located, who
12 acts as an agent, representative, or em-
13 ployee of an entity listed in subparagraph
14 (A);

15 (iii) any person who acts in any other
16 capacity at the order, request, or under the
17 direction or control, of an entity listed in
18 subparagraph (A), or of a person whose
19 activities are directly or indirectly super-
20 vised, directed, controlled, financed, or
21 subsidized in whole or in majority part by
22 an entity listed in subparagraph (A);

23 (iv) any person who directly or indi-
24 rectly through any contract, arrangement,
25 understanding, relationship, or otherwise,

1 owns 25 percent or more of the equity in-
2 terests of an entity listed in subparagraph
3 (A);

4 (v) any person with significant re-
5 sponsibility to control, manage, or direct
6 an entity listed in subparagraph (A);

7 (vi) any person, wherever located, who
8 is a citizen or resident of a country con-
9 trolled by an entity listed in subparagraph
10 (A); or

11 (vii) any corporation, partnership, as-
12 sociation, or other organization organized
13 under the laws of a country controlled by
14 an entity listed in subparagraph (A).

15 (6) The term “foreign entity of concern” means
16 any foreign entity that is—

17 (A) designated as a foreign terrorist orga-
18 nization by the Secretary of State under section
19 219 of the Immigration and Nationality Act (8
20 U.S.C. 1189);

21 (B) included on the list of specially des-
22 ignated nationals and blocked persons main-
23 tained by the Office of Foreign Assets Control
24 of the Department of the Treasury;

1 (C) owned by, controlled by, or subject to
2 the jurisdiction or direction of a government of
3 a foreign country that is listed in section 2533c
4 of title 10, United States Code; or

5 (D) alleged by the Attorney General to
6 have been involved in activities for which a con-
7 viction was obtained under—

8 (i) chapter 37 of title 18, United
9 States Code (commonly known as the “Es-
10 pionage Act”) (18 U.S.C. 792 et seq.);

11 (ii) section 951 or 1030 of title 18,
12 United States Code;

13 (iii) chapter 90 of title 18, United
14 States Code (commonly known as the
15 “Economic Espionage Act of 1996”);

16 (iv) the Arms Export Control Act (22
17 U.S.C. 2751 et seq.);

18 (v) sections 224, 225, 226, 227, or
19 236 of the Atomic Energy Act of 1954 (42
20 U.S.C. 2274–2278; 2284);

21 (vi) the Export Control Reform Act of
22 2018 (50 U.S.C. 4801 et seq.); or

23 (vii) the International Economic
24 Emergency Powers Act (50 U.S.C. 1701 et
25 seq.); or

1 (E) determined by the Secretary, in con-
2 sultation with the Secretary of Defense and the
3 Director of National Intelligence, to be engaged
4 in unauthorized conduct that is detrimental to
5 the national security or foreign policy of the
6 United States under this Act.

7 (7) The term “governmental entity” means a
8 State or local government.

9 (8) The term “Secretary” means the Secretary
10 of Commerce.

11 (9) The term “semiconductor” has the meaning
12 given that term by the Secretary.

13 **SEC. 9902. SEMICONDUCTOR INCENTIVES.**

14 (a) FINANCIAL ASSISTANCE PROGRAM.—

15 (1) IN GENERAL.—The Secretary shall establish
16 in the Department of Commerce a program that, in
17 accordance with the requirements of this section and
18 subject to the availability of appropriations for such
19 purposes, provides Federal financial assistance to
20 covered entities to incentivize investment in facilities
21 and equipment in the United States for semicon-
22 ductor fabrication, assembly, testing, advanced pack-
23 aging, or research and development.

24 (2) PROCEDURE.—

1 (A) IN GENERAL.—A covered entity shall
2 submit to the Secretary an application that de-
3 scribes the project for which the covered entity
4 is seeking financial assistance under this sec-
5 tion.

6 (B) ELIGIBILITY.—In order for a covered
7 entity to qualify for financial assistance under
8 this section, the covered entity shall dem-
9 onstrate to the Secretary, in the application
10 submitted by the covered entity under subpara-
11 graph (A), that—

12 (i) the covered entity has a docu-
13 mented interest in constructing, expanding,
14 or modernizing a facility described in para-
15 graph (1); and

16 (ii) with respect to the project de-
17 scribed in clause (i), the covered entity
18 has—

19 (I) been offered a covered incen-
20 tive;

21 (II) made commitments to work-
22 er and community investment, includ-
23 ing through—

1 (aa) training and education
2 benefits paid by the covered enti-
3 ty; and

4 (bb) programs to expand
5 employment opportunity for eco-
6 nomically disadvantaged individ-
7 uals; and

8 (III) secured commitments from
9 regional educational and training enti-
10 ties and institutions of higher edu-
11 cation to provide workforce training,
12 including programming for training
13 and job placement of economically dis-
14 advantaged individuals; and

15 (IV) an executable plan to sus-
16 tain the facility described in clause (i)
17 without additional Federal financial
18 assistance under this subsection for
19 facility support.

20 (C) CONSIDERATIONS FOR REVIEW.—With
21 respect to the review by the Secretary of an ap-
22 plication submitted by a covered entity under
23 subparagraph (A)—

24 (i) the Secretary may not approve the
25 application unless the Secretary—

1 (I) confirms that the covered en-
2 tity has satisfied the eligibility criteria
3 under subparagraph (B);

4 (II) determines that the project
5 to which the application relates is in
6 the interest of the United States; and

7 (III) has notified the appropriate
8 committees of Congress not later than
9 15 days before making any commit-
10 ment to provide a grant to any cov-
11 ered entity that exceeds \$10,000,000;
12 and

13 (ii) the Secretary may consider wheth-
14 er—

15 (I) the covered entity has pre-
16 viously received financial assistance
17 made under this subsection;

18 (II) the governmental entity of-
19 fering the applicable covered incentive
20 has benefitted from financial assist-
21 ance previously provided under this
22 subsection;

23 (III) the covered entity has dem-
24 onstrated that they are responsive to
25 the national security needs or require-

1 ments established by the Intelligence
2 Community (or an agency thereof),
3 the National Nuclear Security Admin-
4 istration, or the Department of De-
5 fense; and

6 (IV) when practicable, a consor-
7 tium that is considered a covered enti-
8 ty includes a small business concern,
9 as defined under section 3 of the
10 Small Business Act (15 U.S.C. 632),
11 notwithstanding section 121.103 of
12 title 13, Code of Federal Regulations;
13 and

14 (iii) the Secretary may not approve an
15 application if the Secretary determines
16 that the covered entity is a foreign entity
17 of concern.

18 (D) RECORDS.—The Secretary may re-
19 quest records and information from the appli-
20 cant to review the status of a covered entity.
21 The applicant shall provide the records and in-
22 formation requested by the Secretary.

23 (3) AMOUNT.—

24 (A) IN GENERAL.—The Secretary shall de-
25 termine the appropriate amount and funding

1 type for each financial assistance award made
2 to a covered entity under this subsection.

3 (B) LARGER INVESTMENT.—Federal in-
4 vestment in any individual project shall not ex-
5 ceed \$3,000,000,000 unless the Secretary, in
6 consultation with the Secretary of Defense and
7 the Director of National Intelligence, rec-
8 ommends to the President, and the President
9 certifies and reports to the appropriate commit-
10 tees of Congress, that a larger investment is
11 necessary to—

12 (i) significantly increase the propor-
13 tion of reliable domestic supply of semi-
14 conductors relevant for national security
15 and economic competitiveness that can be
16 met through domestic production; and

17 (ii) meet the needs of national secu-
18 rity.

19 (4) USE OF FUNDS.—A covered entity that re-
20 ceives a financial assistance award under this sub-
21 section may only use the financial assistance award
22 amounts to—

23 (A) finance the construction, expansion, or
24 modernization of a facility or equipment to be
25 used for semiconductors described in paragraph

1 (1), as documented in the application submitted
2 by the covered entity under paragraph (2)(B),
3 as determined necessary by the Secretary for
4 purposes relating to the national security and
5 economic competitiveness of the United States;

6 (B) support workforce development for a
7 facility described in subparagraph (A);

8 (C) support site development and mod-
9 ernization for a facility described in subpara-
10 graph (A); and

11 (D) pay reasonable costs related to the op-
12 erating expenses for a facility described in sub-
13 paragraph (A), including specialized workforce,
14 essential materials, and complex equipment
15 maintenance, as determined by the Secretary.

16 (5) CLAWBACK.—

17 (A) TARGET DATES.—For all major
18 awards to covered entities, the Secretary
19 shall—

20 (i) determine target dates by which a
21 project shall commence and complete; and

22 (ii) set these dates by the time of
23 award.

24 (B) PROGRESSIVE RECOVERY FOR
25 DELAYS.—If the project does not commence

1 and complete by the set target dates in (A), the
2 Secretary shall progressively recover up to the
3 full amount of an award provided to a covered
4 entity under this subsection.

5 (C) TECHNOLOGY CLAWBACK.—The Sec-
6 retary shall recover the full amount of an award
7 provided to a covered entity under this sub-
8 section if, during the applicable term with re-
9 spect to the award, the covered entity know-
10 ingly engages in any joint research or tech-
11 nology licensing effort—

12 (i) with a foreign entity of concern;

13 and

14 (ii) that relates to a technology or
15 product that raises national security con-
16 cerns, as determined by the Secretary and
17 communicated to the covered entity before
18 engaging in such joint research or tech-
19 nology licensing.

20 (D) WAIVER.—In the case of delayed
21 projects, the Secretary may waive elements of
22 the clawback provisions incorporated in each
23 major award after—

24 (i) making a formal determination
25 that circumstances beyond the ability of

1 the covered entity to foresee or control are
2 responsible for delays; and

3 (ii) submitting congressional notifica-
4 tion.

5 (E) CONGRESSIONAL NOTIFICATION.—The
6 Secretary shall notify appropriate committees of
7 Congress—

8 (i) of the clawback provisions attend-
9 ing each such major award; and

10 (ii) of any waivers provided, not later
11 than 15 days after the date on which such
12 a waiver was provided.

13 (b) COORDINATION REQUIRED.—In carrying out the
14 program established under subsection (a), the Secretary
15 shall coordinate with the Secretary of State, the Secretary
16 of Defense, the Secretary of Homeland Security, the Sec-
17 retary of Energy, and the Director of National Intel-
18 ligence.

19 (c) GAO REVIEWS.—The Comptroller General of the
20 United States shall—

21 (1) not later than 2 years after the date of dis-
22 bursement of the first financial award under sub-
23 section (a), and biennially thereafter for 10 years,
24 conduct a review of the program established under
25 subsection (a), which shall include, at a minimum—

1 (A) a determination of the number of in-
2 stances in which financial assistance awards
3 were provided under that subsection during the
4 period covered by the review;

5 (B) an evaluation of how—

6 (i) the program is being carried out,
7 including how recipients of financial assist-
8 ance awards are being selected under the
9 program; and

10 (ii) other Federal programs are lever-
11 aged for manufacturing, research, and
12 training to complement the financial assist-
13 ance awards awarded under the program;
14 and

15 (C) a description of the outcomes of
16 projects supported by awards made under the
17 program, including a description of—

18 (i) facilities described in subsection
19 (a)(1) that were constructed, expanded, or
20 modernized as a result of awards made
21 under the program;

22 (ii) research and development carried
23 out with awards made under the program;

24 (iii) workforce training programs car-
25 ried out with awards made under the pro-

1 gram, including efforts to hire individuals
2 from disadvantaged populations; and
3 (iv) the impact of projects on the
4 United States share of global microelec-
5 tronics production; and
6 (2) submit to the appropriate committees of
7 Congress the results of each review conducted under
8 paragraph (1).

9 **SEC. 9903. DEPARTMENT OF DEFENSE.**

10 (a) DEPARTMENT OF DEFENSE EFFORTS.—

11 (1) IN GENERAL.—Subject to the availability of
12 appropriations for such purposes, the Secretary of
13 Defense, in consultation with the Secretary of Com-
14 merce, the Secretary of Energy, the Secretary of
15 Homeland Security, and the Director of National In-
16 telligence, shall establish a public-private partnership
17 through which the Secretary shall work to
18 incentivize the formation of one or more consortia of
19 companies (or other such partnerships of private-sec-
20 tor entities, as appropriate) to ensure the develop-
21 ment and production of measurably secure micro-
22 electronics, including integrated circuits, logic de-
23 vices, memory, and the packaging and testing prac-
24 tices that support these microelectronic components
25 by the Department of Defense, the intelligence com-

1 munity, critical infrastructure sectors, and other na-
2 tional security applications. Such incentives may in-
3 clude the use of grants under section 9902, and pro-
4 viding incentives for the creation, expansion, or mod-
5 ernization of one or more commercially competitive
6 and sustainable microelectronics manufacturing or
7 advanced research and development facilities in the
8 United States.

9 (2) RISK MITIGATION REQUIREMENTS.—A par-
10 ticipant in a consortium formed with incentives
11 under paragraph (1)—

12 (A) shall have the potential to enable de-
13 sign, perform fabrication, assembly, package, or
14 test functions for microelectronics deemed crit-
15 ical to national security as defined by the Na-
16 tional Security Advisor and the Secretary of
17 Defense;

18 (B) may be a fabless company migrating
19 its designs to the facility envisioned in para-
20 graph (1) or migrating to an existing facility
21 onshore;

22 (C) may be companies, including fabless
23 companies and companies that procure large
24 quantities of microelectronics, willing to co-in-

1 vest to achieve the objectives set forth in para-
2 graph (1);

3 (D) shall include management processes to
4 identify and mitigate supply chain security
5 risks; and

6 (E) shall be capable of providing microelec-
7 tronic components that are consistent with ap-
8 plicable measurably secure supply chain and
9 operational security standards established under
10 section 224(b) of the National Defense Author-
11 ization Act for Fiscal Year 2020 (Public Law
12 116–92).

13 (3) NATIONAL SECURITY CONSIDERATIONS.—
14 The Secretary of Defense and the Director of Na-
15 tional Intelligence shall select participants for each
16 consortium and or partnership formed with incen-
17 tives under paragraph (1). In selecting such partici-
18 pants, the Secretary and the Director may jointly
19 consider whether the companies—

20 (A) have participated in previous programs
21 and projects of the Department of Defense, De-
22 partment of Energy, or the intelligence commu-
23 nity, including—

1 (i) the Trusted Integrated Circuit pro-
2 gram of the Intelligence Advanced Re-
3 search Projects Activity;

4 (ii) trusted and assured microelec-
5 tronics projects, as administered by the
6 Department of Defense;

7 (iii) the Electronics Resurgence Initia-
8 tive program of the Defense Advanced Re-
9 search Projects Agency; or

10 (iv) relevant semiconductor research
11 programs of the Advanced Research
12 Projects Agency–Energy;

13 (B) have demonstrated an ongoing com-
14 mitment to performing contracts for the De-
15 partment of Defense and the intelligence com-
16 munity;

17 (C) are approved by the Defense Counter-
18 intelligence and Security Agency or the Office
19 of the Director of National Intelligence as pre-
20 senting an acceptable security risk, taking into
21 account supply chain assurance vulnerabilities,
22 counterintelligence risks, and any risks pre-
23 sented by companies whose beneficial owners
24 are located outside the United States; and

1 (D) are evaluated periodically for foreign
2 ownership, control, or influence by a foreign en-
3 tity of concern.

4 (4) NONTRADITIONAL DEFENSE CONTRACTORS
5 AND COMMERCIAL ENTITIES.—Arrangements en-
6 tered into to carry out paragraph (1) shall be in
7 such form as the Secretary of Defense determines
8 appropriate to encourage industry participation of
9 nontraditional defense contractors or commercial en-
10 tities and may include a contract, a grant, a cooper-
11 ative agreement, a commercial agreement, the use of
12 other transaction authority under section 2371 of
13 title 10, United States Code, or another such ar-
14 rangement.

15 (5) IMPLEMENTATION.—Subject to the avail-
16 ability of appropriations for such purposes, the Sec-
17 retary of Defense—

18 (A) shall carry out paragraph (1) jointly
19 through the Office of the Under Secretary of
20 Defense for Research and Engineering and the
21 Office of the Under Secretary of Defense for
22 Acquisition and Sustainment; and

23 (B) may carry out paragraph (1) in col-
24 laboration with any such other component of

1 the Department of Defense as the Secretary of
2 Defense considers appropriate.

3 (6) OTHER INITIATIVES.—

4 (A) REQUIRED INITIATIVES.—Subject to
5 the availability of appropriations for such pur-
6 poses, the Secretary of Defense, in consultation
7 with the Secretary of Energy and the Adminis-
8 trator of the National Nuclear Security Admin-
9 istration, as appropriate, may dedicate initia-
10 tives within the Department of Defense to carry
11 out activities to advance radio frequency, mixed
12 signal, radiation tolerant, and radiation hard-
13 ened microelectronics that support national se-
14 curity and dual-use applications.

15 (B) SUPPORT PLAN REQUIRED.—The Sec-
16 retary of Defense, in consultation with the
17 heads of appropriate departments and agencies
18 of the Federal Government, shall develop a
19 plan, including assessment of resource require-
20 ments and designation of responsible officials,
21 for the maintenance of capabilities to produce
22 trusted and assured microelectronics to support
23 current and legacy defense systems, other gov-
24 ernment systems essential for national security,
25 and critical infrastructure of the United States,

1 especially for items with otherwise limited com-
2 mercial demand.

3 (C) ASSESSMENT OF PUBLIC PRIVATE
4 PARTNERSHIPS AND ACTIVITIES.—In conjunc-
5 tion with the activities carried out under this
6 section, the Secretary of Defense shall enter
7 into an agreement with the National Academies
8 of Science, Engineering, and Medicine to under-
9 take a study to make recommendations and
10 provide policy options for optimal public-private
11 partnerships and partnership activities, includ-
12 ing an analysis of establishing a semiconductor
13 manufacturing corporation to leverage private
14 sector technical, managerial, and investment ex-
15 pertise, and private capital, as well as an as-
16 sessment of and response to the industrial poli-
17 cies of other nations to support industries in
18 similar critical technology sectors, and deliver
19 such study to the congressional defense commit-
20 tees not later than October 1, 2022.

21 (7) REPORTS.—

22 (A) REPORT BY SECRETARY OF DE-
23 FENSE.—Not later than 90 days after the date
24 of the enactment of this Act, the Secretary of
25 Defense shall submit to Congress a report on

1 the plans of the Secretary to carry out para-
2 graphs (1) and (6).

3 (B) BIENNIAL REPORTS BY COMPTROLLER
4 GENERAL OF THE UNITED STATES.—Not later
5 than one year after the date on which the Sec-
6 retary submits the report required by subpara-
7 graph (A) and not less frequently than once
8 every two years thereafter for a period of 10
9 years, the Comptroller General of the United
10 States shall submit to Congress a report on the
11 activities carried out under this subsection.

12 (b) NATIONAL NETWORK FOR MICROELECTRONICS
13 RESEARCH AND DEVELOPMENT.—

14 (1) IN GENERAL.—Subject to the availability of
15 appropriations for such purposes, the Secretary of
16 Defense may establish a national network for micro-
17 electronics research and development—

18 (A) to enable the laboratory to fabrication
19 transition of microelectronics innovations in the
20 United States; and

21 (B) to expand the global leadership in
22 microelectronics of the United States.

23 (2) ACTIVITIES.—The national network for
24 microelectronics research and development shall—

1 (A) enable cost effective exploration of new
2 materials, devices, and architectures, and proto-
3 typing in domestic facilities to safeguard do-
4 mestic intellectual property;

5 (B) accelerate the transition of new tech-
6 nologies to domestic microelectronics manufac-
7 turers; and

8 (C) conduct other relevant activities
9 deemed necessary by the Secretary of Defense
10 for accomplishing the purposes of the national
11 network for microelectronics research and devel-
12 opment.

13 **SEC. 9904. DEPARTMENT OF COMMERCE STUDY ON STATUS**
14 **OF MICROELECTRONICS TECHNOLOGIES IN**
15 **THE UNITED STATES INDUSTRIAL BASE.**

16 (a) IN GENERAL.—Beginning not later than 180
17 days after the date of the enactment of this Act, the Sec-
18 retary, in consultation with the heads of other Federal de-
19 partments and agencies, as appropriate, including the Sec-
20 retary of Defense, Secretary of Homeland Security, and
21 the Secretary of Energy, shall undertake a review, which
22 shall include a survey, using authorities in section 705 of
23 the Defense Production Act of 1950 (50 U.S.C. 4555),
24 to assess the capabilities of the United States industrial
25 base to support the national defense in light of the global

1 nature of the supply chain and significant interdepend-
2 encies between the United States industrial base and the
3 industrial bases of foreign countries with respect to the
4 manufacture, design, and end use of microelectronics.

5 (b) RESPONSE TO SURVEY.—To the extent author-
6 ized by section 705 of the Defense Production Act of 1950
7 (50 U.S.C. 4555) and section 702 of title 15, Code of Fed-
8 eral Regulations, the Secretary shall ensure all relevant
9 potential respondents reply to the survey, including the
10 following:

11 (1) Corporations, partnerships, associations, or
12 any other organized groups domiciled and with sub-
13 stantial operations in the United States.

14 (2) Corporations, partnerships, associations, or
15 any other organized groups with a physical presence
16 of any kind in the United States.

17 (3) Foreign domiciled corporations, partner-
18 ships, associations, or any other organized groups
19 with a physical presence of any kind in the United
20 States.

21 (c) INFORMATION REQUESTED.—To the extent au-
22 thorized by section 705 of the Defense Production Act of
23 1950 (50 U.S.C. 4555) and section 702 of title 15, Code
24 of Federal Regulations, the information sought from a re-
25 sponding entity specified in subsection (b) shall include,

1 at minimum, information on the following with respect to
2 the manufacture, design, or end use of microelectronics
3 by such entity:

4 (1) An identification of the geographic scope of
5 operations.

6 (2) Information on relevant cost structures.

7 (3) An identification of types of microelec-
8 tronics development, manufacture, assembly, test,
9 and packaging equipment in operation at such an
10 entity.

11 (4) An identification of all relevant intellectual
12 property, raw materials, and semi-finished goods and
13 components sourced domestically and abroad by
14 such an entity.

15 (5) Specifications of the microelectronics manu-
16 factured or designed by such an entity, descriptions
17 of the end-uses of such microelectronics, and a de-
18 scription of any technical support provided to end-
19 users of such microelectronics by such an entity.

20 (6) Information on domestic and export market
21 sales by such an entity.

22 (7) Information on the financial performance,
23 including income and expenditures, of such an enti-
24 ty.

1 (8) A list of all foreign and domestic subsidies,
2 and any other financial incentives, received by such
3 an entity in each market in which such entity oper-
4 ates.

5 (9) A list of regulatory or other informational
6 requests about the respondents' operations, sales, or
7 other proprietary information by the People's Re-
8 public of China entities under its direction or offi-
9 cials of the Chinese Communist Party, a description
10 of the nature of each request, and the type of infor-
11 mation provided.

12 (10) Information on any joint ventures, tech-
13 nology licensing agreements, and cooperative re-
14 search or production arrangements of such an enti-
15 ty.

16 (11) A description of efforts by such an entity
17 to evaluate and control supply chain risks.

18 (12) A list and description of any sales, licens-
19 ing agreements, or partnerships between such an en-
20 tity and the People's Liberation Army or People's
21 Armed Police, including any business relationships
22 with entities through which such sales, licensing
23 agreements, or partnerships may occur.

24 (d) REPORT.—

1 (1) IN GENERAL.—The Secretary shall, in con-
2 sultation with the heads of other appropriate Fed-
3 eral departments and agencies, as appropriate, in-
4 cluding the Secretary of Defense, Secretary of
5 Homeland Security, and Secretary of Energy, sub-
6 mit to Congress a report on the results of the review
7 required by subsection (a). The report shall include
8 the following:

9 (A) An assessment of the results of the re-
10 view.

11 (B) A list of critical technology areas im-
12 pacted by potential disruptions in production of
13 microelectronics, and a detailed description and
14 assessment of the impact of such potential dis-
15 ruptions on such areas.

16 (C) A description and assessment of gaps
17 and vulnerabilities in the microelectronics sup-
18 ply chain and the national industrial supply
19 base.

20 (2) FORM.—The report required by paragraph
21 (1) may be submitted in classified form.

1 **SEC. 9905. FUNDING FOR DEVELOPMENT AND ADOPTION**
2 **OF MEASURABLY SECURE SEMICONDUCTORS**
3 **AND MEASURABLY SECURE SEMICONDUCTOR**
4 **TORS SUPPLY CHAINS.**

5 (a) MULTILATERAL SEMICONDUCTORS SECURITY
6 FUND.—

7 (1) ESTABLISHMENT OF FUND.—The Secretary
8 of the Treasury is authorized to establish a trust
9 fund, to be known as the “Multilateral Semiconduc-
10 tors Security Fund” (in this section referred to as
11 the “Fund”), consisting of any appropriated funds
12 credited to the Fund for such purpose.

13 (2) REPORTING REQUIREMENT.—If the Fund
14 authorized under subsection (a)(1) is not estab-
15 lished, 180 days after the date of the enactment of
16 this Act and annually thereafter until such Fund is
17 established, the Secretary of the Treasury, in coordi-
18 nation with the Secretary of State, shall provide, in
19 writing, to the appropriate committees of Congress
20 a rationale for not establishing the Fund.

21 (3) INVESTMENT OF AMOUNTS.—

22 (A) INVESTMENT OF AMOUNTS.—If the
23 Fund authorized under subsection (a)(1) is es-
24 tablished, the Secretary of the Treasury shall
25 invest such portion of the Fund as is not re-
26 quired to meet current withdrawals in interest-

1 bearing obligations of the United States or in
2 obligations guaranteed as to both principal and
3 interest by the United States.

4 (B) INTEREST AND PROCEEDS.—The in-
5 terest on, and the proceeds from the sale or re-
6 demption of, any obligations held in the Fund
7 shall be credited to and form a part of the
8 Fund.

9 (4) USE OF FUND.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), amounts in the Fund shall be avail-
12 able, as provided in advance in an appropria-
13 tions Act, to the Secretary of State—

14 (i) to provide funding through the
15 common funding mechanism described in
16 subsection (b)(1) to support the develop-
17 ment and adoption of measurably secure
18 semiconductors and measurably secure
19 semiconductors supply chains; and

20 (ii) to otherwise carry out this section.

21 (B) AVAILABILITY CONTINGENT ON INTER-
22 NATIONAL ARRANGEMENT OR AGREEMENT.—

23 (i) IN GENERAL.—Amounts in the
24 Fund shall be available to the Secretary of
25 State, subject to appropriation, on and

1 after the date on which the Secretary of
2 State enters into an arrangement or agree-
3 ment with the governments of countries
4 that are partners of the United States to
5 participate in the common funding mecha-
6 nism under paragraph (1) of subsection
7 (b).

8 (ii) CONSULTATION.—Before entering
9 into an arrangement or agreement as de-
10 scribed clause (i), the Secretary of State,
11 in consultation with the Secretary of Com-
12 merce, shall ensure any partner govern-
13 ment maintains export control licensing
14 policies on semiconductor technology sub-
15 stantively equivalent to the United States
16 with respect to restrictions on such exports
17 to the People’s Republic of China.

18 (b) COMMON FUNDING MECHANISM FOR DEVELOP-
19 MENT AND ADOPTION OF MEASURABLY SECURE SEMI-
20 CONDUCTORS AND MEASURABLY SECURE SEMICONDUCTOR
21 SUPPLY CHAINS.—

22 (1) IN GENERAL.—The Secretary of State, in
23 consultation with the Secretary of Commerce, the
24 Secretary of Defense, the Secretary of Homeland Se-
25 curity, the Secretary of the Treasury, the Secretary

1 of Energy, and the Director of National Intelligence,
2 is authorized to establish a common funding mecha-
3 nism, in coordination with foreign partners, that
4 uses amounts from the Fund to support the develop-
5 ment and adoption of secure semiconductors and se-
6 cure semiconductors supply chains, including for use
7 in research and development collaborations among
8 partner countries participating in the common fund-
9 ing mechanism. In establishing and sustaining a
10 common funding mechanism, the Secretary of State
11 should leverage United States funding in order to
12 secure contributions and commitments from trusted
13 foreign partners, including cost sharing and other
14 cooperative measures leading to the development and
15 adoption of secure semiconductors and secure micro-
16 electronic supply chains.

17 (2) COMMITMENTS.—In creating and sustaining
18 a common funding mechanism described in para-
19 graph (1), the Secretary of State should promote ef-
20 forts among foreign partners to—

21 (A) establish transparency requirements
22 for any subsidies or other financial benefits (in-
23 cluding revenue foregone) provided to semi-
24 conductors firms located in or outside such
25 countries;

1 (B) establish consistent policies with re-
2 spect to countries that—

3 (i) are not participating in the com-
4 mon funding mechanism; and

5 (ii) do not meet transparency require-
6 ments established under subparagraph (A);

7 (C) promote harmonized treatment of
8 semiconductors and verification processes for
9 items being exported to a country considered a
10 national security risk by a country participating
11 in the common funding mechanism;

12 (D) establish consistent policies and com-
13 mon external policies to address nonmarket
14 economies as the behavior of such countries
15 pertains to semiconductors;

16 (E) align policies on supply chain integrity
17 and semiconductors security, including with re-
18 spect to protection and enforcement of intellec-
19 tual property rights; and

20 (F) promote harmonized foreign direct in-
21 vestment screening measures and export control
22 policies with respect to semiconductors to align
23 with national, multilateral, and plurilateral se-
24 curity priorities.

1 (c) ANNUAL REPORT TO CONGRESS.—Not later than
2 one year after the date of the enactment of this Act, and
3 annually thereafter for each fiscal year during which
4 amounts in the Fund are available under subsection
5 (a)(4), the Secretary of State shall submit to the appro-
6 priate committees of Congress a report on the status of
7 the implementation of this section that includes a descrip-
8 tion of—

9 (1) any commitments made by the governments
10 of countries that have entered into an arrangement
11 or agreement with the United States to provide
12 funding for the common funding mechanism de-
13 scribed in subsection (b)(1) and the specific amount
14 so committed and other cooperative measures being
15 taken by such countries as part of the common
16 funding mechanism;

17 (2) the criteria established for expenditure of
18 funds through the common funding mechanism;

19 (3) how, and to whom, amounts have been ex-
20 pended from the Fund and a description of progress
21 made utilizing the Fund to support the objectives
22 described in subsection (b)(1);

23 (4) amounts remaining in the Fund;

24 (5) the progress of the Secretary of State to-
25 ward entering into an arrangement or agreement

1 with the governments of countries that are partners
2 of the United States to participate in the common
3 funding mechanism and the commitments described
4 in subsection (b)(2); and

5 (6) any additional authorities needed to en-
6 hance the effectiveness of the Fund in achieving the
7 security goals of the United States.

8 (d) NOTIFICATIONS TO BE PROVIDED BY THE
9 FUND.—

10 (1) IN GENERAL.—Not later than 15 days prior
11 to the Fund making a financial commitment associ-
12 ated with the provision of expenditures under sub-
13 section (a)(4)(A) in an amount in excess of
14 \$1,000,000, the Secretary of State shall submit to
15 the appropriate committees of Congress report in
16 writing that contains the information required by
17 paragraph (2).

18 (2) INFORMATION REQUIRED.—The information
19 required by this subsection includes—

20 (A) the amount of each such expenditure;

21 (B) an identification of the recipient or
22 beneficiary; and

23 (C) a description of the project or activity
24 and the purpose to be achieved by an expendi-
25 ture of the Fund.

1 (3) ARRANGEMENTS OR AGREEMENTS.—The
2 Secretary of State shall notify the appropriate com-
3 mittees of Congress not later than 30 days after en-
4 tering into a new bilateral or multilateral arrange-
5 ment or agreement described in subsection
6 (a)(4)(B).

7 **SEC. 9906. ADVANCED MICROELECTRONICS RESEARCH**
8 **AND DEVELOPMENT.**

9 (a) SUBCOMMITTEE ON MICROELECTRONICS LEAD-
10 ERSHIP.—

11 (1) ESTABLISHMENT REQUIRED.—The Presi-
12 dent shall establish in the National Science and
13 Technology Council a subcommittee on matters re-
14 lating to leadership and competitiveness of the
15 United States in microelectronics technology and in-
16 novation (in this section referred to as the “Sub-
17 committee”).

18 (2) MEMBERSHIP.—The Subcommittee shall be
19 composed of the following members:

20 (A) The Secretary of Defense.

21 (B) The Secretary of Energy.

22 (C) The Director of the National Science
23 Foundation.

24 (D) The Secretary of Commerce.

25 (E) The Secretary of State.

1 (F) The Secretary of Homeland Security.

2 (G) The United States Trade Representa-
3 tive.

4 (H) The Director of National Intelligence.

5 (I) The heads of such other departments
6 and agencies of the Federal Government as the
7 President determines appropriate.

8 (3) DUTIES.—The duties of the Subcommittee
9 are as follows:

10 (A) NATIONAL STRATEGY ON MICROELEC-
11 TRONICS RESEARCH.—

12 (i) IN GENERAL.—In consultation
13 with the advisory committee established in
14 (b), and other appropriate stakeholders in
15 the microelectronics industry and aca-
16 demia, the Subcommittee shall develop a
17 national strategy on microelectronics re-
18 search, development, manufacturing, and
19 supply chain security to—

20 (I) accelerate the domestic devel-
21 opment and production of microelec-
22 tronics and strengthen the domestic
23 microelectronics workforce; and

24 (II) ensure that the United
25 States is a global leader in the field of

1 microelectronics research and develop-
2 ment.

3 (ii) ELEMENTS.—The strategy devel-
4 oped under this subparagraph shall ad-
5 dress—

6 (I) activities that may be carried
7 out to strengthen engagement and
8 outreach between the Department of
9 Defense and industry, academia,
10 international partners of the United
11 States, and other departments and
12 agencies of the Federal Government
13 on issues relating to microelectronics;

14 (II) priorities for research and
15 development to accelerate the ad-
16 vancement and adoption of innovative
17 microelectronics and new uses of
18 microelectronics and components;

19 (III) the role of diplomacy and
20 trade in maintaining the position of
21 the United States as a global leader in
22 the field of microelectronics;

23 (IV) the potential role of a Fed-
24 eral laboratory, center, or incubator
25 exclusively focused on the research

1 and development of microelectronics,
2 as described in section 231(b)(15) of
3 the National Defense Authorization
4 Act for Fiscal Year 2017 (as added by
5 section 276 of this Act) in carrying
6 out the strategy and plan required
7 under this subparagraph; and

8 (V) such other activities as the
9 Subcommittee determines may be ap-
10 propriate to overcome future chal-
11 lenges to the innovation, competitive-
12 ness, and supply chain integrity of the
13 United States in the field of micro-
14 electronics.

15 (B) FOSTERING COORDINATION OF RE-
16 SEARCH AND DEVELOPMENT.—The Sub-
17 committee shall coordinate microelectronics re-
18 lated research, development, manufacturing,
19 and supply chain security activities and budgets
20 of Federal agencies and ensure such activities
21 are consistent with the strategy required under
22 subparagraph (A).

23 (C) REPORTING AND UPDATES.—

24 (i) PROGRESS BRIEFING.—Not later
25 than one year after the date of the enact-

1 ment of this Act, the President shall pro-
2 vide to the appropriate committees of Con-
3 gress a briefing on the progress of the
4 Subcommittee in developing the strategy
5 required under subparagraph (A).

6 (ii) STRATEGY UPDATE.—Not less fre-
7 quently than once every 5 years, the Sub-
8 committee shall update the strategy devel-
9 oped under subparagraph (A) and submit
10 the revised strategy to the appropriate
11 committees of Congress.

12 (4) SUNSET.—The Subcommittee shall termi-
13 nate on the date that is 10 years after the date of
14 the enactment of this Act.

15 (b) INDUSTRIAL ADVISORY COMMITTEE.—

16 (1) ESTABLISHMENT.—The Secretary of Com-
17 merce, in consultation with the Secretary of Defense,
18 the Secretary of Energy, and the Secretary of
19 Homeland Security, shall establish an advisory com-
20 mittee to be composed of not fewer than 12 mem-
21 bers, including representatives of industry, federal
22 laboratories, and academic institutions, who are
23 qualified to provide advice to the United States Gov-
24 ernment on matters relating to microelectronics re-
25 search, development, manufacturing, and policy.

1 (2) DUTIES.—The advisory committee shall as-
2 sess and provide guidance to the United States Gov-
3 ernment on—

4 (A) science and technology needs of the
5 nation’s domestic microelectronics industry;

6 (B) the extent to which the strategy devel-
7 oped under subsection (a)(3) is helping main-
8 tain United States leadership in microelec-
9 tronics manufacturing;

10 (C) assessment of the research and devel-
11 opment programs and activities authorized
12 under this section; and

13 (D) opportunities for new public-private
14 partnerships to advance microelectronics re-
15 search, development, and domestic manufac-
16 turing.

17 (3) FACA EXEMPTION.—Section 14 of the Fed-
18 eral Advisory Committee Act (5 U.S.C. App.) shall
19 not apply to the advisory committee established
20 under this subsection.

21 (c) NATIONAL SEMICONDUCTOR TECHNOLOGY CEN-
22 TER.—

23 (1) ESTABLISHMENT.—Subject to the avail-
24 ability of appropriations for such purpose, the Sec-
25 retary of Commerce, in collaboration with the Sec-

1 retary of Defense, shall establish a national semicon-
2 ductor technology center to conduct research and
3 prototyping of advanced semiconductor technology to
4 strengthen the economic competitiveness and secu-
5 rity of the domestic supply chain. Such center shall
6 be operated as a public private-sector consortium
7 with participation from the private sector, the De-
8 partment of Energy, and the National Science Foun-
9 dation.

10 (2) FUNCTIONS.—The functions of the center
11 established under paragraph (1) shall be as follows:

12 (A) To conduct advanced semiconductor
13 manufacturing, design and packaging research,
14 and prototyping that strengthens the entire do-
15 mestic ecosystem and is aligned with the strat-
16 egy required under subsection (a)(3)(A) with
17 emphasis on the following:

18 (i) Semiconductor advanced test, as-
19 sembly, and packaging capability in the do-
20 mestic ecosystem.

21 (ii) Materials characterization, instru-
22 mentation and testing for next generation
23 microelectronics.

24 (iii) Virtualization and automation of
25 maintenance of semiconductor machinery.

1 (iv) Metrology for security and supply
2 chain verification.

3 (B) To establish an investment fund, in
4 partnership with the private sector, to support
5 startups and collaborations between startups,
6 academia, established companies, and new ven-
7 tures, with the goal of commercializing innova-
8 tions that contribute to the domestic semicon-
9 ductor ecosystem, including—

10 (i) advanced metrology and character-
11 ization for manufacturing of microchips
12 using 3 nanometer transistor processes or
13 more advanced processes; and

14 (ii) metrology for security and supply
15 chain verification.

16 (C) To work with the Secretary of Labor,
17 the Director of the National Science Founda-
18 tion, the Secretary of Energy, the private sec-
19 tor, institutions of higher education, and work-
20 force training entities to incentivize and expand
21 participation in graduate and undergraduate
22 programs, and develop workforce training pro-
23 grams and apprenticeships, in advanced micro-
24 electronic design, research, fabrication, and
25 packaging capabilities.

1 (d) NATIONAL ADVANCED PACKAGING MANUFAC-
2 TURING PROGRAM.—Subject to the availability of appro-
3 priations for such purpose, the Secretary of Commerce
4 shall establish a National Advanced Packaging Manufac-
5 turing Program led by the Director of the National Insti-
6 tute of Standards and Technology, in coordination with
7 the national semiconductor technology center established
8 under subsection (c), to strengthen semiconductor ad-
9 vanced test, assembly, and packaging capability in the do-
10 mestic ecosystem, and which shall coordinate with the
11 Manufacturing USA institute established under subsection
12 (f), if applicable.

13 (e) MICROELECTRONICS RESEARCH AT THE NA-
14 TIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—
15 Subject to the availability of appropriations for such pur-
16 pose, the Director of the National Institute of Standards
17 and Technology shall carry out a microelectronics research
18 program to enable advances and breakthroughs in meas-
19 urement science, standards, material characterization, in-
20 strumentation, testing, and manufacturing capabilities
21 that will accelerate the underlying research and develop-
22 ment for metrology of next generation microelectronics
23 and ensure the competitiveness and leadership of the
24 United States within this sector.

1 (f) CREATION OF A MANUFACTURING USA INSTI-
2 TUTE.—Subject to the availability of appropriations for
3 such purpose, the Director of the National Institute of
4 Standards and Technology may establish a Manufacturing
5 USA institute described in section 34(d) of the National
6 Institute of Standards and Technology Act (15 U.S.C.
7 278s(d)) that is focused on semiconductor manufacturing.
8 Such institute may emphasize the following:

9 (1) Research to support the virtualization and
10 automation of maintenance of semiconductor ma-
11 chinery.

12 (2) Development of new advanced test, assem-
13 bly and packaging capabilities.

14 (3) Developing and deploying educational and
15 skills training curricula needed to support the indus-
16 try sector and ensure the United States can build
17 and maintain a trusted and predictable talent pipe-
18 line.

19 (g) DOMESTIC PRODUCTION REQUIREMENTS.—The
20 head of any executive agency receiving funding under this
21 section shall develop policies to require domestic produc-
22 tion, to the extent possible, for any intellectual property
23 resulting from microelectronics research and development
24 conducted as a result of such funding and domestic control

1 requirements to protect any such intellectual property
2 from foreign adversaries.

3 **SEC. 9907. PROHIBITION RELATING TO FOREIGN ENTITIES**
4 **OF CONCERN.**

5 None of the funds authorized to be appropriated to
6 carry out this subtitle may be provided to a foreign entity
7 of concern.

8 **SEC. 9908. DEFENSE PRODUCTION ACT OF 1950 EFFORTS.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit to Congress a report on a plan of action for any use
12 of authorities available in title III of the Defense Produc-
13 tion Act of 1950 (50 U.S.C. 4531 et seq.) to establish
14 or enhance a domestic production capability for microelec-
15 tronics technologies and related technologies, subject to—

16 (1) the availability of appropriations for that
17 purpose; and

18 (2) a determination made under the plan pursu-
19 ant to such title III that such technologies are essen-
20 tial to the national defense and that domestic indus-
21 trial capabilities are insufficient to meet these needs.

22 (b) COORDINATION.—The President shall develop the
23 plan of action required by subsection (a) in consultation
24 with any relevant head of a Federal agency, an advisory
25 committee established under section 708(d) of the Defense

1 Production Act of 1950 (50 U.S.C. 4558(d)), and appro-
2 priate stakeholders in the private sector.

3 **TITLE C—OTHER MATTERS**

Sec. 10001. AMBER Alert nationwide.

Sec. 10002. Improving authority for operation of unmanned aircraft for edu-
cational purposes.

Sec. 10003. Prohibition on provision of airport improvement grant funds to cer-
tain entities that have violated intellectual property rights of
United States entities.

Sec. 10004. Study and report on the affordability of insulin.

Sec. 10005. Waiver authority with respect to institutions located in an area af-
fected by Hurricane Maria.

Sec. 10006. Farm and ranch mental health.

4 **SEC. 10001. AMBER ALERT NATIONWIDE.**

5 (a) COOPERATION WITH DEPARTMENT OF HOME-
6 LAND SECURITY.—Subtitle A of title III of the PRO-
7 TECT Act (34 U.S.C. 20501 et seq.) is amended—

8 (1) in section 301—

9 (A) in subsection (b)—

10 (i) in paragraph (1), by inserting
11 “(including airports, maritime ports, bor-
12 der crossing areas and checkpoints, and
13 ports of exit from the United States)”
14 after “gaps in areas of interstate travel”;
15 and

16 (ii) in paragraphs (2) and (3), by in-
17 serting “, territories of the United States,
18 and tribal governments” after “States”;
19 and

1 (B) in subsection (d), by inserting “, the
2 Secretary of Homeland Security,” after “Sec-
3 retary of Transportation”; and

4 (2) in section 302—

5 (A) in subsection (b), in paragraphs (2),
6 (3), and (4) by inserting “, territorial, tribal,”
7 after “State”; and

8 (B) in subsection (c)—

9 (i) in paragraph (1), by inserting “,
10 the Secretary of Homeland Security,” after
11 “Secretary of Transportation”; and

12 (ii) in paragraph (2), by inserting “,
13 territorial, tribal,” after “State”.

14 (b) AMBER ALERTS ALONG MAJOR TRANSPOR-
15 TATION ROUTES.—

16 (1) IN GENERAL.—Section 303 of the PRO-
17 TECT Act (34 U.S.C. 20503) is amended—

18 (A) in the section heading, by inserting
19 “**AND MAJOR TRANSPORTATION ROUTES**”
20 after “**ALONG HIGHWAYS**”;

21 (B) in subsection (a)—

22 (i) by inserting “(referred to in this
23 section as the ‘Secretary’)” after “Sec-
24 retary of Transportation”; and

1 (ii) by inserting “and at airports,
2 maritime ports, border crossing areas and
3 checkpoints, and ports of exit from the
4 United States” after “along highways”;

5 (C) in subsection (b)—

6 (i) in paragraph (1)—

7 (I) by striking “other motorist
8 information systems to notify motor-
9 ists” and inserting “other information
10 systems to notify motorists, aircraft
11 passengers, ship passengers, and trav-
12 elers”; and

13 (II) by inserting “, aircraft pas-
14 sengers, ship passengers, and trav-
15 elers” after “necessary to notify mo-
16 torists”; and

17 (ii) in paragraph (2)—

18 (I) in subparagraph (A), by strik-
19 ing “other motorist information sys-
20 tems to notify motorists” and insert-
21 ing “other information systems to no-
22 tify motorists, aircraft passengers,
23 ship passengers, and travelers”;

24 (II) in subparagraph (D), by in-
25 serting “, aircraft passengers, ship

1 passengers, and travelers” after “sup-
2 port the notification of motorists”;

3 (III) in subparagraph (E), by in-
4 serting “, aircraft passengers, ship
5 passengers, and travelers” after “mo-
6 torists”, each place it appears;

7 (IV) in subparagraph (F), by in-
8 serting “, aircraft passengers, ship
9 passengers, and travelers” after “mo-
10 torists”; and

11 (V) in subparagraph (G), by in-
12 serting “, aircraft passengers, ship
13 passengers, and travelers” after “mo-
14 torists”;

15 (D) in subsection (c), by striking “other
16 motorist information systems to notify motor-
17 ists”, each place it appears, and inserting
18 “other information systems to notify motorists,
19 aircraft passengers, ship passengers, and trav-
20 elers”;

21 (E) by amending subsection (d) to read as
22 follows:

23 “(d) FEDERAL SHARE.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), the Federal share of the cost of any ac-

1 tivities funded by a grant under this section may not
2 exceed 80 percent.

3 “(2) WAIVER.—If the Secretary determines
4 that American Samoa, Guam, the Northern Mariana
5 Islands, Puerto Rico, or the Virgin Islands of the
6 United States is unable to comply with the require-
7 ment under paragraph (1), the Secretary shall waive
8 such requirement.”;

9 (F) in subsection (g)—

10 (i) by striking “In this section” and
11 inserting “In this subtitle”; and

12 (ii) by striking “or Puerto Rico” and
13 inserting “American Samoa, Guam, Puerto
14 Rico, the Northern Mariana Islands, the
15 Virgin Islands of the United States, and
16 any other territory of the United States”;
17 and

18 (G) in subsection (h), by striking “fiscal
19 year 2004” and inserting “each of fiscal years
20 2019 through 2023”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of contents in section 1(b) of the
23 PROTECT Act (Public Law 108–21) is amended by
24 striking the item relating to section 303 and insert-
25 ing the following:

“Sec. 303. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.”.

1 (c) AMBER ALERT COMMUNICATION PLANS IN THE
2 TERRITORIES.—Section 304 of the PROTECT Act (34
3 U.S.C. 20504) is amended—

4 (1) in subsection (b)(4), by inserting “a terri-
5 torial government or” after “with”;

6 (2) by amending subsection (c) to read as fol-
7 lows:

8 “(c) FEDERAL SHARE.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), the Federal share of the cost of any ac-
11 tivities funded by a grant under this section may not
12 exceed 50 percent.

13 “(2) WAIVER.—If the Attorney General deter-
14 mines that American Samoa, Guam, the Northern
15 Mariana Islands, Puerto Rico, the Virgin Islands of
16 the United States, or an Indian tribe is unable to
17 comply with the requirement under paragraph (1),
18 the Attorney General shall waive such require-
19 ment.”; and

20 (3) in subsection (d), by inserting “, including
21 territories of the United States” before the period at
22 the end.

23 (d) GOVERNMENT ACCOUNTABILITY OFFICE RE-
24 PORT.—

1 (1) IN GENERAL.—Not later than 5 years after
2 the date of the enactment of this Act, the Comp-
3 troller General shall conduct a study assessing—

4 (A) the implementation of the amendments
5 made by this Act;

6 (B) any challenges related to integrating
7 the territories of the United States into the
8 AMBER Alert system;

9 (C) the readiness, educational, techno-
10 logical, and training needs of territorial law en-
11 forcement agencies in responding to cases in-
12 volving missing, abducted, or exploited children;
13 and

14 (D) any other related matters the Attorney
15 General or the Secretary of Transportation de-
16 termines appropriate.

17 (2) REPORT REQUIRED.—The Comptroller Gen-
18 eral shall submit a report on the findings of the
19 study required under paragraph (1) to—

20 (A) the Committee on the Judiciary and
21 the Committee on Environment and Public
22 Works of the Senate;

23 (B) the Committee on the Judiciary and
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives; and

1 (C) each of the delegates or resident com-
2 missioner to the House of Representatives from
3 American Samoa, Guam, the Northern Mariana
4 Islands, Puerto Rico, and the Virgin Islands of
5 the United States.

6 (3) PUBLIC AVAILABILITY.—The Comptroller
7 General shall make the report required under para-
8 graph (2) available on a public Government website.

9 (4) OBTAINING OFFICIAL DATA.—

10 (A) IN GENERAL.—The Comptroller Gen-
11 eral may secure information necessary to con-
12 duct the study under paragraph (1) directly
13 from any Federal agency and from any terri-
14 torial government receiving grant funding under
15 the PROTECT Act. Upon request of the Comp-
16 troller General, the head of a Federal agency or
17 territorial government shall furnish the re-
18 quested information to the Comptroller General.

19 (B) AGENCY RECORDS.—Notwithstanding
20 subparagraph (A), nothing in this subsection
21 shall require a Federal agency or any territorial
22 government to produce records subject to a
23 common law evidentiary privilege. Records and
24 information shared with the Comptroller Gen-
25 eral shall continue to be subject to withholding

1 under sections 552 and 552a of title 5, United
2 States Code. The Comptroller General is obli-
3 gated to give the information the same level of
4 confidentiality and protection required of the
5 Federal agency or territorial government. The
6 Comptroller General may be requested to sign
7 a nondisclosure or other agreement as a condi-
8 tion of gaining access to sensitive or proprietary
9 data to which the Comptroller General is enti-
10 tled.

11 (C) PRIVACY OF PERSONAL INFORMA-
12 TION.—The Comptroller General, and any Fed-
13 eral agency and any territorial government that
14 provides information to the Comptroller Gen-
15 eral, shall take such actions as are necessary to
16 ensure the protection of the personal informa-
17 tion of a minor.

18 **SEC. 10002. IMPROVING AUTHORITY FOR OPERATION OF**
19 **UNMANNED AIRCRAFT FOR EDUCATIONAL**
20 **PURPOSES.**

21 Section 350 of the FAA Reauthorization Act of 2018
22 (Public Law 115–254; 49 U.S.C. 44809 note) is amend-
23 ed—

1 (1) in the section heading, by striking “**AT IN-**
2 **STITUTIONS OF HIGHER EDUCATION**” and in-
3 serting “**FOR EDUCATIONAL PURPOSES**”; and

4 (2) in subsection (a)—

5 (A) by striking “aircraft system operated
6 by” and all that follows and inserting “aircraft
7 system—”; and

8 (B) by adding at the end the following new
9 paragraphs:

10 “(1) operated by an institution of higher edu-
11 cation for educational or research purposes;

12 “(2) flown as part of an established Junior Re-
13 serve Officers’ Training Corps (JROTC) program
14 for education or research purposes; or

15 “(3) flown as part of an educational program
16 that is chartered by a recognized community-based
17 organization (as defined in subsection (h) of such
18 section).”.

19 **SEC. 10003. PROHIBITION ON PROVISION OF AIRPORT IM-**
20 **PROVEMENT GRANT FUNDS TO CERTAIN EN-**
21 **TITIES THAT HAVE VIOLATED INTELLECTUAL**
22 **PROPERTY RIGHTS OF UNITED STATES ENTI-**
23 **TIES.**

24 (a) IN GENERAL.—During the period beginning on
25 the date that is 30 days after the date of the enactment

1 of this Act and ending on September 30, 2023, amounts
2 provided as project grants under subchapter I of chapter
3 471 of title 49, United States Code, may not be used to
4 enter into a contract described in subsection (b) with any
5 entity on the list required by subsection (c).

6 (b) CONTRACT DESCRIBED.—A contract described in
7 this subsection is a contract or other agreement for the
8 procurement of infrastructure or equipment for a pas-
9 senger boarding bridge at an airport.

10 (c) LIST REQUIRED.—

11 (1) IN GENERAL.—Not later than 30 days after
12 the date of enactment of this Act, and thereafter as
13 required by paragraph (2), the Administrator of the
14 Federal Aviation Administration shall, based on in-
15 formation provided by the United States Trade Rep-
16 resentative and the Attorney General, make available
17 to the public a list of entities making infrastructure
18 or equipment for a passenger boarding bridge at an
19 airport that—

20 (A) are owned, directed, or subsidized by
21 the People’s Republic of China; and

22 (B) have been determined by a Federal
23 court to have misappropriated intellectual prop-
24 erty or trade secrets from an entity organized

1 under the laws of the United States or any ju-
2 risdiction within the United States; or

3 (C) own or control are owned or controlled
4 by, are under common ownership or control
5 with, or are successors to, an entity described
6 in subparagraph (A).

7 (2) UPDATES TO LIST.—The Administrator
8 shall update the list required by paragraph (1),
9 based on information provided by the Trade Rep-
10 resentative and the Attorney General—

11 (A) not less frequently than every 90 days
12 during the 180-day period following the initial
13 publication of the list under paragraph (1); and

14 (B) not less frequently than annually
15 thereafter until September 30, 2023.

16 (d) DEFINITIONS.—In this section, the definitions in
17 section 47102 of title 49, United States Code, shall apply.

18 **SEC. 10004. STUDY AND REPORT ON THE AFFORDABILITY**
19 **OF INSULIN.**

20 The Secretary of Health and Human Services, acting
21 through the Assistant Secretary for Planning and Evalua-
22 tion, shall—

23 (1) conduct a study that examines, for each
24 type or classification of diabetes (including type 1
25 diabetes, type 2 diabetes, gestational diabetes, and

1 other conditions causing reliance on insulin), the ef-
2 fect of the affordability of insulin on—

3 (A) adherence to insulin prescriptions;

4 (B) rates of diabetic ketoacidosis;

5 (C) downstream impacts of insulin adher-
6 ence, including rates of dialysis treatment and
7 end-stage renal disease;

8 (D) spending by Federal health programs
9 on acute episodes that could have been averted
10 by adhering to an insulin prescription; and

11 (E) other factors, as appropriate, to under-
12 stand the impacts of insulin affordability on
13 health outcomes, Federal Government spending
14 (including under the Medicare program under
15 title XVIII of the Social Security Act (42
16 U.S.C. 1395 et seq.) and the Medicaid program
17 under title XIX of the Social Security Act (42
18 U.S.C. 1396 et seq.)), and insured and unin-
19 sured individuals with diabetes; and

20 (2) not later than 2 years after the date of en-
21 actment of this Act, submit to Congress a report on
22 the study conducted under paragraph (1).

1 **SEC. 10005. WAIVER AUTHORITY WITH RESPECT TO INSTI-**
2 **TUTIONS LOCATED IN AN AREA AFFECTED BY**
3 **HURRICANE MARIA.**

4 (a) WAIVER AUTHORITY.—Notwithstanding any
5 other provision of law, unless enacted with specific ref-
6 erence to this section or section 392 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1068a), for any affected
8 institution that was receiving assistance under title III of
9 such Act (20 U.S.C. 1051 et seq.) at the time of a covered
10 hurricane disaster, the Secretary of Education may, for
11 each of the fiscal years 2021 through 2025—

12 (1) waive—

13 (A) the eligibility data requirements set
14 forth in section 391(d) of the Higher Education
15 Act of 1965 (20 U.S.C. 1068(d));

16 (B) the wait-out period set forth in section
17 313(d) of the Higher Education Act of 1965
18 (20 U.S.C. 1059(d));

19 (C) the allotment requirements under sec-
20 tion 324 of the Higher Education Act of 1965
21 (20 U.S.C. 1063); and

22 (D) the use of the funding formula devel-
23 oped pursuant to section 326(f)(3) of the High-
24 er Education Act of 1965 (20 U.S.C.
25 1063b(f)(3)); and

1 (2) waive or modify any statutory or regulatory
2 provision to ensure that affected institutions that
3 were receiving assistance under title III of the High-
4 er Education Act of 1965 (20 U.S.C. 1051 et seq.)
5 at the time of a covered hurricane disaster are not
6 adversely affected by any formula calculation for fis-
7 cal year 2021 or for any of the four succeeding fiscal
8 years, as necessary.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “affected institution” means an
11 institution of higher education (as defined in section
12 101 of the Higher Education Act of 1965 (20
13 U.S.C. 1001)) that—

14 (A) is—

15 (i) a part A institution (which term
16 shall have the meaning given the term “eli-
17 gible institution” under section 312(b) of
18 the Higher Education Act of 1965 (20
19 U.S.C. 1058(b))); or

20 (ii) a part B institution, as such term
21 is defined in section 322(2) of the Higher
22 Education Act of 1965 (20 U.S.C.
23 1061(2)), or as identified in section 326(e)
24 of such Act (20 U.S.C. 1063b(e));

1 (B) is located in a covered area affected by
2 a hurricane disaster; and

3 (C) is able to demonstrate that, as a result
4 of the impact of a covered hurricane disaster,
5 the institution—

6 (i) incurred physical damage;

7 (ii) has pursued collateral source com-
8 pensation from insurance, the Federal
9 Emergency Management Agency, and the
10 Small Business Administration, as appro-
11 priate; and

12 (iii) was not able to fully reopen in ex-
13 isting facilities or to fully reopen to the
14 pre-hurricane enrollment levels during the
15 30-day period beginning on September 7,
16 2017.

17 (2) The term “covered area affected by a hurri-
18 cane disaster” means an area for which the Presi-
19 dent declared a major disaster under section 401 of
20 the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5170) as a result
22 of Hurricane Maria.

23 (3) The term “covered hurricane disaster”
24 means a major disaster that the President declared
25 to exist, in accordance with section 401 of the Rob-

1 ert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5170), and that was caused
3 by Hurricane Maria or Hurricane Irma.

4 **SEC. 10006. FARM AND RANCH MENTAL HEALTH.**

5 (a) PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN TO
6 ADDRESS FARM AND RANCH MENTAL HEALTH.—

7 (1) IN GENERAL.—The Secretary of Agri-
8 culture, in consultation with the Secretary of Health
9 and Human Services, shall carry out a public service
10 announcement campaign to address the mental
11 health of farmers and ranchers.

12 (2) REQUIREMENTS.—The public service an-
13 nouncement campaign under paragraph (1) shall in-
14 clude television, radio, print, outdoor, and digital
15 public service announcements.

16 (3) CONTRACTOR.—

17 (A) IN GENERAL.—The Secretary of Agri-
18 culture may enter into a contract or other
19 agreement with a third party to carry out the
20 public service announcement campaign under
21 paragraph (1).

22 (B) REQUIREMENT.—In awarding a con-
23 tract under subparagraph (A), the Secretary of
24 Agriculture shall use a competitive bidding
25 process.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary of Agriculture to carry out this subsection
4 \$3,000,000, to remain available until expended.

5 (b) EMPLOYEE TRAINING PROGRAM TO MANAGE
6 FARMER AND RANCHER STRESS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this subsection, the
9 Secretary of Agriculture shall expand the pilot pro-
10 gram carried out by the Secretary of Agriculture in
11 fiscal year 2019 that trained employees of the Farm
12 Service Agency in the management of stress experi-
13 enced by farmers and ranchers, to train employees
14 of the Farm Service Agency, the Risk Management
15 Agency, and the Natural Resources Conservation
16 Service in the management of stress experienced by
17 farmers and ranchers, including the detection of
18 stress and suicide prevention.

19 (2) REPORT.—Not less frequently than once
20 every 2 years, the Secretary of Agriculture shall sub-
21 mit to the Committee on Agriculture of the House
22 of Representatives and the Committee on Agri-
23 culture, Nutrition, and Forestry of the Senate a re-
24 port describing the implementation of this sub-
25 section.

1 (c) TASK FORCE FOR ASSESSMENT OF CAUSES OF
2 MENTAL STRESS AND BEST PRACTICES FOR RE-
3 SPONSE.—

4 (1) IN GENERAL.—The Secretary of Agriculture
5 shall convene a task force of agricultural and rural
6 stakeholders at the national, State, and local lev-
7 els—

8 (A) to assess the causes of mental stress in
9 farmers and ranchers; and

10 (B) to identify best practices for respond-
11 ing to that mental stress.

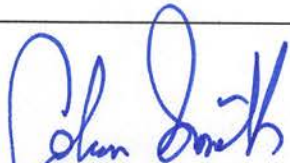




12 (2) SUBMISSION OF REPORT.—Not later than 1
13 year after the date of enactment of this subsection,
14 the task force convened under paragraph (1) shall
15 submit to the Secretary of Agriculture a report con-
16 taining the assessment and best practices under sub-
17 paragraphs (A) and (B), respectively, of paragraph
18 (1).

19 (3) COLLABORATION.—In carrying out this sub-
20 section, the task force convened under paragraph (1)
21 shall collaborate with nongovernmental organizations
22 and State and local agencies.

23 (d) CESSATION OF AUTHORITIES.—Any authorities
24 provided under this section shall cease to be in effect on
25 October 1, 2023.

And the Senate agree to the same.





H.R. 6395

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and for modifications committed to conference:	
 Mr. Smith of Washington	
 Mrs. Davis of California	
Mr. Langevin	
 Mr. Larsen of Washington	
 Mr. Cooper	
 Mr. Courtney	
Mr. Garamendi	

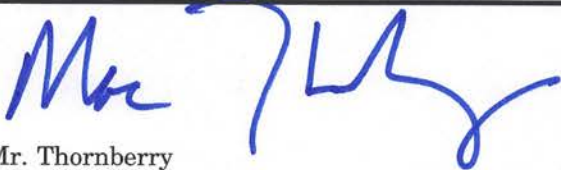

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
Mr. Speier	
 Mr. Norcross	
 Mr. Gallego	
 Mr. Moulton	
 Mr. Carbajal	
 Mr. Brown of Maryland	
 Mr. Khanna	
 Mr. Keating	

H.R. 6395—Continued


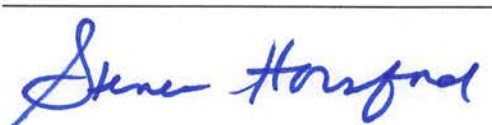

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Vela	
  Ms. Kendra S. Horn of Oklahoma	
 Mr. Cisneros	

H.R. 6395—Continued




<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Thornberry	
 Mr. Wilson of South Carolina	
 Mr. Turner	
 Mr. Rogers of Alabama	
 Mr. Lamborn	
 Mr. Wittman	
 Mrs. Hartzler	
 Mr. Austin Scott of Georgia	

H.R. 6395—Continued




<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Ms. Stefanik	
 Mr. Kelly of Mississippi	
 Mr. Gallagher	
Mr. Bacon	
 Mr. Banks	

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on the Budget, for consideration of secs. 1002 and 8003 of the House bill, and secs. 4, 126, and 1086 of the Senate amendment, and modifications committed to conference:	
 Mr. Morelle	
 Mr. Horsford	
 Mr. Stewart	

H.R. 6395—Continued

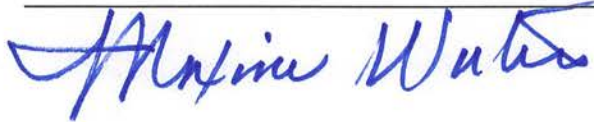
<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Education and Labor, for the consideration of secs. 212, 279, 569, 570, 1110, 1791, 1797, 1833, and 1834 of the House bill, and secs. 516, 561-63, 565, 566, 1090, 5211, 6047, 6091, and 6615 of the Senate amendment, and modifications committed to conference:	
 Mr. Scott of Virginia	
 Mrs. Trahan	
 Mr. Guthrie	

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Energy and Commerce, for consideration of secs. 223, 229, 332, 335, 535, 540H, 601, 705, 736, 1299N-2, 1641, 1760, 1761, 1772, 1793, 1821, 1823, 1824, 2835, 3201, 3511, 3601, 5101-04, 5109, 10306, and 11206 of the House bill, and secs. 311, 319, 703, 1053, 1091, 1092, 1094, 1098, 1099, 2841, 3121, 3125, 3131, 3132, 5239, 6082-84, subtitle I of title LX of division E, secs. 6299F, 6614, 6704, and 6706 of the Senate amendment and modifications committed to conference:	
	
	
 Mr. Walden	

H.R. 6395—Continued***Managers on the part of the
HOUSE******Managers on the part of the
SENATE***

From the Committee on Financial Services, for consideration of secs. 902, 1248, 1249, 1299R-9, 1768, 1776, 1779, 1790, 1792, 1798, 1803, 1808, 1812, subtitles H and I of title XVII of division A, and divisions G, J, K, and M of the House bill, and secs. 1706-10 and 6231 of the Senate amendment, and modifications committed to conference:



Ms. Waters

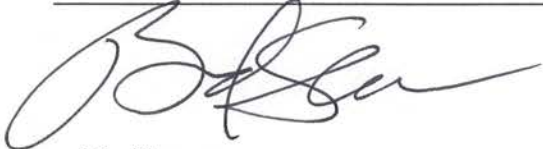
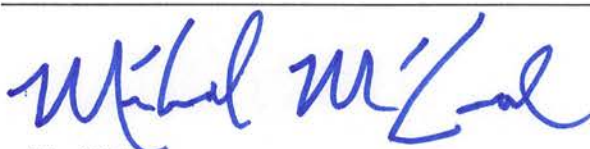


Mr. Vargas


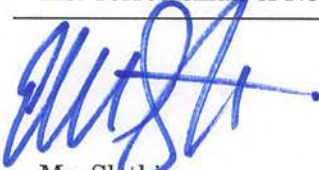



Mr. Luetkemeyer


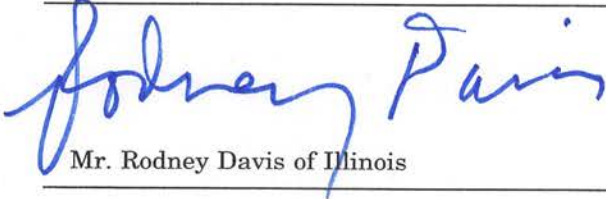
H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Foreign Affairs, for consideration of secs. 213, 843, subtitle C of title XI of division A, secs. 1202, 1203, 1207, 1221-24, 1231-33, 1238, 1248, 1249, 1251, 1260D, 1260E, 1261, 1266, 1272-74, 1276, 1280, 1286, 1290-92, 1294, 1296, 1299, 1299B, 1299G, 1299H, 1299K, subtitles H-K of title XII of division A, secs. 1299Q-1, 1299Q-2, subtitle M of title XII of division A, secs. 1299T-4, 1299T-5, 1521, 1640F, 1659, 1757, 1759, 1823, and division I of the House bill, and secs. 1201-03, 1205-07, 1210, 1213, subtitle C of title XII and division A, secs. 1231-33, 1236, 1240, 1241, 1251, 1253-56, 1263, 1281, 1283, 1286, 1287, subtitle H of title XII of division A, subtitle C of title XV of division A, sec. 1661, title XVII of division A, secs. 6231, 6251, 6284, 6286, 6293-96, 6299, 6299A, 6299B, 6299D, and 6299F of the Senate amendment, and modifications committed to conference:</p>	
<p>Mr. Engel</p>	
 <p>Mr. Sherman</p>	
 <p>Mr. McCaul</p>	


H.R. 6395—Continued

<i>Managers on the part of the</i> HOUSE	<i>Managers on the part of the</i> SENATE
From the Committee on Homeland Security, for consideration of secs. 1630, 1631, 1637, 1640A, 1640D, 1640F, 1760, 1784, 1793, 1804, and 9508 of the House bill, and secs. 6088, 6096D, 6613, and 6614 of the Senate amendment, and modifications committed to conference:	
 Ms. Torres Small of New Mexico	
 Ms. Slotkin	
 Mr. Green of Tennessee	

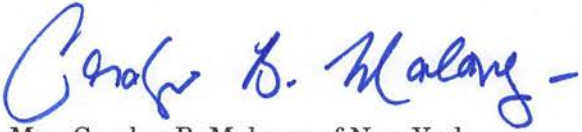

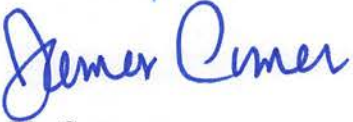
H.R. 6395—Continued



<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on House Administration, for consideration of secs. 536, 1101, and 1751 of the House bill, and modifications committed to conference:	
Ms. Lofgren	
	
Ms. Fudge	
	
Mr. Rodney Davis of Illinois	

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<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Natural Resources, for consideration of secs. 601, 626, 627, 1744, 1794, 1795, 2834-36, subtitle E of title XXVIII of division B, and divisions O and P of the House bill, and secs. 315, 2861-63, 2887, 6081, and 7861 of the Senate amendment, and modifications committed to conference:	
Mr. Grijalva	
Ms. Haaland	
 <p>Mr. Bishop of Utah</p>	

H.R. 6395—Continued

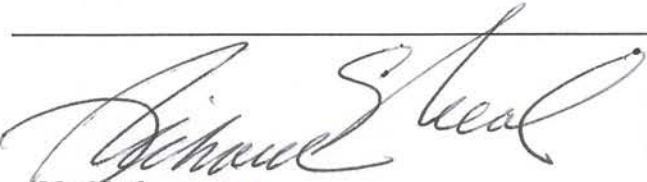
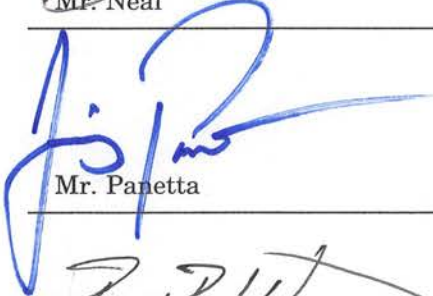

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Oversight and Reform, for consideration of secs. 373, 813, 815, 825, 830B, 833, 848, 1101, 1102, 1104, 1105, 1108, 1111, 1114, 1115, subtitles B and C of title XI of division A, secs. 1635, 1639, 1640C, subtitle B of title XVII of division A, secs. 1744, 1745, 1769, 1770, 1774, 1793, 1808, 9208, and 11410 of the House bill, and secs. 631, 1103-06, 1109-13, 5244, 6047, and 9306 of the Senate amendment, and modifications committed to conference:	
 Mrs. Carolyn B. Maloney of New York	
Mr. Lynch 	
 Mr. Comer	

Managers on the part of the HOUSE	Managers on the part of the SENATE
From the Committee on Small Business, for consideration of secs. 831-33, 835-40, 840A, 841, 844, and 1633 of the House bill, and secs. 871, 872, 1642, 5871-75, and 5877 of the Senate amendment, and modifications committed to conference:	
Ms. Velazquez	
 Mr. Golden	
 Mr. Chabot	





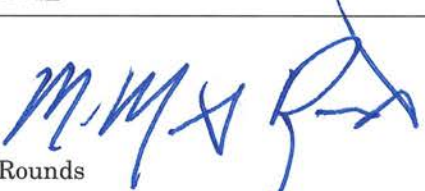
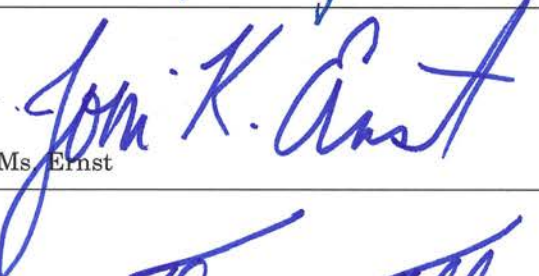


H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Veterans' Affairs, for consideration of secs. 525, 534, 535, 540A, 540B, 540C, 540E, 540H, 546, 551-53, 560B, 560E, 560F, 560G, 560H, 718, 724, 731, 734, 750H, 752-54, 760, 831, 1101, 1411, 1764, 1790, 1802, and 5502 of the House bill, and secs. 741, 744, 753, 762-64, 935, 1089, 1090A, 1090B, 1421, and 6085 of the Senate amendment, and modifications committed to conference:	
 Mr. Takano	
 Mr. Lamb	
 Mr. Bilirakis	

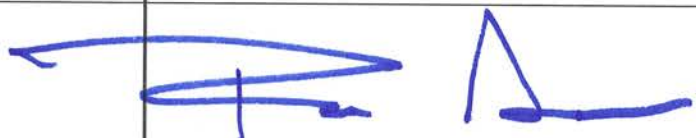
H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Ways and Means, for consideration of secs. 1276, 7103, and 7104 of the House bill, and sec. 6003 of the Senate amendment, and modifications committed to conference:	
 Mr. Neal	
 Mr. Panetta	
 Mr. Wenstrup	





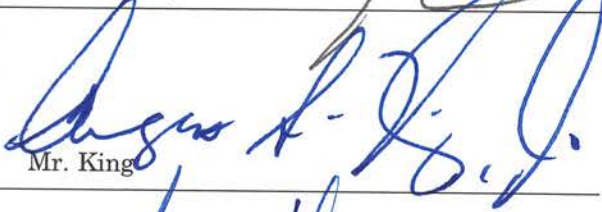
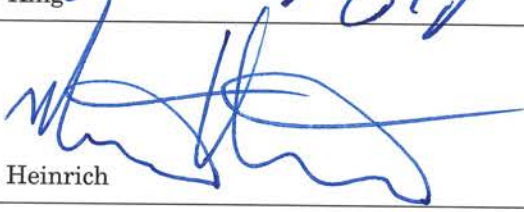

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Inhofe
	 Mr. Wicker
	 Mrs. Fischer
	
	 Mr. Rounds
	 Ms. Ernst
	 Mr. Tillis
	 Mr. Sullivan

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Perdue
	 Mr. Cramer
	 Mr. Scott of Florida
	 Mrs. Blackburn
	
	 Mr. Thune
	 Mr. Reed
	 Mrs. Shaheen

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mrs. Gillibrand
	 Mr. Blumenthal
	 Ms. Hirono
	 Mr. Kaine
	 Mr. King
	 Mr. Heinrich
	 Mr. Peters

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6395), to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

Summary of discretionary authorizations and budget authority implication

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2021 was \$731.6 billion. Of this amount, \$636.3 billion was requested for base Department of Defense programs, \$69.0 billion was requested for overseas contingency operations, \$26.0 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$314.0 million for defense-related activities.

The conference agreement would authorize \$731.6 billion in fiscal year 2021, including \$635.5 billion for base Department of Defense programs, \$69.0 billion for overseas contingency operations, \$26.6 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$494.0 million for defense-related activities.

The two tables preceding the detailed program adjustments in Division D of the accompanying joint statement of managers summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2021 defense programs.

Budgetary effects of this Act (sec. 4)

The House bill contained a provision (sec. 1002) that would state the budgetary effects of this Act for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

The Senate amendment contained a similar provision (sec. 4).

The House recedes.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

BUDGET ITEMS

Columbia-class submarine advance procurement

The budget request included \$1.1 billion in line item 2 of Shipbuilding and Conversion, Navy, for *Columbia*-class submarine advance procurement.

The House bill would authorize the amount of the request.

The Senate amendment would authorize an increase of \$175.0 million above the request.

The agreement authorizes an increase of \$130.0 million above the request.

The conferees' intent in authorizing additional funds for submarine industrial base expansion is to ensure second- and third-tier contractors are able to meet increased production requirements.

The conferees direct the Secretary of the Navy to notify the congressional defense committees within 30 days of obligating such funds of the: obligation date, contractor name or names, location, description of the shortfall to be addressed, actions to be undertaken, desired end state, usable end items to be procured, period of performance, dollar amount, projected associated savings including business case analysis if applicable, contract name, and contract number.

The conferees believe that expanding the capabilities of the second- and third-tier contractors in the submarine industrial base should lead to greater cost savings and improved efficiency as production increases to meet the *Columbia*-class schedule and higher requirement for *Virginia*-class attack submarines in the Navy's latest Force Structure Assessment.

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 101)

The House bill contained a provision (sec. 101) that would authorize appropriations for procurement at the levels identified in section 4101 of division D of this Act.

The Senate amendment contained a similar provision (sec. 101).

The Senate recedes with a technical amendment.

SUBTITLE B—ARMY PROGRAMS

Modifications to requirement for an interim cruise missile defense capability (sec. 111)

The Senate amendment contained a provision (sec. 113) that would require the Secretary of the Army to submit to the congressional defense committees the plan to operationally deploy or forward station interim cruise missile defense capabilities pursuant to section 112 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) and would modify the deployment deadline waiver.

The House bill contained no similar provision.

The House recedes with technical amendments.

Report and limitations on acquisition of Integrated Visual Augmentation System (sec. 112)

The Senate amendment contained a provision (sec. 112) that would place a limitation on obligation of funds for procurement of the Integrated Visual Augmentation System pending submission of a report by the Secretary of the Army subsequent to the completion of operational testing.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the limitation and report of the Secretary of the Army and add an assessment by the Director of Operational Test and Evaluation.

Assessment of investment and sustainment for procurement of cannon tubes (sec. 113)

The House bill contained a provision (sec. 135) that would require the Secretary of the Army to develop a comprehensive, long-term strategy and sustainment plan for the development, production, procurement, and modernization of cannon and large caliber weapons tubes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the requirement to assess the development, production, and modernization of the defense industrial base for cannon and large caliber weapons tubes.

The conferees recognize the importance of modernizing and sustaining long-range artillery and other weapon systems that require cannon and large caliber weapons tubes. Further, the conferees note that our defense industrial base is a critical partner in meeting current and emerging Army and Joint Force requirements. Therefore, the assessment should include: (1) A review of the cannon tube industrial base to meet near and long-term development and production requirements; (2) An evaluation of any capability gaps given current, planned, and anticipated program demands; and (3) An analysis of the resources required and planned for the cannon tube industrial base across the future years defense program.

SUBTITLE C—NAVY PROGRAMS

Limitation on alteration of the Navy fleet mix (sec. 121)

The Senate amendment contained a provision (sec. 5121) that would express the sense of Congress on the importance of the Navy shipbuilding industrial base, limit deviations to the Navy's 2016 requirement for large surface combatants, and require a report on large surface combatants.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the sense of Congress and modify the limitation on deviations to the Navy's 2016 requirement for large surface combatants.

The conferees believe that prototyping critical subsystems is essential to maturing new technologies and reducing technical risks for lead ships in new classes of naval vessels. The conferees understand Navy officials are considering design changes to the *Zumwalt*-class of destroyers to increase the combat capability, potentially including the integration of a different missile launcher, radar, and combat system.

The conferees view these potential changes to the *Zumwalt*-class as opportunities to mature technology and reduce technical and integration risks for the next Large Surface Combatant class of vessels, as required by section 131(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), while also providing more capable *Zumwalt*-class destroyers to fleet commanders.

Accordingly, the conferees direct the Secretary of the Navy to submit to the congressional defense committees not later than March 1, 2021, a report on potential *Zumwalt*-class capability upgrades. This report shall include:

(1) Navy plans or options under review to upgrade *Zumwalt*-class destroyers, including, but not limited to, missile launchers, radars, and combat systems;

(2) The extent to which the plans or options under review identified in paragraph (1) could provide opportunities to mature technology and reduce technical and integration risks for the next Large Surface Combatant class of vessels;

(3) The extent to which the plans or options under review identified in paragraph (1) are included in the Navy's plans to comply with section 131 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92); and

(4) Any related matters the Secretary deems appropriate.

Limitations on Navy medium and large unmanned surface vessels (sec. 122)

The Senate amendment contained a provision (sec. 122) that would require that certain technical conditions be met prior to Milestone B approval for medium and large unmanned surface vessels.

The House bill contained no similar provision.

The House recedes with an amendment that would reduce the minimum number of certain systems to be qualified and the period of continuous operation of such systems to satisfy qualification requirements, as well as allow the Secretary of the Navy to release certain requests for proposals and contract for certain government furnished equipment prior to Milestone B approval for medium and large unmanned surface vessels.

Fighter force structure acquisition strategy (sec. 123)

The Senate amendment contained a provision (sec. 125) that would require the Secretary of the Navy to align the Department's tactical aviation fighter force structure acquisition strategy with the results of the various independent studies required by section 1064 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), and not later than March 1, 2021, to transmit the strategy in a report to the congressional defense committees. The provision would also require the Secretary to establish a minimum number of F-35 and Next Generation Air Dominance aircraft that the Navy and Marine Corps would be required to procure each year to mitigate strike-fighter shortfalls. Finally, the provision would prohibit the Department of the Navy's tactical aviation acquisition programs from deviating from the acquisition strategy until the Secretary receives a waiver from the Secretary of Defense and 30 days have expired after submission of the justification information and proposed deviation are submitted to the congressional defense committees.

The House bill contained no similar provision.

The House recesses with an amendment that would instead require the Secretary of the Navy to submit an acquisition strategy for the Navy's tactical fighter aircraft force structure that enables the Department of the Navy to achieve the capability and capacity requirements necessary to meet the objectives of the National Defense Strategy.

The conferees understand the Navy's need to transition to F-35C procurement but remain concerned regarding the Navy's decision to cease procurement of F/A-18E/F Super Hornet aircraft from its fiscal year 2022 to 2025 future years defense plan. Given the significant immaturity of the Navy's Next-Generation Air Dominance program and that F-35C aircraft are still currently in low rate production, the conferees believe that decision could induce greater operational risk in the future for combatant commanders as well as increase the Navy's forecasted strike-fighter deficit in fiscal year 2021 from -49 to -58 aircraft. Finally, the conferees note that the Navy currently designs its aircraft carrier air-wings (CVWs) without including traditional margin for attrition reserve strike-fighter aircraft that would supplement forces in cases of training or contingency operational losses of aircraft. Therefore, the conferees believe the Navy should plan and budget for 54 strike-fighter aircraft per CVW instead of the current 44 strike-fighter aircraft per CVW.

Procurement authorities for certain amphibious shipbuilding programs (sec. 124)

The Senate amendment contained a provision (sec. 124) that would allow the Secretary of the Navy to enter into one or more contracts for the procurement of three San Antonio-class amphibious ships and one America-class amphibious ship.

The House bill contained no similar provision.

The House recesses.

The conferees believe that better planning and execution of long lead time material (LLTM) purchases for Navy shipbuilding programs could generate significant benefits for such programs, including material delivery schedules that better support the critical path at a more affordable cost, a firmer signal to the supplier base that better stabilizes the marketplace, and incentives for the industrial base to capitalize and invest in workforce development. The conferees understand that suboptimal LLTM funding requests in the past have contributed, directly or indirectly, to construction delays, cost increases, supplier base instability, and depressed industrial base investment.

Accordingly, the conferees direct the Secretary of the Navy to submit a report to the congressional defense committees concurrent with the President's budget request for fiscal year 2022 on the optimal funding profile for each new construction or refueling and complex overhaul program for which a funding request is included in the Shipbuilding and Conversion, Navy account in the fiscal year 2022 future years defense program (FYDP).

This report shall include, at a minimum, for each such covered program: (1) A description of LLTM needs to support associated construction milestones, including an itemized list of LLTM with the material, production duration, purchase lead time, required in-yard need date, vendor, vendor location, and approximate cost; (2) The fiscal year 2022 FYDP funding profile, including procurement full funding and advance procurement funding for such LLTM with an itemized description; (3) The optimal fiscal year 2022 FYDP funding profile to support associated construction milestones, including procurement full funding and advance procurement funding for such LLTM with an itemized description; (4) The benefits and program risk reduction that could be realized from pursuing the funding profiles described under paragraph (3) in terms of construction schedule, cost, supplier base stability, industrial base investment, and any other factors the Secretary deems appropriate; and (5) Any related matters the Secretary deems appropriate.

Land-based test program for the FFG(X) frigate program (sec. 125)

The House bill contained a provision (sec. 111) that would require the Secretary of Defense to ensure that an independent cost estimate had been completed prior to milestone B for the FFG(X) frigate program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the requirement for an independent cost estimate prior to milestone B and add a requirement for a land-based test program for the FFG(X) frigate program, which has recently been designated the *Constellation*-class (FFG-62).

The conferees note that a contract for up to 10 *Constellation*-class frigates was awarded in April 2020 with a potential cumulative value of \$5.6 billion. Given that the *Constellation*-class will play a significant role in the Navy battle force for many decades and the current program of record calls for building 20 frigates, the conferees believe a strong technical foundation for this program is critically important.

The conferees note that the winning *Constellation*-class ship design is based on a foreign design. While recognizing an existing parent design can reduce design, technical, and integration risks, the conferees are concerned that significant risks remain in the FFG-62 program, including: cost realism; shifting to predominantly U.S. component suppliers instead of the mainly foreign suppliers used in the parent vessel design; and a complex Combined Diesel Electric and Gas Hull, Mechanical and Electrical (HM&E) drive train that has not previously been used on U.S. Navy ships.

The conferees believe land based engineering and test sites (LBETS) are critical resources for the Department of Defense, particularly for Navy ship HM&E systems. For example, the conferees note the *Arleigh Burke*-class (DDG-51) LBETS at Naval Surface Warfare Center, Philadelphia Division (NSWCPD) has supported the fleet through systems development, testing and evaluation, and training for 31 years. Since 1989, this LBETS has trained more than 2,000 Navy sailors, supported all 68 DDG 51-class destroyers commissioned to date, and continues to support DDG 51-class destroyer acquisition as the Navy acquires new versions of the destroyer, including modifying the LBETS to support new DDG-51 Flight III systems.

Since 1972, NSWCPD LBETS testing has reduced the acquisition risk of five of the seven Navy surface combatant classes (*Spruance*-class, *Oliver Hazard Perry*-class, *Ticonderoga*-class, *Arleigh Burke*-class, and *Zumwalt*-class). The *Arleigh Burke*-class LBETS has included crew training, as well as cost and risk avoidance for major machinery upgrades during the service life of the class. The littoral combat ship (LCS) classes, the *Freedom*- and *Independence*-classes, are the two recent classes that have not had the benefit of a LBETS. Since lead ship deliveries in 2008 and 2010, both LCS classes have encountered significant, costly, and debilitating engineering failures. The conferees believe many of these LCS engineering failures would have been discovered, analyzed, and corrected faster with less negative operational impact had the Navy established a LCS LBETS.

Accordingly, the provision would require the Secretary of the Navy to establish a FFG-62 class LBETS as soon as possible. The primary objectives of the FFG-62 LBETS shall be to demonstrate across the full range of engineering plant operations: (1) Test of the full propulsion drive train; (2) Test and facilitation of machinery control systems integration; and (3) Simulation of the full range of electrical demands to enable the investigation of load dynamics between the HM&E equipment, combat system, and auxiliary equipment.

The provision would direct the Secretary to commence full-scale LBETS testing prior to delivery of FFG-62 and complete the test program not later than the date FFG-62 is scheduled to be available for tasking by operational military commanders.

In addition, the conferees direct the Secretary to submit to the congressional defense committees a plan to implement this section with the budget materials that accompany the President's Budget request for fiscal year 2022. This plan shall include the costs, activities, and test plan necessary to meet the requirements under this section.

Treatment in future budgets of the President of systems added by Congress (sec. 126)

The Senate amendment contained a provision (sec. 126) that would preclude the inclusion in future annual budget requests of a procurement quantity of a system previously authorized and appropriated by the Congress that was greater than the quantity of such system requested in the President's Budget request.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the effect of this provision to the Shipbuilding and Conversion, Navy account.

Extension of prohibition on availability of funds for Navy waterborne security barriers (sec. 127)

The Senate amendment contained a provision (sec. 123) that would extend the prohibition on availability of funds for Navy waterborne security barriers.

The House bill contained no similar provision.

The House recedes.

Report on strategy to use ALQ-249 Next Generation Jammer to ensure full spectrum electromagnetic superiority (sec. 128)

The Senate amendment contained a provision (sec. 128) that would require the Secretary of the Navy, in consultation with the Vice Chairman of the Joint Chiefs of Staff, to provide a report to the congressional defense committees, no later than July 30, 2021, defining a strategy to ensure full spectrum electromagnetic superiority using the ALQ-249 Next Generation Jammer.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

SUBTITLE D—AIR FORCE PROGRAMS

Minimum operational squadron level (sec. 131)

The Senate amendment contained a provision (sec. 143) that would require the Secretary of the Air Force to seek to achieve, as soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations, no fewer than 386 available operational squadrons, or equivalent organizational units, within the Air Force, comprised of specific Primary Mission Aircraft Inventory levels in the following mission areas:

- (1) 1,680 Fighter aircraft;
- (2) 199 Persist attack remotely piloted aircraft;
- (3) 225 Bomber aircraft;
- (4) 500 Air refueling aircraft;
- (5) 286 Tactical airlift aircraft;
- (6) 284 Strategic airlift aircraft;
- (7) 55 Command and control aircraft;
- (8) 105 Combat search and rescue aircraft;
- (9) 30 Intelligence, surveillance, and reconnaissance aircraft;
- (10) 179 Special operations aircraft; and,
- (11) 40 Electronic warfare aircraft.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the Secretary to seek a moderate risk aviation force structure of not fewer than 3,580 combat coded aircraft, which is the total quantity of mission-type aircraft still applicable from the Senate amendment. The amendment would also authorize the Secretary, based on the fielding of new capabilities and formal force structure capability assessments in consultation with the Chief of Staff of the Air Force and the Chairman of the Joint Chiefs of Staff, to modify the combat-coded aircraft total across mission areas, if warranted. Finally, the amendment would require the Secretary to submit to the congressional defense committees at the earliest opportunity any updates to the aviation force structure planning construct.

The conferees agree that the current quantity of Air Force combat coded aircraft incurs levels of risk beyond moderate and is not aligned with the National Defense Strategy (NDS). The conferees acknowledge that multiple independent and Department-wide studies have been conducted that recommend similar levels of a minimum quantity of combat coded aircraft by mission type that would be required to achieve the NDS at a moderate operational risk, as defined by the Chairman of the Joint Chiefs of Staff Manual 3105.018 titled "Joint Risk Analysis."

*Modification of force structure objectives for bomber aircraft
(sec. 132)*

The House bill contained a provision (sec. 121) that would amend section 9062(h)(2) of title 10, United States Code, by changing the B-1 combat coded aircraft requirement from 36 to 24. This provision would also set requirements for storage and maintainer billets.

The Senate amendment contained no similar provision.

The Senate recedes with a modifying amendment that would provide for the required combat capability while preserving maintenance capacity until the B-21 is fielded. The conferees agree that long range strike with standoff weapons will principally be conducted by the B-1 Lancer and B-52 Stratofortress bombers over the next decade. Therefore, the conferees believe that it is imperative to provide a legacy bomber modernization program that is commensurate with the intended service life.

Minimum bomber aircraft force level (sec. 133)

The House bill contained a provision (sec. 129) that would require a report not later than February 1, 2021, by the Secretary of the Air Force on the bomber aircraft force structure that enables the Air Force to meet the requirements of its long-range strike mission under the National Defense Strategy.

The Senate amendment contained a similar provision (sec. 144).

The Senate recedes as the report has been incorporated elsewhere in the bill.

Required minimum inventory of tactical airlift aircraft (sec. 134)

The House bill contained a provision (sec. 1043) that required the Secretary of the Air Force to maintain a total inventory of tactical airlift aircraft of not less than 292 aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a primary mission aircraft floor of 230 C-130s and a total C-130 aircraft floor for Fiscal Year 2021 of 287 aircraft.

The conferees believe that the Secretary of the Air Force should be provided latitude to reduce aircraft below the Mobility Capability Requirement Study of 2018 if such a reduction: is supported by Mobility Capability Requirement

Study required by section 1712 of the National Defense Authorization Act for fiscal year 2020; and, to transition aircraft to an alternative flying mission or upgrade to a later tactical airlift aircraft.

Inventory requirements for air refueling tanker aircraft (sec. 135)

The House bill contained a provision (sec. 125) that would prohibit the use of funds authorized to be appropriated in fiscal year 2021 to fiscal year 2023 for the retirement of any KC-135 aircraft, or reduce the number of primary mission KC-135 aircraft. This provision would also require the Air Force to maintain a minimum of 50 primary mission KC-10A aircraft in fiscal year 2021, 38 primary mission KC-10A aircraft in fiscal year 2022, and 26 primary mission KC-10A aircraft in fiscal year 2023.

The Senate amendment contained no similar provision.

The Senate recedes with a modifying amendment.

The conferees are encouraged by the Air Force's actions to find solutions for the KC-46 remote visual system deficiencies but are concerned that the implementation will require additional tanker capacity that should temporarily limit the retirement of legacy tankers. The required funds for continued use of these legacy tankers is addressed elsewhere in the bill.

Authority to use F-35A fighter aircraft AT-1 through AT-6 (sec. 136)

The Senate amendment contained a provision (sec. 172) that would authorize the Secretary of the Air Force to utilize, modify, and operate the six Turkish F-35A aircraft that were accepted by the Government of Turkey but never delivered because Turkey was suspended from the F-35 program.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of the Air Force, through written approval by the Secretary of Defense, to utilize, modify, and operate the six Turkish F-35A aircraft, addressed in the report encompassing this Act, and require the Secretary of Defense to provide the written approval documentation to the congressional defense committees.

F-35 aircraft gun system ammunition (sec. 137)

The Senate amendment contained a provision (sec. 145) that would require the Secretary of the Air Force to begin the

acquisition process for an alternate 25mm ammunition solution that provides a true full-spectrum target engagement capability for the F-35A.

The House bill contained no similar provision.

The House recesses with a clarifying amendment that would require the Director of the F-35 Joint Program Office, in consultation with the Secretary of the Air Force, to take appropriate actions to ensure that any 25mm ammunition fielded for use by F-35A aircraft provides effective full-spectrum target engagement capability.

Extension of limitation on availability of funds for retirement of RC-135 aircraft (sec. 138)

The House bill contained a provision (sec. 122) that would prohibit the Air Force from retiring, or preparing to retire, any RC-135 aircraft through fiscal year 2025 until 60 days after the date on which the Secretary of Defense certifies to the congressional defense committees that equivalent RC-135 capacity and capability exists to meet combatant commander requirements for indications and warning, intelligence preparation of the operational environment, and direct support to kinetic and non-kinetic operations.

The Senate amendment contained no similar provision.

The Senate recesses with a modifying amendment that would extend the prohibition to fiscal year 2021.

Modification to limitation on retirement of U-2 and RQ-4 aircraft (sec. 139)

The House bill contained a provision (sec. 124) that would limit obligation or expenditure of 50 percent of the funding available for the Advanced Battle Management System until one of three conditions is met: (1) The Secretary of the Air Force certifies that the Air Force will not retire any RQ-4 Global Hawk aircraft during fiscal year 2021; (2) The Under Secretary of Defense for Acquisition and Sustainment certifies that the validated operating and sustainment costs of any capability developed to replace the RQ-4 aircraft are less than the validated operating and sustainment costs for the RQ-4 aircraft on a comparable flight-hour cost basis, and the Chairman of the Joint Requirements Oversight Council certifies that any replacement capability for the RQ-4 aircraft would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands; or (3) The Secretary of Defense certifies that a replacement capability

for the RQ-4 aircraft is worth increased operating and sustainment costs.

The Senate amendment contained a similar provision (sec. 148) that would limit the retirement of any U-2 or RQ-4 aircraft until the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense and intelligence committees that the operational capabilities available to the combatant commanders would not be affected by such a decision.

The House recedes with a clarifying amendment that would amend the waiver requirements to the certification required by section 136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

The conferees note that section 136 of the National Defense Authorization Act for Fiscal Year 2018 clearly defines the necessary requirements and approval authorities the Air Force would need to take to begin the retirement or divestment of either the RQ-4 or U-2 aircraft. In February 2020, the Air Force transmitted a budget proposal to the Congress that sought to divest all RQ-4 Block 30 and Block 20 aircraft. Contrary to section 136 of the National Defense Authorization Act for Fiscal Year 2018, the Air Force did not provide either the required certifications or a waiver from the Secretary of Defense. The conferees further note that, 10 months after the fiscal year 2021 budget submission, neither of these existing requirements for RQ-4 aircraft retirement have been met. The conferees understand and acknowledge that modernizing airborne intelligence, surveillance, and reconnaissance (ISR) capabilities will necessitate divestment of legacy systems. However, the conferees remain concerned about the Air Force's continued inability to execute an ISR acquisition and replacement plan that appropriately manages operational risk to the global combatant commanders, as well as the service's failure to comply with current public law. However, until the Air Force provides a comprehensive ISR modernization plan, addressed elsewhere in this bill, the conferees will continue to be concerned about the sequence of retiring operational aircraft without a suitable replacement capability in place and available.

Modification of limitation on availability of funds for retirement of E-8 JSTARS aircraft (sec. 140)

The House bill contained a provision (sec. 123) that would amend section 147(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to prohibit any use of funds authorized to be appropriated in fiscal year 2021 or any subsequent year for the Air Force to

retire, or prepare to retire, any E-8 Joint Surveillance Target Attack Radar System (JSTARS) aircraft until the date on which the Secretary of Defense certifies to the congressional defense committees that there is a replacement capability identified that meets or exceeds the current capability and capacity of the 16-aircraft E-8 fleet to meet global combatant command requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that JSTARS ground moving target indicator and airborne battle management and command and control capabilities continue to be in high demand from global combatant commanders. While the conferees are aware that planned replacement capabilities are under development and making progress, the conferees are concerned about insufficient modernization and sustainment funding for the current platforms. The conferees expect to see adequate resources budgeted in fiscal years 2022 and beyond while JSTARS is flying these missions in support of overseas operations. Preserving the resident JSTARS command and control expertise with decades' worth of combat experience should be a high priority for the Air Force.

Limitation on divestment of F-15C aircraft within the European theater (sec. 141)

The Senate amendment contained a provision (sec. 149) that would restrict the divestment of F-15Cs in the European theater until the F-15EX is integrated into the Air Force and has begun bed down actions in the theater. The provision would also provide a waiver from the limitation if the Secretary of Defense notifies the congressional defense committees with appropriate justification.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would prohibit the divestment of F-15Cs in the European theater until the Commander, U.S. European Command, in consultation with the Commander, U.S. Air Forces Europe, provides a report that describes the strategy, force structure construct and capacity, and strategy implementation plan to maintain inherent and equal or better air superiority capability and capacity in the commander's European area of responsibility that will replace the capability and capacity that the F-15C currently provides for the commander.

Modernization plan for airborne intelligence, surveillance, and reconnaissance (sec. 142)

The House bill contained a provision (sec. 128) that would require the Secretary of the Air Force to provide a comprehensive strategy for Air Force airborne intelligence, surveillance, and reconnaissance (ISR) to ensure alignment between requirements, future Air Force budget submissions, and authorization of appropriations. The required plan would cover current steady-state, contingency, and future multi-domain operations for Air Force ISR. This section would also require the Air Force to submit a classified annex to the report as necessary.

The Senate amendment contained no similar provision.
The Senate recedes.

RC-26B manned intelligence, surveillance, and reconnaissance aircraft (sec. 143)

The House bill contained a provision (sec. 130) that would prohibit funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force to be obligated or expended to retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status any RC-26B aircraft.

The Senate amendment contained no similar provision.
The Senate recedes.

Prohibition on funding for Close Air Support Integration Group (sec. 144)

The Senate amendment contained a provision (sec. 146) that would prohibit the obligation or expenditure of funds for the Close Air Support Integration Group or its subordinate units at Nellis Air Force Base, Nevada.

The House bill contained no similar provision.
The House recedes.

Required solution for KC-46 aircraft remote visual system limitations (sec. 145)

The Senate amendment contained a provision (sec. 151) that would require the Secretary of the Air Force to develop and implement a solution to the KC-46 remote visual system operational limitations.

The House bill contained no similar provision.
The House recedes with a technical amendment.

Analysis of moving target indicator requirements and Advanced Battle Management System capabilities (sec. 146)

The Senate amendment contained a provision (sec. 152) that would require the Secretary of the Air Force to develop an analysis of current ground moving target indicator requirements across the combatant commands and the capability that the Advanced Battle Management System will require when fielded.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Study on measures to assess cost-per-effect for key mission areas (sec. 147)

The Senate amendment contained a provision (sec. 153) that would require the Secretary of the Air Force to conduct, or provide for the conduct of, two studies no later than January 1, 2021, to provide a better understanding of the life-cycle cost-per-effect of Air Force weapons to meet desired operational goals and objectives.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the Secretary of the Air Force to instead conduct one study and would require the Secretary to consider including cost-per-effect calculation metrics as a key performance parameter for any Air Force acquisition program that enters the Joint Capabilities Integration and Development System requirements process of the Department of Defense.

**SUBTITLE E—DEFENSE-WIDE, JOINT, AND
MULTISERVICE MATTERS**

Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force (sec. 151)

The Senate amendment contained a provision (sec. 171) that would require the Secretary of Defense to submit an annual plan for the procurement of the aircraft in the Department of the Navy, the Department of the Army, and the Department of the Air Force in order to meet the requirements of the National Defense Strategy.

The House bill contained no similar provision.

The House recedes with clarifying amendments.

Transfer of responsibilities and functions relating to electromagnetic spectrum operations (sec. 152)

The Senate amendment contained a provision (sec. 173) that would: (1) Require the Secretary of Defense to transition to the Chairman of the Joint Chiefs of Staff (CJCS) as a Chairman's Controlled Activity all of the responsibilities and functions of the Commander of United States Strategic Command that are germane to electromagnetic spectrum operations (EMSO); (2) Define additional responsibilities related to EMSO for the Vice CJCS; and (3) Require the combatant commanders and service chiefs to assess their plans and programs for consistency with the Electromagnetic Spectrum Superiority Strategy, the Joint Staff-developed concept of operations, and operational requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to consolidate electromagnetic spectrum operations within 2 years to an appropriate entity within the Department of Defense. Additionally, the chiefs of the services are required to evaluate the Armed Forces' capability to perform electromagnetic spectrum operations.

Cryptographic modernization schedules (sec. 153)

The Senate amendment contained a provision (sec. 174) that would require each of the Secretaries of the military departments and the heads of relevant Defense agencies and field activities to establish and maintain a cryptographic modernization schedule that specifies, for each pertinent weapon system, command and control system, or datalink: (1) The expiration date for applicable cryptographic algorithms; (2) Anticipated key extension requests; and (3) The funding and deployment schedule for modernized cryptographic algorithms, keys, and equipment over the future years defense program. The provision would also require the Department of Defense Chief Information Officer (CIO) to oversee the implementation of these scheduled investments and amend these plans, should they pose unacceptable risk to military operations. Finally, the provision would require the CIO to annually notify the congressional defense committees of any failures to meet these planned schedules.

The House bill contained no similar provision.

The House recedes clarifying amendment.

Department of Defense participation in the Special Federal Aviation Regulation Working Group (sec. 154)

The Senate amendment contained a provision (sec. 178) that would require the Secretary of Defense, or a designee of the

Secretary of Defense, to designate aircraft fulfilling urgent operational needs for the Department of Defense as State Aircraft if there exist Special Federal Aviation Regulations that would impact their ability to perform these missions.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Department of Defense to designate representatives to the Special Federal Aviation Regulation Working Group. Additionally, not later than June 30, 2021, the working group would be required to report their findings and recommendations to the Congress. Finally, the provision would require that any use of foreign contract aviation support to be certified by the Secretary of Defense as being required for national security and that the Department has exhausted all available authorities to use domestic companies.

Integrated air and missile defense assessment (sec. 155)

The Senate amendment contained a provision (sec. 111) that would require the Secretary of the Army to conduct a classified assessment of the capability and capacity of current and planned integrated air and missile defense (IAMD) capabilities to meet combatant commander requirements for major operations against near-peer competitors and other global operations in support of the National Defense Strategy.

The House bill contained no similar provision.

The House recedes with an amendment that directs the Chairman of the Joint Chiefs of Staff to conduct the IAMD assessment, requires a certification of Department of Defense Directive 5100.01 regarding integrated air and missile defense, and adds subsequent briefings by the military departments.

The conferees believe it is critical that the Department holistically assess current and future IAMD capability gaps in light of emerging advanced missile threats from near-peer competitors and rogue nations, and develop a comprehensive plan to address these gaps. The Department should prioritize in this assessment the need for a joint command and control architecture to effectively integrate capabilities across the joint force to achieve an integrated, layered, and robust defense.

Joint strategy for air base defense against missile threats (sec. 156)

The Senate amendment contained a provision (sec. 150) that would require the Chief of Staff of the Air Force (CSAF), in consultation with the Chief of Staff of the Army, to produce a development and acquisition strategy to procure a capability to

protect air bases and prepositioned sites in the contested environments highlighted in the National Defense Strategy. The provision would require the CSAF to submit the strategy to the congressional defense committees not later than March 1, 2021. Additionally, the provision would limit the obligation or expenditure of fiscal year 2021 funds for operation and maintenance for the Office of the Secretary of the Air Force and the Office of the Secretary of the Army to 50 percent of those funds until 15 days after submission of the strategy required by the provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Chief of Staff of the Air Force and the Chief of Staff of the Army to develop a strategy and coordinate efforts for the defense of air bases and prepositioned sites outside the continental United States from current and emerging missile threats and would remove the funding limitations.

Joint All Domain Command and Control requirements (sec. 157)

The Senate amendment contained a provision (sec. 182) that would require the Joint Requirements Oversight Council (JROC) to produce Joint All Domain Command and Control (JADC2) requirements no later than April 1, 2021. The provision would also require, immediately after the certification of requirements, the Chief of Staff of the Air Force to provide a certification to the congressional defense committees that the current JADC2 efforts, including programmatic and architecture efforts, being led by the Air Force will meet the requirements laid out by the JROC. Additionally, each service chief would be required to certify to the congressional defense committees that his or her respective service efforts in multi domain command and control are compatible with the Air Force-led architecture no later than July 1, 2021. Finally, the Secretary of Defense would be required to incorporate the expected costs for full development and implementation across the Department of Defense in the fiscal year 2022 budget request.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion of economic order quantity contracting authority for F-35 aircraft program (sec. 158)

The Senate amendment contained a provision (sec. 141) that would authorize the Secretary of Defense to award F-35 contracts to procure material and equipment in economic order quantities for fiscal year 2021 (Lot 15) through fiscal year 2023 (Lot 17).

The House bill contained no similar provision.

The House recedes with an amendment that would raise the dollar ceiling of the authority to enable all previously planned economic order quantity purchases for contracts to be awarded during fiscal years 2021, 2022, and 2023 that was granted by section 162 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

Documentation relating to the F-35 aircraft program (sec. 159)

The House bill contained a provision (sec. 131) that would require the Secretary of Defense to provide the congressional defense committees with certain information and certifications by the Secretary regarding F-35 program cost, schedule, risk, program execution, and significant deficiency resolution plans in the areas of production, Block 4 hardware and software development, modernization, upgrades and training systems before entering full-rate production or a Milestone C acquisition decision could be authorized by the Secretary.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would not require the certifications and information be submitted to the congressional defense committees prior to the Defense Acquisition Board convening for the F-35 program to evaluate its readiness for full-rate production or the Milestone C acquisition award.

The conferees note that although the provision does not require submission of the certifications and information as a prerequisite to the Secretary's authorization of either the full-rate production decision or approval of Milestone C, the conferees expect the Secretary to consider and evaluate similar-type information during the Defense Acquisition Board deliberations.

F-35 aircraft munitions (sec. 160)

The Senate amendment contained a provision (sec. 179) that would require the Secretary of the Air Force and Secretary of the Navy to qualify and certify, for the use by the U.S. military, additional munitions for the F-35 aircraft that are already qualified for North Atlantic Treaty Organization member F-35 partner aircraft.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require any weapons certification to be accomplished in coordination with the Director of the F-35 Joint Program Office.

Redesign strategy for the Autonomic Logistics Information System for the F-35 fighter aircraft (sec. 161)

The Senate amendment contained a provision (sec. 177) that would address the lack of strategy to clearly identify and assess the goals, key risks or uncertainties, and costs of redesigning the Autonomic Logistics Information System (ALIS) by requiring the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the F-35 Program Executive Officer, no later than October 1, 2020, to: (1) Develop a program-wide process for measuring, collecting, and tracking information on how the ALIS is affecting the performance of the F-35 fleet, to include, but not be limited to, its effects on mission capability rates; and, (2) Implement a strategy for the redesign of the ALIS.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary of Defense for Acquisition and Sustainment and the F-35 Program Executive Officer to also develop system performance metrics for the new Operational Data Integrated Network (ODIN) and to include in the quarterly updates, required by section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), information regarding how ALIS is affecting F-35 fleet performance and the Department's progress of developing, procuring, and fielding the F-35 ODIN system.

Briefings on software regression testing for F-35 aircraft (sec. 162)

The House bill contained a provision (sec. 132) that would require the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Director, Operational Test and Evaluation, to provide the congressional defense committees with a notification not later than 30 days after F-35 air vehicle or mission systems production software is released to units under the F-35 program's continuous capability development and delivery process.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Director, Operational Test and Evaluation, to instead include in the quarterly briefings to the congressional defense committees, required by section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), information updates on software

regression testing for the mission systems production software for the F-35 aircraft.

Additionally, the conferees are overall generally concerned with the software development, testing, fielding practices, processes, and shortened release periodicity that stakeholders within the F-35 enterprise are currently employing. The conferees also note that a large amount of unanticipated software repair and replacement due to nonstandard software development methodologies and practices implemented during the original construction of the software has accumulated over the years. Most recently, this issue caused a significant event to occur in which the program was forced to skip the fielding of the fifth major release of software due to these lingering, unknown software technical issues that were noted to be resident and undiscovered during the development and testing of the second major release of software that was developed and fielded many years ago. The conferees believe that unless program officials both inside and outside the U.S. Government involved in the F-35 program singularly address and positively resolve the significant issues within the software enterprise, the enhanced and necessary capabilities that are planned to be fielded by Block IV and Technical Refresh III activities may not be actually realized.

*Prohibition on use of funds for the Armed Overwatch Program
(sec. 163)*

The House bill contained a provision (sec. 134) that would prohibit the obligation or expenditure of any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for procurement for the Armed Overwatch Program of United States Special Operations Command (SOCOM) until the Secretary of Defense and Commander of SOCOM review, validate, and certify the Armed Overwatch Program. This provision would also require the Secretary of Defense to review the roles and responsibilities of the Air Force and SOCOM with respect to close air support and armed intelligence, surveillance, and reconnaissance capabilities, and upon favorable determination, certify armed overwatch as a special operations forces-peculiar requirement. The provision would also require the Commander of SOCOM to provide a comprehensive requirements plan and roadmap analyzing application of the armed overwatch capability against the totality of intelligence, surveillance, and reconnaissance (ISR) requirements of the various special operations forces (SOF) units and missions, and the geographic combatant commands.

The Senate amendment contained a provision (sec. 176) that would prohibit the use of funds authorized to be appropriated by

this Act for the Department of Defense for armed overwatch aircraft in fiscal year 2021 and would require a comprehensive analysis by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of SOCOM.

The Senate recedes with an amendment that would prohibit the use of funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense to acquire armed overwatch aircraft for SOCOM and prohibits the Department of Defense from procuring armed overwatch aircraft for SOCOM in fiscal year 2021 and prohibits the United States Air Force from procuring armed overwatch aircraft in fiscal years 2021 through 2023.

The conferees recognize the importance of providing deployed SOF elements with the resources, enhanced situational awareness, and close air support capabilities required to be successful in austere environments. The conferees note that the Committees on Armed Services of the Senate and the House of Representatives previously directed SOCOM in response to a fiscal year 2020 above threshold reprogramming request to undertake a comprehensive analysis of SOCOM's armed overwatch requirements and potential materiel solutions for both manned and unmanned capabilities, inclusive of any potential modifications to extant capabilities. Further, the response also stressed the necessity of a thorough analysis of the future threat environment and impacts to concept survivability, potential changes to future doctrine, force employment, and the associated impacts to aircrew training and retention.

Acceleration of development and fielding of counter unmanned aircraft systems across the joint force (sec. 164)

The Senate amendment contained a provision (sec. 181) that would require the executive agent of the Joint Counter Small Unmanned Aerial Systems office to prioritize counter-unmanned aerial systems that can be fielded in fiscal year 2021 and develop a near-term plan to effect that fielding.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for United States Special Operations Command (sec. 165)

The Senate amendment contained a provision (sec. 180) that would require, not later than December 1, 2021, the Assistant Secretary of Defense for Special Operations and Low-Intensity

Conflict and the Commander, United States Special Operations Command, to jointly submit to the congressional defense committees an acquisition roadmap to meet the manned and unmanned airborne intelligence, surveillance, and reconnaissance requirements of United States Special Operations Forces.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the required elements of the acquisition roadmap.

Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command (sec. 166)

The Senate amendment contained a provision (sec. 371) that would prohibit the use of any funds authorized to be appropriated by this Act to divest any manned intelligence, surveillance, and reconnaissance (ISR) aircraft operated by the United States Special Operations Command (SOCOM) and would prohibit the Department of Defense from divesting any manned ISR aircraft operated by SOCOM in fiscal year 2021.

The House bill contained no similar provision.

The House recedes with an amendment that would exempt from the prohibition the divestment of aircraft that is ongoing as of the date of the enactment of this Act.

Notification on efforts to replace inoperable ejection seat aircraft locator beacons (sec. 167)

The House bill contained a provision (sec. 133) that would require the Under Secretary of Defense for Acquisition and Sustainment to provide the congressional defense committees a semiannual written notification about the efforts being undertaken by the senior acquisition executives of the Department of the Air Force and the Department of the Navy to replace emergency locator seat beacons in ejection-seat equipped aircraft that have been found to be inoperable in water, and the funding budgeted for such efforts. The Under Secretary would be required to report on the issue until locator beacons are replaced in all affected ejection-seat equipped aircraft or a period of 5 years has elapsed since the date the initial report is received by the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Liquified natural gas pilot program

The House bill contained a provision (sec. 112) that would require the Secretary of the Navy to carry out a pilot program under which the Secretary would experiment and innovate within the fleet using liquified natural gas (LNG) technology to retrofit, modify, or build vessels capable of dual fueling (diesel and liquified natural gas) or powered by liquified natural gas alone.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to brief the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2021, on the feasibility and advisability of expanding the use of LNG to support fleet or installation operations.

Limitation on production of KC-46A aircraft

The House bill contained a provision (sec. 126) that would prohibit purchasing more than the 12 KC-46A aircraft in fiscal year 2021 until certain category-one deficiencies are fixed. This provision would also require the Secretary of the Air Force to provide a report by February 1, 2021, on the schedule for the correction of each category-one deficiency described, a plan to engage an independent test organization to verify the effectiveness of any proposed solutions to such category-one deficiencies; and an acquisition strategy for the aircraft that identifies principal acquisition milestones; and will ensure that there is sufficient competition for the procurement of a nondevelopmental tanker aircraft at the conclusion of the KC-46A production contract.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of the Air Force has ordered 67 KC-46A aircraft to date. Unfortunately, the KC-46A aircraft has several category one deficiencies including a deficient Remote Vision System (RVS) that is not scheduled to be corrected until September 2023. Additionally, the conferees note that Director, Operation Test and Evaluation and the Assistant Secretary of the Air Force for Acquisition, Technology and Logistics have agreed to extend the ongoing Initial Operational Test and Evaluation until after the RVS deficiency is resolved and tested. Finally, the conferees understand that the Assistant Secretary of the Air Force for Acquisition, Technology and Logistics has deferred a Full-Rate Production decision until after Initial Operational Test and Evaluation is complete. The conferees support sufficient testing to ensure an operationally capable aircraft and the decision to defer the full rate

production. The conferees believe it is imperative to expeditiously correct the entirety of these category one deficiencies to ensure the KC-46A can perform their full mission both in peace and in war.

Assessment and certification relating to OC-135 aircraft

The House bill contained a provision (sec. 127) that would prohibit the Air Force from retiring, or preparing to retire, any OC-135 aircraft in fiscal year 2021 until 90 days after the date on which the Secretary of the Air Force provides a report and a certification to the congressional defense committee on the feasibility and cost effectiveness of using the OC-135 aircraft to fulfill other aerial imagery requirements for alternative missions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Air Force, no later than March 1, 2021, to provide the congressional defense committees a report on the advisability, feasibility, and cost effectiveness of using the OC-135 aircraft as well as the newly fielded digital visual imaging system to fulfill other aerial imagery requirements for alternative missions.

Report on carrier wing composition

The Senate amendment contained a provision (sec. 127) that would direct the Secretary of the Navy, in consultation with the Chief of Naval Operations and Commandant of the Marine Corps, to submit a report to the congressional defense committees, not later than May 1, 2021, on the optimal compositions of the carrier air wing in 2030 and 2040, as well as alternative force design concepts.

The House bill contained no similar provision.

The Senate recedes.

Briefing on payload hosting on modular supersonic aircraft

The House bill contained a provision (sec. 130A) that would require the Secretary of the Air Force to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the potential use of a modular civil supersonic aircraft to host multiple mission payloads not later than 120 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Air Force to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the potential use of a modular civil supersonic aircraft to host multiple mission payloads not later than March 1, 2021.

Minimum aircraft levels for major mission areas

The Senate amendment contained a provision (sec. 142) that would establish a minimum number of primary aircraft inventory levels for each major mission area of the Air Force to mitigate near-term operational risk. The provision would prohibit divestment of aircraft below these minima unless the Secretary of the Air Force certifies to the congressional defense committees that a reduction below minima was justified by the results of new capability and requirements studies.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Air Force has been challenged over many years by programmatic concurrency to develop and field more modern and capable replacement aircraft, in support of the National Defense Strategy and against advanced threats, within planned budgets and schedules. The conferees are frustrated that the Air Force consistently implements a strategy to accept increased operational risk by divesting legacy aircraft capacity to address replacement program unplanned cost growth. Conferees have historically expressed concern over those same years that the divestment of legacy aircraft traditionally does not yield sufficient resources to fund modernization. The conferees expect the Air Force to find alternative means in the future to effectively and affordably budget for deficiencies in its modernization and recapitalization programs that would avoid increasing operational risk beyond currently assessed levels.

Limitation on divestment of KC-10 and KC-135 aircraft

The Senate amendment contained a provision (sec. 147) that would prohibit the divestment of KC-10 and KC-135 aircraft in excess of the following: in fiscal year 2021, 6 KC-10s; in fiscal year 2022, 12 KC-10s; and, in fiscal year 2023, 12 KC-10s and 14 KC-135s.

The House bill contained a similar provision.

The Senate recedes as the provision is addressed elsewhere in this Act.

Prohibition on purchase of armed overwatch aircraft

The Senate amendment contained a provision (sec. 175) that states the Secretary of the Air Force may not purchase any aircraft for the purpose of "armed overwatch" until such time as the Chief of Staff of the Air Force certifies to the congressional defense committees that general purpose forces of the Air Force do not have the skill or capacity to provide close air support and armed overwatch to the United States forces deployed operationally.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that elsewhere in this Act is a provision that would prohibit the Department of Defense from procuring armed overwatch aircraft for the Air Force in fiscal years 2021 through 2023.

Sense of Congress on the Additive Manufacturing and Machine Learning Initiative of the Army

The House bill contained a provision (sec. 278) that expressed the sense of Congress about the potential of and support for the additive manufacturing and machine learning initiative of the Army.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the Army's additive manufacturing and machine learning initiative has the potential to accelerate the ability to deploy additive manufacturing capabilities in expeditionary settings and strengthen the U.S. defense industrial supply chain. The conferees encourage the Department of Defense to continue to support this additive manufacturing and machine learning initiative.

Assessment of Medium-Heavy Lift Helicopter Plans of the Army

The Senate amendment contained a provision (sec. 5111) that would require the Secretary of Defense, in consultation with the Secretary of the Army, to analyze and submit a report on the CH-47F Block-II upgrade.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the critical importance of ensuring robust, modern, medium-heavy lift helicopter capability within the Army. The conferees note the Department's decision to delay pursuing the CH-47F Chinook Block-II upgrade and are concerned about the impact this decision will have on warfighting capability, operational readiness, and the medium-heavy lift helicopter industrial base.

Therefore, the conferees direct the Director of Cost Assessment and Program Evaluation, in consultation with the Secretary of the Army, to conduct an assessment of the Army's plans for medium-heavy lift helicopters and provide a report to the congressional defense committees no later than 90 days after the enactment of this Act. The assessment should include: (1) Analysis of the projected long-term readiness and operational availability of the CH-47F aircraft in view of the decision to delay the Block-II upgrade; (2) An evaluation of the Army's plans, to include the timeline, for Future Vertical Lift Capability Set 5 to sustain medium-heavy lift capacity within the Army; and (3) A review of the medium-heavy lift helicopter industrial base to meet current and projected needs.

Report on fiscal year 2022 budget request requirements in connection with Air Force operations in the Arctic

The Senate amendment contained a provision (sec. 6002) that would require the Secretary of the Air Force to submit to the congressional defense committees, not later than 30 days after submission of the budget justification documents to the Congress in support of the budget of the President for fiscal year 2022 (as submitted pursuant to section 1105 of title 31, United States Code), a report that would include the following:

(1) A description of the manner in which amounts requested for the Air Force in the budget for fiscal year 2022 support Air Force operations in the Arctic;

(2) A list of the procurement initiatives and research, development, test, and evaluation initiatives funded by that budget that are primarily intended to enhance the ability of the Air Force to deploy to or operate in the Arctic region, or to defend the northern approach to the United States homeland; and

(3) An assessment of the adequacy of the infrastructure of Air Force installations in Alaska and in the States along the northern border of the continental United States to support deployments to and operations in the Arctic region, including an assessment of runways, fuel lines, and aircraft maintenance capacity for purposes of such support.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to submit to the congressional defense committees, not later than 30 days after submission of the budget justification documents to the Congress in support of the budget of the President for fiscal year 2022 (as submitted pursuant to section 1105 of title

31, United States Code), a report that would include the following:

(1) A description of the manner in which amounts requested for the Air Force in the budget for fiscal year 2022 support Air Force operations in the Arctic;

(2) A list of the procurement initiatives and research, development, test, and evaluation initiatives funded by that budget that are primarily intended to enhance the ability of the Air Force to deploy to or operate in the Arctic region, or to defend the northern approach to the United States homeland; and

(3) An assessment of the adequacy of the infrastructure of Air Force installations in Alaska and in the States along the northern border of the continental United States to support deployments to and operations in the Arctic region, including an assessment of runways, fuel lines, and aircraft maintenance capacity for purposes of such support.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize appropriations for research, development, test, and evaluation at the levels identified in section 4201 of division D of this Act.

The Senate amendment contained an identical provision (sec. 201).

The conference agreement includes this provision.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Modification of requirements relating to certain cooperative research and development agreements (sec. 211)

The House bill contained a provision (sec. 213) that would amend section 2350a of title 10, United States Code, by allowing the Secretary of Defense to delegate his or her authority to make a determination to enter into a cooperative research and

development project to only one party. It would also allow for cooperative research and development projects when cost sharing is unequal in cases that provide strategic value to the United States or partner country. This section would also allow the Secretary, or designee, to procure qualified services from the foreign entity with the requirement that written notice must be sent to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate no later than 30 days before issuing a waiver.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the procurement of qualified services and associated written notice.

Disclosure requirements for recipients of Department of Defense research and development funds (sec. 212)

The Senate amendment contained a provision (sec. 220) that would amend chapter 139 of title 10, United States Code, by adding a new section on disclosure requirements for recipients of Department of Defense research and development grants with an effective date of October 1, 2021.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the disclosure requirements.

Modification of national security innovation activities and pilot program on strengthening the defense industrial and innovation base (sec. 213)

The House bill contained a provision (sec. 218) that would amend section 2358 of title 10, United States Code, by realigning the National Security Innovation Capital (NSIC) program under the Defense Innovation Unit and establishing an advisory board to provide recommendations on defense innovation priority investments once NSIC funding is available. This section would also amend section 2505 of title 10, United States Code, by extending the Defense Manufacturing pilot program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the existing alignment of NSIC, and, instead of establishing an advisory board, look to the advice and assistance of existing Federal Advisory Committees.

The conferees direct the Under Secretary of Defense for Research and Engineering to consider advice and assistance from

the Defense Innovation Board, the Defense Science Board, and the Defense Business Board.

Updates to Defense Quantum Information Science and Technology Research and Development program (sec. 214)

The Senate amendment contained a provision (sec. 215) that would amend the Defense Quantum Information Science and Technology Research and Development Program, established in section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), by directing each of the Secretaries of the military departments to develop more robust programs for quantum computing capabilities.

The House bill contained no similar provision.

The House recedes.

Establishment of Directed Energy Working Group (sec. 215)

The House bill contained a provision (sec. 225) that would establish a Directed Energy Working Group inside the Department of Defense to coordinate directed energy efforts across the military services, leverage shared research and development, eliminate redundant efforts, and expedite the operationalization of directed energy programs.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense (sec. 216)

The House bill contained a provision (sec. 219) that would extend the termination date by 5 years for the pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense established in section 233 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328). This section would require the Secretary of Defense to submit a report to the congressional defense committees not later than 1 year after the date of the enactment of this Act on the status of the pilot program.

The Senate amendment contained a similar provision (sec. 214).

The Senate recedes with a technical amendment.

Designation of senior officials for critical technology areas supportive of the National Defense Strategy (sec. 217)

The Senate amendment contained a provision (sec. 211) that would require the Under Secretary of Defense for Research and Engineering (USD(R&E)) to designate a group of senior Department of Defense officials who would be responsible for coordinating research and engineering in technology areas deemed critical to the National Defense Strategy (NDS). Each of the designated senior officials would be responsible for a particular technology area and would continuously and iteratively build the pathways necessary to develop new technologies vital to the modernization priorities of the NDS. The officials' responsibilities would encompass technical, logistical, and financial dimensions and would include coordination with international, interagency, and private sector organizations. The provision would also require the designated senior officials to coordinate with the appropriate intelligence agencies to develop direct comparisons between the capabilities of the United States and the adversaries of the United States.

The provision would also require that the USD(R&E) provide an annual report to the congressional defense committees regarding successful advances in research and engineering and technology transition and adoption following the implementation of the provision.

The House bill contained no similar provision.

The House recedes with a conforming amendment to Section 218 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

Executive agent for autonomy (sec. 218)

The House bill contained a provision (sec. 226) that would create a Program Executive Officer (PEO) for autonomy within the Navy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require an existing PEO within the Department of the Navy to be designated the acquisition executive agent for autonomy.

National security innovation partnerships (sec. 219)

The House bill contained a provision (sec. 215) that would amend chapter 139 of title 10, United States Code, by inserting a new section, 2358c National Security Innovation Network. This new section would establish a program office to be known as the National Security Innovation Network as a permanent office within the Under Secretary of Defense for Research and Engineering or another organization at the discretion of the Secretary of Defense. This section would require the Comptroller

General of the United States to submit a review of the report to the congressional defense committees not later than 180 days after the Secretary's implementation report. Finally, this section would require the Comptroller General to review and submit an evaluation of the program to the appropriate congressional committees not later than 3 years after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that establishes an activity on national security innovation partnerships. The amendment includes modifications to the elements of the activity and modifications to the implementation.

The conferees direct the Comptroller General of the United States to complete an evaluation of the activity established by this section and submit to the congressional defense committees a report on the results of the evaluation not later than 3 years after the date of the enactment of this Act.

Social science, management science, and information science research activities (sec. 220)

The House bill contained a provision (sec. 221) that would direct the Secretary of Defense to carry out a social, management, and information science research and development program to ensure the Department of Defense has access to innovation and expertise in social, management, and information science necessary for improving the effectiveness and efficiency of executing Department of Defense operational and management activities. This section would require the Secretary to submit a report by December 31, 2022, to the congressional defense committees on the program, in both a classified and unclassified format.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to modify the program purposes, activities, and research and transition activities.

Accountability measures relating to the Advanced Battle Management System (sec. 221)

The House bill contained a provision (sec. 227) that would require the Director of Cost Assessment and Program Evaluation to conduct an independent assessment of life-cycle costs for the Advanced Battle Management System (ABMS) and review any cost estimate of the system prepared by the Department of the Air Force. The provision would also require the Secretary of the Air Force to report to the congressional defense committees on the

planned capabilities, acquisition authorities, and security measures related to ABMS.

The Senate amendment contained a similar provision (sec. 238) that would require the Secretary of the Air Force to submit specific documentation germane to the Advanced Battle Management System immediately upon enactment of this Act.

The Senate recedes with a clarifying amendment that would require the Secretary of the Air Force to consult with the Director of Cost Assessment and Program Evaluation and conduct an initial cost estimate for each ABMS product category.

The conferees appreciate the rationale for ABMS and support the objective of comprehensive, interoperable battle management and command and control. The conferees maintain that better definition of anticipated ABMS capabilities and costs will focus both congressional oversight and service development and execution of the ABMS family of systems.

Activities to improve fielding of Air Force hypersonic capabilities (sec. 222)

The Senate amendment contained a provision (sec. 219) that would express a sense of Congress regarding the importance of hypersonic capabilities, require the Secretary of Defense to increase the flight test rate as necessary to expedite maturation and fielding of hypersonic technologies, and require a report from the Under Secretary of Defense for Research and Engineering regarding a strategy to deliver air-launched and air-breathing hypersonic weapons within 3 years.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the sense of Congress, and modify the reporting requirement to be delivered by the Secretary of the Air Force, including acquisition program baseline equivalent information and an assessment of testing and infrastructure needed to support the development strategy.

Disclosure of funding sources in applications for Federal research and development awards (sec. 223)

The House bill contained a provision (sec. 229) that would require Federal research agencies to require any principal investigator or co-principal investigator under a grant or cooperative agreement to disclose all current and pending support and the sources of such support at the time of the application.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the disclosure requirement, enforcement, and definitions. The conferees expect the Secretary of Defense to apply the requirements of this section to all appropriate research, development, test and evaluation activities.

Governance of fifth-generation wireless networking in the Department of Defense (sec. 224)

The Senate amendment contained a provision (sec. 212) that would establish a cross-functional team (CFT) for fifth-generation (5G) wireless networking and designate the Chief Information Officer of the Department of Defense, in carrying out the responsibilities established in section 142 of title 10, United States Code, to lead the CFT and serve as the senior designated official for fifth-generation wireless networking policy, oversight, guidance, and coordination in the Department.

The House bill contained no similar provision.

The House recedes with amendments to direct the transition of 5G wireless networking to operational use, to modify the effective date of the responsibilities, and to require a 5G telecommunications security program.

Demonstration project on use of certain technologies for fifth-generation wireless networking services (sec. 225)

The Senate amendment contained a provision (sec. 233) that would require the Department of Defense to demonstrate virtualized radio access network and network core technologies and massive multiple input multiple output radio array technology for commercial use that is globally competitive in terms of cost and performance. The provision would require that this technology demonstration be conducted at one or more of the sites where the Department is deploying fifth generation network instances.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Research, development, and deployment of technologies to support water sustainment (sec. 226)

The Senate amendment contained a provision (sec. 218) that would require the Secretary of Defense to research, develop, and deploy advanced technologies that support water sustainment with technologies that capture ambient humidity and harvest, recycle, and reuse water.

The House bill contained no similar provision.

The House recedes.

Limitation on contract awards for certain unmanned vessels (sec. 227)

The House bill contained a provision (sec. 230) that would prohibit the procurement of any large unmanned surface vessels in fiscal year 2021 until a certification regarding technology maturity has been submitted to the Congress, as well as prohibit the inclusion of offensive weapons systems in such vessels until the Secretary of Defense certifies how these systems will comply with the Law of Armed Conflict.

The Senate amendment contained a similar provision (sec. 237) that would require the submission of a certification by the Under Secretary of Defense for Research and Engineering prior to contracting for certain vessels.

The House recedes with an amendment that would change the submitter of the certification to the Secretary of the Navy, remove unmanned underwater vehicles as covered vessels, and add a limitation on the integration of offensive weapons into covered vessels until an analysis of alternatives is conducted and a Secretary of Defense certification is made.

SUBTITLE C—ARTIFICIAL INTELLIGENCE AND EMERGING TECHNOLOGY

Modification of biannual report on the Joint Artificial Intelligence Center (sec. 231)

The House bill contained provisions (sec. 250 and sec. 917) that would modify the biannual report on the Joint Artificial Intelligence Center (JAIC) required in the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to include reporting on efforts to develop or contribute to the development of artificial intelligence standards at the industry, Department of Defense, interagency, and international levels. The Act would be further amended to include reporting on the billets assigned to uniformed servicemembers immediately after departing assignments at or supporting the JAIC.

The Senate amendment contained similar provisions (sec. 952 and sec. 5241) that would require the Secretary of Defense to provide a briefing on the feasibility and current status of assigning uniformed military personnel to the JAIC as well as the costs and benefits of such an arrangement. The Secretary would also be required to provide a report on the role of the Department in developing artificial intelligence standards.

The Senate recedes with an amendment that would modify the biannual report on the JAIC required in the National Defense Authorization Act for Fiscal Year 2020 to include an assessment of Department of Defense efforts on standard-setting in the field of artificial intelligence, information on post-JAIC assignments for servicemembers previously supporting the JAIC, and an annual update on the status of Active-Duty servicemembers assigned to the JAIC.

Modification of joint artificial intelligence research, development, and transition activities (sec. 232)

The House bill contained a provision (sec. 217) that would amend section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) by assigning responsibility for the Joint Artificial Intelligence Center (JAIC) to the Deputy Secretary of Defense and ensure data access and visibility for the JAIC.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make modifications to the amendments to section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Board of advisors for the Joint Artificial Intelligence Center (sec. 233)

The House bill contained a provision (sec. 224) that would direct the Secretary of Defense to create and resource a Board of Directors for the Joint Artificial Intelligence Center (JAIC), comprised of senior Department of Defense officials, as well as civilian directors not employed by the Department of Defense. The objective would be to have a standing body over the JAIC that can bring governmental and non-governmental experts together for the purpose of assisting the Department of Defense in correctly integrating and operationalizing artificial intelligence technologies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the Board of Directors to a Board of Advisors and modify the duties, membership, and logistics of the Board of Advisors.

Application of artificial intelligence to the defense reform pillar of the National Defense Strategy (sec. 234)

The Senate amendment contained a provision (sec. 213) that would require the Secretary of Defense to identify no fewer than five use cases for existing artificial intelligence technologies

that are consistent with reform efforts that support the National Defense Strategy. The provision would further require the Secretary, acting through such offices as deemed appropriate within the Department, to demonstrate the use of commercially available technologies for the use cases identified and provide a briefing to the congressional defense committees on all activities carried out in compliance with this provision.

The House bill contained no similar provision.

The House recesses.

Acquisition of ethically and responsibly developed artificial intelligence technology (sec. 235)

The House bill contained provisions (sec. 248 and sec. 1053) that would require the Secretary of Defense, acting through the board of the Joint Artificial Intelligence Center (JAIC) to conduct an assessment on whether the Department of Defense has the ability to ensure any artificial intelligence technology the Department acquires is ethically and responsibly developed. The provision would require the Secretary to submit to the congressional defense committees a report upon completion of the assessment, including results and measures to mitigate any deficiencies identified in the assessment.

The JAIC would also be prohibited from obligating or expending any funds otherwise made available for fiscal year 2021 to acquire or develop new artificial intelligence systems unless the Department of Defense or the vendor assess or commit to assessing the potential of the system to discriminate on the basis of several protected characteristics. The Department of Defense or the vendor would also be required to address any discriminatory bias identified and ensure the system conforms to Department of Defense artificial intelligence ethics principles before funds could be obligated or expended on said system.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would strike the prohibition on funding for the JAIC with its concomitant restrictions, replace the report on the Secretary of Defense's assessment with a briefing, and expand the scope of the Secretary's assessment to include underused expertise already within the Department.

Steering committee on emerging technology (sec. 236)

The House bill contained a provision (sec. 241) that would establish a steering committee on emerging technology and national security threats.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to make establishment of the committee permissive and to modify the purpose and logistics of the committee.

SUBTITLE D—EDUCATION AND WORKFORCE DEVELOPMENT

Measuring and incentivizing programming proficiency (sec. 241)

The House bill contained a provision (sec. 222) that would direct the Secretary of Defense to leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to provide special pay to civilian employees of the Department of Defense who have been certified as proficient in a computer or digital programming language and are assigned duties requiring proficiency in that programming language.

Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program (sec. 242)

The House bill contained a provision (sec. 211) that would amend section 2192a of title 10, United States Code, by establishing a scholarship for service pilot subprogram under the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) Defense Education Program for students at minority institutions to diversify and strengthen the national security workforce. This section would require the Secretary of Defense to submit an initial report to the congressional defense committees by December 31, 2022 on the establishment of the pilot subprogram and a final report by September 30, 2024 on the success of the pilot program in recruiting individuals for scholarships under this section and hiring and retaining those individuals in the public sector workforce.

This section would also require the Secretary to pay participants at a rate that is comparable to the private sector and include a paid internship requirement with defense industry, and it would require that not less than 20 percent of SMART program scholarship awards go to individuals pursuing degrees in computer science or a related field of study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment with modifications to the SMART program, a modified provision on national security workforce and educational diversity activities, and a provision to increase coordination of scholarship and employment programs of the Department of Defense.

Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of activities responding to this section. At a minimum, the report shall identify the number of minority students participating in relevant programs as of the date of the report, the fields of study pursued by such students, and the institutions at which such students are enrolled.

This language is also covered in sections 250 and 251 of this Act.

Improvements to Technology and National Security Fellowship of Department of Defense (sec. 243)

The Senate amendment contained a provision (sec. 217) that would amend section 235 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to increase the pay range for participants in the Department of Defense Technology and National Security Fellowship, executed by the Under Secretary of Defense for Research and Engineering.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Modification of mechanisms for expedited access to technical talent and expertise at academic institutions (sec. 244)

The House bill contained a provision (sec. 232) that would amend section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) by modifying mechanisms for expedited access to technical talent and expertise at academic institutions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the identified activities, including deleting a duplicate reference to infrastructure resilience.

The conferees encourage the Department of Defense to include Historically Black Colleges and Universities and Minority Institutions in the establishment of these consortia and direct that the report required include how many of these institutions are consortia members.

Encouragement of contractor science, technology, engineering, and mathematics (STEM) programs (sec. 245)

The House bill contained a provision (sec. 212) that would amend chapter 111 of title 10, United States Code, to establish a new section, 2192c, "Program to enhance contractor participation in science, technology, engineering, and mathematics activities." This section would also direct the Secretary of Defense to carry out a program under which the Secretary shall seek to enter into partnerships with Department of Defense contractors to carry out community service activities to promote interest in careers in science, technology, engineering, and math disciplines, and allow those activities to be considered as allowable costs on a Government contract.

The Senate amendment contained no similar provision.

The Senate recedes with amendments that would remove the consideration of allowable cost and would instead modify an existing provision of law, section 862 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), that directs similar activities, to direct the Department to establish a non-monetary award program to recognize contractors who demonstrate excellence in such activities.

Training program for human resources personnel in best practices for technical workforce (sec. 246)

The House bill contained a provision (sec. 242) that would direct the Secretary of Defense to develop and implement a program to provide human resources personnel with training in the fields of software development, data science, and artificial intelligence, as such fields relate to the duties of such personnel, not later than 1 year after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop and implement a 5-year pilot program to provide certain human resources personnel with training in public and private sector best practices for attracting and retaining technical talent.

Pilot program on the use of electronic portfolios to evaluate applicants for certain technical positions (sec. 247)

The House bill contained a provision (sec. 244) that would direct the Secretary of Defense to carry out a pilot program to evaluate applicants for technical positions within the Department of Defense, in part, on electronic portfolios of the applicant's work.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to carry out the pilot program for certain technical positions at the Joint Artificial Intelligence Center, the Defense Digital Service, and at least one activity in each military department.

Pilot program on self-directed training in advanced technologies (sec. 248)

The House bill contained a provision (sec. 245) that would direct the Secretary of Defense to provide a list of approved online courses relating to artificial intelligence that may be taken by employees and military members on a voluntary basis outside work hours not later than 180 days after the date of the enactment of this Act. The section would also require the Secretary to develop a system to reward those who complete the courses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the required online course catalog to include courses on certain advanced technologies. The provision would also require the Secretary of Defense to develop metrics to assess the success of the pilot program, and to provide an incentive for military and civilian personnel to complete the available courses.

The conferees direct the Secretary of Defense to provide briefings on activities to execute the requirements of this section annually on March 1 of 2021, 2022, 2023, and 2024. The conferees note that education on advanced technologies will be particularly useful for senior civilian and military leaders who are increasingly affected by technological change, but may not have specific technical training or education.

Part-time and term employment of university faculty and students in the Defense science and technology enterprise (sec. 249)

The House bill contained a provision (sec. 246) that would direct the Secretary of Defense to establish a program under which qualified professors and students may be employed on a part-time or term basis in an organization of the Defense science and technology enterprise for the purpose of conducting a research project.

The Senate amendment contained a similar provision (sec. 216) that would implement a recommendation of the National Security Commission on Artificial Intelligence and authorize a pilot program to permit university students and faculty to take on part-time and term employment at Department of Defense

laboratories to work on critical technologies and research activities.

The House recedes with a technical amendment.

*National security workforce and educational diversity activities
(sec. 250)*

The House bill contained a provision (sec. 211) that would amend section 2192a of title 10, United States Code, by establishing a scholarship for service pilot subprogram under the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) Defense Education Program for students at minority institutions to diversify and strengthen the national security workforce. This section would require the Secretary of Defense to submit an initial report to the congressional defense committees by December 31, 2022 on the establishment of the pilot subprogram and a final report by September 30, 2024 on the success of the pilot program in recruiting individuals for scholarships under this section and hiring and retaining those individuals in the public sector workforce.

This section would also require the Secretary to pay participants at a rate that is comparable to the private sector and include a paid internship requirement with defense industry, and it would require that not less than 20 percent of SMART program scholarship awards go to individuals pursuing degrees in computer science or a related field of study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment with modifications to the SMART program, a modified provision on national security workforce and educational diversity activities, and a provision to increase coordination of scholarship and employment programs of the Department of Defense.

Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of activities responding to this section. At a minimum, the report shall identify the number of minority students participating in relevant programs as of the date of the report, the fields of study pursued by such students, and the institutions at which such students are enrolled.

This language is also covered in sections 242 and 251 of this Act.

*Coordination of scholarship and employment programs of the
Department of Defense (sec. 251)*

The House bill contained a provision (sec. 211) that would amend section 2192a of title 10, United States Code, by establishing a scholarship for service pilot subprogram under the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) Defense Education Program for students at minority institutions to diversify and strengthen the national security workforce. This section would require the Secretary of Defense to submit an initial report to the congressional defense committees by December 31, 2022 on the establishment of the pilot subprogram and a final report by September 30, 2024 on the success of the pilot program in recruiting individuals for scholarships under this section and hiring and retaining those individuals in the public sector workforce.

This section would also require the Secretary to pay participants at a rate that is comparable to the private sector and include a paid internship requirement with defense industry, and it would require that not less than 20 percent of SMART program scholarship awards go to individuals pursuing degrees in computer science or a related field of study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment with modifications to the SMART program, a modified provision on national security workforce and educational diversity activities, and a provision to increase coordination of scholarship and employment programs of the Department of Defense.

Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of activities responding to this section. At a minimum, the report shall identify the number of minority students participating in relevant programs as of the date of the report, the fields of study pursued by such students, and the institutions at which such students are enrolled.

This language is also covered in sections 242 and 250 of this Act.

Study on mechanisms for attracting and retaining high quality talent in the Department of Defense (sec. 252)

The House bill contained a provision (sec. 265) that would direct the Secretary of Defense to conduct a study to determine the feasibility of establishing a program to attract and retain covered individuals for employment in the national security innovation base. This section would require the Secretary to submit a report to the congressional defense committees not later than February 1, 2021, on the results of the study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify elements of the study.

The conferees direct the Secretary to prioritize analyses of opportunities to attract and retain United States-educated students, including foreign nationals, especially those participating in Department of Defense-funded research programs, into employment in the national security innovation base.

SUBTITLE E—SUSTAINABLE CHEMISTRY

Sustainable Chemistry (secs. 261-267)

The House bill contained provisions (secs. 251-259) that would direct the Director of the Office of Science and Technology Policy to convene an interagency entity under the National Science and Technology Council.

The Senate amendment contained similar provisions (secs. 5221-5227).

The House recedes with a technical amendment.

SUBTITLE F—PLANS, REPORTS, AND OTHER MATTERS

Modification to annual report of the Director of Operational Test and Evaluation (sec. 271)

The House bill contained a provision (sec. 261) that would amend section 139(h)(2) of title 10, United States Code, by removing the sunset date of 2025 for the annual report submitted by the Director of Operational Test and Evaluation, making it a permanent report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the reporting requirement by 1 year, to 2026.

Modification to Test Resource Management Center strategic plan reporting cycle and contents (sec. 272)

The Senate amendment contained a provision (sec. 236) that would modify the Test Resource Management Center strategic plan reporting cycle and period to be covered. It is currently a 30-year strategic plan, re-baselined every 2 years. This provision would make the strategic plan cover a 15-year period, to be re-baselined at least every 4 fiscal years, with an annual update as needed. The new strategic plan would be due not later than 1

year after the release of the Secretary of Defense's National Defense Strategy.

The House bill contained no similar provision.

The House recedes with an amendment that would retain the original 30-year period instead of changing it to a 15-year period.

The conferees note that the current strategic plan required by section 196 of title 10, United States Code, is not as useful to the Congress or the Department of Defense as it could be, due to the nature and frequency of the updates. The conferees believe that a more helpful strategic plan would be on a 4-year cycle, with yearly updates to relay any changes, analysis, or high visibility items determined worthy of reporting by the Director of the Test Resource Management Center. The conferees further encourage the Department to continue its strategic planning and resourcing of the Test Resource Management Center priorities through a 30-year strategic plan, understanding that greater detail will only be possible 10 to 15 fiscal years out.

Modification of requirements relating to energetics plan to include assessment of feasibility and advisability of establishing a program office for energetics (sec. 273)

The Senate amendment contained a provision (sec. 5242) that would require the Under Secretary of Defense for Research and Engineering to conduct a study to assess the feasibility and advisability of establishing a program office to coordinate energetics research and to ensure a robust and sustained energetics material enterprise.

The House bill contained no similar provision.

The House recedes with an amendment to modify section 253 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to add an assessment of the feasibility of establishing a program office to the mandated briefing requirement.

Element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities (sec. 274)

The Senate amendment contained a provision (sec. 242) that would amend section 257(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) by adding at end the following new subparagraph: "(J) Efforts to

work with academic consortia on high priority cybersecurity research activities.".

The House bill contained no similar provision.

The House recesses.

Repeal of quarterly updates on the Optionally Manned Fighting Vehicle program (sec. 275)

The House bill contained a provision (sec. 262) that would repeal Section 261 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The Senate amendment contained no similar provision.

The Senate recesses.

Microelectronics and national security (sec. 276)

The House bill contained a provision (sec. 247) that would amend section 231 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) directing a strategy for assured access to trusted microelectronics by extending the report deadline to December 30, 2020, and adding new requirements to the strategy and implementation plan.

This section would also establish an Advisory Panel on Microelectronics Leadership and Competitiveness to develop a national strategy to accelerate the development and deployment of state-of-the-art microelectronics and ensure that the United States is a global leader in the field. This section would direct the Secretary of Defense and the Assistant to the President for National Security Affairs to provide briefings to the congressional defense committees within 90 days after the date of the enactment of this Act on the progress of the Secretary in developing the strategy and implementation plan required, and the progress of the Advisory Panel in developing its strategy, respectively.

The Senate amendment contained a similar provision (sec. 807).

The Senate recesses with an amendment to add elements to the strategy.

The conferees are aware that the Department of Defense is in the process of developing a strategy to enable the domestic production of measurably secure state-of-the-art, state of the practice, and legacy integrated circuits in low volumes to meet Department of Defense needs. However, the conferees believe that the U.S. Government needs to develop a comprehensive microelectronics strategy to foster a sustainable domestic electronics manufacturing capability that is globally and commercially competitive in both cost and performance. The

conferees direct the Department of Defense to work across the interagency to propose a detailed microelectronics strategy to serve the national security needs of the Nation.

The conferees direct the Secretary of Defense to consider different models for public-private partnerships, including establishing a semiconductor manufacturing corporation, to restore American security and competitiveness in the manufacture and assembly and packaging of state-of-the-art microelectronics.

For the purpose of developing and evaluating this specific option, the conferees believe that the Department should adopt a baseline set of assumptions and prerequisites. The conferees note that the charter of the corporation should reflect that one of its major goals would be to achieve the rapid and sustained growth in the aggregate percentage of domestic demand for state-of-the-art microelectronics that could be satisfied by domestic production.

To achieve this goal, the conferees note that it would be beneficial for the corporation to have the authority to approve investment tax credits or grants to private companies and their state investment partners, or to multi-source domestic investment funds, established with Federal, State, and private sector funding, for the construction of microelectronics manufacturing and assembly and packaging capacity in the United States.

The conferees expect the Secretary to consider, for the purpose of replenishing and sustaining the corporation's investment capital, that the corporation would have the authority to structure an investment such that the corporation receives back from the investment at least the amount that the Federal government provided in grants or tax incentives from profits earned on the investment, plus inflation, once private sector investors have received returns equal to some attractive but reasonable benchmark.

The conferees also direct the Secretary to: (1) Consider methods for ensuring equitable cost and risk sharing by limiting the share of government funding in investments; (2) Provide concepts for allowing the corporation to retain board seats on any public-private investment fund or project with strong oversight and major investment approval authorities; and (3) Ensure methods for the protection of the public interest through, for example, government appointment of board directors and the managing director of the corporation, and board approval of significant investments.

Independent evaluation of personal protective and diagnostic testing equipment (sec. 277)

The House bill contained a provision (sec. 263) that would direct the Director of Operational Test and Evaluation to independently evaluate the processes used to test the effectiveness of covered personal protective and diagnostic testing equipment and the results of such tests.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Director of Operational Test and Evaluation to independently evaluate the operational effectiveness and suitability of covered personal protective and diagnostic testing equipment and to report the results of such tests to the congressional defense committees within 90 days of completion of each evaluation.

Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries (sec. 278)

The Senate amendment contained a provision (sec. 231) that would require the Secretary of Defense, through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence and Security, to conduct an assessment of U.S. efforts to develop biotechnologies and biotechnology capabilities as compared to our adversaries' efforts and capabilities. The provision would also require the Secretary of Defense, through the Under Secretary of Defense for Intelligence and Security, to assess the ability of the intelligence community to meet the intelligence analysis needs of the Department of Defense with respect to emerging biotechnologies. The Secretary of Defense would be required to submit to the congressional defense committees a report on the assessments not later than February 1, 2021.

The House bill contained no similar provision.

The House recedes.

Annual reports regarding the SBIR program of the Department of Defense (sec. 279)

The Senate amendment contained a provision (sec. 5876) that would require an annual report to the Congress on the Department of Defense's awards under the Small Business Innovation Research Program and associated transition activities among the phases.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the number of reports required to three and would direct that the reporting include how the projects awarded under each phase meet

the overall goals of the Small Business Innovation Research program.

The conferees recognize the unique value that the Small Business Innovation Research Program (SBIR) provides to the military services as an effective way of engaging and growing innovation within the Department. However, the conferees also are aware of the challenges of transitioning successful projects out of the SBIR program into alternative funding mechanisms and programs of record. Therefore, the conferees request that the Secretaries of each military service submit a report to the congressional defense committees that identifies a minimum of five of their most transformative SBIR Projects that have completed SBIR Phase II, including projects that would be a continuation of existing Phase III Agreements that meet any of the following criteria: (1) Potential to substantially advance the national security capabilities of the United States; and/or (2) Provide technologies or processes, or applications of existing technologies, that will enable alternatives to, or be used by, existing programs; and (3) Substantially reduce the time to delivery of new warfare capabilities; and/or (4) Provide significant future cost savings.

Reports on F-35 physiological episodes and mitigation efforts
(sec. 280)

The House bill contained a provision (sec. 264) that would require the Under Secretary of Defense for Acquisition and Sustainment to determine the underlying causes of physiological episodes affecting crew members of F-35 aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees remain concerned that the continued increase in physiological episodes with aircraft equipped with On-Board Oxygen Generating Systems from across the different services pose a serious threat to safety and combat effectiveness. The conferees expect the Department to quickly take the necessary steps to ascertain the root cause(s) and resolve the problem(s).

Review and report on Next Generation Air Dominance capabilities
(sec. 281)

The House bill contained a provision (sec. 231) that would limit 15 percent of funds from being obligated until the date on which the Director of Cost Assessment and Program Evaluation submits a report on Air Force and Navy next generation air dominance capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would remove the funding restriction and require the Director of Cost Assessment and Program Evaluation to also perform a non-advocate review on the Digital Century Series acquisition business case analysis developed by the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program (sec. 282)

The Senate amendment contained a provision (sec. 154) that would require the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics to provide to the congressional defense committees an executable plan for the operational test and utility evaluation of the Low-Cost Attributable Aircraft Technology (LCAAT) systems no later than October 1, 2020, and provide a briefing to the congressional defense committees on the plan by the same date.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the plan and subsequent briefing to congressional defense committees by March 1, 2021.

The conferees support the Secretary's intent to accelerate the LCAAT research and development program, including continuation of the Skyborg initiative to prototype and field an unmanned system for collaborative pairing with manned platforms, potentially including the F-35 and other compatible tactical aircraft. The conferees note that the combined application of commercial technology, autonomy, and artificial intelligence could be an innovative solution to meet the operational demands of the combatant commanders in support of the National Defense Strategy.

Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related and defense-related fields (sec. 283)

The Senate amendment contained a provision (sec. 232) that would require the National Academies of Sciences, Engineering, and Medicine to conduct a study comparing methods for recruiting and retaining technology researchers, including financial incentives and academic opportunities, currently used by the U.S. and Chinese governments. The study would focus on incentives employed by China to bring researchers in American academic and government laboratories into Chinese talent programs and how these incentives diverge from those offered by the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify elements of the study and provide technical changes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Pilot program on talent optimization

The House bill contained a provision (sec. 214) that would amend section 2358b of title 10, United States Code, to require the Under Secretary of Defense for Research and Engineering to conduct a pilot program to develop a talent optimization marketplace for military personnel in the Reserve and Guard Components.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that each of the military departments is currently implementing various talent management reforms designed to allow military units to identify and access servicemembers with pertinent and necessary skillsets that might otherwise go unnoticed using traditional military assignment processes. These innovations are particularly important for reserve servicemembers, who possess not only military experience, but also civilian and private sector skillsets that are difficult for military units to develop within the regular force.

Modification of pilot program on enhanced civics education

The House bill contained a provision (sec. 216) that would amend section 234 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to include in the pilot program the improvement of critical thinking and media literacy among students. This section would require the Secretary of Defense to implement the pilot program not later than 90 days after the date of the enactment of this Act. This section would also require the Secretary to submit a report to the congressional defense committees not later than 30 days after the date of the enactment of this Act on the Secretary's efforts to implement the pilot program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of section 234 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116-92; 10 U.S.C. 2164 note) in improving critical thinking and media literacy among students, including research and information fluency; problem solving skills;

technology operations and concepts; information and technological literacy; understanding of the importance of sourcing and evaluating information from multiple quality media sources; and understanding how information on digital platforms can be altered through algorithms, editing, and augmented reality.

Therefore, the conferees direct the Secretary of Defense to begin implementation of the pilot program under section 234 of the FY20 NDAA not later than 120 days after the date of the enactment of this Act. Further, the conferees direct the Secretary of Defense to submit a briefing to the congressional defense committees on the efforts of the Department's implementation of the pilot program under section 234 not later than 60 days after the date of the enactment of this Act.

Report on micro nuclear reactor programs

The Senate amendment contained a provision (sec. 235) that would require the Secretary of Defense to prepare a report on micro nuclear reactor programs of the Department of Defense and submit such report to the appropriate congressional committees. The provision would detail the contents of the report, as well as certain required consultations the Secretary should undertake in the preparation of such report.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit to the appropriate congressional committees a report on the micro nuclear reactor programs of the Department of Defense. The report should include: (1) Potential operational uses on United States and non-United States territory, including both mobile and fixed systems; (2) Cost and schedule estimates for each new or ongoing program to reach initial operational capability, including the timeline for transition of any program currently funded using Defense-wide funds to one or more military services and the identified transition partner in such military services; (3) An assessment of the technical readiness level of micro nuclear reactor components and proposed operational use cases, given nuclear fuel limitations; (4) In consultation with the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense programs, an assessment of physical security requirements for use of such reactors on domestic military installations and non-United States non-domestic installations or locations, including fully permissive, semi-permissive, and remote environments, including a preliminary design basis threat analysis; (5) In coordination with the Secretary of State: (a) an assessment of any agreements or changes to agreements that

would be required for use of such reactors on non-United States territory; (b) an assessment of applicability of foreign regulations or International Atomic Energy Agency safeguards for use on non-United States territory; and (c) other policy implications of deployment of such systems on non-United States territory; (6) In coordination with the Chairman of the Nuclear Regulatory Commission, a summary of licensing requirements for operation of such systems on United States territory; (7) A summary of requirements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for development and operation on United States territory; (8) In consultation with the General Counsel of the Department of Defense, an assessment of any issues relating to indemnification for operation on United States or non-United States territory and any other relevant legal matters; (9) In coordination with the Secretary of State and the Secretary of Energy, a determination of whether development, production, and deployment of such systems would require unobligated enriched uranium fuel; (10) If the determination in paragraph (9) is that unobligated fuel would be required, in coordination with the Administrator for Nuclear Security, an assessment of the availability of such unobligated enriched uranium fuel, by year, for the estimated life of the program, considered with other United States Government demands for such fuel, including tritium production, naval nuclear propulsion, and medical isotope production; and (11) Any other considerations the Secretary determines relevant.

In addition to consultation and coordination required above, the Secretary should, in producing the report, consult with the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Director of Naval Nuclear Propulsion, and such other officials as the Secretary considers necessary.

The report should be submitted in unclassified form, but may include a classified annex.

In the preparation of this report, the Secretary of Defense should understand "appropriate congressional committees" to mean the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Foreign Affairs of the House of Representatives.

The Secretary should also understand "micro nuclear reactor" to mean a nuclear reactor with a production capacity of less than 20 megawatts.

Report on use of testing facilities to research and develop hypersonic technology

The Senate amendment contained a provision (sec. 240) that would require the Secretary of Defense to submit to the congressional defense committees a report on the costs and benefits of the use and potential refurbishment of existing operating and mothballed Federal research and testing facilities to support hypersonics activities of the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on the costs and benefits of the use and potential refurbishment of existing active and inactive Federal and university research and testing facilities to support hypersonics activities of the Department of Defense.

Study and plan on the use of additive manufacturing and three-dimensional bioprinting in support of the warfighter

The Senate amendment contained a provision (sec. 241) that would require the Secretary of Defense to conduct a study on the use of additive manufacturing and three-dimensional bioprinting across the military health system and to provide a report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the date of the enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

Funding for force protection applied research

The House bill contained a provision (sec. 266) that would increase the funding table authorization for research, development, test, and evaluation, Navy, applied research, force protection applied research, line 005 (PE 0602123N), by \$9.0 million; decrease the funding table authorization for operation and maintenance, Air Force, admin and servicewide activities, servicewide communications, line 410, by \$4.0 million; and decrease the funding table authorization for operation and maintenance, Army, admin and servicewide activities, servicewide communications, line 440, by \$5.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Funding for hypersonics prototyping

The House bill contained a provision (sec. 267) that would increase by \$5.0 million funds authorized to be appropriated for hypersonics prototyping efforts, to be used in support of the Air-launched Rapid Response Weapon Program. The provision would also reduce by \$5.0 million operations and maintenance funds for Space Force contractor support.

The Senate amendment contained no similar provision.

The House recedes.

The funding outcome is reflected in the budget tables. The conferees agree on the importance of fielding an air-launched hypersonic weapon as well as expanding the testing and development of hypersonic prototypes. The conferees encourage the Secretary of Defense to prioritize funding for hypersonic capability.

Funding for unidirectional body armor

The House bill contained a provision (sec. 268) that would increase the funding table authorization for research, development, test, and evaluation, Army, advanced component development & prototypes, line 093 (PE 0603827A), by \$7.0 million and decrease the funding table authorization for research, development, test, and evaluation, Army, advanced component development & prototypes, line 102 (PE 0604115A), by \$7.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Assessments of intelligence, defense, and military implications of deepfake videos and related technologies

The House bill contained a provision (sec. 269) that would require the Director of National Intelligence to submit to the Secretary of Defense and the appropriate congressional committees a supplemental report on the intelligence, defense, and military implications of deepfake videos and related technologies.

The Senate amendment contained a similar provision (sec. 5243).

The conference agreement does not include either provision.

The conferees note that elsewhere in this Act is a provision that requires a report on digital content forgery technology.

Funding for Air Force university research initiatives

The House bill contained a provision (sec. 270) that would increase the funding table authorization for research, development, test, and evaluation, Air Force, basic research, university research initiatives, line 002 (PE 0601103F), by \$5.0 million and decrease the funding table authorization for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440, by \$5.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Modification of authority to carry out certain fiscal year 2020 projects

The House bill contained a provision (sec. 271) that would direct the Secretary of Defense to consider using Barksdale Air Force Base as a fifth-generation (5G) test bed installation.

The Senate amendment contained no similar provision.

The House recedes.

The conferees commend the Department of Defense for its efforts over the last 2 years to develop a plan for experimentation of 5G wireless networking for military applications. The conferees are pleased with Department's rapid action in executing this plan to develop fundamental 5G technologies through a robust engagement with industry for these testing and experimentation projects that are currently being executed at military installations across the United States.

Sense of Congress on the role of the National Science Foundation

The House bill contained a provision (sec. 272) that would express the sense of Congress on the role of the National Science Foundation.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the National Science Foundation is critical to the expansion of the frontiers of scientific knowledge and advancing American technological leadership in key technologies. Additionally, the conferees believe that in order to continue to achieve its mission in the face of rising challenges from strategic competitors, the National Science Foundation should receive a significant increase in funding, expand its use of its existing authorities to carry out new and innovative types of activities, consider new authorities that it may need, consider the creation of new directorates or other structural changes, and increase existing activities such as the

convergence accelerators aimed at accelerating the translation of fundamental research for the economic and national security benefit of the United States.

Funding for Navy university research initiatives

The House bill contained a provision (sec. 273) that would increase the funding table authorization for research, development, test, and evaluation, Navy, basic research, university research initiatives, line 001 (PE 0601103N), by \$5.0 million and decrease the funding table authorization for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440, by \$5.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Funding for Army university research initiatives

The House bill contained a provision (sec. 274) that would increase the funding table authorization for research, development, test, and evaluation, Army, basic research, university research initiatives, line 003 (PE 0601103A), by \$5.0 million and decrease the funding table authorization for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440, by \$5.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Report on certain awards under the Small Business Innovation Research and Small Business Technology Transfer programs

The House bill contained a provision (sec. 275) that would direct the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics to submit a report to the Congress on all selections during the preceding 5-year period under the Small Business Innovation Research Program or the Small Business Technology Transfer Program that were not followed with funding awards.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General of the United States, in its 2021 annual report to the Congress under section 638(ii)(2) of title 15, United States Code, on the Small Business Innovation Research and Small Business Technology Transfer (SBIR/STTR) Programs, to include an analysis of all selections made during the preceding 5-year period under the SBIR/STTR Programs that were not followed with funding awards.

The analysis should include: (1) Phase I and Phase II awards; (2) The reason the funding award did not follow the selection; (3) The solicitation number or topic number associated with the selection; (4) Date when company was notified of selection; and (5) Any corrective actions that are planned or have been implemented.

Funding for Backpackable Communications Intelligence System

The House bill contained a provision (sec. 276) that would increase the funding table authorization for research, development, test, and evaluation, Army, Network C3I Technology, backpackable communications intelligence system, Line 17, by \$5.0 million and decrease the funding table authorization for operation and maintenance, Defense-wide, admin & servicewide activities, Defense Personnel Accounting Agency, Line 360, by \$5.0 million.

The Senate amendment contained no similar provision.
The House recedes.

Funding for Army university and industry research centers

The House bill contained a provision (sec. 277) that would increase the funding table authorization for research, development, test, and evaluation, Army, basic research, university and industry research centers, line 004 (PE 0601104A), by \$5.0 million and decrease the funding table authorization for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440, by \$5.0 million.

The Senate amendment contained no similar provision.
The House recedes.

Traineeships for American leaders to excel in national technology and science

The House bill contained a provision (sec. 279) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, to establish a traineeship program to expand Department of Defense access to domestic scientific and technological talent in areas of strategic importance to national security.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Under Secretary of Defense for Research and Engineering, in consultation with the Director of the National Science Foundation, to provide a comparison and

cost benefit analysis not later than 1 year after the date of enactment of this Act of the value, impact, and success of different training and educational models aimed at expanding Department of Defense access to domestic scientific and technological talent in areas of strategic importance to national security, including the core modernization priorities derived from the most recent national defense strategy provided under section 113(g) of title 10, United States Code.

The analysis should: (1) Consider the findings and recommendations in the National Academies of Science, Engineering and Medicine's 2018 report on Graduate STEM Education for the 21st Century, and other relevant studies; (2) Assess various forms of scientific or technical educational assistance available to students; (3) Evaluate the value of educational cohorts in supporting educational missions; (4) Assess models that can best support and attract minority and lower income students, students at minority institutions, students underrepresented in STEM fields, and students from diverse regions of the country; and (5) Develop recommendations supportive of defense workforce and educational goals, including training and education of a high quality workforce in disciplines of strategic importance to national security.

Briefing and report on use of distributed ledger technology for defense purposes

The House bill contained a provision (sec. 280) that would require the Under Secretary of Defense for Research and Engineering to provide, not later than 180 days after the enactment of this Act, to the congressional defense committees a briefing on the potential use of distributed ledger technology for defense purposes.

The Senate amendment contained no similar provision.
The House recedes.

The conferees appreciate the effort the Under Secretary of Defense for Research and Engineering has put into preparing a briefing on the use of blockchain technology for defense purposes as directed in the conference report (H. Rept. 116-333) accompanying the National Defense Authorization Act for Fiscal Year 2020. The conferees direct the Under Secretary of Defense for Research and Engineering to provide, not later than 30 days after the date of the enactment of this Act, to the congressional defense committees the briefing required on the potential use of distributed ledger technology for defense purposes as directed in the conference report.

The conferees also direct the Under Secretary of Defense for Research and Engineering, in coordination with the Under

Secretary of Defense for Intelligence and Security, to provide, not later than 180 days after the date of the enactment of this Act, to the congressional defense committees a follow-up briefing on: (1) An analysis of activities that other countries, including the People's Republic of China and the Russian Federation, are carrying out with respect to the research and development of distributed ledger technologies for military applications; (2) Recommendations identifying additional research and development activities relating to distributed ledger technologies that should be carried out by the Department of Defense and cost estimates for such activities; and (3) Any other information that the Under Secretary of Defense for Research and Engineering determines to be appropriate.

Admission of essential scientists and technical experts to promote and protect the National Security Innovation Base

The House bill contained a provision (sec. 281) that would provide special immigrant status to essential scientists and technical experts working on technologies critical for national defense.

The Senate amendment contained no similar provision.
The House recedes.

Importance of historically Black colleges and universities and minority-serving institutions

The Senate amendment contained a provision (sec. 5211) that increase the funding table authorization for research, development, test, and evaluation, Defense-wide, basic research, historically Black colleges and universities/ minority institutions, line 006 (PE 0601228D8Z), by \$14.1 million and decrease the funding table authorization for other procurement, Army, for automated data processing equipment, line 112, by \$14.1 million.

The House bill contained no similar provision.
The Senate recedes.

Cybersecurity in Department of Transportation programs

The Senate amendment contained a provision (sec. 5237) that would modify Department of Transportation grant programs to include certain cybersecurity considerations.

The House bill contained no similar provision.
The Senate recedes.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 301)

The House bill contained a provision (sec. 301) that would authorize appropriations for operation and maintenance activities at the levels identified in section 4301 of division D of this Act.

The Senate amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

SUBTITLE B—ENERGY AND ENVIRONMENT

Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions (sec. 311)

The House bill contained a provision (sec. 311) that would amend the procedures for Department of Defense review of proposed wind energy projects by requiring the Department to issue a notification to an applicant and the applicable Governor of a finding of no adverse impact when appropriate. This section would also strike references to Massachusetts Institute of Technology's role in determining project offset distances.

The Senate amendment contained a similar provision (sec. 378).

The Senate recedes with a technical amendment.

Readiness and Environmental Protection Integration Program (sec. 312)

The House bill contained provisions (secs. 313 and 376) that would amend section 2684a of title 10, United States Code, to provide a technical amendment to the Readiness and Environmental Protection Integration Program that clarifies eligible entity participation, among other things.

The Senate amendment contained a similar provision (sec. 312) that would amend section 2684a of title 10, United States Code, to provide a technical correction to the definition of an eligible entity. This provision would also allow funds obligated to agreements under section 2684a of title 10, United States

Code, to be made available for use at the time of obligation and for any subsequent amendment to the agreement.

The House recedes with a technical amendment.

Extension of real-time sound monitoring at Navy installations where tactical fighter aircraft operate (sec. 313)

The Senate amendment contained a provision (sec. 240) that would amend section 325(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) by striking "a 12-month period" and inserting "two 12-month periods, including one such period that begins in Fiscal Year 2021".

The House bill contained no similar provision.

The House recedes.

Modification of authority for environmental restoration projects of National Guard (sec. 314)

The House bill contained a provision (sec. 314) that would amend section 2707(e) of title 10, United States Code, to modify defense environmental restoration authorities to allow them to be used by the National Guard.

The Senate amendment contained a similar provision (sec. 311) that would also provide other technical corrections and conforming amendments to the statute governing the Defense Environmental Restoration Fund.

The House recedes with a technical amendment.

Modification of authority to carry out military installation resilience projects (sec. 315)

The Senate amendment contained a provision (sec. 314) that would make clarifying amendments to sections 2815 and 2684a of title 10, United States Code, to ensure that military installation resilience projects can be executed to maintain, improve, or rapidly reestablish mission assurance and prevent commercial and residential encroachment around military installations.

The House bill contained no similar provision.

The House recedes.

Energy resilience and energy security measures on military installations (sec. 316)

The Senate amendment contained a provision (sec. 316) that would amend subchapter I of chapter 173 of title 10, United

States Code, by adding a section on energy resilience and energy security measures on military installations.

The House bill contained no similar provision.

The House recedes.

Modification to availability of energy cost savings for Department of Defense (sec. 317)

The Senate amendment contained a provision (sec. 317) that would amend section 2912(a) of title 10, United States Code, to include operational energy savings.

The House bill contained no similar provision.

The House recedes.

Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations (sec. 318)

The House bill contained a provision (sec. 315) that would amend chapter 160 of title 10, United States Code, to require the Department of Defense to provide congressional notification of all releases of fire-fighting foam containing perfluorooctane sulfonate and perfluorooctanoic acid.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Native American lands environmental mitigation program (sec. 319)

The Senate amendment contained a provision (sec. 315) that would amend section 160 of title 10, United States Code, to authorize the Secretary of Defense to participate in a program to mitigate the environmental effects of Department of Defense activities on Indian lands and culturally connected locations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Study on alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on personnel, activities, and installations of Department of Defense (sec. 320)

The Senate amendment contained a provision (sec. 321) that would require the Secretary of Defense, in coordination with the Administrator of the Environmental Protection Agency, the Secretary of State, and the United States Commissioner of the International Boundary and Water Commission, to commission an independent scientific study of the impacts of transboundary

flows, spills, or discharges of pollution or debris from the Tijuana River on the personnel, activities, and installations of the Department of Defense. This provision would also require the Secretary of Defense to submit to the appropriate committees a report on the results of the study not later than 180 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment directing the Secretary of Defense in coordination with the Administrator of the Environmental Protection Agency, the Secretary of State, and the United States Commissioner of the International Boundary and Water Commission, to develop criteria for the selection of project alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on the personnel, activities, and installations of the Department of Defense.

Pilot program on alternative fuel vehicle purchasing (sec. 321)

The House bill contained a provision (sec. 316) that would amend section 2922g of title 10, United States Code, to require the Department of Defense to maximize to the extent practicable its use of hybrid, plug-in hybrid, and fully electric vehicles for non-combat uses through replacement of vehicles at the end of their lease or service period.

The Senate amendment contained a similar provision (sec. 319) that would require the Secretary of Defense to carry out a pilot program on alternative fuel vehicle purchasing.

The House recedes with a technical amendment.

Budgeting of Department of Defense relating to operational energy improvement (sec. 322)

The House bill contained a provision (sec. 317) that would create a budget line for operational energy requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Assessment of Department of Defense operational energy usage (sec. 323)

The House bill contained a provision (sec. 318) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center to conduct an assessment of Department of Defense operational energy usage.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense (sec. 324)

The House bill contained a provision (sec. 319) that would realign the Operational Energy Capability Improvement Fund under the Assistant Secretary of Defense for Energy, Installations, and Environment.

The Senate amendment contained a similar provision (sec. 376).

The House recedes.

Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility (sec. 325)

The House bill contained a provision (sec. 320) that would require the Department of the Navy to conduct 5-year reviews of the best available technologies for containment at Red Hill Bulk Fuel Storage Facility.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center (sec. 326)

The House bill contained a provision (sec. 321) that would require the Secretary of Defense to submit a certification that none of the energy used by Rhine Ordnance Barracks Army Medical Center was sourced from the Russian Federation.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to update Department of Defense adaptation roadmap (sec. 327)

The House bill contained a provision (sec. 322) that would require the Department of Defense to update the 2014 Adaptation Roadmap by February 1, 2022.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Department of Defense report on greenhouse gas emissions levels (sec. 328)

The House bill contained a provision (sec. 324) that would require the Secretary of Defense to submit a report on its total emissions levels for the last 10 fiscal years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Objectives, performance standards, and criteria for use of wildlife conservation banking programs (sec. 329)

The House bill contained a provision (sec. 325) that would require the Secretary of the Interior to work through the United States Fish and Wildlife Service to issue regulations related to wildlife conservation banking.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that wildlife conservation banking programs are a potential tool to assist the Department of Defense with managing encroachment on military bases, ranges, and test facilities. The conferees further note that regulations developed pursuant to this section will facilitate Department of Defense participation in wildlife conservation banking programs in accordance with section 2694c of title 10, United States Code. The conferees urge the Secretary of the Interior to promulgate regulations pursuant to this section in consultation with the States. The conferees further urge the Secretary of the Interior, in promulgating regulations pursuant to this section, to recognize, take into account, and, if appropriate, defer to state wildlife conservation banking programs.

Prizes for development of non-PFAS-containing fire-fighting agent (sec. 330)

The House bill contained a provision (sec. 328) that would create a prize program to incentivize innovation in development of a fire-fighting agent not containing per- and polyfluoroalkyl substances.

The Senate amendment contained no similar provision.

The Senate recedes.

Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam (sec. 331)

The House bill contained a provision (sec. 329) that would require the Department of Defense to survey non-firefighting agent technologies that could facilitate execution of the required 2024 phase-out of fluorinated aqueous film-forming foam.

The Senate amendment contained a similar provision (sec. 313).

The Senate recedes with a technical amendment.

Interagency body on research related to per- and polyfluoroalkyl substances (sec. 332)

The House bill contained a provision (sec. 330) that would establish an interagency working group to coordinate Federal research and development activities related to per- and polyfluoroalkyl substances.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid (sec. 333)

The House bill contained a provision (sec. 331) that would prohibit the Director of the Defense Logistics Agency from procuring certain items containing per- and polyfluoroalkyl substances effective 1 year after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Research and development of alternative to aqueous film-forming foam (sec. 334)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense, acting through the National Institute of Standards and Technology and in consultation with other stakeholders and Federal agencies, to award grants and carry out other activities related to fluorine-free alternatives to aqueous film-forming foam.

The Senate amendment contained no similar provision.

The Senate recedes.

Notification to agricultural operations located in areas exposed to Department of Defense PFAS use (sec. 335)

The House bill contained a provision (sec. 334) that would require the Secretary of Defense, in consultation with the Secretary of Agriculture, to provide notifications to any agricultural operation located within 10 square miles of a location where per- and polyfluoroalkyl substances (PFAS) have been detected in groundwater, hydrologically linked to a local water source, and are suspected to be, or due to a positive test, known to be, the result of the use of PFAS at any installation of the Department of Defense located in the United States or any State-owned facility of the National Guard.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Reporting on energy savings performance contracts (sec. 336)

The House bill contained a provision (sec. 337) that would require the Secretary of Defense to submit a report on the use of energy savings performance contracts by the Department of Defense to the appropriate congressional committees not later than 1 year after the date of enactment of this Act.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Increase in funding for Centers for Disease Control Study on health implications of per- and polyfluoroalkyl substances contamination in drinking water (sec. 337)

The House bill contained a provision (sec. 339) that would amend section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) by striking "\$10,000,000" and inserting "\$15,000,000".

The Senate amendment contained a similar provision (sec. 322).

The Senate recedes.

Guaranteeing Equipment Safety for Firefighters Act of 2020 (sec. 338)

The House bill contained a provision (sec. 341) that would require the Director of the National Institute of Standards and Technology to complete a study of the contents and composition of new and unused personal protective equipment worn by firefighters not later than 3 years after the date of the enactment of this Act, subject to availability of appropriations and in consultation with the Director of the National Institute for Occupational Safety and Health, among other things.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Assessment of Department of Defense excess property programs with respect to need and wildfire risk (sec. 339)

The House bill contained a provision (sec. 342) that would require the Secretary of Defense, acting through the Director of the Defense Logistics Agency, jointly with the Secretary of Agriculture, acting through the Chief of the Forest Service, to assess the Firefighter Property Program and the Federal Excess

Personal Property Program implementation and best practices. The provision would further require that a report on the assessment be submitted to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Agriculture, Forestry, and Nutrition of the Senate, and the Committee on Agriculture of the House of Representatives not later than 180 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE C—LOGISTICS AND SUSTAINMENT

National Defense Sustainment and Logistics Review (sec. 341)

The House bill contained a provision (sec. 351) that would require the Secretary of Defense to conduct a comprehensive examination and submit a report on the sustainment and logistics requirements necessary to support the national military strategy.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would require the assessment to be delivered 1 year after the National Defense Strategy is delivered to the Congress as well as broaden those who contribute to the assessment to include all geographic and functional combatant commanders.

Repeal of sunset for minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet (sec. 342)

The House bill contained a provision (sec. 352) that would amend section 9515(k) of title 10, United States Code, to extend the minimum business guarantee for air carriers participating in the Civil Reserve Air Fleet program from December 31, 2020, to December 31, 2025.

The Senate amendment contained a similar provision (sec. 375) that would amend section 9515 of title 10, United States Code, by striking subsection (k), which would make the minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet a permanent authority.

The House recedes.

Additional elements for inclusion in Navy ship depot maintenance budget report (sec. 343)

The House bill contained a provision (sec. 353) that would modify the Navy ship depot maintenance report required by

section 363(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The Senate amendment contained no similar provision.
The Senate recesses.

Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels (sec. 344)

The House bill contained a provision (sec. 354) that would make a clarifying change to section 323(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

The Senate amendment contained a similar provision (sec. 332).

The House recesses.

Independent advisory panel on weapon system sustainment (sec. 345)

The House bill contained a provision (sec. 355) that would require the Secretary of Defense to establish an independent advisory panel to conduct a review and make recommendations related to the weapon system sustainment ecosystem.

The Senate amendment contained no similar provision.
The Senate recesses.

The conferees expect the panel's work to include a comprehensive literature review of prior studies and recommendations related to weapon system sustainment.

Biannual briefings on status of Shipyard Infrastructure Optimization Plan (sec. 346)

The House bill contained a provision (sec. 356) that would direct the Secretary of the Navy to provide a briefing to the congressional defense committees every 6 months on the status of implementation of the Shipyard Infrastructure Optimization Plan.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would add as a briefing requirement the status of certain pieces of equipment.

The conferees note that a similar reporting requirement on "Navy shipyard infrastructure optimization" was included in the Senate report accompanying S. 4049 (S. Rept. 116-236) of the National Defense Authorization Act for Fiscal Year 2021; this reporting requirement shall have no effect.

The conferees direct the Secretary of the Navy to provide to the congressional defense committees with the annual budget request for each of fiscal years 2022 through 2027 additional

details on the anticipated investment in the public shipyards contained in the future years defense program, including military construction and facilities sustainment, restoration, and modernization projects. Each such investment shall be detailed by project, public shipyard, investment amount, and fiscal year.

Materiel readiness metrics and objectives for major weapon systems (sec. 347)

The House bill contained a provision (sec. 357) that would amend section 118 of title 10, United States Code, to require the Department of Defense to develop materiel readiness metrics and objectives for major weapon systems, regularly review and update the metrics and objectives, and report on them with the annual budget request.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Repeal of statutory requirement for notification to Director of Defense Logistics Agency three years prior to implementing changes to any uniform or uniform component (sec. 348)

The Senate amendment contained a provision (sec. 331) that would amend section 356 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 771) by repealing the requirement that a Secretary of a military department notify the Director of the Defense Logistics Agency at least 3 years prior to implementing changes to any uniform or uniform component and making a technical correction.

The House bill contained no similar provision.

The House recedes.

SUBTITLE D—MUNITIONS SAFETY AND OVERSIGHT

Chair of Department of Defense explosive safety board (sec. 351)

The House bill contained a provision (sec. 361) that would amend section 172 of title 10, United States Code, to codify the responsibilities of the Department of Defense Explosive Safety Board chairman, executive director, and staff. The provision would also require the Under Secretary of Defense to certify that the board positions, including the chairman, have been filled by military officers before more than 75 percent of authorized funding may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Sustainment.

The Senate amendment contained no similar provision.
The Senate recedes.

Explosive Ordnance Disposal Defense Program (sec. 352)

The House bill contained a provision (sec. 362) that would amend section 2284 of title 10, United States Code, to clarify that the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be responsible for the direction, coordination, and integration of the Explosive Ordnance Disposal Defense Program and to specify which organizations within the Department of Defense the Assistant Secretary shall coordinate with on specific activities. In addition, this section would require the Secretary of Defense to submit a report on the establishment and organization of the Explosive Ordnance Disposal Defense Program.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Assessment of resilience of Department of Defense munitions enterprise (sec. 353)

The House bill contained a provision (sec. 363) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center to assess the resilience of the Department of Defense munitions enterprise.

The Senate amendment contained no similar provision.
The Senate recedes.

Report on safety waivers and mishaps in Department of Defense munitions enterprise (sec. 354)

The House bill contained a provision (sec. 364) that would require the Secretary of Defense to include with the President's Budget a report on safety waivers and mishaps in the Department of Defense munitions enterprise.

The Senate amendment contained no similar provision.
The Senate recedes.

SUBTITLE E-OTHER MATTERS

Pilot program for temporary issuance of maternity-related uniform items (sec. 361)

The House bill contained a provision (sec. 371) that would require the Director of the Defense Logistics Agency (DLA), in

coordination with the Secretaries concerned, to establish an office to carry out a pilot program for the issuance of maternity-related uniforms to pregnant servicemembers temporarily and at no cost. No later than September 30, 2025, the Director of the DLA, in coordination with the Secretaries concerned, would submit a report on the pilot program to the congressional defense committees. The pilot program would terminate on September 30, 2026.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, to carry out a pilot program for the issuance of maternity-related uniforms to pregnant servicemembers at no cost. No later than September 30, 2025, the Director of the DLA, in coordination with the Secretaries concerned, would submit a report on the pilot program to the congressional defense committees. The pilot program would terminate on September 30, 2026.

Servicewomen's Commemorative Partnerships (sec. 362)

The House bill contained a provision (sec. 372) that would authorize the Secretary of the Army to enter into a contract, partnership, or grant with a non-profit organization for the purpose of providing financial support for the maintenance and sustainment of infrastructure and facilities at military service memorials and museums that highlight the role of women in the military.

The Senate amendment contained no similar provision.

The Senate recedes.

Biodefense analysis and budget submission (sec. 363)

The House bill contained a provision (sec. 373) that would require the Director of the Office of Management and Budget to conduct a comprehensive analysis of Federal biodefense programs and to develop and submit to Congress annually with the President's budget request an integrated biodefense budget submission and its supporting analysis.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make modifications to the required biodefense analysis and budget submission.

Update of National Biodefense Implementation Plan (sec. 364)

The House bill contained a provision (sec. 374) that would direct the Secretary of Health and Human Services, in cooperation with the Biodefense Steering Committee, to clarify the national biodefense strategy and associated implementation plan developed under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to clearly document agreed-upon processes, roles, and responsibilities for making and enforcing enterprise-wide decisions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make various modifications to the provision.

The conferees expect that the Secretary of Defense will utilize the Chemical and Biological Defense Program to support the Department of Defense's efforts in executing the biodefense activities pursuant to this section.

Plans and reports on emergency response training for military installations (sec. 365)

The Senate amendment contained a provision (sec. 352) that would require the Secretary of Defense to provide a report due 180 days after the date of the enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives that includes a review of each Department of Defense installation's training protocols for coordination with local law enforcement for active shooter training.

The House bill contained no similar provision.

The House recedes.

Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations (sec. 366)

The Senate amendment contained a provision (sec. 374) that would exempt the Defense Counterintelligence and Security Agency from the \$1 billion Department of Defense-wide limitation on advance billings in working capital funds.

The House bill contained no similar provision.

The House recedes.

Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work (sec. 367)

The Senate amendment contained a provision (sec. 379) that would modify the treatment of amounts appropriated to the

Secretary of the Navy for changes within the scope of work for a contract for ship overhaul.

The House bill contained no similar provision.

The House recedes with an amendment that would remove adjustments to section 1553(c)(2) of title 31, United States Code.

Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense (sec. 368)

The Senate amendment contained a provision (sec. 380) that would require the Secretary of Defense to implement not that later than 90 days after the date of the enactment of this Act the recommendations germane to active shooter or terrorist attacks on installations of the Department of Defense made in a series of previously published reports.

The House bill contained no similar provision.

The House recedes.

Clarification of food ingredient requirements for food or beverages provided by the Department of Defense (sec. 369)

The House bill contained a provision (sec. 1753) that would require the Secretary of Defense to publish in the Federal Register any proposed rule, statement, or determination relating to ingredients in a food or beverage provided to members of the Armed Services. The House provision also contained waiver authority for operational necessity.

The Senate amendment contained a similar provision (sec. 381), but did not include waiver authority.

The Senate recedes with an amendment that modifies the waiver authority, and replaces the reporting requirement with a requirement for congressional notification.

The conferees believe the health and readiness of our warfighters is paramount and strongly encourage the Secretary of Defense to use the waiver process as appropriate.

Commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (sec. 370)

The House bill contained a provision (sec. 2829) that would require the Secretary of Defense and the Secretaries of

the military departments to identify and rename certain military installations and other Defense property within 1 year.

The Senate amendment contained a similar provision (sec. 377) that would establish a commission regarding the removal and renaming of certain assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Funding for Army Community Services

The House bill contained a provision (sec. 302) that would increase the funding table authorization for operation and maintenance for Army base operations support, line 100, by \$30.0 million and decrease the funding table authorizations for operation and maintenance for Army Force Readiness Operations Support, line 070, by \$15.0 million and Army Land Forces Operations Support, line 050, by \$15.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Increase in funding for Air Force reserve contractor systems support

The House bill contained a provision (sec. 303) that would increase the funding table authorization for operation and maintenance, Defense-wide Operating Forces, Special Operations Command maintenance, line 70, by \$22.0 million and decrease the funding table authorization operation and maintenance, Air Force Operating Forces, Administration and Service-Wide Activities, line 400, by \$22.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions

The House bill contained a provision (sec. 312) that would amend the procedures for Department of Defense review of proposed wind energy projects by requiring the Department of Defense to issue a notification to an applicant and the applicable Governor of a finding of no adverse impact when appropriate.

The Senate amendment contained no similar provision.

The House recedes.

Comptroller General report on Department of Defense installation energy

The House bill contained a provision (sec. 323) that would require the Comptroller General of the United States to submit a report to the Committee on Armed Services of the House of Representatives on Department of Defense progress toward meeting net zero installation energy goals.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General of the United States to submit a report on the progress of the Department of Defense toward reaching net zero goals, including an agency-wide view and breakdowns of progress by service branch, to the Committees on Armed Services of the Senate and the House of Representatives not later than 1 year after the date of the enactment of this Act. The report shall be submitted in unclassified form but may contain a classified annex and shall include the following:

(1) An analysis of the extent to which the Department has implemented net zero initiatives to date and developed a forward-looking integrated net zero strategy for energy, emissions, water, and waste management and the extent to which each of the military departments has implemented such strategy;

(2) A description of the current challenges to implementing net zero initiatives or meeting net zero goals and the degree to which the Department and the military departments have addressed applied lessons learned;

(3) A cost-benefit analysis of net zero initiatives, including a description of how such costs and benefits are identified, tracked, and validated;

(4) A description of the feasibility of achieving net zero benchmarks of 25 percent, 50 percent, 75 percent, and 100 percent of the energy, emissions, water, and waste management levels for 2020, including anticipated funding requirements, statutory requirements, infrastructure needs, and timeframes; and

(5) An analysis of the integration between energy offices with program offices, budget, and operational planners within the Department and military departments across the enterprise, and recommendations for improving coordination.

Offshore wind energy development, Morro Bay, California

The House bill contained a provision (sec. 326) that would require the Office of the Under Secretary of Defense for

Acquisition and Sustainment to interact on behalf of the Navy with all stakeholders related to an offshore wind energy development in Morro Bay, California.

The Senate amendment contained no similar provision.

The House recesses.

The conferees are encouraged by the Navy's recommitment to active and meaningful participation in the Morro Bay Offshore Energy Working Group. The conferees note that a transparent, fair, and stakeholder-inclusive review process is critical to balancing energy development and military readiness. Given the importance of these issues and to encourage continued collaboration, the conferees direct the Secretary of the Navy to provide a quarterly briefing to the Committees on Armed Services of the Senate and the House of Representatives for the next 24 months or until the working group has completed its mandate, whichever comes first. The briefings shall include at a minimum the following:

(1) A detailed map to illustrate any proposed areas identified for potential development and other changes since the previous briefing;

(2) Any challenges to development in those areas and applicable proposed mitigations that would enable compatible development in the areas identified;

(3) Any future actions that the Navy has agreed to as part of the Working Group negotiations;

(4) Any unresolved issues; and

(5) Any other relevant terms of a proposed agreement reached with the California Energy Commission, other Federal agencies, State and local governments, and potential energy developers.

Long-duration demonstration initiative and joint program

The House bill contained a provision (sec. 327) that would authorize the Director of the Environmental Security Technology Certification Program of the Department of Defense to establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

The Senate amendment contained a similar provision (sec. 318).

The conference agreement does not contain either provision.

Standards for removal or remedial actions with respect to PFOS or PFOA contamination

The House bill contained a provision (sec. 332) that would require the Secretary of Defense to meet or exceed the most stringent standards between an enforceable State standard under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.), an enforceable Federal standard under CERCLA, or a health advisory under the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(1)(F)) when performing removal or remediation actions of perfluorooctane sulfonate or perfluorooctanoic acid contamination from Department of Defense or National Guard activities found in drinking water or in groundwater that is not currently used for drinking water.

The Senate amendment contained no similar provision.

The House recedes.

Public disclosure of results of Department of Defense testing for perfluoroalkyl or polyfluoroalkyl substances

The House bill contained a provision (sec. 335) that would require the Secretary of Defense to publicly disclose the results of any testing for perfluoroalkyl or polyfluoroalkyl substances conducted on military installations or formerly used defense sites.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the Secretary to maximize transparency and public disclosure of the Department's environmental testing results for per- and polyfluoroalkyl (PFAS) substances, particularly perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), on military installations and formerly used defense sites. Additionally, the conferees urge the Department to ensure impacted military families are fully informed regarding testing for lead or copper at Department of Defense Education Activity (DoDEA) facilities.

The conferees are disappointed to note that the Department has not yet fully executed the requirements of section 331 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), which required the Secretary to maintain a publicly available website that provides a clearinghouse for information about the exposure of members of the Armed Forces, their families, and their communities to PFAS substances resulting from contamination at military installations. The conferees urge the Department to leverage this existing requirement so that impacted communities and individuals have a single authoritative data source regarding the Department's testing for PFOS and PFOA contamination.

Further, the conferees urge the Department, in scenarios where it is a drinking water purveyor, to publicize the results of drinking water testing at its facilities to include DoDEA schools and child development centers.

Biological threats report

The House bill contained a provision (sec. 336) that would require not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, to submit a report on efforts to prevent, detect, and respond to biological threats, including through bilateral and multilateral cooperation with foreign partners.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in coordination with the Secretary of State, not later than 120 days after the date of enactment of this Act to provide a report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate on efforts to prevent, detect, and respond to biological threats, including through bilateral and multilateral cooperation with foreign partners. The report shall include:

(1) A description of actions taken by the Department of Defense (DOD) to improve proliferation prevention regarding detection of and response to biological threats of natural, accidental, or deliberate origin, including the following: (a) a description of Department of Defense policy guidance to address the threat of naturally and accidentally occurring diseases in addition to potential deliberate biological events; (b) a description of the organizational structure for those responsible for coordinating these activities, in accordance with the report required by section 745 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92); and (c) a description of efforts to integrate DOD infectious disease research, cooperative threat reduction programs, and other activities designed to protect DOD personnel against infectious disease threats;

(2) A description of programs and policies to address the threat of accidental or deliberate misuse of emerging biological technologies, including synthetic biology, including Cooperative Threat Reduction, efforts to cooperate with other partners to establish international norms and standards, consideration of new technologies in the Biological Threat Reduction Program, and efforts to develop countermeasures; and

(3) Any other matters the Secretary deems relevant.

Sense of Congress regarding an integrated master plan towards achieving net zero

The House bill contained a provision (sec. 338) that expressed the sense of Congress that the Department of Defense should develop an integrated master plan for the purpose of pursuing net zero initiatives Department-wide.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that individual military departments have had success in managing existing energy, water, and solid waste programs with the goal of providing greater energy and water security and increasing operating flexibility in a fiscally responsible way. The conferees further note that the breadth of existing authorities, most notably energy service performance contracts and other public-private partnerships, have provided opportunities to improve the efficiency and resiliency of energy and other utilities. In some cases, installations have been able to completely offset the total amount of energy and water consumed through projects funded by these mechanisms. The conferees encourage the military departments to continue seeking opportunities to maximize energy and water security using these mechanisms.

Moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam

The House bill contained a provision (sec. 340) that would require the Secretary of Defense to prohibit the incineration of materials containing per- and polyfluoroalkyl substances (PFAS) or aqueous film forming foam (AFFF) until the Secretary promulgated regulations that implement the requirements of section 330 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA FY20) (Public Law 116-92) and take into consideration the interim guidance published by the Administrator of the Environmental Protection Agency (EPA) under section 7361 of the NDAA FY20.

The provision would further require the Secretary of Defense to submit a report annually to the Administrator of the EPA on all incineration by the Department of Defense of materials containing PFAS or AFFF.

The Senate amendment contained no similar provision.

The House recedes.

*Report on impact of permafrost thaw on infrastructure,
facilities, and operations of the Department of Defense*

The Senate amendment contained a provision (sec. 351) that would require the Secretary of Defense to submit a report to the congressional defense committees on the impact of changes in permafrost on the infrastructure, facilities, assets, and operations of the Department of Defense within 180 days of the enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a comprehensive report on the impact of permafrost thaw on the infrastructure, facilities, assets, and operations of the Department of Defense. The report shall include the following:

(1) An identification of the infrastructure, facilities, and assets of the Department of Defense that could be impacted by permafrost thaw;

(2) For each element of infrastructure and each facility and asset identified, an assessment of the threat posed by permafrost thaw and an estimate of potential damage in the event of likely permafrost thaw; and

(3) A description of the threats and impacts posed by permafrost thaw to military and other national security operations.

In preparing the report, the Secretary may consult with other Federal agencies, agencies of State and local governments, and academic institutions with expertise or experience in the effects of permafrost thaw on infrastructure, facilities, and operations.

For the purpose of the report, the term "asset" means any aircraft, weapon system, vehicle, equipment, or gear of the Department or the Armed Forces or any other item of the Department or the Armed Forces that the Secretary considers appropriate.

*Report on implementation by Department of Defense of
requirements relating to renewable fuel pumps*

The Senate amendment contained a provision (sec. 353) that would require the Secretary of Defense to submit a report on renewable fuel pumps to the Congress not later than 90 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of the enactment of this Act, on the Department of Defense's implementation of the requirements under section 246(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17053(a)). The report shall include the following:

(1) An estimate of the cost to the Department of fully implementing the requirements under section 246(a) of the Energy Independence and Security Act of 2007; and

(2) An assessment of any problems or issues the Department is having in complying with the requirements under such section.

The report required shall not apply to a fueling center of the Department with a fuel turnover rate of less than 100,000 gallons of fuel per year.

Report on effects of extreme weather on the Department of Defense

The Senate amendment contained a provision (sec. 354) that would require the Secretary of Defense to submit to the congressional defense committees a report, not later than 180 days after the date of the enactment of this Act, on vulnerabilities to military installations and combatant commander requirements resulting from extreme weather.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of enactment of this Act, a report on vulnerabilities to military installations and combatant commander requirements resulting from extreme weather that builds upon the report submitted under section 335(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91). The report shall include the following:

(1) An explanation of the underlying methodology that the Department uses to assess the effects of extreme weather in the report, including through the use of a climate vulnerability and risk assessment tool as directed under section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92);

(2) An assessment of how extreme weather affects low-lying military installations, military installations of the Navy and the Marine Corps, and military installations outside the United States;

(3) An assessment of how extreme weather affects access of members of the Armed Forces to training ranges;

(4) With respect to a military installation in a country outside the United States, an assessment of the collaboration between the Department of Defense and the military or civilian agencies of the government of that country or nongovernmental organizations operating in that country to adapt to risks from extreme weather;

(5) An assessment of how extreme weather affects housing safety and food security on military installations;

(6) An assessment of the strategic benefits derived from isolating infrastructure of the Department of Defense in the United States from the national electric grid and the use of energy-efficient, distributed, and smart power grids by the Armed Forces in the United States and overseas to ensure affordable access to electricity;

(7) A list of 10 military installation resilience projects conducted within each military department; and

(8) An overview of mitigations, in addition to current efforts undertaken by the Department, that may be necessary to ensure the continued operational viability and to increase the resilience of military installations, and the estimated costs of those mitigations.

In developing the report, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, the Commander of the Army Corps of Engineers, the Administrator of the National Aeronautics and Space Administration, a federally funded research and development center, and the heads of such other relevant Federal agencies the Secretary determines appropriate.

The report shall be submitted in unclassified form but may contain a classified annex if necessary. Upon submittal of the report to the congressional defense committees, the Secretary shall publish the unclassified portion of the report on an Internet website of the Department that is available to the public.

For the purposes of this report, the term "extreme weather" means recurrent flooding, drought, desertification, wildfires, and thawing permafrost, and the term "United States" means the several States, the District of Columbia, and any territory or possession of the United States.

Provision of protection to the National Museum of the Marine Corps, the National Museum of the United States Army, the

National Museum of the United States Navy, and the National Museum of the United States Air Force

The Senate amendment contained a provision (sec. 373) that would amend section 2465(b) of title 10, United States Code, by adding a contract for the performance of on-site security guard functions at the: Marine Corps Heritage Center at the Marine Corps Base Quantico, Virginia, including the National Museum of the Marine Corps; Heritage Center for the National Museum of the United States Army at Fort Belvoir, Virginia; Heritage Center for the National Museum of the United States Navy at Washington, District of Columbia; and the Heritage Center for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio.

The House bill contained no similar provision.

The Senate recedes.

Report on biodefense

The House bill contained a provision (sec. 375) that would require the Secretary of Defense to submit a report to the congressional defense committees on Department of Defense biodefense and pandemic preparedness and response efforts as well as recommendations for addressing gaps in authorities or organization structures for related response efforts.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to submit a report on biodefense to the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the date of the enactment of this Act. The report shall include the following:

(1) A description of the roles and responsibilities of Department of Defense entities, including the Department's Chemical and Biological Defense Program, with responsibility for biodefense or pandemic preparedness and response, including logistical support;

(2) An updated Department of Defense implementation plan for biodefense and pandemic response operations that includes a separation of activities conducted under title 10, United States Code, and activities conducted under title 32, United States Code;

(3) Recommendations for solving gaps in authorities or organizational structures that have inhibited COVID-19 response efforts;

(4) Recommendations on strengthening the roles, responsibilities, and authorities of the Chemical and Biological

Defense Program to execute biodefense activities based on the 2018 National Biodefense Strategy;

(5) Any barriers, financial, programmatic, or otherwise, preventing the Chemical and Biological Defense Program's execution of those activities; and

(6) Any other matters the Secretary deems relevant.

Report on non-permissive, global positioning system denied airfield capabilities

The Senate amendment contained a provision (sec. 5351) that would require the Secretary of Defense to submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, day-night airfield operations in a non-permissive, global positioning system-denied environment.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct, not later than February 1, 2021, the Secretary of Defense to submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, day-night airfield operations in a non-permissive, global positioning system-denied environment. The report shall include, at a minimum, the following:

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields;

(2) An assessment of the ability of each combatant command to conduct all-weather, day-night airfield flight operations in a non-permissive, global positioning system-denied environment at existing and contingency airfields, including aircraft tracking and precision landing;

(3) An assessment of the ability of each combatant command to rapidly set up and conduct operations at alternate airfields, including the ability to receive and deploy forces in a non-permissive, global positioning system-denied environment; and

(4) A list of backup systems in place or pre-positioned to be able to reconstitute operations after an attack.

Increase of amounts available to Marine Corps for base operations and support

The Senate amendment contained a provision (sec. 5371) that would increase the amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine

Corps by \$47.6 million, with the amount of the increase to be available for SAG BSS1, base operations and support.

The House bill contained no similar provision.

The Senate recedes.

Diesel emissions reduction

The Senate amendment contained a provision (sec. 6083) that would amend section 16137(a) of title 42, United States Code, to extend the authorization of the diesel emissions reduction program from 2016 to 2024.

The House bill contained no similar provision.

The Senate recedes.

Utilizing significant emissions with innovative technologies

The Senate amendment contained a provision (sec. 6084) that would require the Administrator of the Environmental Protection Agency to conduct direct air capture research.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize active-duty end strength as of September 30, 2021, as follows: Army, 485,900; Navy, 347,800; Marine Corps, 184,100; Air Force, 327,266; and Space Force, 6,434.

The Senate amendment contained a similar provision (sec. 401) that would authorize active-duty end strength as of September 30, 2021, as follows: Army, 485,000; Navy, 346,730; Marine Corps, 180,000; and Air Force, 333,475.

The Senate recedes with an amendment that would authorize active-duty end strength as of September 30, 2021, as follows: Army, 485,900; Navy, 347,800; Marine Corps, 181,200; Air Force, 333,475.

The conferees note the United States Space Force (USSF) plans to reach an end strength of at least 6,000 personnel by the end of fiscal year 2021. As the USSF continues to grow and mature, it is the expectation that the Department of the Air Force will submit a formal end strength request as required by section 113a of title 10, United States Code. The conferees

expect the Department of the Air Force to submit a formal request and justification for USSF end strength to the congressional defense committees as part of the President's Department of Defense budget request for fiscal year 2022.

Revisions to permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would amend section 691 of title 10, United States Code, to establish new minimum Active-Duty end strengths for the Army, Navy, Marine Corps, Air Force, and Space Force as of September 30, 2021.

The Senate amendment contained a provision (sec. 402) that would repeal section 691 of title 10, United States Code. The provision would also amend section 115 of title 10, United States Code, to authorize the Secretary concerned to vary Active-Duty end strength levels as previously authorized by section 691.

The Senate recedes with an amendment that would amend section 691 of title 10, United States Code, to remove references to a national defense strategy focused on successfully conducting two major regional contingencies. The provision would also provide authority for the Secretary of Defense or the Secretary of a military department to vary Active-Duty end strength by up to 2 percent.

Modification of the authorized number and accounting method for senior enlisted personnel (sec. 403)

The House bill contained a provision (sec. 403) that would amend section 517 of title 10, United States Code, to change the method of calculating the authorized number of senior enlisted members in the grades of E-8 and E-9 from the daily average to an authorized end strength, and would increase the authorized number of members in the grade of E-8 from 2.5 percent to 3 percent of the total number of enlisted members.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the authority for an armed force to utilize vacancies in the grade of E-9 to increase the number of members authorized to serve at the grade of E-8.

SUBTITLE B—RESERVE FORCES

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2021: the Army National Guard of the United States, 336,500; the Army Reserve, 189,800; the Navy Reserve, 58,800; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 108,100; the Air Force Reserve, 70,300; and the Coast Guard Reserve, 7,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement contains this provision.

End strengths for Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on Active Duty in support of the reserve components as of September 30, 2021: the Army National Guard of the United States, 30,595; the Army Reserve, 16,511; the Navy Reserve, 10,215; the Marine Corps Reserve, 2,386; the Air National Guard of the United States, 25,333; the Air Force Reserve, 5,256.

The Senate amendment contained an identical provision (sec. 412).

The conference agreement includes this provision.

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following minimum end strengths for military technicians (dual status) as of September 30, 2021: the Army National Guard of the United States, 22,294; the Army Reserve, 6,492; the Air National Guard of the United States, 10,994; and the Air Force Reserve, 7,947.

The Senate amendment contained a similar provision (sec. 413).

The Senate recedes with an amendment that would prohibit under any circumstances the coercion of a military technician (dual status) by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. The provision would further specify that if a technician declines to participate in such a realignment or conversion, no further action may be taken against the individual or the individual's position.

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 414)

The House bill contained a provision (sec. 414) that would authorize the maximum number of reserve component personnel who may be on Active Duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2021 to provide operational support.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Separate authorization by Congress of minimum end strengths for non-temporary military technicians (dual status) and end strengths for temporary military technicians (dual status) (sec. 415)

The Senate amendment contained a provision (sec. 415) that would amend section 115 of title 10, United States Code, to require the separate authorization of minimum end strengths for non-temporary dual status military technicians and maximum end strengths for temporary dual status military technicians for each fiscal year by the Congress. The provision would also require the Department of Defense to include, as part of the President's annual budget request, a request for end strength authorizations for non-temporary and temporary dual status military technicians.

The House bill contained no similar provision.

The House recedes with an amendment that would require a minimum end strength authorization for non-temporary technicians and a separate end strength authorization for temporary dual status military technicians.

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of division D of this Act.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

Authorized strengths of general and flag officers on active duty (sec. 501)

The House bill contained a provision (sec. 501) that would amend section 526a(b) of title 10, United States Code, to reinstate the exclusions of certain Reserve officers from the limitations of section 526a(b).

The Senate amendment contained a similar provision (sec. 511).

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the allocation of general and flag officer billets and positions between the military departments and joint assignments. The required report will also include the Secretary's final plan to meet authorized strengths of general and flag officers on Active Duty after December 31, 2022, as required by section 526a of title 10, United States Code.

The provision would also amend section 525 of title 10, United States Code, to authorize the Army to appoint up to 8 Active Duty officers to the grade of general. To maintain a consistent overall number of four-star officer authorizations, the provision would amend section 526 of title 10, United States Code, to reduce the authorized number of officers serving in joint assignments in the grade of general or admiral to a maximum of 19.

Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer (sec. 502)

The House bill contained a provision (sec. 504) that would amend sections 533 and 12207 of title 10, United States Code, to provide temporary authority for the Secretaries of the military departments to award constructive service credit upon original appointment in particular officer career fields for advanced education.

The Senate amendment contained an identical provision (sec. 502).

The conference agreement includes this provision.

Diversity in selection boards (sec. 503)

The House bill contained a provision (sec. 502) that would amend sections 612(a)(1), 573(b), and 14102(b) of title 10, United States Code, to require that the members of a selection board represent the diversity of the Armed Forces to the extent practicable.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit (sec. 504)

The Senate amendment contained a provision (sec. 503) that would amend section 616 of title 10, United States Code, to clarify that the secretary of the military department concerned shall prescribe guidelines and procedures for placing officers higher on a promotion selection list based on an officer's merit.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters (sec. 505)

The Senate amendment contained a provision (sec. 504) that would delay until January 1, 2021, the applicability of the amendments made by section 502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), germane to the manner in which adverse information about a regular officer would be furnished to a promotion selection board convened under section 611(a) of title 10, United States Code, to consider such an officer for promotion to a grade below brigadier general in the Army, Air Force, and Marine Corps, rear admiral (lower half) in the Navy, or the equivalent grade in the Space Force.

The provision would also modify section 14107 of title 10, United States Code, to extend prescriptions for furnishing adverse information to promotion selection boards convened pursuant to section 14101(a) of title 10, United States Code, to consider a reserve officer for promotion to a grade above lieutenant colonel in the Army, Air Force, and Marine Corps, commander in the Navy, or the equivalent grade in the Space Force.

Finally, the provision would codify in two new sections of law the authority of the Secretary of the military department

concerned to convene a special selection review board—pursuant to section 628a of title 10, United States Code, for regular officers and pursuant to section 14502a of title 10, United States Code, for reserve officers—upon determining that an officer recommended for promotion to a grade at or below major general in the Army, Air Force, and Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force is the subject of adverse information that was not furnished to a promotion selection board that recommended the officer for promotion, as required by sections 615 or 14107 of title 10, United States Code.

Any special selection review board convened—whether for a regular or reserve officer—would, to the greatest extent practicable, apply the same standards used by the promotion selection board that originally recommended the officer for promotion and would consider the record of the officer as presented to the original promotion board, together with the adverse information regarding the officer. The special selection review board would be conducted so as not to indicate or disclose the officer or officers for whom the board was convened and the members of the board would apply a competitive process to determine whether or not to sustain the recommendation of the officer or officers at issue for promotion. An officer whose promotion is recommended for sustainment by a special selection review board and approved by the President would be appointed to the next higher grade as soon as practicable and, upon appointment, would have the same date of rank as the officer would have had pursuant to the recommendation of the original promotion board. If a special selection review board did not sustain a recommendation for promotion of an officer, that officer would be considered to have failed selection for promotion.

The amendments to section 14107 and the codification of sections 628a and 14502a of title 10, United States Code, would take effect on the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretaries of each of the military departments provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of the enactment of this Act, detailing the specific rules and processes applicable to implementation of this provision in that department, together with the department's implementation timeline.

Number of opportunities for consideration for promotion under alternative promotion authority (sec. 506)

The Senate amendment contained a provision (sec. 505) that would amend section 649c of title 10, United States Code, to make a technical correction related to the definition of the term "promotion zone" in the alternative promotion authority provided by section 507 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

The House bill contained no similar provision.

The House recedes.

Mandatory retirement for age (sec. 507)

The Senate amendment contained a provision (sec. 506) that would amend section 1251 of title 10, United States Code, to include the Space Force and expand the authority of the Secretaries of the military departments to permit an officer to defer retirement until the officer reaches age 68. The provision would also clarify benefit eligibility for officers who reach mandatory retirement age.

The House bill contained no similar provision.

The House recedes with an amendment that would require all regular commissioned officers who have been added to the retired list prior to enactment of this Act to receive retired pay.

Clarifying and improving restatement of rules on the retired grade of commissioned officers (sec. 508)

The Senate amendment contained a provision (sec. 507) that would clarify the rules governing the retired grades of commissioned officers. The codification of rules pertaining to regular officers would be restated in section 1370 of title 10, United States Code, and the rules applicable to non-regular officers—including guidance to address certain unique circumstances particular to a non-regular career path—would be set forth in new section 1370a of title 10, United States Code.

Both sections 1370 and 1370a would address the principles underpinning determinations of satisfactory service, the effect of misconduct in a lower grade on such determinations, service-in-grade requirements and waivers and reductions thereto, and requirements for notice to the Congress.

As a general rule, the restatement would reserve to the Secretary of the military department concerned the authority to make grade determinations with regard to officers—regular and non-regular—to be retired at or below major general, rear admiral, or the equivalent grade, but without the power of delegation. The restatement would reserve to the Secretary of Defense most actions related to officers proposed for retirement in a grade above major general, rear admiral, or the equivalent.

The restatement would promulgate enhanced guidelines for the assignment of a conditional retired grade to officers under investigation for misconduct or pending adverse personnel action and the determination of an officer's final retired grade and adjustment of retired pay on the resolution of such matters.

Finally, the restatement would clarify the conditions pursuant to which an administratively final retirement grade could be reopened, and the manner by which a proposed change to a reopened grade would be effectuated and the officer's retired pay recalculated. Although the committee has undertaken to clarify section 509 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), it remains strongly committed to the principle that a determination to increase an officer's retired grade to O-9 or O-10 after reopening an administratively final determination may be effectuated only by the President, by and with the advice and consent of the Senate. Although the committee ultimately declined to take this step, it considered returning to the long-held practice of requiring that all O-9 and O-10 retirements, of both Active and Reserve officers, be made by the President, by and with the advice and consent of the Senate. The current practice, enacted by section 502 of the National Defense Authorization Act for 1996 (Public Law 104-106)—pursuant to which the Secretary of Defense certifies to the Congress the highest grade in which such officers have served satisfactorily and should be retired—is a creature of statute, derived from the Congress' authority under Article I, Section 8, of the U.S. Constitution to raise, support, and regulate the Armed Forces. Prior to 1996, an officer could be retired in the grade of O-9 or O-10 only by the President, by and with the advice and consent of the Senate. The committee expects that any reopening of an administratively final determination of retired grade that results in the proposal to increase an officer's retired grade to O-9 or O-10 be submitted by the President to the Senate under provisions of section 509 of the National Defense Authorization Act for Fiscal Year 2020, as amended by the instant provision.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of authority for original appointment of regular Navy officers designated for engineering duty, aeronautical, engineering duty, and special duty (sec. 509)

The Senate amendment contained a provision (sec. 508) that would repeal section 8137 of title 10, United States Code, which authorizes the Secretary of the Navy to appoint regular officers

who are designated for engineering, aeronautical engineering, and special duty.

The House bill contained no similar provision.

The House recedes.

*Permanent programs on direct commissions to cyber positions
(sec. 509A)*

The House bill contained a provision (sec. 505) that would amend section 509 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to make permanent a direct commission program for cyber positions.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of Seaman to Admiral-21 Program (sec. 509B)

The House bill contained a provision (sec. 523) that would require the Secretary of the Navy to review personnel records of participants in the Seaman to Admiral-21 program during fiscal years 2010 through 2014 to determine whether participants acknowledged that service during the baccalaureate degree program would not be included in calculations related to military retirement eligibility. The provision would also require the Secretary of the Navy to award retirement credit to any participant in the Seaman to Admiral-21 program when no evidence can be found of the participant acknowledging that time spent in the baccalaureate degree program would not be included in calculations related to military retirement eligibility. The provision would also require the Secretary of the Navy to provide a report on the required review to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring the Secretary of the Navy to review the policies and procedures for the Seaman to Admiral-21 program in effect during fiscal years 2010 through 2014. The results of the required review shall be reported to the Committees on Armed Services of the Senate and the House of Representatives by not later than 180 days after the date of enactment of this Act.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency (sec. 511)

The House bill contained a provision (sec. 520D) that would amend section 14703 title 10, United States Code, to authorize the Secretary of a military department to reinstate a previously retired medical officer in the Active or Reserve Component with the consent of the officer.

The House bill also contained a provision (sec. 521) that would amend section 688a of title 10, United States Code, to authorize the Secretary of a military department to recall more than 1,000 retirees to Active Duty during a war or national emergency.

The Senate amendment contained a similar provision (sec. 517).

The House recedes.

The conferees note that the authority provided by this provision would also authorize the Secretary concerned to recall or reinstate retired medical officers.

Expansion of Junior Reserve Officers' Training Corps program (sec. 512)

The Senate amendment contained a provision (sec. 547) that would amend section 2031(a)(2) of title 10, United States Code, to insert language expanding the purpose of the Junior Reserve Officers' Training Corps (JROTC) to include an introduction to service opportunities in military, national, and public service. The provision would also require the Secretary of Defense to develop and implement a plan to establish and support not fewer than 6,000 JROTC units by September 30, 2031.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the requirement that Secretary of Defense develop and implement a plan to establish and support at least 6,000 JROTC units by September 30, 2031.

Grants to support STEM education in the Junior Reserve Officers' Training Corps (sec. 513)

The House bill contained a provision (sec. 511) would authorize the Secretary of Defense to establish a grant program for science, technology, engineering, and mathematics education in Junior Reserve Officers' Training Corps units at the Secretary's discretion.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment striking language that would authorize the Secretary of Defense to consult private sector organizations in developing the grant program.

Permanent suicide prevention and resilience program for the reserve components (sec. 514)

The House bill contained a provision (sec. 520F) that would amend section 10219 of title 10, United States Code, by striking subsection (h).

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of education loan repayment program for members of Selected Reserve (sec. 515)

The House bill contained a provision (sec. 512) that would amend section 16301(b) of title 10, United States Code, to authorize the Secretary of Defense to repay a portion of a student loan for a member of the Selected Reserve up to an amount equal to 20 percent of the outstanding balance or \$1,000 for each year of service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to pay up to \$1,000 per year as part of the education loan repayment program for members of the Selected Reserve.

Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service (sec. 516)

The House bill contained a provision (sec. 514) that would authorize the Secretary of Defense to prescribe regulations to approve retirement points to a member of the reserve component who cannot complete minimum annual training requirements due to the cancellation of training as a result of a national emergency.

The Senate amendment contained a similar provision (sec. 621).

The House recedes with an amendment that would amend sections 12732 and 12733 of title 10, United States Code, to authorize the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard, to provide points for Reserve retirement purposes if a Reserve servicemember is prevented from participating in required drills or training

during the emergency period beginning on March 1, 2020, which coincides with the COVID-19 pandemic. The provision would also require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the use of this authority.

Quarantine lodging for members of the reserve components who perform certain service in response to the COVID-19 emergency (sec. 517)

The House bill contained a provision (sec. 520B) that would require the Secretary of Defense to provide at least 14 days of housing for members of the National Guard ordered to active service in response to the COVID-19 national emergency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to provide at least 14 days of housing for members of the Reserve Components ordered to active service in response to the COVID-19 national emergency.

Direct employment pilot program for certain members of the reserve components (sec. 518)

The House bill contained a provision (sec. 516) that would authorize the Secretary of Defense to create a pilot program to collaborate with States in establishing or expanding job placement programs, and related employment services, for unemployed Guardsmen or Reservists.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require States to provide at least 50 percent of the funds required to establish or expand the pilot program.

Pilot programs authorized in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions (sec. 519)

The House bill contained a provision (sec. 518) that would require the Secretary of Defense to create pilot programs that support Senior Reserve Officers' Training Corps units at historically Black Colleges and Universities and minority institutions, to include creating partnerships between military bases and institutions and providing financial assistance for pilot training.

The Senate amendment contained a similar provision (sec. 546).

The Senate recedes with an amendment requiring the Secretary of Homeland Security to have responsibility and oversight of the Pilot Program on Financial Assistance for Flight Training for members of the Coast Guard College Student Pre-Commissioning Initiative Program.

Report regarding full-time National Guard duty in response to the COVID-19 pandemic (sec. 519A)

The House bill contained a provision (sec. 519) that would require the Secretary of Defense to submit a report to the congressional defense committees on the decision to authorize full-time National Guard duty at the request of the States in response to the COVID-19 pandemic.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Study and report on National Guard support to States responding to major disasters (sec. 519B)

The House bill contained a provision (sec. 520C) that would amend section 502(f) of title 32, United States Code, to require the Department of Defense to budget and pay for the costs of National Guard personnel ordered to respond to large scale, complex, and catastrophic disasters.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study and provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the process by which the National Guard provides support to other Federal agencies and to States during major disasters.

Report on guidance for use of unmanned aircraft systems by the National Guard (sec. 519C)

The House bill included a provision (sec. 515) that would require the Secretary of Defense to issue new guidance for expedited review of requests for the use of unmanned aircraft systems by the National Guard for covered activities within the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a comprehensive review of all current Department of Defense guidance and directives

governing the use of unmanned aircraft systems by the National Guard for covered activities within the United States and submit to the Congress a report detailing recommendations to improve current processes in order to expedite the review of such requests.

The conferees expect the Secretary to conduct the required review and submit recommendations to the Congress in accordance with the stated deadline.

Study and report on ROTC recruitment (sec. 519D)

The House bill contained a provision (sec. 520) that would require the Secretary of Defense to study and provide a report to the congressional defense committees on the military career outcomes of participants in the Junior and Senior Reserve Officers' Training Corps (ROTC).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the study to assess whether participants in the Junior ROTC program are more likely to join the Armed Forces than non-Junior ROTC participants.

SUBTITLE C—GENERAL SERVICE AUTHORITIES AND CORRECTION OF MILITARY RECORDS

Increased access to potential recruits (sec. 521)

The Senate amendment contained a provision (sec. 516) that would amend sections 503 and 983 of title 10, United States Code, to add e-mail addresses and mobile telephone numbers to the list of information required to be provided to recruiters by institutions of higher education and secondary schools. The provision would also require secondary schools to provide student information within 60 days of a request from a military recruiter. Additionally, this provision would require colleges and universities to provide student directory information within 60 days of the start of a school year or 60 days of the date of a recruiter's request as well as to provide lists of those students who do not return to the institution from the previous semester.

The House bill contained no similar provision.

The House recedes with an amendment that would amend sections 503 and 983 of title 10, United States Code, to add e-mail addresses to the list of information required to be provided to recruiters by institutions of higher education and secondary schools.

Sunset and transfer of functions of the Physical Disability Board of Review (sec. 522)

The Senate amendment contained a provision (sec. 588) that would amend section 1554a of title 10, United States Code, to authorize the Secretary of Defense to sunset the Physical Disability Board of Review on or after October 1, 2020. The provision would require the Secretary to transfer any remaining requests pending the Board's review at that time and to assign them to a board for the correction of military records operated by the Secretary of the military department concerned.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Honorary promotion matters (sec. 523)

The Senate amendment contained a provision (sec. 552) that would amend chapter 80 of title 10, United States Code, authorizing the Secretary of Defense to make honorary promotions, whether or not posthumous, of a former member or retired member of the Armed Forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force. At least 60 days prior to making an honorary promotion, the Secretary would provide notification to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member of Congress, if applicable, including a detailed discussion of the rationale supporting the determination.

In addition, the provision would amend section 1563 of title 10, United States Code, to require that all promotions made using this authority would be honorary, whether or not posthumous, with no effect on pay, retired pay, or other benefits.

The House bill contained no similar provision.

The House recedes.

Exclusion of official photographs of members from records furnished to promotion selection boards (sec. 524)

The House bill contained a provision (sec. 503) that would require the redaction of personally identifiable information from records furnished to a promotion board.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to include in regulations governing the active and reserve component officer and enlisted promotion selection board processes a prohibition on the inclusion of an

official photograph in the information furnished to the board. Further, the amendment would require that, not later than 1 year after the date of the enactment of this Act, the Secretary of Defense provide the Committees on Armed Services of the Senate and the House of Representatives a report setting forth recommendations for the redaction or removal of such other information currently furnished to promotion selection boards as the Secretary considers appropriate to eliminate inappropriate bias in the promotion selection process, together with a plan for implementing the redaction or removal of such information.

Report regarding reviews of discharges and dismissals based on sexual orientation (sec. 525)

The House bill contained a provision (sec. 524) that would require that, not later than September 30, 2021, the Secretary of Defense and Secretary of Veterans Affairs jointly submit to Congress a report regarding former members of the Armed Forces who: (1) Were discharged or dismissed from the Armed Forces; (2) Have applied to either Secretary for an upgrade in the characterization of discharge or dismissal; and (3) Allege in such applications that such discharges or dismissal arose from a policy of the Department of Defense regarding the sexual orientation or gender identity of a member.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that not later than September 30, 2021, the Secretary of Defense submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the number of former members of the Armed Forces who: (1) Were discharged or dismissed from the Armed Forces; (2) On or after September 21, 2011, applied to the Secretary of the military department concerned for an upgrade in the characterization of such discharge or dismissal; and (3) Assert in such application that such discharge or dismissal arose from a policy of the Department of Defense regarding the sexual orientation of a member before September 21, 2011.

The provision would expressly require that the Secretary include in the report the number of such applications: (1) That were denied; and (2) In which the discharge or dismissal was based solely on misconduct of the discharged or dismissed member, but only if the Secretary can determine that number without a case-by-case review of upgrade applications.

SUBTITLE D—PREVENTION AND RESPONSE TO SEXUAL ASSAULT, HARASSMENT, AND RELATED MISCONDUCT

Modification of time required for expedited decisions in connection with applications for change of station or unit transfer of members who are victims of sexual assault or related offenses (sec. 531)

The Senate amendment contained a provision (sec. 521) that would amend section 673 of title 10, United States Code, to extend the approval or disapproval time of an expedited transfer request from 72 hours to 5 calendar days.

The House bill contained no similar provision.

The House recedes.

Confidential reporting of sexual harassment (sec. 532)

The House bill contained a provision (sec. 550C) that would require the Secretary of Defense to prescribe regulations establishing a process by which a member of the Armed Forces may confidentially allege a complaint of sexual harassment to an individual outside the immediate chain of command of that member.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require reports on complaints of sexual harassment to the Committees on Armed Services of the Senate and the House of Representatives every 2 years, beginning April 30, 2023, and a plan for access to confidential reports to identify serial harassers.

Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct (sec. 533)

The House bill contained a provision (sec. 543) that would amend section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to include additional items for the Defense Advisory Committee for the Prevention of Sexual Misconduct to review.

The Senate amendment contained an identical provision (sec. 527).

The conference agreement includes this provision.

Additional matters for 2021 report of the Defense Advisory Committee for the Prevention of Sexual Misconduct (sec. 534)

The Senate amendment contains a provision (sec. 528) that would amend section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to include additional matters for reports provided by the Defense Advisory Committee for the Prevention of Sexual Misconduct.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Inclusion of advisory duties on the Coast Guard Academy among duties of Defense Advisory Committee for the Prevention of Sexual Misconduct (sec. 535)

The Senate amendment (sec. 522) contained a provision that would include the United States Coast Guard (USCG) Academy in the Defense Committee for the Prevention of Sexual Assault (DAC-PSA) established by section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92). Additionally, the provision would require the DAC-PSA to advise the Secretary of the Department under which the USCG is operating on policies, programs, and practices of the USCG Academy.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Modification of reporting and data collection on victims of sexual offenses (sec. 536)

The House bill contained a provision (sec. 544) that would amend section 547 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to modify data collection and reporting on victims of sexual assault.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of annual report regarding sexual assaults involving members of the Armed Forces (sec. 537)

The House bill contained a provision (sec. 545) that would amend section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to include the Committees on Veterans Affairs of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Coordination of support for survivors of sexual trauma (sec. 538)

The House bill contained a provision (sec. 546) that would require the Secretary of Defense and Secretary of Veterans Affairs to jointly develop, implement, and maintain a standard of coordinated care for members of the Armed Services who are survivors of sexual trauma. Such standard shall include information provided to members of the Armed Forces and coordination between the staff of the Department of Defense and Department of Veterans Affairs. This section would also require the Secretary of Defense and Secretary of Veterans Affairs to provide a report to appropriate committees of Congress not later than 180 days after the date of the enactment of this Act regarding the availability of residential treatment programs for survivors of sexual trauma, including barriers to access for such programs and resources required to reduce such barriers.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Policy for military service academies on separation of alleged victims and alleged perpetrators in incidents of sexual assault (sec. 539)

The House bill contained a provision (sec. 547) that would require the Secretary of Defense, in consultation with the Secretaries of the military departments, and the Superintendent of each military service academy, to prescribe in regulations a policy that affords a cadet or midshipman who is an alleged sexual assault victim and a cadet or midshipman who is an alleged perpetrator of sexual assault, to the extent practicable, the opportunity to complete their course of study without taking classes together or otherwise being in close proximity to each other during mandatory activities.

The provision would also require the Secretary to ensure that the policy protects the alleged victim, allows both the alleged victim and alleged perpetrator to complete their course of study with minimal disruption, protects the privacy of the alleged victim and the alleged perpetrator, and minimizes the burden on the alleged victim when separating the alleged victim and alleged perpetrator.

The Senate amendment contained a similar provision (sec. 529).

The Senate recedes with an amendment that would require that the policy permit an alleged victim to elect not to be

covered by the policy, minimize the prejudicial impact of the policy, to the extent practicable, on both the alleged victim and the alleged perpetrator, and apply to cadets at the United States Coast Guard Academy.

Safe-to-report policy applicable across the Armed Forces (sec. 539A)

The House bill contained a provision (sec. 548) that would require the Secretary of Defense, in consultation with the Secretaries of the military departments, to prescribe regulations for the processing of cases of minor collateral misconduct committed by alleged victims of sexual assault. The provision would also require the Secretary to define aggravating circumstances that would increase the gravity of minor collateral misconduct and to track incidents of minor collateral misconduct.

The Senate amendment contained a similar provision (sec. 526).

The House recedes.

Accountability of leadership of the Department of Defense for discharging the sexual harassment policies and programs of the Department (sec. 539B)

The Senate amendment contained a provision (sec. 525) that would require the Secretary of Defense to develop and implement a strategy on holding leadership accountable for discharging the sexual harassment policies and programs of the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Reports on status of investigations of alleged sex-related offenses (sec. 539C)

The House bill contained a provision (sec. 550A) that would require a report, not later 1 year after the date of the enactment of this Act and annually through December 31, 2025, on the status of investigations into alleged sex-related offenses.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform duties (sec. 539D)

The Senate amendment contained a provision (sec. 523) that would require the Secretary of Defense to conduct a survey of sexual assault response coordinators and sexual assault prevention and response victim advocates on their experiences in assisting victims of sexual assault by June 30, 2021. The provision would require the Secretary to submit a report on the results of the survey, including any actions to be taken based on the results, to the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes.

Briefing on Special Victims' Counsel program (sec. 539E)

The Senate amendment contained a provision (sec. 524) that would require the Judge Advocates General of the Army, the Navy, the Air Force, and the Coast Guard and the Staff Judge Advocate to the Commandant of the Marine Corps to brief the congressional defense committees on the status of the Special Victims' Counsel program of the Armed Force concerned.

The House bill contained no similar provision.

The House recedes.

Briefing on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods (sec. 539F)

The House bill contained a provision (sec. 594) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and advisability of granting requests from members of the Armed Forces who are in academic status and who are victims of sexual assault to be placed on a non-rated period for their performance report.

The Senate amendment contained a similar provision (sec. 530).

The House recedes with an amendment that would require the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives not later than 270 days after the date of the enactment of this Act.

SUBTITLE E—MILITARY JUSTICE AND OTHER LEGAL MATTERS

Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings (sec. 541)

The House bill contained a provision (sec. 540K) that would amend Article 6b(a)(2) of the Uniform Code of Military Justice (10 U.S.C. 802b(a)(2)), to provide that victims of offenses under the Uniform Code of Military Justice have the right to reasonable, accurate, and timely notice of a post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.

The Senate amendment contained an identical provision (sec. 531).

The conference agreement contains this provision.

Qualifications of judges and standard of review for Courts of Criminal Appeals (sec. 542)

The House bill contained a provision (sec. 540J) that would require a minimum of 12 years of experience in the practice of law to qualify as a military judge on the Court of Criminal Appeals. The provision would also amend Article 66 of the Uniform Code of Military Justice (10 U.S.C. 866) to require the Court of Criminal Appeals, when considering appeals of court-martial convictions, to consider whether the finding is correct in fact only upon a specific showing by the accused of deficiencies of proof. Under the provision, the Court could set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. Further, the provision would require the entire Court of Criminal Appeals review a determination by a panel of the Court that a finding of guilty was clearly against the weight of the evidence.

The Senate amendment contained a similar provision (sec. 532).

The Senate recedes with an amendment that would remove the requirement for the entire Court of Criminal Appeals to review a determination by a panel of the Court that a finding of guilty was clearly against the weight of the evidence and would amend Article 67 of the Uniform Code of Military Justice (10 U.S.C. 867) to authorize the United States Court of Appeals for the Armed Forces to review such a determination.

Preservation of court-martial records (sec. 543)

The House bill contained a provision (sec. 532) that would require the Department of Defense to retain records of the military justice system for a minimum of 15 years.

The Senate amendment contained a similar provision (sec. 533).

The Senate recesses.

Availability of records for National Instant Criminal Background Check System (sec. 544)

The House bill contained a provision (sec. 540F) that would amend section 101(b) of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40911(b)) to require the Secretary of Defense make available to the Attorney General records relevant to a determination of whether a servicemember is disqualified from possessing or receiving a firearm for use in background checks performed by the National Instant Criminal Background Check System.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Removal of personally identifying and other information of certain persons from investigative reports, the Department of Defense Central Index of Investigations, and other records and databases (sec. 545)

The Senate amendment contained a provision (sec. 586) that would require that, not later than October 1, 2021, the Secretary of Defense establish and implement a policy and process through which a person's name, personally identifying information, and other pertinent information could be expunged or otherwise removed from: (1) The subject or title block of a Department of Defense (DOD) law enforcement or criminal investigative report; (2) The Department of Defense Central Index of Investigations (DCII); and (3) Any other record maintained by the DOD in connection with such a report or DCII entry, under circumstances in which probable cause did not or does not exist to determine that the offense for which the person was titled occurred or that the titled person actually committed the offense.

Further, the provision would require the Department to establish a mechanism to assist a person whose information is expunged or removed from DOD records in correcting or expunging the person's information from records and databases maintained by organizations or entities external to the DOD, based on information previously provided by the Department.

Finally, the provision would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than October 1, 2021, detailing actions taken to implement these requirements.

The House bill contained no similar provision.

The House recedes.

Briefing on mental health support for vicarious trauma for certain personnel in the military justice system (sec. 546)

The Senate amendment contained a provision (sec. 535) that would require the Judge Advocates General of the Army, the Navy, and the Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps to brief the Committees on Armed Services of the Senate and the House of Representatives on the mental health support for vicarious trauma provided to certain personnel in the military justice system no later than 180 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system (sec. 547)

The Senate amendment contained a provision (sec. 347) that would require the Comptroller General of the United States to study and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations in the May 2019 report of the Government Accountability Office titled ``Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities''' (GAO-19-344) and the requirements in section 540I(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The House bill contained no similar provision.

The House recedes.

Legal assistance for veterans and surviving spouses and dependents (sec. 548)

The Senate amendment contained a provision (sec. 6085) that would require the Secretary of Veterans Affairs to facilitate the provision of pro bono legal assistance services

to veterans and the surviving spouses and children of deceased veterans, at no fewer than one Department of Veterans Affairs medical center in each state, at least three times annually. Authorized legal assistance services providers would include Veterans Service Organizations, legal assistance clinics associated with accredited law schools, non-profit legal services organizations, and bar associations, among others. Legal assistance services to be provided would focus on applications for military discharge upgrades, perfecting benefits claims, and other legal services to be determined by the Secretary of Veterans Affairs.

The provision also would establish a 5-year pilot program to assess the feasibility and advisability of the Department awarding grants to create new and enhance existing legal assistance clinics to provide year-round pro bono legal assistance to all veterans at locations other than medical centers. The provision would further task the Secretary to award at least one grant in each state using a competitive process, to coordinate with the Attorney General and Office of Government Ethics to review the rules for Federal government attorneys providing pro bono legal assistance, and to recommend legislative and administrative changes to allow for greater participation.

The House bill contained no similar provision.

The House recesses.

Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service (sec. 549)

The House bill contained a provision (sec. 540E) that would amend section 3955 of title 50, United States Code, to authorize the spouse or dependent of a servicemember to terminate certain leases on behalf of a servicemember if the servicemember is incapable of such actions due to a catastrophic injury, illness, or death.

The Senate amendment contained no similar provision.

The Senate recesses.

Multidisciplinary board to evaluate suicide events (sec. 549A)

The House bill contained a provision (sec. 540) that would require the Secretary of Defense to issue guidance that each suicide event involving a servicemember must be reviewed by a multidisciplinary board established at the command or installation level. The provision would require the military

service chiefs to implement such guidance within 90 days of the date of issuance of the Secretary's guidance. Additionally, the provision would require the Secretary to submit a progress report to the congressional defense committees, within 180 days of the date of the enactment of this Act, on implementation of the guidance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a suicide event review by a multidisciplinary board established at the command or installation level, or by the military service chiefs, of each suicide event involving a servicemember. The provision would also modify the requirements for each suicide event review of such boards.

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

The House bill contained a provision (sec. 539) that would require the Secretary of Defense, consistent with the recommendations of the Comptroller General of the United States in the Government Accountability Office report titled "Child Welfare: Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse" (GAO-20-110), to improve the efforts of the Department of Defense to track and respond to incidents of child abuse involving dependents of members of the Armed Forces that occur on military installations.

The Senate amendment contained a similar provision (sec. 575).

The House recedes with an amendment that would require the Secretary of Defense, consistent with the recommendations of the Comptroller General of the United States in the Government Accountability Office report titled "Child Welfare: Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse" (GAO-20-110), to improve the efforts of the Department of Defense to track and respond to incidents of serious harm to children involving dependents of members of the Armed Forces that occur on military installations.

Independent analysis and recommendations on domestic violence in the Armed Forces (sec. 549C)

The House bill contained a provision (sec. 538) that would require the Secretary of Defense to establish a military-civilian task force on domestic violence with experts from

within the Department of Defense, Department of Justice, Department of Health and Human Services, and Centers for Disease Control and Prevention, as well as civilian experts. The provision also would require an initial report from the task force to the Secretary 1 year after the Secretary establishes the task force, as well as an annual report to the Congress until the task force is terminated.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to enter into a contract or other agreement with an appropriate entity in the private sector (including a federally funded research and development center) for the conduct of an analysis and the development of recommendations on means to improve the effectiveness of the Armed Forces in responding to and preventing domestic violence.

SUBTITLE F—DIVERSITY AND INCLUSION

Diversity and inclusion reporting requirements and related matters (sec. 551)

The House bill contained a provision (sec. 571) that would amend section 113 of title 10, United States Code, to require the Secretary of Defense to establish and maintain a standard set of strategic metrics and benchmarks toward the objective of increasing diversity in the Armed Forces. The provision also would require the Secretary to include as a part of the National Defense Strategy data on the demographics of each of the Armed Forces.

The House bill also contained a provision (sec. 572) that would amend chapter 7 of title 10, United States Code, to require the Secretary of Defense to establish a ``Diversity and Inclusion Advisory Council of the Department of Defense.''

The Senate amendment contained a similar provision (sec. 520) that would require the Secretary to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations of the Defense Board on Diversity and Inclusion in the Military and the actions the Secretary will take in response to such recommendations. Further, the provision would require the Secretary to submit to the committees a report on the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces established by the Secretary, and a report on current diversity and inclusion in the Armed Forces.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report accompanying each

National Defense Strategy setting forth current diversity and inclusion demographics across the Armed Forces. Further, the provision would provide that any diversity and inclusion metric established may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Department in which the Coast Guard is operating. The provision also would require each Secretary of a military department and the Commandant of the Coast Guard to consider all best qualified candidates when making a recommendation to the President of the United States for the nomination of an officer for initial appointment to a position of importance and responsibility. Finally, the provision would repeal reporting requirements set forth in section 115a of title 10, United States Code, which are superseded by the provision, and would require the Secretary of Defense to provide 60 days advance notice to the Committees on Armed Services of the Senate and the House of Representatives prior to dissolving the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

National emergency exception for timing requirements with respect to certain surveys of members of the Armed Forces (sec. 552)

The Senate amendment contained a provision (sec. 587) that would amend sections 481, 481a, 7461, 8480, and 9461 of title 10, United States Code, to authorize the Secretary of Defense to postpone the conduct of the following surveys when conducting these surveys is not practicable due to a war or national emergency declared by the President or the Congress: (1) Armed Forces Workplace and Gender Relations Surveys; (2) Armed Forces Workplace and Equal Opportunity Surveys; (3) Assessments of sexual harassment and sexual violence at the military service academies; and (4) The workplace and gender relations survey of Department of Defense civilian employees.

The conferees expect that the Secretary would exercise this authority to postpone these surveys and assessments only when conditions are such that the survey cannot be conducted or, if conducted, the results of the survey would not be meaningful. The committee also expects that any survey postponed under this authority would be conducted as soon as practicable and appropriate.

The House bill contained no similar provision.
The House recedes.

Questions regarding racism, anti-Semitism, and supremacism in workplace surveys administered by the Secretary of Defense (sec. 553)

The House bill contained a provision (sec. 574) that would amend section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), to include questions about "racist, xenophobic, anti-Semitic, or supremacist" conduct in workplace surveys administered by the Department of Defense.

The Senate amendment contained a similar provision (sec. 5586).

The House recedes with an amendment that would include questions about "racist, anti-Semitic, or supremacist" conduct in Department of Defense surveys, and require a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2021, on the text of the questions and the surveys in which such questions would be included.

Inspector General oversight of diversity and inclusion in Department of Defense; supremacist, extremist, or criminal gang activity in the Armed Forces (sec. 554)

The House bill contained a provision (sec. 573) that would establish a Special Inspector General for Racial and Ethnic Disparities in the Armed Forces to provide for independent and objective conduct and supervision of audits and investigations relating to racial and ethnic disparities in military personnel and military justice and to make recommendations to the Secretary of Defense and to the Congress on actions necessary to eliminate such racial and ethnic disparities. The provision also would require the Special Inspector General to submit an annual report to the Secretary of Defense and the congressional defense committees, as well as quarterly reports to the Secretary of Defense and congressional defense committees, due 30 days after the end of each fiscal year quarter.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish in the Office of the Inspector General of the Department of Defense an additional Deputy Inspector General who would be responsible for the conduct and supervision of audits, investigations, and evaluations of: (1) Military personnel policies, programs, systems, and processes as regards the effect of same on diversity and inclusion in the Department of Defense; and (2) The Department's policies, programs, systems, and processes to prevent and respond to supremacist, extremist, and criminal gang activity by military personnel, including the tracking of allegations and the dispositions thereof with respect to conduct of members of the Armed Forces that is prohibited under Department of Defense Instruction 1325.06,

titled "Handling Dissident and Protest Activities Among Members of the Armed Forces."

Policy to improve responses to pregnancy and childbirth by certain members of the Armed Forces (sec. 555)

The House bill contained a provision (sec. 579) that would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to develop a plan to improve responses to pregnancy and childbirth of servicemembers and employees of the Department of Defense and to provide a report detailing the plan to the congressional defense committees within 90 days of the date of the enactment of this Act. The provision would also require the Secretary to implement the plan within 2 years of the date of the enactment of this Act and to provide a report to the same committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to develop a policy to ensure that the career of a servicemember is not unduly affected by pregnancy, childbirth, or a medical condition arising from pregnancy or childbirth. The amendment would require the Secretary of Defense to submit a briefing summarizing the policy with a copy of the policy to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the date of the enactment of this Act.

Training on certain Department of Defense instructions for members of the Armed Forces (sec. 556)

The Senate amendment contained a provision (sec. 541) that would require the Secretary of Defense to develop and implement training regarding religious liberty and accommodation for members of the Armed Forces in consultation with the Chief of Chaplains of each service. Recipients of this training shall include commanders, chaplains, judge advocates, and others as recognized by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Evaluation of barriers to minority participation in certain units of the Armed Forces (sec. 557)

The House bill contained a provision (sec. 577) that would require the Under Secretary of Defense for Personnel and Readiness, not later than 30 days after the date of the

enactment of this Act, to seek to enter into an agreement with a federally funded research and development center with relevant expertise to conduct an evaluation of the barriers to minority participation in special operations units. The provision also would require a report on the results of the study to be submitted to the congressional defense committees not later than January 1, 2022.

The Senate amendment contained a similar provision (sec. 519).

The House recedes with an amendment that would require the study to update both the 1999 RAND Corporation report entitled "Barriers to Minority Participation in Special Operations Forces" and the 2018 RAND report entitled "Understanding Demographic Differences in Undergraduate Pilot Training Attrition," and provide follow-up recommendations. Further, the Under Secretary of Defense for Personnel and Readiness would be required to provide interim briefings on the progress of the study to the Committees on Armed Services of the Senate and the House of Representatives before submitting the final report on July 1, 2022.

Comptroller General of the United States report on equal opportunity at the military service academies (sec. 558)

The House bill contained a provision (sec. 1710G) that would require the superintendent of each military service academy to submit to the Secretary of Defense and the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report that would include: (1) Anonymized equal opportunity claims and determinations involving the academy over the past 20 years; (2) Results of a climate survey of cadets or midshipmen conducted by an external entity; and (3) A review of educational and extracurricular instruction at the academy, including a review of course to ensure the inclusion of minority communities in authorship and course content and a review of faculty and staff demographics to determine diversity recruitment practices at the academy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that, not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States submit a report to the Committees on Armed Services of the Senate and the House of Representatives setting forth the aggregate number of equal opportunity claims filed with respect to each military service academy during 2019 and 2020 and the number of such claims that were substantiated. Further, the provision would

require the Comptroller General to report on the results of any completed climate survey of cadets or midshipmen conducted by a military service academy or any authorized organization external to the academy during the 2-year period ending on December 31, 2020, to analyze both the equal opportunity and survey data to assess whether it indicates trends in equal opportunity at each military service academy, and to assess whether the Military Equal Opportunity program and other programs at each academy are properly responsive to any trends identified.

SUBTITLE G—DECORATIONS AND AWARDS

Extension of time to review World War I Valor Medals (sec. 561)

The House bill contained a provision (sec. 1778) that would amend section 584(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to extend the time to review World War I valor medals by 2 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the time to review World War I valor medals by 1 year.

Authorizations for certain awards (sec. 562)

The House bill contained a provision (sec. 582) that would waive the time limitations in section 7274 of title 10, United States Code, to authorize the President of the United States to award the Distinguished Service Cross to Ramiro F. Olivo for acts of valor during the Vietnam War.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would waive the time limitations in section 7274 of title 10, United States Code, to authorize the President of the United States to award: (1) The Distinguished Service Cross to Ramiro F. Olivo for acts of valor during the Vietnam War; (2) The Medal of Honor to Ralph Puckett, Jr. for acts of valor during the Korean War; (3) The Medal of Honor to Dwight M. Birdwell for acts of valor during the Vietnam War; (4) The Medal of Honor to Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom; and (5) The Medal of Honor to Earl D. Plumlee for acts of valor during Operation Enduring Freedom.

Feasibility study on establishment of service medal for radiation-exposed veterans (sec. 563)

The House bill contained a provision (sec. 581) that would require the Secretary of Defense to establish an "Atomic Veterans Service Medal" to honor retired and former members of the Armed Forces who are radiation-exposed veterans.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a feasibility study on establishing a service medal for award to radiation-exposed veterans.

Expressing support for the designation of Silver Star Service Banner Day (sec. 564)

The Senate amendment contained a provision (sec. 6086) that would amend chapter 1 of title 36, United States Code, to designate May 1 as "Silver Star Service Banner Day."

The House bill contained no similar provision.

The House recedes with an amendment that would express support for the designation of a "Silver Star Service Banner Day."

The conferees are committed to honoring the sacrifices of wounded and ill members of the Armed Forces. The sacrifices made by members of the Armed Forces and veterans should never be forgotten.

SUBTITLE H—MEMBER EDUCATION, TRAINING, TRANSITION, AND RESILIENCE

Mentorship and career counseling program for officers to improve diversity in military leadership (sec. 571)

The House bill contained a provision (sec. 554) that would amend chapter 107 of title 10, United States Code, by adding a new section that would require the Secretary of Defense to establish a mentoring and career counseling program with evaluation metrics. The provision also would require an interim report to be submitted, not later than 120 days after the date of the enactment of this Act, describing the program, and a report to be submitted on October 1, 2021, and annually thereafter for 3 years, on the evaluation of the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 656 of title 10, United States Code, to require that, as part of the plan required by that section, the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating would provide officers of the Armed Forces an

opportunity to participate in mentoring and career counseling opportunities throughout their military careers, with the goal of having the diversity of the population of officers serving in each branch, specialty, community, and grade of each Armed Force reflect the diversity of the population in such Armed Force as a whole.

*Expansion of Skillbridge program to include the Coast Guard
(sec. 572)*

The House bill contained a provision (sec. 560G) that would amend section 1143(e) of title 10, United States Code, to authorize expansion of the Skillbridge program to the United States Coast Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in number of permanent professors at the United States Air Force Academy (sec. 573)

The House bill contained a provision (sec. 557) that would authorize an increase in the number of permanent professors at the U.S. Air Force Academy from 23 to 25.

The Senate amendment contained no similar provision.

The Senate recedes.

Additional elements with 2021 and 2022 certifications on the Ready, Relevant Learning initiative of the Navy (sec. 574)

The Senate amendment contained a provision (sec. 542) that would require the Secretary of the Navy to submit a life cycle sustainment plan (LCSP) and report on the use of readiness assessment teams with the 2021 Ready Relevant Learning certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

The House bill contained no similar provision.

The House recedes with an amendment that would require a LCSP framework and approved LCSP to be submitted with the 2021 and 2022 Ready Relevant Learning certifications, respectively.

Information on nominations and applications for military service academies (sec. 575)

The House bill contained a provision (sec. 558) that would require the Secretary of Defense to standardize, collect, and analyze information on the demographics of applicants to military service academies.

The Senate amendment contained a similar provision (sec. 545) that would require the Secretary of the Defense, in consultation with the Superintendents of the military service academies, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and advisability of creating a uniform online portal for all congressional nominations to the military service academies.

The Senate recedes with an amendment that would require the Secretary of Defense to create a uniform online portal for all nominations to the military service academies not later than 2 years after the date of the enactment of this Act. The online portal would allow military service academy nominating sources to provide nominee demographic information. The amendment would also require the Secretary of Defense to provide an annual report to the Committees on Armed Services of the Senate and the House of Representatives on the demographics of military service academy applicants.

Report on potential improvements to certain military educational institutions of the Department of Defense (sec. 576)

The House bill contained three provisions (sec. 559, 560A, and 560I) that would make various policy adjustments and require several reports on professional military education provided by the Department of Defense.

The Senate amendment contained a similar provision (sec. 1061).

The House recedes with an amendment that would require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the potential effects of various legal and policy adjustments on Department of Defense professional military education institutions.

College of International Security Affairs of the National Defense University (sec. 577)

The House bill contained a provision (sec. 560) that would prohibit the Secretary of Defense from eliminating, divesting, downsizing, or reorganizing the College of International Security Affairs (CISA) until 30 days after the Under Secretary of Defense for Policy delivers a report to the congressional defense committees on various items related to educating leaders in the subjects and courses currently provided by CISA.

The Senate amendment contained no similar provision.
The Senate recedes.

Improvements to the Credentialing Opportunities On-Line programs of the Armed Forces (sec. 578)

The House bill contained a provision (sec. 560H) that would require the Secretary of Defense to establish performance measures for each Armed Force's online credentialing program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to standardize information tracking for each online credentialing program and to conduct a study of additional performance measures and report back to the Committees on Armed Services of the Senate and the House of Representatives on the results of the study.

GAO study regarding transferability of military certifications to civilian occupational licenses and certifications (sec. 579)

The House bill contained a provision (sec. 560D) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the transferability of military certifications to civilian occupational licenses and certifications.

The Senate amendment contained no similar provision.

The Senate recedes with an additional reporting element requiring an assessment of the effectiveness of the credentialing programs of each Armed Force.

Report regarding county, Tribal, and local veterans service officers (sec. 579A)

The House bill contained a provision (sec. 560K) that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to submit a report, within 180 days of the date of the enactment of this Act, to the Committees on Armed Services and on Veterans' Affairs of the Senate and the House of Representatives, regarding the effects of presence of veterans services officers at demobilization centers of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike paragraph (b) from the provision.

**SUBTITLE I—MILITARY FAMILY READINESS AND
DEPENDENTS' EDUCATION**

Family readiness: definitions; communication strategy; review; report (sec. 581)

The House bill contained a provision (sec. 561) that would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to define "military family readiness" and "military family resiliency" as well as implement a communications strategy to communicate with military families. The provision would also require a report on implementing recommendations from: (1) Chapter 3 of the report of the Inspector General of the Department of Defense for fiscal year 2020, "Ensuring Wellness and Wellbeing of Service-Members and their Families;" and (2) The report, dated July 2019, of the National Academies of Sciences, Engineering and Medicine, titled "Strengthening the Military Family Readiness System for a Changing American Society."

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to: (1) Act on recommendation one of the report, by the National Academies of Sciences, Engineering and Medicine, dated July 2019, titled "Strengthening the Military Family Readiness System for a Changing American Society," by establishing definitions of "family well-being," "family readiness," and "family resilience;" and (2) Develop a communications strategy to ensure the broadest means of communicating with military families. The provision would also require the Secretary of Defense to conduct a review of current programs, policies, services, resources, and practices of the Department of Defense for military families, as outlined in recommendation four of the previously cited report conducted by the National Academies of Science, Engineering and Medicine, and submit a report on the findings of that review to the Committees on Armed Services of the Senate and the House of Representatives.

Improvements to Exceptional Family Member Program (sec. 582)

The House bill contained a provision (sec. 570A) that would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to standardize the Exceptional Family Member Program (EFMP).

The Senate amendment contained a similar provision (sec. 572) that would amend section 1781c of title 10, United States Code, to standardize and improve the EFMP.

The Senate recedes with an amendment that would amend section 1781c of title 10, United States Code, to standardize

and improve the EFMP, and to require that the policy of the Department of Defense Office of Special Needs must include requirements for the development and continuous updating of an individualized services plan for each military family with special needs and procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have completed family needs assessments. The provision would also require the Secretary of Defense, not later than 6 months after the date of the enactment of this Act, to standardize the EFMP across the Department.

Support services for members of special operations forces and immediate family members (sec. 583)

The House bill contained a provision (sec. 562) that would modify the care and recipients of the family support services provided by U.S. Special Operations Command's Preservation of the Force and Family program under section 1788a of title 10, United States Code. Eligibility is expanded beyond immediate family members of the special operations force members receiving support services, as well as extended to members of the reserve components of the Armed Forces. Covered family support services will include psychological support and spiritual support services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that modifies the elements related to eligibility and contracting.

The conferees recognize the near- and long-term physical, mental, and emotional effects of nearly two decades of continuous operations in high-stress environments experienced by our special operations forces (SOF). One of the top priorities of U.S. Special Operations Command (SOCOM) is to take care of its people, and, in responding to the demand signal from SOF components, SOCOM created the Preservation of the Force and Families (POTFF) program. The conferees also recognize the stress caused by high operational tempo and unexpected deployment and training schedules on the families of SOF personnel and strongly supports the POTFF programs that provide families with the tools to deal with these unique challenges.

Furthermore, the conferees encourage SOCOM and the military services to ensure that SOF personnel and their families that receive POTFF support are aware of and provided assistance when separating or transitioning to a different assignment outside of the special operations community. The conferees believe SOCOM and the military services have a responsibility to ensure continuity of care and awareness of

Department of Defense and Department of Veterans Affairs resources for eligible participants of these programs.

Responsibility for allocation of certain funds for military child development programs (sec. 584)

The Senate amendment contained a provision (sec. 571) that would amend section 1791 of title 10, United States Code, to require the Secretary of Defense to be responsible for the allocation of Office of the Secretary of Defense-level funds for military child development programs for children from birth through 12 years of age. The provision would disallow delegation of the Secretary's responsibility to the military departments.

The House bill contained no similar provision.

The House recedes.

Military child care and child development center matters (sec. 585)

The Senate amendment contained a provision (sec. 576) that would amend section 1793 of title 10, United States Code, to require: (1) The liberal issuance of hardship waivers by installation commanders; (2) A family discount for families with two or more children attending a Child Development Center; (3) Each Secretary of a military department to carry out a childcare fee assistance program modeled after the U.S. Army fee assistance program; (4) Additional actions to obtain qualified employees for Child Development Centers; and (5) Reports on extreme imbalances between demand and availability for childcare at certain installations.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 1793 of title 10, United States Code, to authorize a family discount for families with two or more children attending a Child Development Center and require reports on installations with extreme imbalances between demand for and availability of childcare.

The conferees note that existing authorities allow for the liberal issuance of hardship waivers regarding childcare fees and encourage the Department of Defense to continue offering flexible childcare options for servicemembers and their families. Additionally, the conferees strongly encourage the Department to utilize enhanced marketing and recruitment techniques to hire qualified childcare employees, and provide competitive benefits in order to retain them.

Expansion of financial assistance under My Career Advancement Account program (sec. 586)

The House bill contained a provision (sec. 564) that would amend section 580F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to allow the reimbursement to a servicemember of the cost that his or her spouse incurs for the maintenance of professional licenses and credentials and continuing education courses associated with a permanent change of station. Additionally, the provision would expand the My Career Advancement Account Program to include expenses relating to continuing education courses and national testing.

The Senate amendment contained a similar provision (sec. 577).

The House recedes.

Improvements to partner criteria of the Military Spouse Employment Partnership Program (sec. 587)

The House bill contained a provision (sec. 570D) that would require the Secretary of Defense to conduct an evaluation of the partner criteria of the Military Spouse Employment Partnership Program (MSEP) and to implement any improvements determined to be necessary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct an evaluation of the partner criteria of the Military Spouse Employment Partnership Program and to implement any improvements determined to be necessary. Not later than 1 year after implementation of the improvements from the evaluation, the Secretary will publish a report on the review, to include: (1) The results of the evaluation of the MSEP program; (2) Data on the new partnerships undertaken as a result of the evaluation; and (3) Data on the utility of the MSEP program.

24-hour child care (sec. 588)

The House bill contained a provision (sec. 565) that would require the Secretary of Defense to provide childcare to a member of the Armed Forces or civilian employee of the Department of Defense while working a rotating shift at a military installation, if determined feasible.

The Senate amendment contained a similar provision (sec. 1067).

The Senate recedes with an amendment that would require the Secretary of Defense to provide childcare to a member of the

Armed Forces or civilian employee of the Department of Defense while working a rotating shift at a military installation, if determined feasible after completing a feasibility study and a subsequent report to the Committees on Armed Services of the Senate and the House of Representatives.

Pilot program to provide financial assistance to members of the Armed Forces for in-home child care (sec. 589)

The House bill contained a provision (sec. 563) that would amend section 1798 of title 10, United States Code, expanding the childcare financial assistance program to include in-home childcare providers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a pilot program to provide financial assistance to members of the Armed Forces who pay for in-home childcare providers.

Certain assistance to local educational agencies that benefit dependents of military and civilian personnel (sec. 589A)

The House bill contained a provision (sec. 570) that would authorize \$40.0 million to provide assistance to local educational agencies with military dependent students and \$10.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.

The Senate amendment contained a provision (sec. 561) that would authorize \$50.0 million in Operation and Maintenance, Defense-wide, for continuation of the Department of Defense (DOD) assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

The Senate amendment contained another provision (sec. 562) that would authorize a total of \$20.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with severe disabilities (as enacted by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a) using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of DOD assistance to local educational agencies that benefit eligible dependents with severe disabilities. Subsection (b) of the provision would allow the Secretary of Defense, at his discretion, to use \$10.0 million of the total amount authorized for payments to local educational agencies with higher concentrations of military children with severe disabilities. The provision would also require the Secretary of

Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2021, on DOD's evaluation of each local educational agency with higher concentrations of military children with severe disabilities and the subsequent determination of the amounts of impact aid each such agency shall receive.

The House recedes with an amendment that would combine the two Senate provisions into a single provision.

Staffing of Department of Defense Education Activity schools to maintain maximum student-to-teacher ratios (sec. 589B)

The Senate amendment contained a provision (sec. 563) that would establish maximum student-to-teacher ratios for Department of Defense Education Activity schools through the 2023-2024 school year.

The House bill contained no similar provision.

The House recedes.

Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools (sec. 589C)

The House bill contained a provision (sec. 569) that would require the Secretary of Defense, beginning not later than 180 days after the date of the enactment of this Act, to carry out a pilot program to authorize a dependent of a full-time Active-Duty servicemember, without regard to whether the member resides on a military installation, to enroll in a domestic Department of Defense Education Activity school on a space-available basis.

The Senate amendment contained a similar provision (sec. 566).

The Senate recedes.

Pilot program on expanded eligibility for Department of Defense Education Activity Virtual High School program (sec. 589D)

The Senate amendment contained a provision (sec. 565) that would require the Secretary of Defense to carry out a 4-year pilot program that would permit certain dependents of Active-Duty servicemembers to enroll in the Department of Defense Education Activity Virtual High School (DVHS) program. The provision would prescribe the selection of DVHS participants and limitations on the program. Additionally, the provision would require the Secretary to submit an interim report on the pilot program no more than 2 years after the date of the enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives and a final report to the same

committees no more than 180 days after completion of the program.

The House bill contained no similar provision.

The House recedes.

Training program regarding foreign malign influence campaigns (sec. 589E)

The House bill contained a provision (sec. 570B) that would require the Secretary of Defense to establish a training program regarding foreign disinformation campaigns not later than September 30, 2021. The provision would also require the Secretary to submit a report on the program to the congressional defense committees not later than October 30, 2021.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to designate an official with responsibility for coordinating and integrating across all elements of Department of Defense training on foreign disinformation and malign influence campaigns. The designated official will review best practices of existing training programs and seek to incorporate those practices into the program established under this section.

Study on cyberexploitation and online deception of members of the Armed Forces and their families (sec. 589F)

The House bill contained a provision (sec. 17010K) that would require the Comptroller General of the United States to submit to the Congress a report on social media risks for servicemembers, military families, and veterans.

The Senate amendment contained a similar provision (sec. 1643) that would require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the cyberexploitation of the personal information and accounts of servicemembers and their families.

The Senate recedes with an amendment that would require the Secretary of Defense to complete a study and provide a report to the Committees on Armed Services of the Senate and the House of Representatives on cyberexploitation and risks of deceptive online targeting on servicemembers and their families.

Matters relating to education for military dependent students with special needs (sec. 589G)

The Senate amendment contained a provision (sec. 564) that would require each of the Secretaries of the military departments to collect and maintain information on special education disputes filed by servicemembers and the outcomes of such disputes. Additionally, the provision would require the Comptroller General of the United States to conduct a study and brief the Committees on Armed Services of the Senate and the House of Representatives, no later than March 31, 2021, on matters related to free appropriate public education for military dependents and Exceptional Family Member Program (EFMP) matters.

The House bill contained no similar provision.

The House recedes with an amendment that would require each of the Secretaries of the military departments to collect and maintain information on special education disputes filed by servicemembers and the outcomes of such disputes. Additionally, the provision would require the Comptroller General of the United States to conduct a study and brief the Committees on Armed Services of the Senate and the House of Representatives, not later than March 31, 2021, on: (1) The manner in which local educational agencies with military families utilize impact aid funds; (2) The efficacy of attorney and other legal support for military families in special education disputes; (3) The standardization of policies and guidance for school liaison officers between the Office of Special Needs of the Department of Defense (DOD) and the military departments and the efficacy of such policies and guidance; and (4) The improvements of family support programs of the Office of Special Needs, and of each military department, in light of the recommendations of the Comptroller General in the report titled "DOD Should Improve Its Oversight of the Exceptional Family Member Program" (GAO-18-348).

The conferees encourage the DOD to create and maintain relationships with the local Boards of Education near military installations in order to facilitate processes to ensure military family education dispute data can be adequately reported.

Studies and reports on the performance of the Department of Defense Education Activity (sec. 589H)

The House bill contained a provision (sec. 567) that would require the Secretary of Defense to conduct a study on the performance of the Department of Defense Education Activity (DODEA) and to provide a report on the findings of the study to the Committees on Armed Services of the Senate and the House of

Representatives within 180 days of the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study and submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 1 year of the date of the enactment of this Act, on the performance of DODEA that would include a review of the curriculum relating to health, resiliency, and nutrition taught in its schools. The provision would also require the Comptroller General of the United States to conduct two separate studies on the performance of DODEA: (1) Analyzing the educational outcomes of its students compared to such outcomes of students in public elementary and secondary schools; and (2) Assessing DODEA's School Liaison Officer program in achieving program goals with emphasis on special education and family outreach. The Comptroller General would then submit reports on such studies to the same committees within 1 year of the date of the enactment of this Act.

SUBTITLE J—OTHER MATTERS AND REPORTS

Expansion of Department of Defense STARBASE Program (sec. 591)

The House bill contained a provision (sec. 591) that would amend section 2193b of title 10, United States Code, to expand the Department of Defense STARBASE program to include art and design as technical fields in the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Inclusion of certain outlying areas in the Department of Defense STARBASE Program (sec. 592)

The House bill contained a provision (sec. 592) that would amend section 2193b(h) of title 10, United States Code, to include the Commonwealth of the Northern Mariana Islands and American Samoa in the Department of Defense STARBASE program.

The Senate amendment contained a similar provision (sec. 548).

The Senate recedes.

Postponement of conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army (sec. 593)

The House bill contained a provision (sec. 599A) that would amend section 582(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) by postponing the conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Armed Services Vocational Aptitude Battery Test special purpose adjunct to address computational thinking (sec. 594)

The Senate amendment contained a provision (sec. 239) that would require the Secretary of Defense, within 1 year of enactment of this Act, to establish a special purpose test adjunct to the Armed Services Vocational Aptitude Battery test to address computational thinking skills relevant to military applications.

The House bill contained no similar provision.

The House recedes with an amendment that would require the establishment of a computational thinking special purpose test by October 1, 2024.

Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program (sec. 595)

The Senate amendment contained a provision (sec. 589) that would amend section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) to change the deadline to submit the annual report on the effectiveness of activities of the Federal Voting Assistance Program from March 31 of every year to September 30 of odd-numbered years. The provision also would clarify that the information submitted in the report should cover the previous calendar year to align with regularly scheduled elections for Federal office.

The House bill contained no similar provision.

The House recedes.

Plan on performance of funeral honors details by members of other Armed Forces when members of the Armed Force of the deceased are unavailable (sec. 596)

The Senate amendment contained a provision (sec. 591) that would require the Secretary of Defense, within 180 days of the date of the enactment of this Act, to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on a plan for the performance of funeral honors

functions at the funeral of a deceased member of the Armed Forces by one or more members of the Armed Force of the deceased or by such other servicemembers or organizations as described in the provision. The provision would amend section 1491(b)(2) of title 10, United States Code, to repeal the requirement that one member of the Armed Force of the deceased be a member of the funeral detail.

The House bill contained no similar provision.

The House recedes with an amendment that would require the military service chief of the Armed Force of the deceased to verify the eligibility of the deceased for such funeral honors.

Study on financial impacts of the Coronavirus Disease 2019 on members of the Armed Forces and best practices to prevent future financial hardships (sec. 597)

The House bill contained a provision (sec. 593) that would require the Secretary of Defense to conduct a study and provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the financial hardships experienced by members of the Armed Forces because of the Coronavirus Disease 2019 pandemic.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Limitation on implementation of Army Combat Fitness Test (sec. 598)

The Senate amendment contained a provision (sec. 592) that would prohibit the Secretary of the Army from implementing the Army Combat Fitness Test (ACFT) until the Secretary receives the results of a study from an independent entity on the extent that the test: (1) Would adversely impact Army members stationed or deployed to climates or areas with conditions that would prevent outdoor physical training on a frequent or sustained basis; and (2) Would affect recruitment and retention in critical support military occupational specialties of the Army, such as medical personnel.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees are concerned about the Department of the Army's implementation plans for the ACFT prior to completion of an objective assessment of its efficacy and the potential adverse impact this test will have on different demographics in the Army. Limited data from the Army's administration of this test so far suggest a consistent test failure rate of 60 percent

for women, and in fiscal year 2019, 83 percent of women failed the leg tuck portion of the test.

The conferees question the validity of certain portions of the ACFT, such as the leg tuck, to predict a soldier's success to perform the actual, regular, and recurring duties of their military occupations. Moreover, in a RAND study that evaluated gender-neutral physical standards for ground combat operations, the authors explained equitability in the context of physical standards stating that "test validity should not differ among relevant subgroups (such as gender and race), and test scores should be unbiased (i.e., two people who receive the same test score should have the same likelihood of success on the job, regardless of subgroup)." Therefore, the conferees believe the ACFT fails to meet most of the requirements for a valid, unbiased gender-neutral fitness test, and it likely disincentivizes female soldiers and soldiers in certain military occupations, such as physicians and chaplains, from serving full military careers.

For these reasons, the Army shall not implement the ACFT until completion of an evaluation by an independent entity of the test's validity and its impact on differing demographics in the Army. The conferees agree, however, that the Army may continue to train for and administer the ACFT to gather data to be shared with an independent entity conducting the study required by this provision. The results of such tests shall not be recorded in any personnel record or system of records that identify the soldiers who took the tests.

Semiannual reports on implementation of recommendations of the Comprehensive Review of Special Operations Forces Culture and Ethics (sec. 599)

The Senate amendment contained a provision (sec. 544) that would require the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to provide quarterly reports on the implementation of the Comprehensive Review of Special Operations Forces Culture and Ethics.

The House bill contained no similar provision.

The House recedes with an amendment that would make minor modifications to the required reports.

Report on impact of children of certain Filipino World War II veterans on national security, foreign policy, and economic and humanitarian interests of the United States (sec. 599A)

The Senate amendment contained a provision (sec. 593) that would require the Secretary of Homeland Security, in

consultation with the Secretary of Defense and the Secretary of State, to submit to the congressional defense committees not later than December 31, 2020, a report on the impact of certain Filipino World War II veterans on the national security, foreign policy, and economic and humanitarian interests of the United States.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of codified specification of authorized strengths of certain commissioned officers on active duty

The Senate amendment contained a provision (sec. 501) that amend section 523 of title 10, United States Code, to require that the number of officers serving on Active Duty in the grades of major, lieutenant colonel, and colonel in the Army, Air Force, and Marine Corps or lieutenant commander, commander, and captain in the Navy in a given fiscal year be specifically authorized by the Congress.

The House bill contained no similar provision.

The Senate recedes.

Requirement of consent of the chief executive officer for certain full-time National Guard duty performed in a State, Territory, or the District of Columbia

The House bill contained a provision (sec. 513) that would amend section 502 of title 32, United States Code, to require the consent of the chief executive officer of a State to order a member of the National Guard to perform training or other duty inside the United States.

The Senate amendment contained no similar provision.

The House recedes.

Certificate of release or discharge from Active Duty (DD Form 214) matters

The Senate amendment contained a provision (sec. 518) that would require the Department of Defense Form DD 214 to be redesignated as the Certificate of Military Service. The provision would also amend section 569 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require the Certificate of Military Service to be a standard total force record of military service for all members of the Armed Forces that summarizes the record of service for each

member and to require that the Certificate of Military Service be provided to members of the reserve components of the Armed Forces at appropriate times throughout a servicemember's career. Lastly, the provision would repeal section 570 of the National Defense Authorization Act for Fiscal Year 2020.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Department of Defense is currently working to establish and implement a standard record of service for members of the reserve components, as required by section 570 of last year's defense bill, which will summarize the record of service of each member in standardized form, sufficient to ensure that reserve component members may prove their eligibility for veteran benefits to which they are entitled. The Department plans to finalize this form next year. The conferees urge the Department to comply with section 570 as expeditiously as possible. The conferees will continue to track the Department's progress on this important initiative, and remain open to future legislation if needed to ensure members of the reserve components have accurate and up-to-date records of their military service.

Report regarding National Guard Youth Challenge Program

The House bill contained a provision (sec. 520E) that would require the Secretary of Defense to submit a report on the resources and authorities the Secretary determines necessary to identify the effects on graduates of the National Guard Youth Challenge Program over the last 5 years.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that section 509 of title 32, United States Code, requires the Department of Defense to submit annually a report on the National Guard Youth Challenge Program to the Committees on Armed Services of the Senate and the House of Representatives. The required report measures long-term outcomes of program participants.

Reenlistment waivers for persons separated from the Armed Forces who commit one misdemeanor cannabis offense

The House bill contained a provision (sec. 522) that would require the Secretary of Defense to prescribe regulations permitting the Secretary of a military department to grant a reenlistment waiver to an individual who has separated from the

military and has admitted to, or been convicted by a court of, a single violation of laws related to marijuana use or possession if the Secretary concerned determines that the reenlistment of the individual is vital to the national interest.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the secretaries of the military departments have the authority to allow for enlistment and reenlistment with waivers for cannabis use based on the needs of the military department. The conferees encourage the secretaries of the military departments to use their authority as appropriate to ensure the military departments are not excluding talent from the pool of eligible individuals who volunteer to serve.

Development of guidelines for use of unofficial sources of information to determine eligibility of members and former members of the Armed Forces for decorations and benefits when the service records are incomplete because of damage to the official record

The House bill contained a provision (sec. 525) that would amend section 528 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop guidelines for the use of unofficial sources of information to determine the eligibility of a servicemember for benefits and decorations when the service records are incomplete because of damage to the records.

The Senate amendment contained no similar provision.

The House recesses.

Report on bad paper

The House bill contained a provision (sec. 526) that would require the Inspector General of the Department of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding "bad paper" issued by the Department of Defense during the 20 years preceding the date of the report.

The Senate amendment contained no similar provision.

The House recesses.

Punitive article on violent extremism

The House bill contained a provision (sec. 531) that would amend chapter 47 of title 10, United States Code, by

establishing an article on violent extremism in the Uniform Code of Military Justice.

The Senate amendment contained no similar provision.

The House recesses.

The conferees are increasingly concerned with the number of recent violent extremist activities which involve members and former members of the military. The conferees believe that a punitive article under the Uniform Code of Military Justice to prohibit violent extremist criminal acts may be appropriate to deter and prosecute this behavior within the Armed Services.

Electronic notarization for members of the Armed Forces

The House bill contained a provision (sec. 533) that would amend section 1044a of title 10, United States Code, to authorize electronic notarization and require that such notarial acts be considered authentic without regard to whether the act was performed through electronic means.

The Senate amendment contained no similar provision

The House recesses.

The conferees direct the Secretary of Defense, in coordination with the Secretaries of the military departments, to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, detailing as to each military service: (1) How notaries are currently designated; (2) Whether and how the notary pool could be expanded to address hardships; (3) A cost assessment associated with a potential transition to electronic notarization in terms of any required cyber secure validation platforms, manning, and other related costs or savings; and (4) The effects of authorizing electronic notarization by military notaries when many states do not recognize such a practice.

Clarifications regarding scope of employment and reemployment rights of members of the uniformed services

The House bill contained a provision (sec. 534) that would amend the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 43) to clarify the scope of employment and unemployment rights for servicemembers under that Act.

The Senate amendment contained no similar provision.

The House recesses.

Termination of telephone, multichannel video programming, and internet access service contracts by servicemembers who enter into contracts after receiving military orders for permanent

change of station but then receive stop movement orders due to an emergency situation

The House bill contained a provision (sec. 535) that would amend section 3956 of title 50, United States Code, to authorize a servicemember to terminate certain service contracts if the servicemember's permanent change of station orders are disrupted by an emergency stop movement order issued by the Secretary of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand the Committees on Veterans' Affairs of the Senate and the House of Representatives are currently considering this provision under separate legislation. The conferees recognize the value of this authority in light of the disruption servicemembers are currently experiencing due to the coronavirus pandemic, and support the adoption of this provision by the relevant committees of jurisdiction as soon as possible.

Absentee ballot tracking program

The House bill contained a provision (sec. 536) that would amend section 20302 of title 52, United States Code, to require the chief State election official, in coordination with local election jurisdictions, to establish and operate an absentee ballot tracking program.

The Senate amendment contained no similar provision.

The House recedes.

Guardian ad litem program for minor dependents of members of the Armed Forces

The Senate amendment contained a provision (sec. 536) that would amend section 540L of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) by adding an element to the report on the establishment of a guardian ad litem program for certain military dependents who are victims or witnesses of offenses under the Uniform Code of Military Justice involving abuse or exploitation.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Department of Defense is completing its report on the guardian ad litem program and asks that the Secretary of Defense assess and brief the Committees on Armed Services of the Senate and the House of Representatives regarding the feasibility and advisability of establishing a

guardian ad litem program for military dependents living outside the United States.

Tracking mechanism and reporting requirements for supremacist, extremist, and criminal gang activity in the Armed Forces

The House bill contained a provision (sec. 537) that would require the Secretary of Defense to develop and implement a process to track investigations, criminal and administrative actions, and final determinations with respect to conduct of members of the Armed Forces that is prohibited under Department of Defense Instruction 1325.06, entitled "Handling Dissident and Protest Activities Among Members of the Armed Forces." The provision would also require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than December 1 of each year, beginning after the date of the enactment of this Act, a report on the process implemented by the Secretary.

The Senate amendment contained no similar provision.

The House recedes.

To resolve controversies under Servicemembers Civil Relief Act

The House bill included a provision (sec. 540A) that would amend the Servicemembers Civil Relief Act (50 U.S.C. 50) to modify certain aspects of how controversies under that Act are resolved.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on waiver of rights and protections under Servicemembers Civil Relief Act

The House bill contained a provision (sec. 540B) that would modify existing law to prohibit a servicemember's waiver of rights under the Servicemembers Civil Relief Act (Public Law 108-189) (SCRA), unless the servicemember executes the waiver only after a specific dispute arises and the waiver specifically references the dispute at issue. Current law permits a servicemember to waive SCRA protections only if the waiver is in writing (in at least 12 point font), and only if the written waiver is separate from the contract or lease to which it applies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General of the United States to conduct a review and holistic assessment of the effects of the timing, content, and form of a servicemember's waiver of rights and protections under the SCRA, as required by Section 107(a) of the Act (50 U.S.C. 3918(a)), and, not later than May 31, 2021, submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the effect of these requirements in ensuring that any waiver executed by a servicemember in a covered case is knowing and voluntary. The results and data expected from the report will inform the need for change, if any, in the requirements attending a servicemember's waiver of rights in covered cases under the SCRA.

Clarification of private right of action under Servicemembers Civil Relief Act

The House bill contained a provision (sec. 540C) that would allow a servicemember to exercise a private right of action under the Servicemembers Civil Relief Act (Public Law 108-189) (SCRA) by initiating an individual or class action suit in a court of law, even if the servicemember had previously signed an agreement not to do so.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General of the United States to conduct a review and holistic assessment of servicemembers' use of the right to bring a private right of action under the SCRA, as provided in section 802(a) of the Act (50 U.S.C. 4042(a)), and, not later than May 31, 2021, submit a report to the Committees on Armed Services of the Senate and the House of Representatives with an assessment of the efficacy and propriety of permitting a servicemember to initiate a private right of action, notwithstanding the servicemember's prior waiver of the right to do so. The results and data expected from the report will inform the need for change, if any, in the right of a servicemember to bring a private right of action under the SCRA.

Requirement of certain certification before deportation of a spouse of a member of the Armed Forces

The House bill contained a provision (sec. 540D) that would prohibit the removal of the spouse of a member of the Armed Forces from the United States until the Secretary concerned provides certain certifications to the congressional defense committees.

The Senate amendment contained no similar provision.
The House recedes.

Prohibition on certain communications regarding courts-martial

The House bill contained a provision (sec. 540G) that would prohibit certain communications regarding courts-martial.
The Senate amendment contained no similar provision.
The House recedes.

Termination of contracts for telephone, multichannel video programming, or internet access service by certain individuals under Servicemembers Civil Relief Act

The House bill contained a provision (sec. 540H) that would amend section 3956 of title 50, United States Code, to authorize the spouse or dependent of a servicemember to terminate certain service contracts on behalf of a servicemember if the servicemember is incapable of such actions due to a catastrophic injury, illness, or death.

The Senate amendment contained no similar provision.
The House recedes.

The conferees understand the Committees on Veterans' Affairs of the Senate and the House of Representatives are considering this provision as part of separate legislation under their jurisdiction. The conferees support this provision and encourage its quick adoption by the relevant committees of jurisdiction.

Report on drug demand reduction program modernization

The House bill contained a provision (sec. 540I) that would require, not later than 180 days after the date of the enactment of this Act, the Secretary of Defense to deliver a report to the Committees on Armed Services of the Senate and the House of Representatives regarding the efficacy of using point of collection testing (POCT) devices to modernize the drug demand reduction program (DDRP) random urinalysis testing.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Secretary of Defense, not later than 180 days after the date of enactment of this Act, to provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the efficacy of using POCT devices to modernize the DDRP random urinalysis testing. The report shall include the following:

(1) The extent to which the use of POCT devices may streamline current urinalysis testing processes and communications, while maintaining specimen chain of custody for use in associated administrative and military justice activities, if needed;

(2) An assessment of the effectiveness of the POCT devices for DDRP random urinalysis testing while ensuring specimen chain of custody;

(3) A 10-year projection and assessment of the anticipated cost savings with the use of POCT devices in the DDRP random urinalysis testing, including a description of the methodology used for calculating the 10-year cost projection;

(4) An assessment of any other suggested changes to modernize the DDRP program;

(5) A summary of any programmatic or logistical barriers to effectively carrying out the use of POCT devices in the DDRP testing;

(6) A definition of POCT; and

(7) Any other matters deemed relevant by the Secretary.

Protection of attorney-client privilege between victims and Special Victims' Counsel

The House bill contained a provision (sec. 541) that would amend subsection (c) of section 1044e of title 10, United States Code, to define the relationship between the Special Victims' Counsel (SVC) and a victim in the provision of legal advice as the relationship between an attorney and a client. It would also provide that, during any criminal legal proceeding in which a SVC is asked to testify or give evidence, the SVC shall be given the same consideration as counsel for the Government and counsel for the accused. The provision would also require, not later than 180 days after the date of the enactment of this Act, that Rule 502 of the Military Rules of Evidence be modified to provide that the privilege between a SVC and a client shall be the same as lawyer-client privilege.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the relationship between a Special Victims' Counsel and an alleged victim in the provision of legal advice and assistance is that of an attorney and a client and is afforded the same privilege as every other attorney-client relationship.

Authority of military judges and military magistrates to issue military court protective orders

The House bill contained a provision (sec. 542) that would amend chapter 80 of title 10, United States Code, to authorize military magistrates and military judges to issue military court protective orders for the purpose of protecting a victim of an alleged sex or domestic violence offense, or a family member or associate of the victim, from a person subject to the Uniform Code of Military Justice.

The Senate amendment contained no similar provision.

The House recedes.

Briefing on standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense

The Senate amendment contained a provision (sec. 543) that would require the Secretary of Defense to submit a report on the standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense not later than June 8, 2021.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than June 8, 2021, on the standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense, including training of military or civilian personnel of the Department designated in accordance with section 2762 of title 10, United States Code, to protect buildings, grounds, and property under the jurisdiction, custody, or control of the Department and the persons on such property. In developing the briefing, the Secretary shall do and include in the brief the results of the following:

(1) Identify and assess current law enforcement training courses, schools, and programs of the Armed Forces that have the flexibility and capacity to support the training referred to in subsection (a) of the Senate provision through common training standards;

(2) Identify and assess the current Department law enforcement training courses, schools, and programs that are affiliated with or accredited by third parties (including both governmental and private entities), including an assessment of the value derived from such affiliation or accreditation to the training referred to in subsection (a);

(3) Identify emerging law enforcement training requirements that are common among the Armed Forces and other

Department law enforcement components and are currently unmet by the Armed Forces or such components;

(4) Assess the feasibility, advisability, and suitability of incorporating standardized and merged field and operational training in military law enforcement mission areas, including area security operations, law and order operations, internment and resettlement operations, and police intelligence operations, in the training provided to all Armed Forces and other Department law enforcement components;

(5) Identify and assess Department courses, programs, or institutions with the capability to support law enforcement training or information sharing between Department military and civilian law enforcement components and State, county, and local law enforcement agencies, with the capability to support law enforcement components of the National Guard and other reserve components of the Armed Forces, or with both such capabilities;

(6) Assess the feasibility, advisability, and suitability of standardizing and merging the training for military and civilian personnel across the Department of Defense, including training of military or civilian personnel of the Department designated in accordance with section 2762 of title 10, United States Code, to protect buildings, grounds, and property under the jurisdiction, custody, or control of the Department and the persons on such property across the Department, including an assessment of the costs of such standardization and merger; and

(7) Any other matters the Secretary considers appropriate.

Question in workplace and gender relations surveys regarding prosecutions of sexual assault

The House bill contained a provision (sec. 549) that would require the Secretary of Defense to include, not later than 90 days after the date of the enactment of this Act, in the covered surveys a question regarding whether a member of the Armed Forces would be more willing to report a sexual assault if prosecution decisions were made by lawyers and not commanders.

The Senate amendment contained no similar provision.

The House recedes.

Report on sexual abuse and harassment of recruits during medical examinations prior to entry into the Armed Forces

The House bill contained a provision (sec. 550B) that would require the Secretary of Defense to submit a report on the

prevalence of sexual abuse and harassment of persons during the medical examinations that precede entry into the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of the enactment of this Act, on the prevalence of sexual abuse and harassment of persons during medical examination that precedes entry into the Armed Forces. The briefing shall include information on the following:

(1) The number of incidents of sexual abuse or harassment that have been reported since 2000, if available;

(2) A description of the process by which the Department of Defense tracks the incidents of sexual abuse or harassment, if applicable;

(3) A plan to establish a process by which the Department tracks the incidents of sexual abuse or harassment, including of the medical professionals involved, if such a process does not exist;

(4) A plan to provide awareness training regarding sexual abuse and harassment provided to medical professionals who perform such examinations, if such training does not exist;

(5) A plan to provide recruits with information on their rights and responsibilities in the event they face sexual abuse and harassment that is incident to service but prior to starting service in the Armed Forces, if such information does not exist; and

(6) A description of the legal redress available to persons who experience such sexual abuse and harassment, including through the Uniform Code of Military Justice, for those who enter the Armed Forces.

*Pilot program on prosecution of special victim offenses
committed by attendees of military service academies*

The House bill contained a provision (sec. 550) that would require the Secretary of Defense to carry out a pilot program for the attendees of the military service academies that would establish an independent authority to review certain special victim offenses and determine whether such offenses shall be referred to trial by an appropriate court-martial convening authority, and would require trial by a randomized jury.

The Senate amendment contained no similar provision.

The House recedes.

Counseling in the Transition Assistance Program regarding sexual assault, sexual or gender harassment, and intimate partner violence

The House bill contained a provision (sec. 551) that would amend section 1142(b) of title 10, United States Code, to require counseling in the Transition Assistance Program (TAP) on health care furnished by the Secretary of Veterans Affairs for either survivors or victims of sexual assault, sexual or gender harassment, or intimate partner violence.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that current statutes require the TAP to provide information to participants on all Department of Veterans Affairs health benefits and resources, including mental health resources. Moreover, TAP briefings provide specific information on the health and mental health resources available to victims of harassment, intimate partner violence, and military sexual trauma.

Award or presentation of decorations favorably recommended following determination on merits of proposals for decorations not previously submitted in a timely fashion

The Senate amendment contained a provision (sec. 551) that would modify the process to award decorations following a favorable determination and authorize the Secretary of Defense to grant the award without requiring a legislative time waiver from Congress for each award.

The House bill contained no similar provision.
The Senate recedes.

The conferees note the importance of Congressional oversight of the process of authorizing time limitation waivers for certain valorous awards. The conferees emphasize to the Secretary of Defense that any waiver of time limitation for potential Medals of Honor be addressed by Congress in the National Defense Authorization Act. The conferees encourage the Secretary of Defense to develop a systematic process of transmitting information regarding the upgrade of valorous awards to Congress proactively to ensure these important award recommendations are granted the required waivers to time limitations in a timely manner and are funded in an appropriate manner.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than March 31, 2021, on mechanisms by which the process could be more effective. It should include but

not be limited to: (1) The feasibility of including valorous award recommendations with the President's Budget each fiscal year; (2) The feasibility of including funding in the President's Budget for the potential award upgrade recommendations that may be unplanned throughout the fiscal year; and (3) Data on the amount of congressionally-directed reviews and other reviews undertaken in the last 5 years including information on how many awards upgrades require legislation.

Report on regulations and procedures to implement programs on award of medals or commendations to handlers of military working dogs

The Senate amendment contained a provision (sec. 5551) that would require the Secretary of Defense to submit a report not later than 90 days after the date of the enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives on the regulations and procedures prescribed by the Secretaries of the military departments in order to implement the programs on the award of medals or other commendations to handlers of military working dogs required by section 582 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to provide a briefing, not later than 90 days after the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the regulations and procedures prescribed in order to carry out the programs to award medals or other commendations to handlers of military working dogs required by section 582 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Medical or administrative discharge as a pathway for counseling in the Transition Assistance Program

The House bill contained a provision (sec. 552) that would amend section 1142(c)(1) of title 10, United States Code, to include potential or confirmed medical discharge, or potential or confirmed involuntary separation of the servicemember, as a pathway for counseling in the Transition Assistance Program.

The Senate amendment contained no similar provision.

The House recedes.

Family dynamics as pathways for counseling in the Transition Assistance Program

The House bill contained a provision (sec. 553) that would amend section 1142(c)(1) of title 10, United States Code, to include certain family dynamics in the design of counseling pathways in the Transition Assistance Program.

The Senate amendment contained no similar provision.

The House recedes.

Defense Language Institute Foreign Language Center

The House bill contained a provision (sec. 555) that would amend section 2168 of title 10, United States Code, to authorize the Defense Language Institute Foreign Language Center to confer a Bachelor of Arts degree in foreign language upon any graduate who fulfills the degree requirements.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned about the growth in the number of Department of Defense entities requesting "degree granting authority." While post-secondary academic degrees are an important credential, the proliferation of these degrees degrades their value to students specifically and to the Department in general.

Therefore, the conferees request the Under Secretary of Defense for Personnel and Readiness provide a briefing by April 1, 2021, explaining the justification for the Defense Language Institute Foreign Language Center to award a Bachelor of Arts degree. Such briefing should include data on the current associate degree program and any other information the Under Secretary considers relevant.

Defense Language Institute Foreign Language Center

The House bill contained a provision (sec. 556) that would amend section 2168 of title 10, United States Code, to authorize the Defense Language Institute Foreign Language Center to confer a Bachelor of Arts degree in foreign language upon any graduate who fulfills the degree requirements.

The Senate amendment contained no similar provision.

The House recedes.

Participation of members of the reserve components of the Armed Forces in the Skillbridge program

The House bill contained a provision (sec. 560B) that would amend section 1143 of title 10, United States Code, to authorize members of the reserve component to be eligible for the Skillbridge program.

The Senate amendment contained no similar provision.

The House recedes.

Study regarding VA participation in TAP

The House bill contained a provision (sec. 560C) that would require the Secretary of Defense and the Secretary of Veterans Affairs to submit a report to the congressional defense committees and the Committees on Veterans Affairs of the Senate and the House of Representatives, not later than December 31, 2022, on the results of a study of the feasibility of having Veterans Affairs' representatives present during Transition Assistance Program (TAP) counseling sessions to establish eBenefits accounts for TAP participants.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that representatives from the Department of Veterans Affairs already participate in counseling sessions required under section 1142 of title 10, United States Code.

Transition outreach

The House bill contained a provision (sec. 560E) that would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of Labor, to encourage contact between servicemembers participating in the Transition Assistance Program and local communities to promote employment opportunities for such members.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 570F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) required the Secretary of Defense and the Secretary of Veterans Affairs to enter into memoranda of understanding or other agreements to transmit information from a servicemember's Department of Defense Form DD-2648 to one or more state veterans agencies to connect veterans with services in local communities such as resume assistance, employment interview training, and employment recruitment training.

Continued participation of separated members of the Armed Forces in Skillbridge programs

The House bill contained a provision (sec. 560F) that would amend section 1143(e) of title 10, United States Code, to authorize an eligible servicemember enrolled in Skillbridge programs, and who may be discharged or released from Active Duty, to continue participation in such programs until completion.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that no obstacles exist for a discharged or separated servicemember to complete Skillbridge program training begun while on Active Duty. The conferees encourage continued employer participation in the Skillbridge program to help servicemembers gain full employment after they transition from Active Duty to veteran status.

Report on officer training in irregular warfare

The House bill contained a provision (sec. 560J) that would require the Secretary of Defense to submit to the appropriate congressional committees a report on the training in irregular warfare, if any, provided to officers of the Armed Forces as part of the regular course of instruction for such officers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, not later than 180 days after the date of the enactment of this Act, to provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the training in irregular warfare, if any, provided to officers of the Armed Forces as part of the regular course of instruction for such officers.

The briefing shall include the following: (1) The level of instruction in irregular warfare typically provided to officers; (2) The number of hours of instruction at each level; and (3) A description of the subject areas covered by the instruction. The report shall not include information on specialized or branch-specific training in irregular warfare provided to certain officers as part of a specialized course of instruction.

The conferees note that the term "irregular warfare" has the meaning given that term in the Joint Operating Concept of the Department of Defense titled "Irregular Warfare: Countering Irregular Threats", version 2.0, dated May 17, 2010.

Limited exception for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses

The House bill contained a provision (sec. 560L) that would amend section 559 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to authorize, in certain circumstances, the attendance of enlisted personnel at senior and intermediate level officer professional military education.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on eligibility of for-profit institutions to participate in educational assistance programs of the Department of Defense

The House bill contained a provision (sec. 560M) that would amend section 2006a of title 10, United States Code, to prohibit the Secretary of Defense from providing educational assistance funding to a proprietary institution of higher education that derives less than 10 percent of its revenue from non-Federal education assistance sources.

The Senate amendment contained no similar provision.

The House recedes.

Continuation of paid parental leave upon death of child

The House bill contained a provision (sec. 566) that would require the Secretary of Defense to amend regulations related to military parental leave to mandate primary and secondary caregiver parental leave that has already been approved shall not terminate upon the death of the child for whom such leave is taken.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand the grief and pain caused by the tragic death of a child. In cases of stillbirth or miscarriage, expectant military parents suffer a great emotional trauma and should be encouraged to take the time needed to recover before returning to full-time duty. The conferees believe the Department of Defense already has the authority to ensure servicemembers who are dealing with the death of child are able to take time off to care for themselves and their families.

Commanders are entrusted with the responsibility of taking care of their troops, which would include ensuring they have the ability to take leave to deal with the pain caused by the death

of a child. If it becomes clear that commanders are not performing as expected, the conferees remain open to considering future legislation in this area.

Comptroller General of the United States report on the structural condition of Department of Defense Education Activity schools

The House bill contained a provision (sec. 568) that would require the Comptroller General of the United States to conduct a study on the structural condition of Department of Defense Education Activity facilities and virtual infrastructure.

The Senate amendment contained an identical provision (sec. 567).

The conference agreement does not include either provision.

The conferees direct the Secretary of Defense to provide a report not later than November 1, 2021, to the congressional defense committees setting forth an assessment of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States and outside the continental United States.

Separately, the conferees also direct the Comptroller General of the United States to conduct an assessment and provide a report not later than November 1, 2021, to the Committees on Armed Services of the Senate and the House of Representatives on the virtual learning infrastructure and environment at Department of Defense Education Activity schools when the physical structure cannot be used, including military families' perspectives about virtual learning.

The conferees note the Comptroller General has begun such an assessment in response to the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) and request the Comptroller General submit said report to the Committees on Armed Services of the Senate and the House of Representatives.

Reopening of child care facilities of the Engineer Research and Development Center

The House bill contained a provision (sec. 570C) that would require the Secretary of the Army to reopen the childcare facilities of the Engineer Research and Development Center that were closed during fiscal year 2020.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of communicating with the local community regarding closures of childcare facilities

and encourage the Secretaries of the military departments to ensure the childcare needs of servicemembers and Department of Defense civilians can be met by local childcare providers prior to closing a childcare facility.

Independent study and report on military spouse underemployment

The Senate amendment contained a provision (sec. 5571) that would require an independent study and report to be completed by a federally funded research and development center on military spouse underemployment.

The House bill contained no similar provision.

The Senate recedes.

Procedures of the Office of Special Needs for the development of individualized services plans for military families with special needs

The Senate amendment contained a provision (sec. 573) that would amend section 1781c(d)(4) of title 10, United States Code, to require that the policy of the Department of Defense Office of Special Needs must include requirements for the development and continuous updating by an appropriate office of an individualized services plan—whether medical, educational, or both—for each military family with special needs and procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have completed family needs assessments.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this provision is included in section 582 of title 5 of this Act.

Report on demographics of officers appointed to certain grades

The House bill contained a provision (sec. 575) that would require each Secretary of a military department to submit to Congress an annual report summarizing the gender and race of each individual who received an original appointment under section 531 of title 10, United States Code, or was appointed to the grade of O-9 or O-10 pursuant to section 601 of title 10, United States Code, during the preceding fiscal year.

The Senate amendment contained no similar provision.

The House recedes.

Plans to increase female and minority representation in the Armed Forces

The House bill contained a provision (sec. 576) that would require the Secretary of Defense and each Secretary of a military department to develop plans to increase the recruiting, retention, and representation in senior enlisted and officer grades, of female and minority members of the Armed Forces and cadets or midshipmen. In addition, the provision would require each Secretary to provide periodic reports on progress toward achieving the goals established by each such plan.

The Senate amendment contained a similar provision (sec. 5516) that would require the Secretary of Defense to submit to the Congress a report setting forth a plan to implement and accomplish the recommendations set forth in the Government Accountability Office (GAO) report published on May 19, 2020, titled, ``Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts'' (GAO-20-61).

The conference agreement does not include either provision.

Report to Congress on efforts to increase diversity and representation in film, television, and publishing

The House bill contained a provision (sec. 578) that would require the Secretary of Defense and each Secretary of a military department to promulgate a policy to promote the depiction of marginalized communities in projects with the film, television, and publishing industries carried out through their respective offices of public affairs. Further, the provision would require the Secretaries to submit to the Congress a report outlining the policies enacted and the activities undertaken pursuant to such policies.

The Senate amendment contained no similar provision.

The House recedes.

Eligibility of veterans of Operation End Sweep for Vietnam Service Medal

The House bill contained a provision (sec. 583) that would authorize the Secretary of the military department concerned to award the Vietnam Service Medal to a veteran who participated in Operation End Sweep, upon the application of that individual.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize the distinguished service of veterans who participated in Operation End Sweep, from February

6, 1973, to July 18, 1973, undertaking the harrowing work of clearing sea mines laid in Vietnamese waters. The conferees value the meritorious performance of Operation End Sweep veterans following the cessation of military combat operations in Vietnam.

Briefing on the implementation of requirements on connections of retiring and separating members of the Armed Forces with community-based organizations and related entities

The Senate amendment contained a provision (sec. 5587) that would require the Secretary of Defense to provide a briefing on the current status of the implementation of section 570F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The House bill contained no similar provision.

The Senate recedes.

Prohibition on charging for or counting certain acronyms on headstones of individuals interred at Arlington National Cemetery

The House bill contained a provision (sec. 593) that would require the Secretary of the Army to establish policies to prohibit the charging of a fee for or the counting towards the character or line count of certain acronyms on headstones for individuals interred at Arlington National Cemetery.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the U.S. Department of Veterans Affairs does not charge a fee for headstone inscriptions and currently allows for certain acronyms when there is space available on the headstone to accommodate these letters.

Sense of Congress regarding advertising recruiting efforts

The House bill contained a provision (sec. 595) that would express the sense of Congress that military recruiting commands should give all due consideration to the use of local broadcasting and traditional news publishers when advertising.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress honoring the Dover Air Force Base, Delaware, home to the 436th airlift wing, the 512th airlift wing, and the Charles C. Carson Center for mortuary affairs

The House bill contained a provision (sec. 597) that would express the Sense of Congress honoring the servicemembers of Dover Air Force Base for their distinguished service and recognizing the incredibly unique and important work of the Air Force Mortuary Affairs Operations and the role they play in honoring our fallen heroes.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize the distinguished service of the thousands of Active Duty military, reserve component, and civilian employees of Dover Air Force Base that comprise and support the 436th Airlift Wing, the 512th Airlift Wing, and the Air Force Mortuary Affairs Operations, and express sincerest gratitude for their unique and important work.

GAO study of women involuntarily separated or discharged due to pregnancy or parenthood

The House bill contained a provision (sec. 598) that would require the Comptroller General of the United States to conduct a study of women involuntarily separated or discharged from the Armed Forces due to pregnancy or parenthood from 1951 through 1976.

The Senate amendment contained no similar provision.

The House recedes.

Annual report regarding cost of living for members and employees of the Department of Defense

The House bill contained a provision (sec. 599B) that would amend section 136 of title 10, United States Code, to require the Under Secretary of Defense for Personnel and Readiness to submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the cost of living for Department of Defense military and civilian personnel.

The Senate amendment contained no similar provision.

The House recedes.

Report on Preservation of the Force and Family Program of United States Special Operations Command

The House bill contained a provision (sec. 599C) that would require, not later than March 1, 2021, the Commander of United States Special Operations Command (SOCOM) to submit to the Committees on Armed Services of the Senate and the House of

Representatives a report on SOCOM's Preservation of the Force and Family Program (POTFF).

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of SOCOM, not later than March 1, 2021, to provide to the Committees on Armed Services of the Senate and the House of Representatives a report on POTFF. The report shall include the following:

(1) A description of the current structure of professional staff employed by the program;

(2) A comparison of the current mission requirements and the capabilities of existing personnel of the program;

(3) An analysis of any emergent needs or skill sets of the program; and

(4) A cost-benefit analysis of hiring, as specialists, the following:

(a) contractors;

(b) civilian full-time equivalent personnel; and

(c) members of the Armed Forces.

Report regarding transportation of remains of certain decedents by the Secretary of a military department

The House bill contained a provision (sec. 599) that would require the Secretary of Defense to submit a report to Congress, within 120 days of the date of the enactment of this Act, regarding transportation of remains of decedents under the jurisdiction of the Secretary of a military department pursuant to section 1481 of title 10, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, within 90 days of the date of the enactment of this Act, regarding the transportation of remains of decedents under the jurisdiction of the Secretary of a military department pursuant to section 1481 of title 10, United States Code.

GAO study of members absent without leave or on unauthorized absence

The House bill contained a provision (sec. 599D) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the

Senate and the House of Representatives on the results of a study regarding how the Armed Forces handle cases of members absent without leave or on unauthorized absence.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General of the United States to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the results of a study detailing how the Armed Forces handle cases of members absent without leave or on unauthorized absence. The report shall include:

(1) The procedures, guidelines or practices employed by each Armed Force for the identification and investigation of:

(a) voluntary absences;

(b) involuntary absences that may involve foul play, accident, or other intervening factor; and

(c) involuntary absences wherein the member may be in danger or some other form of distress;

(2) The procedures, guidelines or practices for cooperation and coordination between military authorities, local law enforcement agencies, and Federal law enforcement agencies;

(3) The procedures, guidelines or practices for use of media, including social media, in conjunction with such cases;

(4) Military resources available for such cases and any apparent shortfalls in such resources;

(5) Variances in procedures, guidelines or practices for such cases between the Armed Forces;

(6) Variances between the procedures, guidelines or practices described in paragraph (5) and those generally employed by civilian law enforcement;

(7) Best practices and recommendations for responding to and investigating such cases; and

(8) Any other matter the Comptroller General determines appropriate.

The conferees direct the Comptroller General to provide preliminary observations no later than March 31, 2021 with a final report to follow at an agreed upon date.

TITLE VI—MILITARY COMPENSATION

SUBTITLE A—PAY AND ALLOWANCES

Increase in basic pay (sec. 601)

The House bill contained a provision (sec. 601) that would authorize a 3.0 percent increase in basic pay rates for members of the uniformed services.

The Senate amendment contained no similar provision.

The Senate recesses.

Compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components (sec. 602)

The House bill contained a provision (sec. 606) that would amend section 206 of title 37, United States Code, to authorize 1/30th of the basic pay authorized for a member of a uniformed service for each 6 day period during which a member of the reserve component is on maternity leave. The provision would also require that each period of maternity leave taken by a member of the reserve component in connection with the birth of a child shall count toward the member's entitlement to retired pay.

The Senate amendment contained an identical provision (sec. 603).

The conference agreement includes this provision.

Provision of information regarding SCRA to members who receive basic allowance for housing (sec. 603)

The House bill contained a provision (sec. 642) that would amend section 403 of title 37, United States Code, to require the Secretary of Defense to provide information on the rights and protections available to military personnel under the Servicemembers Civil Relief Act to servicemembers who receive Basic Allowance for Housing.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary concerned to provide information on the Servicemembers Civil Relief Act when a servicemember first receives a Basic Allowance for Housing and each time a servicemember receives a permanent change of station.

Reorganization of certain allowances other than travel and transportation allowances (sec. 604)

The House bill contained a provision (sec. 603) that would amend chapter 7 of title 37, United States Code, to authorize the Department of Defense to continue making payments beyond fiscal year 2022 for per diem while on duty outside the continental United States and for funeral honors duties.

The Senate amendment contained a similar provision (sec. 601).

The Senate recedes.

Expansion of travel and transportation allowances to include fares and tolls (sec. 605)

The House bill contained a provision (sec. 605) that would amend section 206 of title 37, United States Code, to authorize the Department of Defense to reimburse authorized travelers for fares and tolls incurred in connection with official travel.

The Senate amendment contained no similar provision.

The Senate recedes.

One-time uniform allowance for officers who transfer to the Space Force (sec. 606)

The House bill contained a provision (sec. 926) that would allow the Secretary of the Air Force to provide to servicemembers transferring into the Space Force a reimbursement for the purchase of required uniforms and equipment.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees acknowledge that the clothing allowance for enlisted members is authorized in section 418 of title 37, United States Code.

SUBTITLE B—BONUSES AND SPECIAL INCENTIVE PAYS

One-year extension of certain expiring bonus and special pay authorities (sec. 611)

The House bill contained a provision (sec. 611) that would extend, through December 31, 2021, various expiring bonus and special pay authorities for military personnel. The provision would extend special pay and bonus authority for reserve personnel, military healthcare professionals, and nuclear officers and consolidated pay authorities for officer and enlisted personnel. The provision would also extend the authority to provide temporary increases in the rate of Basic Allowance for Housing in certain circumstances.

The Senate amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

Increase in special and incentive pays for officers in health professions (sec. 612)

The Senate amendment contained a provision (sec. 612) that would amend subparagraphs (A) through (E) of section 335(e)(1) of title 37, United States Code, to increase the maximum amounts of special and incentive pays for military health professions officers.

The House bill contained no similar provision.

The House recedes with an amendment that would make such special and incentive pays payable pursuant to agreements entered into on or after the date of the enactment of this Act.

Increase in certain hazardous duty incentive pay from members of the uniformed services (sec. 613)

The House bill contained a provision (sec. 612) that would amend section 351 of title 37, United States Code, to increase the maximum allowable payment to \$275 per month for hazardous duty designated by the Secretary concerned or for duty in an imminent danger area as determined by the Secretary concerned.

The Senate amendment contained no similar provision.

The Senate recedes.

Payment of hazardous duty incentive pay for members of the uniformed services (sec. 614)

The House bill contained a provision (sec. 613) that would amend section 351 of title 37, United States Code, to require that all hazardous duty pay be paid on a monthly basis.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 351 of title 37, United States Code, to provide authority for the Secretary of a military department to pay hazardous duty pay on a prorated or monthly basis.

Clarification of 30 days of continuous duty on board a ship required for family separation allowance for members of the uniformed services (sec. 615)

The House bill contained a provision (sec. 614) that would amend section 427 of title 37, United States Code, to authorize the payment of family separation allowance for servicemembers who are under orders to remain on board a ship while at home port.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE C—DISABILITY PAY, RETIRED PAY, AND FAMILY AND SURVIVOR BENEFITS

Modernization and clarification of payment of certain Reserves while on duty (sec. 621)

The Senate amendment contained a provision (sec. 622) that would amend section 12316 of title 10, United States Code, to modify the existing priority of payments so that a Reservist, who is entitled to retired or retainer pay and who performs paid reserve duty, would receive compensation for the reserve duty unless the Reservist elects to waive that compensation to receive the retired or retainer pay.

The House bill contained no similar provision.

The House recedes.

Restatement and clarification of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station (sec. 622)

The House bill contained a provision (sec. 615) that would expand reimbursable state licensure and certification costs for a military spouse arising from relocation.

The Senate amendment contained a similar provision (sec. 574) that would amend section 453 of title 37, United States Code, to authorize the Secretaries of the military departments to reimburse a servicemember of the Armed Forces for the qualified relicensing or credentialing costs of his or her spouse. The provision would repeal the expiring authority in section 476(p) of title 37, United States Code.

The House recedes with a technical amendment.

Expansion of death gratuity for ROTC graduates (sec. 623)

The House bill contained a provision (sec. 622) that would amend section 623 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to make the provision effective as of May 1, 2017.

The Senate amendment contained a similar provision (sec. 623).

The Senate recedes.

Expansion of assistance for Gold Star spouses and other dependents (sec. 624)

The House bill contained a provision (sec. 628) that would amend section 633(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to improve assistance for Gold Star spouses and other dependents.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Gold Star Families Parks Pass (sec. 625)

The House bill contained a provision (sec. 626) that would amend section 6804(b) of title 16, United States Code, to make the National Parks and Federal Recreational Lands Pass available at no cost to members of Gold Star Families.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Recalculation of financial assistance for providers of child care services and youth program services for dependents (sec. 626)

The House bill contained a provision (sec. 623) that would require the Secretary of Defense to develop a method to calculate financial assistance for childcare and youth program service providers in accordance with section 1798 of title 10, United States Code, based on local variations in cost for childcare services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop and implement a method to calculate financial assistance for childcare and youth program service providers in accordance with section 1798 of title 10, United States Code, based on local variations in cost for childcare services.

Priority for certain military family housing to a member of the Armed Forces whose spouse agrees to provide family home day care services (sec. 627)

The House bill contained a provision (sec. 624) that would authorize the Secretary of a military department to prioritize a servicemember for military family housing if their spouse is eligible and agrees to provide family home day care services when there is a shortage of childcare employees at a Child Development Center at a given military installation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the eligible military spouse to agree to provide family home day care services for not less than 1 year.

Study on feasibility and advisability of TSP contributions by military spouses (sec. 628)

The House bill contained a provision (sec. 625) that would direct the Secretary of Defense to study the feasibility of authorizing a military spouse to contribute to the Thrift Savings Plan (TSP) account of the servicemember to whom that military spouse is married.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to conduct a study on the feasibility and advisability of authorizing a spouse to contribute to the TSP account of the servicemember to whom that military spouse is married.

Report on implications of expansion of authority to provide financial assistance to civilian providers of child care services or youth program services for survivors of members of the Armed Forces who die in the line of duty (sec. 629)

The House bill contained a provision (sec. 621) that would amend section 1798(a) of title 10, United States Code, to authorize financial assistance to civilian providers of childcare services or youth program services to survivors of members of the Armed Forces who die in the line of duty or Active Duty for training.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Comptroller General of the United States, not later than 1 year after the date of the enactment of this Act, to submit a report on the implications of expanding the authority under section 1798(a) of title 10, United States Code, to authorize financial assistance to civilian providers of childcare services or youth program services to survivors of members of the Armed Forces who die in the line of duty or Active Duty for training.

Report on extension of commissary and exchange benefits for surviving remarried spouses with dependent children of members of the Armed Forces who die while on active duty or certain reserve duty (sec. 629A)

The House bill contained a provision (sec. 629) that would require the Secretary of Defense, acting jointly with the Secretary of Homeland Security, to establish procedures whereby an eligible remarried spouse may obtain unescorted access to military installations to use commissaries and Morale, Welfare, and Recreation (MWR) retail facilities to the same extent as a non-remarried spouse.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of Homeland Security, to submit a report by March 1, 2021, to the Committees on Armed Services of the Senate and the House of Representatives on the Department of Defense's procedures by which an eligible remarried spouse may obtain access, as appropriate, to a military installation to use a commissary store or MWR retail facility.

SUBTITLE D—DEFENSE RESALE MATTERS

Base responders essential needs and dining access (sec. 631)

The House bill contained a provision (sec. 631) that would amend chapter 54 of title 10, United States Code, to require the Department of Defense to permit a protective services employee at a military installation to purchase food and hygiene items at a commissary or Morale, Welfare, and Recreation (MWR) retail facility on the installation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Department to permit such employees to purchase food and hygiene items at a commissary or MWR retail facility on the military installation.

First responder access to mobile exchanges (sec. 632)

The House bill contained a provision (sec. 632) that would amend section 1146 of title 10, United States Code, to require the Secretary of Defense to prescribe regulations to allow an emergency responder to use a mobile commissary or exchange store deployed to an area declared as a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to prescribe regulations to allow an emergency responder to use a mobile commissary or exchange store deployed to an area declared as a major disaster or emergency

under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

Updated business case analysis for consolidation of the defense resale system (sec. 633)

The House bill contained a provision (sec. 633) that would require the Chief Management Officer of the Department of Defense, in coordination with the Undersecretary of Defense for Personnel and Readiness, to update the Department's business case analysis on consolidation of the defense resale system not later than March 1, 2021. The provision would require the Secretary of Defense to submit the updated analysis to the Committees on Armed Services of the Senate and the House of Representatives by June 1, 2021. Additionally, the provision would prohibit any action on consolidation until the same committees notify the Secretary of Defense in writing of receipt and acceptance of the updated analysis.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE E—OTHER PERSONNEL RIGHTS AND BENEFITS

Approval of certain activities by retired and reserve members of the uniformed services (sec. 641)

The Senate amendment contained a provision (sec. 632) that would amend section 908 of title 37, United States Code, to authorize retired members of the uniformed services, members of a reserve component of the Armed Forces not on Active Duty for more than 30 days, and members of the Commissioned Reserve Corps of the Public Health Service to accept payment for speeches, travel, meals, lodging, or registration fees, if approved by the Secretary concerned. The provision would also require that annual reports on approvals for employment or compensation of retired general and flag officers include the following elements: (1) The foreign government involved; (2) The duties to be performed; and (3) The compensation or payment to be provided.

The House bill contained no similar provision.

The House recedes.

Permanent authority for and enhancement of the Government lodging program (sec. 642)

The Senate amendment contained a provision (sec. 631) that would amend section 914 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to permanently authorize a government lodging program for employees of the Department of Defense and members of the uniformed services under the jurisdiction of the Secretary of Defense. The provision would also require the Secretary concerned to exclude from the lodging program Department of Defense civilian employees who are traveling for the performance of mission functions of a public shipyard of the Department of Defense, if the purpose or mission of such travel would be adversely affected by the requirements of the Government lodging program.

The House bill contained no similar provision.

The House recedes with an amendment that would exclude from the lodging program until September 30, 2023, Department of Defense civilian employees who are traveling for the performance of mission functions of a public shipyard of the Department of Defense.

Operation of Stars and Stripes (sec. 643)

The House bill contained a provision (sec. 641) that would maintain the enacted fiscal year 2020 funding levels for Stars and Stripes and require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives detailing a business case analysis of continued operation of Stars and Stripes.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Basic needs allowance for low-income regular members

The House bill contained a provision (sec. 602) that would amend chapter 7 of title 37, United States Code, by adding a new section that would require the Secretary of Defense to pay a basic needs allowance to a qualifying servicemember.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain very concerned about the lack of an accurate and reliable assessment of the current extent of food insecurity among members of the Armed Forces and their dependents. While there continues to be anecdotal evidence of military personnel utilizing food banks close to military installations, there is little quantitative evidence suggesting

hunger is a matter of concern in the military. Section 656 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) directed the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on food insecurity among members of the Armed Forces and their dependents. The conferees received an interim response stating the required report will incorporate findings from the 13th Quadrennial Review of Military Compensation and be provided to Congress by March 31, 2021. The conferees reiterate the importance of this report. If the results of the forthcoming report indicate food insecurity exists at any rank, the conferees expect the Secretary of Defense to take steps to address the problem and propose to the Congress any legislation required to solve this unacceptable situation. Ensuring military personnel are able to feed their families is a matter of the utmost importance to the Congress and the American people.

Hazardous duty pay for members of the Armed Forces performing duty in response to the Coronavirus Disease 2019

The Senate amendment contained a provision (sec. 602) that would require the Secretary of the military department concerned to pay hazardous duty pay in the amount of \$150 per month to members of the Armed Forces who perform duty in response to the coronavirus disease 2019 (COVID-19). Hazardous duty pay for COVID-19 would not be prorated.

The House bill contained no similar provision.

The Senate recedes.

The conferees encourage the Department of Defense to make use of its existing authority to provide hazardous duty pay to members of the Armed Forces who perform duty in response to the coronavirus disease 2019.

Single military housing area for each municipality with a population greater than 500,000

The House bill contained a provision (sec. 604) that would amend section 403 of title 37, United States Code, to prohibit any municipality with a population greater than 500,000 from being covered by more than one military housing area.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VII—HEALTH CARE PROVISIONS

SUBTITLE A—TRICARE AND OTHER HEALTH CARE BENEFITS

Improvement to breast cancer screening (sec. 701)

The House bill contained a provision (sec. 704) that would amend section 1074d(b)(2) of title 10, United States Code, to include TRICARE coverage for digital breast tomosynthesis.

The Senate amendment contained no similar provision.

The Senate recedes.

Waiver of fees charged to certain civilians for emergency medical treatment provided at military medical treatment facilities (sec. 702)

The House bill contained a provision (sec. 705) that would amend section 1079b of title 10, United States Code, to require the Secretary of Defense to implement procedures that would authorize military treatment facilities (MTFs) to waive fees for medical care provided to civilians at MTFs if, after any insurance payments, the civilian is unable to pay for the care provided and that care enhanced the medical readiness of the health care providers who furnished the care.

The Senate amendment contained an identical provision (sec. 703).

The Senate recedes with a technical amendment.

Authority for Secretary of Defense to manage provider type referral and supervision requirements under TRICARE program (sec. 703)

The Senate amendment contained a provision (sec. 701) that would amend section 1079(a)(12) of title 10, United States Code, to provide the Department of Defense with greater flexibility in determining which provider types under the TRICARE program may diagnose or assess a mental or physical illness, injury, or bodily malfunction and, by extension, the extent to which referrals and supervision may be required for these provider types.

The House bill contained no similar provision.

The House recedes.

Expansion of benefits available under TRICARE Extended Care Health Option program (sec. 704)

The House bill contained a provision (sec. 706) that would amend subsection (e) of section 1079 of title 10, United States Code, to expand benefits available under the TRICARE Extended Health Care Option (ECHO) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand certain benefits under the TRICARE ECHO program, including the expansion of a respite care benefit from 16 to 32 hours per month for primary caregivers. The provision would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than April 1, 2022, on caregiving services available to eligible dependents under State Medicaid plans or the Program of Comprehensive Assistance for Family Caregivers of the Department of Veterans Affairs.

Sale of hearing aids for dependents of certain members of the reserve components (sec. 705)

The House bill contained a provision (sec. 707) that would amend section 1077(g) of title 10, United States Code, to authorize the provision of hearing aids for dependents of certain reserve component members.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 1077(g) of title 10, United States Code, to authorize the sale of hearing aids to certain eligible members of the reserve components.

Pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program (sec. 706)

The Senate amendment contained a provision (sec. 707) that would require the Secretary of Defense to conduct a 3-year pilot program whereby covered TRICARE beneficiaries may elect to receive certain non-generic prescription maintenance medications either through military treatment facility pharmacies, the TRICARE mail order pharmacy program, or retail network pharmacies. The provision would prescribe certain conditions of the pilot program and would require the Secretary to provide a briefing to the congressional defense committees, within 90 days of the date of the enactment of this Act, on implementation of the pilot program. Subsequently, the Secretary would provide an interim report to the same committees within 18 months after the commencement of the pilot program. Finally, the Comptroller General of the United States would submit a report on the program to the same committees by March 1, 2024.

The Senate amendment contained another provision (sec. 5707) that would make a technical amendment to section 707 of the Senate amendment.

The House bill contained no similar provisions.

The House recedes with an amendment that would authorize the Secretary of Defense to carry out the pilot program if the total costs to the Department of Defense (DOD) for eligible beneficiaries to receive such medications under the pilot program would not exceed the total costs to DOD for medications dispensed to such beneficiaries through the national mail order program. The amendment would include the technical amendment under section 5707 of the Senate amendment.

SUBTITLE B—HEALTH CARE ADMINISTRATION

Repeal of administration of TRICARE dental plans through Federal Employees Dental and Vision Insurance Program (sec. 711)

The Senate amendment contained a provision (sec. 722) that would amend section 713(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to delay the transition of the administration of TRICARE dental plans for Active-Duty family members, non-activated National Guard/Reserve members, family members of National Guard/Reserve members, and certain survivors to the Federal Employees Dental and Vision Insurance Program (FEDVIP) until January 1, 2023.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal section 8951(8) of title 5, United States Code, and section 1076a(b) of title 10, United States Code, to repeal the administration of the TRICARE Dental Program (TDP) through the FEDVIP.

The conferees have become aware of certain significant challenges associated with a change in the administration of the TDP and the potential negative impact such change may have on dental benefits for eligible TRICARE beneficiaries. As a result, the conferees determine to repeal the underlying statutes that have directed this administrative change.

Protection of the Armed Forces from infectious diseases (sec. 712)

The House bill contained a provision (sec. 711) that would amend chapter 55 of title 10, United States Code, to require the Secretary of Defense to ensure that the Armed Forces have the diagnostic equipment, testing capabilities, and personal

protective equipment necessary to protect servicemembers from the threat of infectious diseases and to treat those members who contract infectious diseases.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to maintain a 30-day supply of personal protective equipment in a quantity sufficient for each member of the active and reserve components and to have the capability to re-supply such equipment rapidly. The amendment would also require the Secretary of Defense to ensure that the Department's medical laboratories have the technology needed to facilitate rapid research and development of vaccines, diagnostics, and therapeutics in case of pandemics.

Inclusion of drugs, biological products, and critical medical supplies in national security strategy for national technology and industrial base (sec. 713)

The House bill contained a provision (sec. 712) that would amend section 2501(a) of title 10, United States Code, to require inclusion of drugs, biological products, and critical medical supplies in the national security strategy for the national technology and industrial base. The provision would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and other agencies of the Federal government as appropriate, to submit a report to the appropriate congressional committees, within 1 year of the date of the enactment of this Act, on vulnerabilities to the drugs, biological products, vaccines, and critical medical supplies of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to include with the report required in 2022, under section 2504 of title 10, United States Code, an appendix containing an assessment of the gaps or vulnerabilities in the national technology and industrial base with respect to drugs, biological products, vaccines, and critical medical supplies described in section 2501(a)(11) of such title as amended by this section. The amendment would modify certain matters required in the appendix of the report, including an identification of any shortages of finished drugs, biological products, vaccines, and critical medical supplies with respect to the joint deployment formulary. The amendment would also require the Secretary to submit the appendix separately to the appropriate congressional committees as defined in the amendment.

Contract authority of the Uniformed Services University of the Health Sciences (sec. 714)

The House bill contained a provision (sec. 713) that would amend section 2113(g)(1) of title 10, United States Code, to authorize the Uniformed Services University of the Health Sciences to enter into contracts, cooperative agreements, or grants on a sole-source basis pursuant to section 2304(c)(5) of such title.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make certain technical amendments and clarify that nothing in this section shall be construed to limit the Secretary of Defense's ability, in carrying out such section, to use competitive procedures to award contracts, cooperative agreements, or grants.

Membership of Board of Regents of Uniformed Services University of the Health Sciences (sec. 715)

The Senate amendment contained a provision (sec. 742) that would amend section 2113a(b) of title 10, United States Code, to designate the Director of the Defense Health Agency as an ex officio member of the Board of Regents of the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The House recedes.

Temporary exemption for Uniformed Services University of the Health Sciences from certain Paperwork Reduction Act requirements (sec. 716)

The House bill contained a provision (sec. 1774) that would have rendered certain parts of the Paperwork Reduction Act (44 U.S.C. 3501-3521) inapplicable to the voluntary collection of information during the conduct of research by the Uniformed Services University of the Health Sciences (USUHS).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a 2-year pilot program, during which the voluntary collection of information during research and program evaluations conducted or sponsored by USUHS and funded through the Defense Health Program would be exempt from application of sections 3506(c), 3507, and 3508 of title 44, United States Code. Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense would be required to submit to the appropriate congressional committees of the Senate and the House of

Representatives a report setting forth the preliminary outcomes of the pilot program. Not later than 2 years after the date of the enactment of this Act, the Secretary would be required to submit an updated report and any recommendations with respect to policy or legislative actions regarding the exemption.

Modification to limitation on the realignment or reduction of military medical Manning end strength (sec. 717)

The House bill contained a provision (sec. 715) that would amend section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) that would prohibit the realignment or reduction of military medical end strength authorizations during the 1-year period following the date of the enactment of this Act. The provision would require the Department of Defense to consider the impact of such end strength authorizations on the Department's homeland defense and pandemic influenza support missions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the realignment or reduction of military medical end strength authorizations during the 180 days following the date of the enactment of this Act.

Modifications to implementation plan for restructure or realignment of military medical treatment facilities (sec. 718)

The House bill contained a provision (sec. 716) that would amend section 703(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to require certain modifications to the requirements for the Department of Defense's implementation plan for restructure or realignment of military medical treatment facilities (MTFs).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to certify to the congressional defense committees that a covered beneficiary affected by restructure or realignment of a MTF would have access to health care services through the purchased care component of the TRICARE program. Additionally, the amendment would modify the time period that would restrict the Secretary from making such changes to MTFs.

Policy to address prescription opioid safety (sec. 719)

The House bill contained a provision (sec. 717) that would require the Secretary of Defense to develop a policy and tracking mechanism for the prescription of opioid medications to

ensure compliance with guidelines published by the Centers for Disease Control and Prevention and the Food and Drug Administration.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a policy and tracking mechanism to ensure that certain healthcare providers across the military health system conform with the clinical practice guidelines of the Department of Defense and Department of Veterans Affairs and the opioid prescribing guidelines of the Centers for Disease Control and Prevention and the Food and Drug Administration. The amendment would expand upon and modify the elements required in the Secretary's opioid prescription abuse prevention policy.

Addition of burn pit registration and other information to electronic health records of members of the Armed Forces (sec. 720)

The House bill contained a provision (sec. 718) that would require the Secretary of Defense and the Secretary of Veterans Affairs, within 1 year of the date of the enactment of this Act, to ensure that their departments' electronic health records contain updated information related to each servicemember or veteran in the burn pit registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, within 1 year of the date of the enactment of this Act, to ensure that the Department of Defense's electronic health records contain: (1) Updated information related to each servicemember in the Airborne Hazards and Open Burn Pit Registry; and (2) A link to any servicemember's occupational or environmental exposure recorded in the Defense Occupational and Environmental Health Readiness System (or successor system).

Inclusion of information on exposure to open burn pits in postdeployment health reassessments (sec. 721)

The House bill contained a provision (sec. 759) that would require the Secretary of Defense to ensure inclusion of a question on post-deployment health assessment or reassessment forms regarding exposure of servicemembers to open burn pits.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SUBTITLE C—MATTERS RELATING TO COVID-19

COVID-19 military health system review panel (sec. 731)

The House bill contained a provision (sec. 721) that would require the Secretary of Defense to establish a coronavirus disease 2019 (COVID-19) panel to review the military health system's response to COVID-19, evaluate the effects of COVID-19 on the system, and analyze the system's strengths and weaknesses identified as a result of COVID-19. The provision would: (1) Establish the panel's composition and duties; (2) Define the elements of the review; and (3) Require the Secretary of Defense to provide a report to the congressional defense committees not later than June 1, 2021.

The Senate amendment contained no similar provision.

The Senate recedes.

Department of Defense pandemic preparedness (sec. 732)

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to develop a strategy for pandemic preparedness and response and to conduct a study on the response of the military health system to the coronavirus disease 2019 (COVID-19). The provision would require the Secretary to submit a report to the congressional defense committees on the strategy and the study by June 1, 2021. Finally, the provision would require the Inspector General of the Department of Defense (DOD) to submit a report to the Secretary of Defense and the same committees on the total dollar amount of waste, fraud, and abuse uncovered in any DOD spending under the Defense Production Act of 1950 with respect to the COVID-19 pandemic and to provide recommendations to combat any such activities in future spending related to pandemic preparedness and response.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the requirement for the Inspector General of the Department of Defense to submit a report.

Transitional health benefits for certain members of the National Guard serving under orders in response to the coronavirus (COVID-19) (sec. 733)

The House bill contained a provision (sec. 520A) that would require the Secretary of Defense to provide to a National Guard (NG) member separating from active service after serving

on full-time duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from Active Duty, if the active service from which the NG member is separating was in support of the whole of government response to the COVID-19 pandemic.

The Senate amendment contained an identical provision (sec. 705).

The conference agreement includes this provision.

Registry of certain TRICARE beneficiaries diagnosed with COVID-19 (sec. 734)

The House bill contained a provision (sec. 723) that would require the Secretary of Defense to establish and maintain a registry by June 1, 2021, of TRICARE beneficiaries diagnosed with COVID-19. The Secretary would provide a report on establishing the registry, within 180 days of the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to clarify that the Secretary of Defense would be required to establish and maintain a registry by June 1, 2021, of TRICARE beneficiaries diagnosed with or treated for COVID-19 at a military medical treatment facility.

Health assessments of veterans diagnosed with pandemic diseases to determine exposure to open burn pits and toxic airborne chemicals (sec. 735)

The House bill contained a provision (sec. 724) that would require the Secretary of Defense and the Secretary of Veterans Affairs to ensure that the first health assessment conducted for a servicemember or veteran, after the individual tested positive for a pandemic virus, includes an evaluation to determine whether the individual had been based or stationed where open burn pits were used or whether the individual had been exposed to toxic airborne chemicals or contaminants. The provision would require enrollment of such exposed individuals into the Airborne Hazards and Open Burn Pit Registry. Finally, the provision would require the Secretary of Veterans Affairs to conduct a study on the health impacts of a pandemic virus on individuals exposed to open burn pits or other toxic exposures.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Veterans Affairs to ensure that the first

health assessment conducted for a veteran, after the individual tested positive for a pathogen by which a public health national emergency has been declared, includes an evaluation to determine whether the veteran had been based or stationed where open burn pits were used or whether the individual had been exposed to toxic airborne chemicals or contaminants.

Comptroller General study on delivery of mental health services to members of the Armed Forces during the COVID-19 pandemic (sec. 736)

The Senate amendment contained a provision (sec. 746) that would require the Comptroller General of the United States to conduct a study on the delivery of Federal, State, and private mental health services to members of the reserve components. The provision would require the Comptroller General to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study not later than 1 year after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to conduct a study on the delivery of Federal, State, and private mental health services to members of the Armed Forces during the COVID-19 pandemic and to submit to the same committees a report on the study not later than 1 year after the date of the enactment of this Act.

SUBTITLE D—REPORTS AND OTHER MATTERS

Modifications to pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of National Disaster Medical System (sec. 741)

The House bill contained a provision (sec. 731) that would amend section 740 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to modify the requirements for the pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of the National Disaster Medical System.

The Senate amendment contained a similar provision (sec. 744).

The House recedes with an amendment that would make certain technical amendments to the Senate provision. Additionally, the amendment would require the Secretary of Defense to submit an initial report on the pilot program to the appropriate congressional committees, as defined, within 180

days after commencement of the program. Within 180 days after completion of the pilot program, the Secretary would submit a final report to the same committees.

Reports on suicide among members of the Armed Forces and suicide prevention programs and activities of the Department of Defense (sec. 742)

The House bill contained a provision (sec. 732) that would amend section 741(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require additional elements in the Department of Defense's annual suicide report.

The Senate amendment contained no similar provision.
The Senate recedes.

Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund (sec. 743)

The House bill contained a provision (sec. 734) that would amend section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to extend the authority for the Joint Department of Defense-Department of Veterans Affairs Demonstration Fund from September 30, 2021, to September 30, 2023.

The Senate amendment contained a similar provision (sec. 741).

The House recedes.

Military Health System Clinical Quality Management Program (sec. 744)

The Senate amendment contained a provision (sec. 743) that would require the Secretary of Defense to implement a comprehensive clinical quality management program within the military health system. The provision would prescribe the elements of the program and include clinical quality management of healthcare delivery outside military medical treatment facilities, on ships, planes, in deployed settings, and in the purchased care component of the military health system.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Wounded Warrior Service Dog Program (sec. 745)

The House bill contained a provision (sec. 750H) that would require the Secretary of Defense to establish a program to award competitive grants to nonprofit organizations to assist such organizations in the planning, designing, establishing, or operating programs to provide assistance dogs to covered servicemembers and veterans.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a Wounded Warrior Service Dog Program to provide assistance dogs to covered servicemembers and veterans.

Extramedical maternal health providers demonstration project
(sec. 746)

The House bill contained a provision (sec. 720) that would require the Secretary of Defense, within 1 year of the date of the enactment of this Act, to conduct a 5-year demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using certain extra-medical maternal health providers (douglas and lactation consultants) under the TRICARE program to determine whether to make coverage of the services of such providers permanent under TRICARE.

The Senate amendment contained an identical provision (sec. 706).

The conference agreement includes this provision with an amendment to include lactation counselors as participants in the demonstration project.

Briefing on diet and nutrition of members of the Armed Forces
(sec. 747)

The House bill contained a provision (sec. 740) that would require the Secretary of Defense to submit a report, within 180 days of the date of the enactment of this Act, to the congressional defense committees on the diet and nutrition of members of the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide a briefing, within 180 days of the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the diet and nutrition of members of the Armed Forces.

Audit of medical conditions of residents in privatized military housing (sec. 748)

The House bill contained a provision (sec. 743) that would require the Inspector General of the Department of Defense (DODIG) to conduct an audit of the medical conditions of servicemembers and their families who have resided in unsafe or unhealthy privatized military housing. Not later than 1 year after commencement of the audit, the DODIG would be required to submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit and to publish the audit on a publicly available internet website of the Department of Defense.

The Senate amendment contained a similar provision (sec. 748).

The House recedes with an amendment that would require the DODIG, within 90 days of the date of the enactment of this Act, to commence an audit of: (1) The medical conditions of servicemembers and their families who have resided in unsafe or unhealthy military housing; and (2) The process under section 3053 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to determine whether such process adequately addresses the resolution of environmental health hazards identified during inspections conducted pursuant to sections 3051(b) and 3052(b) of such Act. Not later than 1 year after commencement of the audit, the DODIG would be required to submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit and to publish the audit on a publicly available internet website of the Department of Defense.

Assessment of receipt by civilians of emergency medical treatment at military medical treatment facilities (sec. 749)

The Senate amendment contained a provision (sec. 751) that would require the Comptroller General of the United States, within 1 year of the date of the enactment of this Act, to complete an assessment of the provision of emergency medical treatment by the Department of Defense to non-covered civilian patients at military medical treatment facilities during the period from October 1, 2015, to September 30, 2020. The provision would require the Comptroller General to provide a report containing the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after completion of such assessment.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the reporting requirements of the Comptroller General.

Study on the incidence of cancer diagnosis and mortality among military aviators and aviation support personnel (sec. 750)

The House bill contained a provision (sec. 739) that would require the Secretary of Defense to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on the incidence of cancer diagnosis and mortality among military aviators and aviation support personnel and to provide a report to the appropriate congressional committees within 2 years of the date of such agreement.

The Senate amendment contained a similar provision (sec. 754) that would require the Secretary of Defense to conduct a two-phased study, in conjunction with the National Institutes of Health and the National Cancer Institute, on cancer among aviators and aviation support personnel who served in the Armed Forces on or after February 28, 1961, and who receive benefits under chapter 55, United States Code. The Secretary would submit a report to the appropriate congressional committees on the findings of phase 1 of the study within 1 year of the date of the enactment of this Act. Finally, the Secretary would submit a report on phase 2 of the study, if conducted, to the same committees within 1 year of the date of submission of the first report.

The House recedes with a technical amendment.

Study on exposure to toxic substances at Karshi-Khanabad Air Base, Uzbekistan (sec. 751)

The House bill contained a provision (sec. 742) that would require the Secretary of Defense to conduct a study on toxic exposure by servicemembers deployed to Karshi-Khanabad Air Base, Uzbekistan, at any time from October 1, 2001, to December 31, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Review and report on prevention of suicide among members of the Armed Forces stationed at remote installations outside the contiguous United States (sec. 752)

The House bill contained a provision (sec. 745) that would require the Comptroller General of the United States to conduct

a review of efforts by the Department of Defense to prevent suicide among servicemembers stationed at remote installations outside the contiguous United States. The provision would prescribe the elements of such review and require the Comptroller General to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than October 1, 2021, on preliminary observations relating to the review. The Comptroller General would then submit a report containing the results of the review to the same committees not later than March 1, 2022.

The Senate amendment contained an identical provision (sec. 747).

The conference agreement includes this provision.

Study on medevac helicopters and ambulances at certain military installations (sec. 753)

The House bill contained a provision (sec. 748) that would require the Secretary of Defense to submit a report to the congressional defense committees, within 180 days of the date of the enactment of this Act, containing a study on the potential benefits and feasibility of requiring each military installation outside the United States to have, at a minimum, one functioning medical evacuation helicopter and one functioning ambulance that are each stocked with appropriate medical emergency equipment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report on the study to the Committees on Armed Services of the Senate and the House of Representatives within 1 year of the date of the enactment of this Act. The amendment would also modify the elements of such study.

Comptroller General study on prenatal and postpartum mental health conditions among members of the Armed Forces and their dependents (sec. 754)

The House bill contained a provision (sec. 750) that would require the Secretary of Defense to submit a report to Congress on mental health treatment relating to pregnancy.

The Senate amendment contained a similar provision (sec. 749) that would require the Comptroller General of the United States to conduct a study on prenatal and postpartum mental health conditions among members of the Armed Forces and their dependents. The provision would also require the Comptroller General to submit a report on the study's findings to the

Committees on Armed Services of the Senate and the House of Representatives within 1 year of the date of the enactment of this Act.

The House recedes with an amendment that would modify the elements of the study conducted by the Comptroller General to include the report elements in section 750 of the House bill.

Report on lapses in TRICARE coverage for members of the National Guard and reserve components (sec. 755)

The House bill contained a provision (sec. 750J) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 1 year of the date of the enactment of this Act, analyzing the factors that may contribute to lapses in TRICARE coverage for members of the National Guard and the reserve component.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require each Secretary of a military department, in consultation with the Director of the Defense Health Agency, to conduct the analysis and to submit the report to the same committees. In addition, the amendment would include additional elements for analysis in the report.

Study and report on increasing telehealth services across Armed Forces (sec. 756)

The House bill contained a provision (sec. 750K) that would require the Secretary of Defense to conduct a study that reviews, identifies, and evaluates the technology approaches, policies, and concepts of operations of telehealth and telemedicine programs of the military departments and to provide a report to the congressional defense committees within 1 year of the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Study on force mix options and service models to enhance readiness of medical force of the Armed Forces (sec. 757)

The Senate amendment contained a provision (sec. 745) that would require the Secretary of Defense, within 30 days of the date of the enactment of this Act, to seek to enter into an agreement with a federally funded research and development center or other independent entity to conduct a study on force mix options and service models to optimize readiness of the

medical force to deliver combat casualty care. The Secretary would submit a report on the findings of the study to the Committees on Armed Services of the Senate and the House of Representatives within 15 months of the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Report on billing practices for health care from Department of Defense (sec. 758)

The Senate amendment contained a provision (sec. 752) that would require the Comptroller General of the United States, within 1 year of the date of the enactment of this Act, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives assessing the billing practices of the Department of Defense for care received under the TRICARE Program or at military treatment facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the findings and the sense of Congress from the provision.

SUBTITLE E—MENTAL HEALTH SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS FOR MEMBERS OF RESERVE COMPONENTS

Short title (sec. 761)

The House bill contained a provision (sec. 751) that would cite this subtitle as the "Care and Readiness Enhancement for Reservists Act of 2020" or the "CARE for Reservists Act of 2020."

The Senate amendment contained an identical provision (sec. 761).

The conference agreement includes this provision.

Expansion of eligibility for readjustment counseling and related outpatient services from Department of Veterans Affairs to include members of reserve components of the Armed Forces (sec. 762)

The House bill contained a provision (sec. 752) that would amend subsection (a)(1) of section 1712A of title 38, United States Code, to expand eligibility for readjustment counseling and related outpatient services from the Department of Veterans

Affairs to certain members of the reserve components of the Armed Forces.

The Senate amendment contained an identical provision (sec. 762).

The conference agreement includes this provision.

Provision of mental health services from Department of Veterans Affairs to members of reserve components of the Armed Forces (sec. 763)

The House bill contained a provision (sec. 753) that would amend subchapter VIII of chapter 17 of title 38, United States Code, to authorize the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, to provide mental health services to members of the reserve components of the Armed Forces.

The Senate amendment contained an identical provision (sec. 763).

The conference agreement includes this provision.

Inclusion of members of reserve components in mental health programs of Department of Veterans Affairs (sec. 764)

The House bill contained a provision (sec. 754) that would amend section 1720F of title 38, United States Code, to include reserve component members in the mental health programs of the Department of Veterans Affairs.

The Senate amendment contained an identical provision (sec. 764).

The conference agreement includes this provision.

Report on mental health and related services provided by Department of Veterans Affairs to members of the Armed Forces (sec. 765)

The House bill contained a provision (sec. 755) that would require the Secretary of Veterans Affairs to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives, within 1 year of the date of the enactment of this Act, a report on mental health services provided by the Department of Veterans Affairs.

The Senate amendment contained a similar provision (sec. 765).

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Expansion of mental health assessments for members of the Armed Forces

The House bill contained a provision (sec. 701) that would amend section 1074m of title 10, United States Code, to expand mental health assessments to certain members of the Armed Forces who were not deployed in support of a contingency operation.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense provides a mental health assessment during the annual periodic health assessment for each servicemember, and more requirements to provide additional mental health assessments to certain servicemembers may further burden the Department's limited mental health resources. Section 718 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) required the Department to develop and implement a comprehensive policy for the provision of servicemembers' mental health care and to provide a report to the Committees on Armed Services of the Senate and the House of Representatives. The conferees determine to evaluate this report before enacting further legislation to expand requirements for mental health assessments.

Mandatory referral for mental health evaluation

The House bill contained a provision (sec. 702) that would amend section 1090a of title 10, United States Code, to require the Department of Defense to establish a phrase that would enable a servicemember to trigger a referral by a commanding officer or supervisor for a mental health evaluation.

The Senate amendment contained no similar provision.

The House recedes.

Removal of Christian Science providers as authorized providers under the TRICARE program

The Senate amendment contained a provision (sec. 702) that would amend subsection (a) of section 1079 of title 10, United States Code, by striking paragraph (4) to remove Christian Science providers as authorized providers under the TRICARE program.

The House bill contained no similar provision.

The Senate recedes.

Assessments and testing relating to exposure to perfluoroalkyl and polyfluoroalkyl substances

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to ensure that any "covered evaluation" includes an evaluation of whether the servicemember has been based or stationed at a military installation identified by the Department of Defense as a location with a known or suspected release of per- or polyfluoroalkyl substances (PFAS) or exposure. If the determination is positive, a blood test must be provided to determine and document potential exposure to PFAS and results included in the servicemember's health record.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the requirements for the Department of Defense in the past three National Defense Authorization Acts to address exposure to PFAS. The conferees continue to monitor the actions of the PFAS Task Force, which released its most recent report on March 13, 2020. The report highlighted the Department's continuous surveillance of drinking water at military installations, its research to develop a PFAS-free firefighting foam, its education of healthcare providers and patients, and its study of the health effects of PFAS exposure while providing more than \$30.0 million to the Agency for Toxic Substances and Disease Registry to conduct exposure assessments in communities around military installations. Additionally, the Department is developing a framework for annually testing firefighters' blood to document and determine potential PFAS exposure. The conferees believe that it is inappropriate at this time to mandate blood testing until the health services agencies of the United States determine what PFAS blood level poses a health risk and create a meaningful comparison to blood samples collected from patients.

Mental health resources for members of the Armed Forces and their dependents during the COVID-19 pandemic

The Senate amendment contained a provision (sec. 704) that would require the Secretary of Defense to develop a plan, within 180 days of the date of the enactment of this Act, to protect and promote the mental health and well-being of servicemembers and their dependents during the COVID-19 pandemic. The provision would require the Secretary to conduct outreach to the military community to identify resources and healthcare services, including mental healthcare services, available under the TRICARE program to support servicemembers and their dependents.

The House bill contained no similar provision.

The Senate recedes.

Extension of organization requirements for Defense Health Agency

The House bill contained a provision (sec. 714) that would amend section 1073c(e) of title 10, United States Code, to extend the implementation date of such section to September 30, 2025.

The Senate amendment contained a similar provision (sec. 721) that would amend section 1073c(e) of title 10, United States Code, and section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to delay the transfer of the Army Medical Research and Development Command (and such other medical research organizations of the Armed Forces, as appropriate) and the public health commands or programs of the military services to the Defense Health Agency from September 30, 2022, to September 30, 2024, and to correct the name of the Army Medical Research and Development Command.

The conference agreement does not include either provision.

To prevent disruption and to preserve maximum effectiveness of the vital medical research and development and public health missions of the Armed Forces, the conferees considered deferring the scheduled September 30, 2022, transfer to the Defense Health Agency (DHA) of management responsibility for these activities. It is the conferees' judgment, however, that no deferral is necessary or appropriate, with the understanding that there shall be no reduction or disruption in the infrastructure, personnel, and resources of the Department of Defense (DOD) currently devoted to these essential activities. It is the conferees' intent and direction that the transfer of such responsibilities be implemented in this manner and that the DHA will achieve unity of effort and more effectively advance the joint missions of military medical research and development and public health.

Furthermore, the primary purpose of Congress' legislative reforms to the military health system (MHS), first passed in the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328) and followed by amendments in subsequent NDAA's, is to improve combat casualty care and medical care for wounded, ill, and injured servicemembers – to ensure that military medical professionals deliver the world's best healthcare on the battlefield, at field hospitals, at sea, in the air, in clinics, and at hospitals and medical centers overseas and in the United States. With this legislation, Congress also seeks to improve access to high quality health care, to improve health outcomes, to create greater health value, and to improve the experience of care for all patients in the MHS.

After many months without substantive action on reform, the services and the Office of the Secretary of Defense (OSD) agreed upon a plan whereby the services' military treatment facilities (MTFs) would transfer in phases to the DHA as it stood up integrated health care markets throughout the country. DOD submitted its final plan to Congress and began implementation on October 1, 2018, by establishing a transitional intermediate organization in the DHA that assumed control of a small number of the services' MTFs to test the plan's concept of operations. The services required this intermediate process step, and the DHA complied. By most accounts, the concept worked, and feedback from MTFs and service senior installation commanders was positive. OSD and the services then agreed to proceed with full plan implementation using a phased approach so that the DHA could build its full range of capabilities as it accepted more MTFs from the services.

Recently, however, the Secretaries of the military departments and their service chiefs sent a memorandum to the Secretary of Defense requesting that the Secretary halt the transition of MTFs to the DHA. The memo stated that the current plan to transfer MTFs to the DHA was not "viable" because it "introduces barriers, creates unnecessary complexity and increases inefficiencies and cost." The conferees completely disagree – the decades-old health system with the services managing their own MTFs, and the DHA managing DOD's purchased healthcare was replete with barriers to high quality care, unnecessary complexity, lack of standardization, inefficiencies, duplicative services, and higher costs. The Deputy Secretary of Defense responded to this memorandum by reminding the Secretaries and service chiefs that Congress directed the reforms in law, and that Congress had been responsive to requests by DOD for adjustments to the law. Subsequently, the Secretary of Defense signed a memorandum on November 9, 2020, reiterating that the DHA "is responsible for exercising authority, direction, and control over each MTF and all other duties and responsibilities identified in law." Therefore, the conferees restate that DOD must continue on the path required by law to eliminate the inefficient, stove-piped MHS structure that inevitably leads to turf wars among the services and the DHA, while simultaneously paralyzing decision-making and stifling healthcare innovation. The conferees expect that the DHA shall oversee, manage, and direct the MHS's delivery of direct and purchased healthcare, and the services shall focus on their man, train, and equip title 10, United States Code, responsibilities.

Moreover, the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) and subsequent reforms have focused on increasing the effectiveness of the provision of healthcare services across the MHS and the TRICARE program. The intent was to provide high quality, safe healthcare to servicemembers and other beneficiaries by increasing innovation, eliminating variations in healthcare delivery, and cutting inefficiencies. As part of the Department's effort to eliminate inefficiencies, DOD implemented a number of cost savings initiatives after some analysis and assessment of risk to the MHS. These efforts have yielded \$8 billion in cost avoidance in fiscal year 2020 alone and tens of billions of dollars in savings over the last 5 years. Yet, DOD's Office of Cost Assessment and Program Evaluation continues to demand efficiency wedges and cost savings from the Defense Health Program based on its internal goals and seemingly poor understanding of the negative effect that imposed cuts may have on the readiness of servicemembers, the health of all beneficiaries, and the MHS as a whole.

Therefore, the conferees stress that efforts to achieve cost savings in the MHS should be guided by strategic intent, objective data, and thoughtful analysis that contemplates the entire military healthcare ecosystem and prioritizes the needs of provider readiness in support of the National Defense Strategy and the healthcare needs of servicemembers and other beneficiaries. These considerations should include thorough analysis of the value created by investment in research, public health, training, education, infrastructure, and civilian partnerships, and the commensurate positive effect on providing world-class healthcare in a myriad of settings to include the battlefield, disaster relief or humanitarian assistance operations, a pandemic, occupational health screenings, physical examinations, and routine well-baby checkups.

Maintenance of certain medical services at military medical treatment facilities at service academies

The House bill contained a provision (sec. 719) that would amend section 1073d of title 10, United States Code, to require the Secretary of Defense to ensure the provision of certain medical services at military medical treatment facilities of the service academies unless such services are available at a civilian health care facility within 5 miles of the academies.

The Senate amendment contained no similar provision.

The House recedes.

Authority of Secretary of Defense to waive requirements during national emergencies for purposes of the provision of health care

The Senate amendment contained a provision (sec. 723) that would amend chapter 55 of title 10, United States Code, to authorize the Secretary of Defense to waive or modify the requirements of such chapter, or any regulation prescribed under such chapter, for a period of 60 days for services furnished by a health care provider (or class of providers) in an emergency area (or portion of such area) during an emergency period (or portion of such period). The provision would authorize the Secretary to renew any such waiver or modification for subsequent 60-day periods during an applicable emergency declaration. Additionally, the provision would require the Secretary to submit to the Committees on Armed Services of the Senate and the House of Representatives, at least 2 days before exercising a waiver or modification, a certification and advance written notice that describes the impact and duration of the waiver or modification. Finally, the provision would require the Secretary to submit a report to the same committees on the use of this authority within 1 year of the end of an emergency period during which the Secretary exercised this authority.

The Senate amendment also contained a provision (sec. 5723) that would cause section 723 and the amendments made by that section to have no force or effect.

The House bill contained no similar provisions.

The Senate recedes.

Provision of information regarding COVID-19 in multiple languages

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to translate COVID-19 pandemic information in multiple languages and to make such information available to the public.

The Senate amendment contained no similar provision.

The House recedes.

Study of substance use disorders among members of the Armed Forces and veterans during the COVID-19 public health emergency

The House bill contained a provision (sec. 726) that would require the Secretary of Defense and the Secretary of Veterans Affairs to conduct a study on substance use disorders among servicemembers and veterans before and during the COVID-19 public health emergency.

The Senate amendment contained no similar provision.
The House recedes.

The conferees acknowledge that substance abuse, the harmful use of alcohol or illicit drugs, is incompatible with military readiness and the expected high standards of military performance and discipline. The Department of Defense (DOD) has longstanding policies and practices to prevent and address problematic substance abuse among military personnel. DOD identifies at-risk substance abuse early through regular and systematic medical screening, and when discovered, it provides evidence-based substance use disorder therapies, while adhering to clinical practice guidelines published by a DOD-Veterans Affairs task force and accredited professional organizations specializing in those disorders. The conferees expect DOD to collaborate fully with the Department of Veterans Affairs to ensure that servicemembers and veterans with substance use disorders continue to receive appropriate treatment so that they can maintain successful, healthy lives in the future.

Clarification of research under Joint Trauma Education and Training Directorate and inclusion of military working dogs

The House bill contained a provision (sec. 733) that would amend subsection (b) of section 708 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to clarify research under the Joint Trauma Education and Training Directorate by inclusion of military working dogs to inform and advise research on the leading causes of morbidity and mortality of servicemembers and working dogs in combat.

The Senate amendment contained no similar provision.
The House recedes.

The conferees are aware that the Joint Trauma System of the Defense Health Agency has established a framework to support research and development of a trauma registry for military working dogs. The conferees direct the Director of the Defense Health Agency to brief the Committees on Armed Services of the Senate and the House of Representatives, within 90 days of the date of the enactment of this Act, on the Department of Defense's plans to develop, implement, and resource such registry.

Information sharing by Secretary of Defense regarding prevention of infant and maternal mortality

The House bill contained a provision (sec. 735) that would authorize the Secretary of Defense to enter into memoranda of understanding with state and local health authorities to share

practices and lessons learned by the military health system for the prevention of infant and maternal mortality.

The Senate amendment contained no similar provision.

The House recesses.

The conferees encourage the Department of Defense to share the best practices of the military health system with state and local health authorities for the prevention of infant and maternal mortality.

Grant program for increased cooperation on post-traumatic stress disorder research between the United States and Israel

The House bill contained a provision (sec. 736) that would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of State, to award grants to eligible entities to conduct collaborative post-traumatic stress disorder research between the United States and Israel.

The Senate amendment contained no similar provision.

The House recesses.

The conferees recognize the strategic importance of the United States-Israel bilateral relationship to the national security of both countries. The conferees believe this relationship can be further strengthened through scientific collaboration among the Department of Defense, American academic institutions, U.S. non-profit research organizations, and Israeli institutions with experience in the research, diagnosis, and treatment for post-traumatic stress disorder (PTSD).

The National Center for PTSD of the Department of Veterans Affairs has published data to show that 11 to 20 percent of veterans who served in Operations Iraqi Freedom and Enduring Freedom suffer from PTSD in a given year. This relatively high percentage of PTSD occurrence in veterans demonstrates the need to continue vital research to promote the development of enhanced diagnostics and therapeutics for this disorder. Additionally, the conferees recognize important Israeli contributions in the advancement of certain modalities for the diagnosis and treatment of military trauma, infectious diseases, and traumatic brain injury (TBI). Therefore, the conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of the enactment of this Act, on military health research collaboration between the United States and Israel on military trauma care, infectious disease surveillance and treatment, PTSD diagnostics and treatment, and TBI diagnostics and treatment.

Pilot program on cryopreservation and storage

The House bill contained a provision (sec. 737) that would require the Secretary of Defense to establish a pilot program to provide not greater than 1,000 Active-Duty servicemembers with the opportunity to cryopreserve and store their gametes (sperm or unfertilized eggs) at no cost to the member prior to deployment to a combat zone. The duration of covered storage would extend until 1 year after the retirement, separation, or release of the member from the Armed Forces.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Secretary of Defense to provide a briefing, not later than 180 days after the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the feasibility of implementing a gamete cryopreservation pilot program. The briefing shall include: (1) An assessment of the nature and extent of genitourinary system injuries among servicemembers as a result of deployments to combat zones and the impact on such servicemembers' ability to conceive naturally; (2) The potential cost of implementing the program; (3) A description of how the military departments would implement and fund the program; (4) A thorough explanation of any legal issues the conferees should consider regarding implementation of the program; and (5) The potential accretion of benefits to servicemembers.

Pilot program on parents serving as certified nursing assistants for children under TRICARE Program

The House bill contained a provision (sec. 738) that would require the Director of the Defense Health Agency to conduct an 18-month pilot program whereby an eligible parent would serve as a certified nursing assistant under the TRICARE Program to provide personal care services to a covered child.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Secretary of Defense to evaluate the feasibility and cost of establishing such pilot program and to brief the Committees on Armed Services of the Senate and the House of Representatives on the results of that evaluation within 180 days of the date of the enactment of this Act.

Report on costs and benefits of allowing retired members of the Armed Forces to contribute to health savings accounts

The House bill contained a provision (sec. 741) that would require the Assistant Secretary of Defense for Health Affairs to submit a report to the congressional defense committees not later than 180 days after the date of the enactment of this Act on the costs and benefits of allowing retired members of the Armed Forces to make contributions to a health savings account.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note military retirees and their families receive generous healthcare benefits that result in relatively low out-of-pocket costs. Health Savings Accounts (HSA) may be attractive to a small number of military retirees who have a high deductible health plan provided through a civilian employer. But an HSA option would also incur significant costs, which would include lost tax revenue and administration fees.

Therefore, the conferees direct the Under Secretary of Personnel and Readiness to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2021 on the potential costs and benefits of providing servicemembers with the option to contribute to an HSA.

Report on Integrated Disability Evaluation System

The House bill contained a provision (sec. 744) that would require the Secretary of Defense, within 1 year of the date of the enactment of this Act, to submit a report to Congress on the findings of a study of the implementation and application of the Integrated Disability Evaluation System (IDES).

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of the enactment of this Act, on the implementation and application of the IDES. The briefing shall include the following:

(1) All changes to policies and procedures applicable to the implementation of IDES from the previous disability evaluation system;

(2) The extent to which IDES is the primary means for servicemembers to process through the disability evaluation system;

(3) The extent to which the Defense Health Agency and the military departments coordinate on servicemembers' treatment, medical evaluation board (MEB) referrals, convening authority appointment and MEB staffing, sharing medical documentation with a MEB, evaluation of servicemembers' initial

or subsequent limited duty status, and MEB referral to a physical evaluation board;

(4) The process for servicemembers to request an impartial medical review or to rebut MEB findings and the criteria a MEB convening authority applies when considering such requests; and

(5) The average time to process IDES cases by phase and stage for active and reserve component servicemembers.

Antimicrobial stewardship staffing at medical treatment facilities of the Department of Defense

The House bill contained a provision (sec. 746) that would require the Secretary of Defense, within 90 days of the date of the enactment of this Act, to establish antimicrobial staffing and diagnostics recommendations to improve antimicrobial stewardship programs. The provision would require the Secretary to consult with the Centers for Disease Control and Prevention (CDC) and relevant medical societies on development of the recommendations and to submit an implementation plan for carrying out the recommendations to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 727 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) required the Department of Defense (DOD) to establish an antimicrobial stewardship program (ASP) at all military medical treatment facilities (MTFs). Since then, DOD has published policy documents that provide structure for implementation and standardization of ASPs. MTFs participate in the CDC's National Healthcare Safety Network (NHSN) Antimicrobial Use and Resistance module and regularly submit data to it. In 2016, DOD directed the multi-drug resistant organism (MDRO) Repository and Surveillance Network (MRSN) to expand its collection of microorganism isolates to include all MTFs. DOD now has over 82,000 isolates in the MRSN, and it provides a 48-hour processing time for sequencing isolates from a suspected outbreak investigation. In June 2020, MRSN began real-time MDRO surveillance in 12 high-volume MTFs to provide highly accurate and timely detection of outbreaks caused by MDROs across DOD's hospital networks and to assist in identifying trends in antimicrobial resistance at the MTF level. Moreover, DOD policy requires employees on MTF staffs dedicated to antibiotic stewardship monitoring. From these efforts, it is clear to the

conferees that DOD has effectively implemented a rigorous ASP throughout its direct care health system.

Report on chiropractic care for dependents and retirees under the TRICARE program

The House bill contained a provision (sec. 747) that would require the Director of the Defense Health Agency to submit a report to the congressional defense committees, within 1 year of the date of the enactment of this Act, on the feasibility, efficacy, and cost to expand chiropractic care services to certain TRICARE beneficiaries.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has discussed plans to expand coverage of such services to TRICARE beneficiaries. The conferees direct the Director of the Defense Health Agency to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of the enactment of this Act, on the expected date of coverage of such services, if determined feasible by the Department.

Funding for pancreatic cancer research

The House bill contained a provision (sec. 749) that would increase funding for pancreatic cancer research conducted by the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Plan for evaluation of flexible spending account options for members of the uniformed services and their families

The Senate amendment contained a provision (sec. 750) that would require the Secretary of Defense to submit, by March 1, 2021, to the congressional defense committees a plan to evaluate flexible spending account options that allow pre-tax payment of health and dental insurance premiums, out-of-pocket health care expenses, and dependent care expenses for members of the uniformed services.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that while flexible spending accounts may be attractive to some military families, there are also significant costs associated with providing such a benefit. Therefore, the conferees direct the Under Secretary of Personnel

and Readiness to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2021 on the potential costs and benefits of providing servicemembers with the option to contribute to a pre-tax flexible spending account.

Report on cost of extending TRICARE coverage to individuals participating in Health Professions Scholarship and Financial Assistance Program

The House bill contained a provision (sec. 750A) that would require the Secretary of Defense, within 120 days of the date of the enactment of this Act, to submit a report to the congressional defense committees containing an analysis of the cost of providing health care benefits under the TRICARE program to individuals participating in the Health Professions Scholarship Program (HPSP) and the Financial Assistance Program (FAP).

The Senate amendment contained no similar provision.

The House recedes.

Since HPSP and FAP recipients are not military servicemembers, the conferees do not expect the Department of Defense to provide health care coverage for such recipients. The conferees encourage HPSP and FAP recipients to enroll at their own expense in health plans sponsored by their academic institutions.

Report on health care records of dependents who later seek to serve as a member of the Armed Forces

The House bill contained a provision (sec. 750B) that would require the Secretary of Defense, within 180 days of the date of the enactment of this Act, to submit a report to the congressional defense committees on use by the military departments of health care records of individuals who are dependents or former dependents of servicemembers with respect to such individuals later serving or seeking to serve as members of the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that House Committee Report accompanying H.R. 6395 (H. Rept. 116-442) of the National Defense Act for Fiscal Year 2021, page 154, directs the Secretary of Defense to provide a comprehensive report to the Committees on Armed Services of the Senate and the House of Representatives by January 31, 2021, that provides data related to military accession standards and mental health care for

individuals seeking accession into the Armed Forces. This report would also specify the overall number of potential enlistees designated as military dependents who were disqualified for accession because of a mental health condition.

Briefing on extension of TRICARE Prime to eligible beneficiaries in Puerto Rico and other United States territories

The House bill contained a provision (sec. 750C) that would require the Secretary of Defense, within 90 days of the date of the enactment of this Act, to provide a briefing to the congressional defense committees on the feasibility, benefits, and costs to extend enrollment in TRICARE Prime to eligible beneficiaries in Puerto Rico and other United States territories.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense provided a similar report in response to a requirement in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

Funding for post-traumatic stress disorder

The House bill contained a provision (sec. 750D) that would increase funding for post-traumatic stress disorder.

The Senate amendment contained no similar provision.

The House recedes.

Increased collaboration with NIH to combat triple negative breast cancer

The House bill contained a provision (sec. 750E) that would require the Department of Defense to work in collaboration with the National Institutes of Health to identify specific biomarkers and to provide information useful in drug discovery and clinical trials design to combat triple negative breast cancer.

The Senate amendment contained no similar provision.

The House recedes.

Study on readiness contracts and the prevention of drug shortages

The House bill contained a provision (sec. 750F) that would require the Secretary of Defense to conduct a study on the effectiveness of readiness contracts managed by the Defense

Logistics Agency (DLA) to meet the drug supply requirements of the military and to analyze whether the contractual approach used by DLA could serve as a model for the civilian health market in the United States.

The Senate amendment contained no similar provision.

The House recedes.

Findings and sense of Congress on musculoskeletal injuries

The House bill contained a provision (sec. 750G) that would describe findings and express a sense of Congress on musculoskeletal injuries among members of the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that Senate Report accompanying S. 4049 (S. Rept. 116-236) of the National Defense Authorization Act for Fiscal Year 2021, page 234, encourages the Secretary of Defense to carry out a program on musculoskeletal injury prevention research to identify risk factors for such injuries among servicemembers. The conferees recognize the important work being done by the Naval Advanced Medical Research Unit in Wound Care Research and the Army Holistic Health and Fitness Program to conduct such research, and the conferees support additional research efforts to prevent musculoskeletal injuries among servicemembers.

Sense of Congress regarding maternal mortality review

The House bill contained a provision (sec. 750I) that would express a sense of Congress on maternal mortality and encourage the Department of Defense to establish a maternal mortality review committee to review each death of a servicemember or dependent during pregnancy or childbirth.

The Senate amendment contained no similar provision.

The House recedes.

Study on joint deployment formulary

The House bill contained a provision (sec. 750L) that would require the Secretary of Defense, within 270 days of the date of the enactment of this Act, to submit a report to the appropriate congressional defense committees on the joint deployment formulary.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to include certain elements of this provision in another section of this Act.

Pilot program on sleep apnea among new recruits

The House bill contained a provision (sec. 756) that would require the Secretary of Defense, acting through the Defense Health Agency, to conduct a pilot program to determine the prevalence of sleep apnea among servicemembers assigned to initial entry training.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of the enactment of this Act, on any medical accession waivers provided by the military departments to potential enlistees for sleep apnea.

Report on research and studies on health effects of burn pits and mandatory training on health effects of burn pits

The House bill contained a provision (sec. 757) that would require the Secretary of Defense to submit a report to the congressional defense committees and the Committees on Veterans Affairs of the Senate and the House of Representatives on the status, methodology, and culmination timeline of research and studies on the health effects of burn pits.

The House bill also contained a provision (sec. 758) that would require the Secretary of Defense to provide training on the potential health effects of burn pits to each medical provider in the Department of Defense.

The Senate amendment contained no similar provisions.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing, within 180 days of the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the Department of Defense's research and studies conducted on the health effects of burn pits and to provide a description of the training provided to military medical treatment facility providers on the potential adverse health effects of burn pits.

Expansion of scope of Department of Veterans Affairs open burn pit registry to include open burn pits in Egypt and Syria

The House bill contained a provision (sec. 760) that would amend section 201(c)(2) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public 112-260) to

expand the scope of the Department of Veterans Affairs' open burn pit registry to include open burn pits in Egypt and Syria.

The Senate amendment contained no similar provision.

The House recedes.

Pilot program on treatment of certain members of the Armed Forces impacted by traumatic brain injury and other associated health factors that influence long-term brain health and performance

The House bill contained a provision (sec. 761) that would authorize the Secretary of Defense, within 180 days of the date of the enactment of this Act, to conduct a pilot program to award grants to carry out a comprehensive brain health and treatment program for servicemembers impacted by traumatic brain injury (TBI) and other factors that influence long-term brain health and performance.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that since 2001 the Department of Defense has spent over \$2.2 billion on important TBI research that has led to breakthroughs in understanding the long-term effects of mild TBI on brain health. The conferees encourage the Department to continue research on TBI in partnership with civilian institutions, which may include longitudinal studies on long-term brain health and performance.

Study and report on surge capacity of Department of Defense to establish negative air room containment systems in military medical treatment facilities

The Senate amendment contained a provision (sec. 5741) that would require the Director of the Defense Health Agency to conduct a study on the use, scalability, and military requirements for commercial off-the-shelf negative air pressure room containment systems to improve pandemic preparedness at military medical treatment facilities.

The House bill contained no similar provision.

The Senate recedes.

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

SUBTITLE A—ACQUISITION POLICY AND MANAGEMENT

Report on acquisition risk assessment and mitigation as part of Adaptive Acquisition Framework implementation (sec. 801)

The Senate amendment contained a provision (sec. 831) that would require the Service Acquisition Executives to identify how they are assessing certain risks in acquisition programs under the new Adaptive Acquisition Framework.

The House bill contained no similar provision.

The House recedes with a technical/clarifying amendment.

The conferees continue to appreciate the careful consideration paid by the Department of Defense to its Adaptive Acquisition Framework, which implements the acquisition reforms legislated over the last 5 years. The conferees believe that the Service Acquisition Executives play important roles as portfolio managers and in executing programs delegated by the Under Secretary of Defense for Acquisition and Sustainment. The conferees believe that the Department of Defense can no longer afford to use cost, schedule, and performance thresholds as simple proxies for risk when determining the path that an acquisition program travels through the Defense Acquisition System and in organizing how programs are managed and overseen. Exclusive attention to cost, schedule, and performance of major defense acquisition programs and other development programs obscures myriad other risks in programs, large and small, any one of which could be single points of failure for successful acquisitions. Given the role that the Service Acquisition Executives play in portfolio and program management, the conferees believe their insights to be valuable in shaping overall acquisition policy.

Improving planning, execution, and oversight of life cycle sustainment activities (sec. 802)

The House bill contained a provision (sec. 803) that would specify the required elements of life cycle sustainment plans; require the Secretary of Defense to review each major weapon system's life cycle sustainment plan prior to Milestone C approval and periodically thereafter; and direct the Secretary of Defense to notify the congressional defense committees of a significant or critical breach of a major weapon system's baseline sustainment cost estimate, among other things.

The Senate amendment contained a similar provision (sec. 862) that would amend section 2441 of title 10, United States

Code, by directing the Secretary of each military department to conduct sustainment reviews on an annual basis and to report certain information resulting from such reviews to the Congress and the public, including information about sustainment cost growth on the Department's most expensive weapon systems. The provision would also require the Comptroller General of the United States to assess the steps the military departments are taking to quantify and address sustainment cost growth.

The Senate recedes with an amendment that would modify sections 2337, 2366b, and 2441 of title 10, United States Code, to improve the Department of Defense's planning, execution, and oversight of life cycle sustainment activities for covered systems. The amendment would define the required elements of a life cycle sustainment plan; assign product support managers responsibility for developing, updating, and executing life cycle sustainment plans; require milestone decision authorities to approve life cycle sustainment plans before Milestone B; modify reporting requirements for sustainment planning in Milestone B certifications; and direct the Secretary of each military department to conduct sustainment reviews every 5 years and submit such reviews to the congressional defense committees, along with a remediation plan to reduce sustainment cost growth, as appropriate. The amendment would also direct the Secretary of Defense to report to the congressional defense committees on the Department's sustainment planning processes for non-major defense acquisition programs.

The conferees remain concerned about the Department of Defense's lack of sustainment planning during the acquisition process and its ongoing challenges managing sustainment cost growth on fielded systems. The conferees note that while the amended provision is focused on improving sustainment for major defense acquisition programs and certain middle tier acquisitions, other types of acquisition programs, such as large information technology services contracts and software acquisitions, also face sustainment challenges. The conferees intend to monitor the Department's progress in improving sustainment outcomes, including the extent to which sustainment planning is carried out under each of the pathways in the Department's new Adaptive Acquisition Framework.

Disclosures for offerors for certain shipbuilding major defense acquisition program contracts (sec. 803)

The Senate amendment contained a provision (sec. 864) that would require disclosures for certain shipbuilding major defense acquisition program offers.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Implementation of modular open systems approaches (sec. 804)

The Senate amendment contained a provision (sec. 861) that would require that not later than 1 year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Joint All Domain Command and Control Cross Functional Team under the supervision of the Department of Defense (DOD) Chief Information Officer and the Joint Staff Director for Command, Control, Communications, and Computer/Cyber, shall prescribe regulations and issue guidance to the military services, Defense agencies and field activities, and combatant commands, as appropriate. The required regulations and guidance would

(1) Facilitate the Department of Defense's access to and utilization of modular system interfaces;

(2) Fully realize the intent of chapter 144B of title 10, United States Code, by facilitating the implementation of modular open system approaches across major defense and other relevant acquisition programs, including in the acquisition and sustainment of weapon systems, platforms, and components for which no common interface standard has been established to enable communication; and

(3) Advance the Department's efforts to generate diverse and recomposable kill chains.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees' intent is to expand the use of modularity in the design of weapons systems, as well as business systems and cybersecurity systems, to more easily enable competition for upgrades as well as sustainment throughout a product's lifecycle, while protecting the proprietary intellectual property embodied within the modules of modular systems. Modularity is especially important to enhance interoperability and to support combining and recombining systems in novel and surprising ways to achieve the vision of joint all-domain warfare and the emerging joint warfighting concept. To achieve these objectives, Government use rights for interfaces are indispensable. Modular systems with interfaces designed to common standards improve interoperability. The conferees are also highly encouraged by serious, sustained initiatives by the military departments to develop standards, through public-private consortia, such as the Air Force Open Mission Systems and the Navy's Future Airborne Capability Environment. The enthusiastic embrace of the Joint All Domain Command and Control initiative by all of the military departments and senior DOD

civilian leadership demonstrates a welcome and unprecedented commitment to joint warfare.

The conferees note, however, that prior efforts to adopt universal standards both within and across the military services have failed to achieve comprehensive interoperability. Adoption rates of standards invariably lag, and technology advances require changes in standards that result in backwards incompatibilities. Even if the new initiatives proposed within the DOD research and engineering community overcome these problems, incompatible interfaces will remain numerous for many years to come, hampering joint, multi-domain operations. The Defense Advanced Research Projects Agency (DARPA) developed, rigorously tested, and repeatedly demonstrated technology to auto-generate code to enable full interoperability across interfaces not built to any standard once they have been appropriately defined and characterized in machine-readable formats. DARPA has executed more than a dozen real-world demonstrations (called "gauntlets") of this technology that appear to show that the cost is minimal and that the time required to achieve interoperability between previously incompatible systems is measured in hours and days, not months and years. These demonstrations further indicate that interoperability between systems can be engineered in the field by Government personnel. DARPA's tests and field demonstrations to date indicate that this technology does not introduce latencies or otherwise constrain performance, in contrast to so called "translation" approaches to interface interoperability. The conferees are interested in further examination of the DARPA interoperability technology and the provision requires the Department to conduct additional demonstrations.

Finally, the conferees emphasize that the provision does not mandate the operational deployment and use of DARPA technology, nor does it in any way limit or constrain the development, use, or adoption of interface standards.

Congressional notification of termination of a middle tier acquisition program (sec. 805)

The House bill contained a provision (sec. 801) that would modify section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) to direct the Secretary of Defense to provide notification to the congressional defense committees 30 days after a program is terminated that used the 'middle tier' of acquisition authority.

The Senate amendment contained no similar provision.

The Senate recedes.

*Definition of material weakness for contractor business systems
(sec. 806)*

The House bill contained a provision (sec. 804) that would replace the term 'significant deficiency' and its definition in section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) with the term 'material weakness' and its definition, as established by generally accepted auditing standards.

The Senate amendment contained a similar provision (sec. 845).

The House recedes with an amendment that would further align the definition of 'material weakness' used to evaluate contractor business systems with generally accepted auditing standards.

The conferees note that the Section 809 Panel's 'Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations' recommended this terminology change after finding the Department of Defense's definition of 'significant deficiency' was inconsistent with the two-tiered characterization of internal control deficiencies used in generally accepted auditing standards. The conferees are aware this definitional inconsistency has caused confusion about the seriousness of deficiencies identified in contractor business systems. The conferees believe that implementing the two-tiered categorization of deficiencies established by generally accepted auditing standards will allow the Department to maintain appropriate oversight over contractor business systems, while taking a more nuanced approach to classifying contractor business system deficiencies according to their severity.

In implementing this provision in the Defense Federal Acquisition Regulation Supplement, the conferees direct the Secretary of Defense to ensure definitions for associated terms are also updated or incorporated as appropriate and in line with generally accepted auditing standards, including: 'significant deficiency,' 'material misstatement,' and 'acceptable contractor business system.'

*Space system acquisition and the adaptive acquisition framework
(sec. 807)*

The House bill contained a provision (sec. 807) that would allow the Secretary of the Air Force to assign an appropriate program executive officer as the milestone decision authority for major defense acquisition programs of the United States Space Force.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment regarding milestone decision authority delegation and requires the Secretary of Defense to submit to the congressional defense committees a report on the application of the Adaptive Acquisition Framework to space systems.

Acquisition authority of the Director of the Joint Artificial Intelligence Center (sec. 808)

The House bill contained a provision (sec. 805) that would authorize the Director of the Joint Artificial Intelligence Center with responsibility for the development, acquisition, and sustainment of artificial intelligence technologies, services, and capabilities through fiscal year 2025.

The Senate amendment contained no similar provision.

The Senate recedes with edits to the details of the authority.

Assessments of the process for developing capability requirements for Department of Defense acquisition programs (sec. 809)

The House bill contained a provision (sec. 846) that would require the Secretary of each military department to conduct an assessment of the process for developing capability requirements for acquisition programs and to each submit a report by March 31, 2021, with recommendations to improve the agility and timeliness of that process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make technical and conforming changes.

The conferees believe the Department's requirements generation processes, as established under Chairman of the Joint Chiefs of Staff Instruction 5123.01H, pertaining to the Joint Capabilities Integration and Development System, and the associated manual, face many challenges. The conferees note that recent reforms to shift authority for certain acquisition and requirements development decisions to the military departments have placed increasing importance on the efficiency and effectiveness of the military departments' development of capability requirements. However, the conferees are concerned that the military departments' processes for developing capability requirements, including the extent to which they are aligned with the Department's acquisition and budgeting processes, continue to hinder the completion of timely, realistic, and achievable requirements for acquisition programs. Moreover, the conferees believe that recent efforts to implement

the Department's adaptive acquisition framework call for a new look at how requirements are generated within each of the acquisition pathways in this framework (including major capability acquisition, middle tier of acquisition, software acquisition, and the acquisition of services, among others) to the benefit of the defense acquisition system. Some of the Department's challenges are well-described in the MITRE Corporation's March 2020 report, titled "Modernizing DOD Requirements Enabling Speed, Agility, and Innovation," in particular the additional time it takes to produce validated requirements for an acquisition program. The conferees note the report's recommendations accord with the idea underpinning the Department's Adaptive Acquisition Framework. Notwithstanding the conferees' direction elsewhere in this Act regarding the Department's incorporation of certain elements in finalizing its interim Software Acquisition Pathway, and in carrying out the activities under this section, the conferees direct the Secretary of Defense to consider the recommendations of the MITRE Corporation's report and to include views on the report in its report to the congressional defense committees, along with rationales for why such recommendations could not be implemented if they are determined to be unsuitable.

SUBTITLE B—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

Sustainment reform for the Department of Defense (sec. 811)

The House bill contained a provision (sec. 811) that would amend section 113 of title 10, United States Code, pertaining to the National Defense Strategy, to add a requirement to develop a strategic framework for prioritizing and integrating activities relating to sustainment of major defense acquisition programs. The provision would also amend section 133 of title 10, United States Code, to expand responsibilities of the Under Secretary of Defense for Acquisition and Sustainment to include those pertaining to major defense acquisition programs, logistics, and the national technology and industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a second strategic framework to the National Defense Strategy under section 113, relating to contested logistics, and would further expand the Under Secretary's responsibilities under section 133 to be applicable to all acquisition programs.

The conferees note with concern that the Department of Defense systemically fails to address sustainment planning for defense acquisition programs in a sufficient manner, which too often results in significant cost growth during the sustainment phase of the life cycle, of these systems where 70 percent of the costs occur.

The conferees urge the Department to increase its emphasis on delivering joint contested logistics capabilities to support the combatant commands, particularly where there are interdependencies between the armed services. The conferees continue to be concerned that the Department continues to emphasize lethality at the expense of the key force projection and sustainment capabilities required to support great power competition.

Inclusion of software in Government performance of acquisition functions (sec. 812)

The Senate amendment contained a provision (sec. 881) that would include software in government performance of acquisition functions.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the scope of the provision to any acquisition program exceeding the cost level equivalent to a major defense acquisition program, or other programs identified by the Secretary of Defense.

The conferees direct the Under Secretary of Defense for Acquisition and Sustainment to provide a briefing by March 1, 2021, to the Committees on Armed Services of the Senate and the House of Representatives detailing how the Department of Defense complies with section 1706 of title 10, United States Code, including a presentation of data on the extent to which the goal in subsection (a) is met and the implications for resource requirements, as well as a description of the strategic management and resourcing decisions involved in planning for recruiting, training, and career development of military and civilian employees listed in subsection (a).

Modifications to Comptroller General assessment of acquisition programs and related initiatives (sec. 813)

The House bill contained a provision (sec. 812) that would amend section 2229b(b)(2) of title 10, United States Code, to allow the Comptroller General of the United States to include key analysis of organizational, policy, and legislative changes at the Department of Defense that predate its most recent annual assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that the Senate amendment contained a provision (sec. 832) which, among other things, included a subsection (sec. 832(d)) that provided similar permission to the Comptroller General.

Cost or pricing data reporting requirements for Department of Defense contracts (sec. 814)

The Senate amendment contained a provision (sec. 842) that that would modify section 2306a of title 10, United States Code, by establishing a standard \$2.0 million threshold for application of the requirements of the Truthful Cost or Pricing Data statute (commonly known as the Truth in Negotiations Act) with respect to subcontracts and price adjustments.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to analyze the impact of this provision and document any resulting benefits to the Government.

The conferees note that section 811 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) raised the applicability thresholds for section 2306a of title 10, United States Code, limiting the requirement for certified cost and pricing data to those contracts, modifications, and subcontracts that exceeded those thresholds. More recently, section 803 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) included mechanisms to protect the Government's interests with respect to contracts and subcontracts not subject to requirements for certified cost or pricing data.

The Department and the military services have represented to the conferees that the authority in this provision will promote efficiency, improve acquisition timelines, and reduce administrative costs associated with executing certain contracts with lengthy periods of performance. The conferees note that the purpose of this provision is to streamline the administration of cost accounting, and to reduce inefficiencies associated with the need to maintain dual accounting systems, not to reduce governmental oversight over contracts beneath the applicable threshold. As the Department uses the flexibility associated with this authority, the conferees emphasize the importance of rigorous oversight by acquisition executives to mitigate risks of paying higher prices that are neither fair nor reasonable.

Prompt payment of contractors (sec. 815)

The Senate amendment contained a provision (sec. 871) that would amend contract financing law established under section 2307(a)(2) of title 10, United States Code, to strengthen the requirement that the Department of Defense establish a goal to pay small business contractors within 15 days of receipt of an invoice.

The House bill contained no similar provision.

The House recesses.

The conferees note that the Defense Logistics Agency decision in November 2019 to move from 15-day payment terms to 30-day terms may have a detrimental effect on small businesses' ability to continue to do business for the U.S. Government, especially during economic downturns. The conferees further note that modern invoicing and payment systems should be able to support expedited review and payment of invoices, and therefore support the Department's efforts to leverage existing commercial systems to facilitate the prompt payments. The conferees are aware that during the COVID-19 pandemic, the Department of Defense has supported its contractors by taking steps to improve the timeliness of payments. The conferees are encouraged by these recent trends and encourage the Department to continue such efforts.

Documentation pertaining to commercial item determinations (sec. 816)

The House bill contained provisions (secs. 820 and 820c) that would amend section 2380 of title 10, United States Code, to add a requirement that contracting officers make binding determinations on whether a particular product or service meets the definition of a commercial product or commercial service and that would amend section 2306a of title 10, United States Code, to require contracting officers to presume a previous commercial product or commercial service determination.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would instead allow the contracting officer to request support in making a commercial product or a commercial service determination, as well as require the contracting officer to document that determination.

The conferees note that section 2380 of title 10, United States Code, requires the Department to maintain a centralized capability, necessary expertise, and resources to provide assistance in making commercial product and commercial service determinations, and to provide access to previous commercial product and commercial service determinations. The conferees are encouraged by the Secretary of Defense's support for the

Commercial Items Group within the Defense Contract Management Agency, which had been responsive to direction by section 831(b)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to establish such an activity. However, the conferees note the Department has failed to fully comply with statutory requirements and internally manage commercial product and commercial service determinations to ensure consistency across the Department. Therefore, the conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees by March 1, 2021 describing the Department's process for making the written memoranda determination summaries available for use by contracting officers, and the Department's plan for compliance with commercial product and commercial service statutes.

Modification to small purchase threshold exception to sourcing requirements for certain articles (sec. 817)

The Senate amendment contained a provision (sec. 814) that would modify the small purchases exception included in section 2533a of title 10, United States Code, by establishing a threshold of \$150,000, instead of basing such exception on the simplified acquisition threshold, which is currently set at \$250,000.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of program for qualified apprentices for military construction contracts (sec. 818)

The House bill contained a provision (sec. 817) that would amend section 2870 of title 10, United States Code, to strike a paragraph that defines the term "qualified apprentice" to mean a high-quality apprenticeship program as determined by industry and the Secretary of Labor.

The Senate amendment contained a similar provision (sec. 893) that would repeal section 2870 of title 10, United States Code, in its entirety.

The House recedes.

Modifications to mitigating risks related to foreign ownership, control, or influence of Department of Defense contractors and subcontractors (sec. 819)

The Senate amendment contained a provision (sec. 5894) that would modify section 847(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) by

incorporating additional requirements for mitigating risks related to foreign ownership, control, or influence.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Department of Defense to establish contract administration procedures for appropriately responding to changes in contractor or subcontractor beneficial ownership status. The amendment would also clarify implementation timelines and correct a reference to existing law.

Contract closeout authority for services contracts (sec. 820)

The House bill contained a provision (sec. 818) that would amend section 836 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) by reducing the contract closeout period for service contracts from 17 years to 7 years, but no less than the Federal Acquisition Regulation's record retention requirements. The House provision would also direct the Secretary of Defense to establish and maintain a centralized contract closeout oversight capability within the Defense Contract Management Agency (DCMA).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the scope of contracts covered by the provision and further modify contract closeout timeframes. The Senate amendment would also clarify direction regarding DCMA's role in conducting oversight of contract closeout activities.

Specifically, the conferees note that contract closeout responsibilities are dispersed among many organizations within the Department of Defense, but that the DCMA has particular expertise in carrying out such activities. The conferees therefore encourage other offices within the Department of Defense to leverage DCMA's expertise, as appropriate.

Revision of proof required when using an evaluation factor for employing or subcontracting with members of the Selected Reserve (sec. 821)

The Senate amendment contained a provision (sec. 843) that would modify section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to remove a documentation requirement that is unnecessary given the solicitation requirements established under subpart 15.203 of the Federal Acquisition Regulation.

The House bill contained no similar provision.

The House recedes.

SUBTITLE C—PROVISIONS RELATING TO SOFTWARE AND TECHNOLOGY

Contract authority for development and demonstration of initial or additional prototype units (sec. 831)

The Senate amendment contained a provision (sec. 844) that would enhance an authority previously provided to the Department of Defense to streamline the process for moving technologies from science and technology into production by permitting activities to be performed under the same contract as the technology is matured.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to establish procedures for assessing the use of the authority.

The conferees note that this proposal would help to implement the National Defense Strategy as a reform effort to enable greater performance and affordability, capability delivery at the speed of relevance, and rapid, iterative approaches from development to fielding. The conferees direct the Secretary of Defense to report by March 31, 2021, on the use of the authority under 10 U.S.C. 2302e.

Extension of pilot program for streamlined awards for innovative technology programs (sec. 832)

The Senate amendment contained a provision (sec. 872) that would extend by 3 years the authorization of a pilot program to streamline contracting and auditing processes for certain innovative technology projects carried out by small businesses.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the pilot program until 2022.

The conferees note that this authority has the potential to accelerate the awards of Small Business Innovation Research contracts and other contracts to innovative non-traditional defense contractors. The conferees direct the Secretary of Defense to provide a briefing no later than March 1, 2021 on the use and benefits of this authority and a recommendation on the extension or permanent authorization of the pilot program. The conferees expect the briefing to include a description of the mechanisms by which the Department is collecting data and analyzing the benefits of the authority and the best practices for its use. The conferees note that unless the Department collects data and demonstrates the value of authorities that

enable streamlined acquisition practices, the conferees are unlikely to extend such authorities in the future.

Listing of other transaction authority consortia (sec. 833)

The Senate amendment contained a provision (sec. 5891) that would require the Department of Defense to publish on Beta.SAM.gov (or any successor system) a list of the consortia it uses to make awards under other transaction authority.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note the limited information available on the Department of Defense's use of consortia for other transaction awards. Therefore, the conferees direct the Comptroller General of the United States to submit a report to congressional defense committees not later than December 1, 2021, on the nature and extent of the Department's use of consortia for other transactions. The report shall assess the number and dollar value of other transaction awards through consortia, the benefits and challenges of using consortia, how the Department's use of consortia compares to other Federal agencies with other transaction authority, and any other matters the Comptroller General determines to be appropriate.

Pilot program on the use of consumption-based solutions to address software-intensive warfighting capability (sec. 834)

The Senate amendment contained a provision (sec. 884) that would direct the Secretary of Defense to establish a pilot program to explore the use of consumption-based solutions to address software-intensive warfighting capability, including criteria for selecting initiatives for the pilot, direction on certain contracting elements, requirements for monitoring pilot activities, and a series of congressional reporting requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the pilot criteria to include military applications beyond software and that would delay the reporting dates.

The conferees believe that the Department of Defense should take advantage of "as-a-service" or "aaS" approaches in commercial capability development, particularly where the capability is software-defined and cloud-enabled. The conferees note that, in its final report, the Section 809 Panel on Streamlining and Codifying Acquisition recommended the adoption of consumption-based approaches at the Department of Defense, stating, "More things will be sold as a service in the future.

XaaS could really mean everything in the context of the Internet of things (IoT). Consumption-based solutions are appearing in many industry sectors, from last mile transportation (e.g., bike shares and electric scooters) to agriculture (e.g., tractor-as-a-service for farmers in developing countries). Most smart phone users are familiar with software updates that provide bug fixes or new features. A more extreme example of technology innovation enabled by the IoT is the ability to deliver physical performance improvements to vehicles through over-the-air software updates...In the not-so-distant future, cloud computing and the IoT will enable consumption-based solution offerings and delivery models that are hard to imagine today." Therefore, the conferees support the Department of Defense's commitment to new approaches to development and acquisition of software, and believe that the Department should explore a variety of approaches, to include the use of consumption-based solutions for software-intensive warfighting capability.

The conferees expect that, in conducting activities under the pilot program established in this section, the Department will consider the use of the Adaptive Acquisition Framework's Software pathway.

Balancing security and innovation in software development and acquisition (sec. 835)

The Senate amendment contained a provision (sec. 882) that would require the Under Secretary of Defense for Acquisition and Sustainment to incorporate certain considerations while finalizing the interim policy for a software acquisition pathway as part of the Department of Defense's new Adaptive Acquisition Framework.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the considerations, as well as which of the Department's policies would need to incorporate such considerations.

The conferees recognize the growing importance of assuring the security of software and determining the provenance of code and the risks posed by reliance—whether known or inadvertent—on code produced by or within adversary nations.

The conferees are also concerned about the Department's non-compliance with section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91). Section 875 required the Department to implement an Office of Management and Budget pilot relating to open source software due to significant potential benefits to the Department, to include improved performance. The conferees note that the Department has cited security concerns in connection with openly publishing

certain code. The conferees further note that there is no comprehensive Department-wide process for conducting security reviews of code or parts of code and that the National Security Agency, which should have similar security concerns to the Department as a whole, has such a process for the purpose of maximizing appropriate public release.

The conferees encourage the Department to pursue the appropriate balance of innovation and security in developing, acquiring, and maintaining software.

The conferees further direct the Under Secretary of Defense for Acquisition and Sustainment and the Department of Defense Chief Information Officer to develop a roadmap with milestones that will enable the Department to require and effectively manage the submission by contractors of a software bill of materials.

Finally, the conferees direct the Under Secretary of Defense for Acquisition and Sustainment to update the Department's policy defining a Software Pathway to more clearly demonstrate compliance with the portions of section 800 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116-92) to: (1) Ensure applicability to defense business systems as defined by section 2222 of title 10, United States Code; and (2) Provide for delivery of capability to end-users not later than 1 year after funds are obligated noting that other Government-wide policy and best practices call for updates no less frequently than once every 6 months.

Digital modernization of analytical and decision-support processes for managing and overseeing Department of Defense acquisition programs (sec. 836)

The House bill contained a provision (sec. 220) that would direct the Secretary of Defense to develop and implement an advanced digital data and analytics capability that would digitally integrate all data generated in the Department of Defense's acquisition process, such that the data necessary to carry out research and development, test and evaluation, program management, and other acquisition activities would be available in a comprehensive, authoritative, and widely-accessible format. The provision would also direct the Secretary of Defense to carry out certain demonstration activities, require the Defense Innovation Board and Defense Digital Service to conduct independent assessments in support of this effort, and establish congressional reporting requirements.

The House bill contained another provision (sec. 819) that would require the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chairman of the Joint

Chiefs of Staff, and the Director of Cost Assessment and Program Evaluation, to develop a plan to identify, develop, and acquire databases, analytical and financial tools, and workforce skills to improve the Department of Defense-wide assessment, management, and optimization of investments in weapon systems of the Department, including through consolidation of duplicative or similar weapon system programs.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would combine the two provisions to direct digital modernization of analytical and decision-support processes for managing and overseeing Department of Defense acquisition programs.

The conferees note that several U.S. Government Accountability Office reports have cited the need for improved data management processes surrounding the Department's overall management framework. The conferees note that while most relevant data is Government-owned and authorized for Department-wide use, there is no enterprise mechanism facilitating the discovery, access, correlation or integration, and use of acquisition-related data across organizational boundaries; instead, each functional organization has established and locally optimized its own data and analytic processes for its own needs, and in many cases even these local practices are highly manual and inefficient. The conferees further note open Comptroller General recommendations pertaining to the roles, responsibilities, and activities to execute portfolio management of acquisition programs that the Department has partially disagreed with and thus not implemented. Further, the conferees note that in recent years the Congress has directed and the Department has implemented significant acquisition reforms, and along with those reforms, in the National Defense Authorization Act for fiscal year 2020 (Public Law 116-92) in sections 830 and 836 the Congress directed the Department to update its decision-support processes to facilitate holistic, comprehensive management and oversight of acquisition programs under the new adaptive acquisition framework. Although the conferees are encouraged by the Department's expansion of its Advanced Analytics (ADVANA) system to provide analytics and decision support for certain of the Department's processes, the conferees are concerned that, notwithstanding ADVANA, the Department is squandering opportunities to reshape management and oversight, and expect the Department to take seriously the direction under this section.

Safeguarding defense-sensitive United States intellectual property, technology, and other data and information (sec. 837)

The Senate amendment contained a provision (sec. 891) that would require the Secretary of Defense to establish, enforce, and track actions being taken to protect defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by China. Additionally, the provision would require the Secretary to generate a list of critical national security technology and provide for mechanisms to restrict employees or former employees of the defense industrial base from working directly for companies wholly owned by, or under the direction of, the Government of the People's Republic of China.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Comptroller General report on implementation of software acquisition reforms (sec. 838)

The Senate amendment contained a provision (sec. 832) that would require the Comptroller General of the United States to assess the extent to which the Department of Defense has implemented various reforms related to the acquisition of software for weapon systems, business systems, and other activities that are part of the defense acquisition system, and that would direct certain changes to a separate Comptroller General annual assessment.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the modification of requirements for a separate Comptroller General assessment of selected acquisition programs and initiatives, as that item is addressed elsewhere in this Act.

The conferees note that the Defense Science Board and Defense Innovation Board have produced substantial studies with significant recommendations for reform and that the committee has itself produced numerous provisions in prior National Defense Authorization Acts related to the reform of software acquisition. The conferees further note the Department's commitment to implementing these reforms.

Comptroller General report on intellectual property acquisition and licensing (sec. 839)

The House bill contained a provision (sec. 820A) that would require the Department of Defense to consult with stakeholders to develop guidelines for the acquisition of intellectual property (e.g., technological processes), to include model forms and definitions of key terms.

The Senate amendment contained a similar provision (sec. 883) that would direct the Comptroller General of the United States to report on the implementation of the Department of Defense's instruction for intellectual property acquisition and licensing.

The House recedes with an amendment that would add certain topics to the Comptroller General review.

The conferees note that the Department established this instruction in response to section 2322 of title 10, United States Code, which required the Department to develop a policy for intellectual property acquisition and licensing and to create a cadre of intellectual property experts.

SUBTITLE D—INDUSTRIAL BASE MATTERS

*Additional requirements pertaining to printed circuit boards
(sec. 841)*

The House bill contained a provision (sec. 826) that would direct the Secretary of Defense to establish, for contractors and subcontractors that provide printed circuit boards (PCBs) to the Department of Defense, certifications pertaining to the boards' manufacture and assembly within approved countries at certain percentages and on a certain schedule. The provision would allow the Secretary to waive the requirement upon determining there are no significant national security concerns, and that the contractor is otherwise in compliance with relevant cybersecurity provisions, including section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The Senate amendment contained a similar provision (sec. 808) that would allow purchase from additional countries and prohibit purchase from certain others and would direct implementation of the associated manufacturing certifications on a different schedule.

The Senate recedes with an amendment to prohibit procurement of covered printed circuit boards from certain enumerated countries; an amendment to modify the definition of covered PCBs to focus on products and services other than commercial products and services, unless specifically identified by the Secretary; and an amendment to direct an independent assessment of the implications of expanding the coverage to more commercial products and services.

The conferees expect the Department of Defense to take steps to reduce and mitigate national and economic security risks related to sources of supply and manufacture of printed circuit boards. The conferees note that this section is intended

to augment, not reduce or supersede, other efforts to reduce and mitigate such risks.

The conferees note the complexity of technical, security, business, trade, and acquisition program issues that impact any efforts to develop policies relating to this industry. Therefore, the conferees direct an independent assessment to inform further congressional deliberation on this matter.

Report on nonavailability determinations and quarterly national technology and industrial base briefings (sec. 842)

The House bill contained a provision (sec. 821) that would amend section 2504 of title 10, United States Code, to require quarterly briefings to monitor progress toward eliminating gaps or vulnerabilities in the national technology and industrial base (NTIB) as identified in the Annual Industrial Capabilities Report to the Congress, as required by section 2504 of title 10, United States Code. The House bill also contained a provision (sec. 827) that would require a report describing the use of any waiver or exception by the Department of Defense to the requirements of chapter 83 of title 41, United States Code, or section 2533a of title 10, United States Code, relating to nonavailability determinations.

The Senate amendment contained a similar provision (sec. 5801) that would also require a report on nonavailability determinations under section 2533a of title 10, United States Code.

The Senate recedes with an amendment that would combine the provisions to require quarterly briefings to the Congress on the industrial base supporting the Department of Defense describing challenges and vulnerabilities in the defense industrial base and commercial sector relevant to execution of defense missions, and describing initiatives to address such challenges, and would incorporate reporting on covered non-availability determinations. Regarding the NTIB briefings, the conferees note that the NTIB briefings are intended to cover a spectrum of industrial base issues and are not limited to topics related to DOD interactions with non-U.S. members of the national technology and industrial base. Regarding reporting on nonavailability determinations, the conferees note that a briefing on nonavailability determinations was required in the House committee report accompanying H.R. 2500 (H. Rept. 116-120) of the National Defense Authorization Act for Fiscal Year 2020, and, as it has yet to be produced by the Department, the conferees intend for this provision's reporting requirements to incorporate that direction. The conferees' intent is to increase

insight into waivers, exceptions, and associated determinations in order to shape future industrial base policy direction.

Modification of framework for modernizing acquisition processes to ensure integrity of industrial base and inclusion of optical transmission components (sec. 843)

The House bill contained a provision (sec. 816) that would make a technical change related to optical transmission components.

The Senate amendment contained a similar provision (sec. 804) that would amend section 2509 of title 10, United States Code, to add references to matters of existing law, regulation, policy, and associated activities, and that would make a technical change related to optical transmission components.

The House recedes with a technical amendment regarding authorities originally established in section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that were subsequently made permanent in section 881 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

Expansion on the prohibition on acquiring certain metal products (sec. 844)

The House bill contained a provision (sec. 822) that would expand the prohibition on acquiring certain metal products.

The House bill contained a similar provision (sec. 1782) that would prioritize the domestic procurement of tungsten and tungsten powder.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the effective date from 3 to 5 years. The conferees direct the Secretary of Defense in preparing the annual report required by section 2504 of title 10, United States Code, to include the Department's efforts to comply with 10 U.S.C. 2533c.

Miscellaneous limitations on the procurement of goods other than United States goods (sec. 845)

The House bill contained a provision (sec. 823) that would require that certain shipboard components be manufactured in the National Technology and Industrial Base.

The Senate amendment contained similar provisions (sec. 812 and sec. 5812) that would amend section 2534 of title 10, United States Code, related to miscellaneous limitations on the procurement of goods.

The House recedes with an amendment that would require that certain T-AO 205 class components be manufactured in the National Technology and Industrial Base and require the expedited review of certain applications submitted pursuant to section 2534 of title 10, United States Code.

Improving implementation of policy pertaining to the national technology and industrial base (sec. 846)

The Senate amendment contained a provision (sec. 803, as amended by sec. 5803) that would: (1) Require the Secretary of Defense to assess the research and development, manufacturing, and production capabilities of national technology and industrial base (NTIB) members and other friendly nations; (2) Modify section 2350a of title 10, United States Code, to allow for cooperative research and development agreements among the NTIB member countries; (3) Modify section 2502 of title 10, United States Code, to establish a NTIB regulatory council; and (4) Direct the Secretary of Defense to establish a process for considering the inclusion of additional members in the NTIB.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate the sections pertaining to the cooperative research and development agreements and the regulatory council, and would modify the process for considering new NTIB members pertaining to roles and responsibilities, legislative proposals, and reporting.

The conferees are concerned that the National Technology and Industrial Base Council is not convening regularly, particularly at the level of principals, and strongly encourage persistent periodic meetings in light of the significant challenges identified in the Report by the Interagency Task Force in fulfillment of Executive Order 13806 and the significant additional obstacles as a result of the COVID-19 pandemic. The conferees therefore direct the Secretary of Defense to report on the frequency and level at which the Council convenes, as part of the quarterly briefings required elsewhere in this Act. The conferees reiterate the direction to the Secretary of Defense in section 881 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), pertaining to reducing the barriers to the seamless integration among the NTIB, and especially those barriers related to identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code.

Report and limitation on the availability of funds relating to eliminating the gaps and vulnerabilities in the national technology and industrial base (sec. 847)

The House bill contained a provision (sec. 845) that would require the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment to submit certain reports related to defense reform initiatives required by the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92). The provision would also place limitations on the obligation or expenditure of some of the fiscal year 2021 funding authorized to be appropriated for the offices of the specified officials if the required reports were not provided on time.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the availability of funds for the offices of the Secretary of Defense and the Undersecretary of Defense for Acquisition and Sustainment if the Secretary of Defense does not submit the national security strategy for the national technology and industrial base, required by section 2501(a) of title 10, United States Code, by January 1, 2021.

The conferees note the Department of Defense has made progress in implementing and reporting on some of the defense reform initiatives referred to in the House provision, particularly with respect to the creation of the Defense Civilian Training Corps program and the establishment of extramural acquisition innovation and research activities. The conferees also note the expansion plan and schedule for the Defense Civilian Training Corps program, required under section 860(b)(2) of the National Defense Authorization Act for Fiscal Year 2020, has a required submission date of December 31, 2020.

Supply of strategic and critical materials for the Department of Defense (sec. 848)

The House bill contained a provision (sec. 824) that would require the Secretary of Defense, to the maximum extent practicable, to acquire materials that are determined to be strategic and critical materials required to meet the defense industrial, and essential civilian needs of the United States first from sources located within the United States and then from sources located in the national technology and industrial base, as defined in section 2500 of title 10, United States Code, or from other sources as appropriate.

The Senate amendment contained a similar provision (sec. 809).

The Senate recedes with an amendment to establish preferences and policy regarding the supply of strategic and critical materials for Department of Defense purposes.

The conferees note that section 846 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) added a requirement that the Department account for executive orders in preparing the annual report required by section 2504 of title 10, United States Code. The conferees further note the issuance of Executive Order 13953, "Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries and Supporting the Domestic Mining and Processing Industries," which implicates some of the same materials addressed by this section. The conferees expect the Department to consider the impacts of Executive Order 13953, as appropriate, in preparing the annual report.

The conferees urge the Department, in carrying out this section, to complete appropriate Tribal consultation as soon as practicable in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and further complete local, environmental and clean water assessments in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

Analyses of certain activities for action to address sourcing and industrial capacity (sec. 849)

The Senate amendment contained a provision (sec. 806) that would require the Secretary of Defense to conduct a series of assessments of certain materials and technology sectors, such as microelectronics and pharmaceutical ingredients, to determine what action to take with respect to sourcing or investment to increase domestic industrial capacity and explore ways to entice critical technology industries to move production to the United States for the purposes of national security.

The House bill contained no similar provision.

The House recedes with an amendment that would amend the list of high priority goods and services in subsection (c); add to and further specify activities required under subsection (b); and provide additional implementation direction.

The conferees remain concerned about overreliance on non-domestic sources of supply for certain technologies and products that are critical to the national defense and have included many of those cases in the text of this provision, and also provided specific directions in other provisions of this Act. The

conferees are requiring the Secretary of Defense to conduct a series of assessments of certain materials and technology sectors to determine what action to take with respect to sourcing or investment to increase domestic industrial capacity and explore ways to entice critical technology industries to move production to the United States for the purposes of national security. The conferees note that, in 2018, the Department of Defense published a study titled "Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States." The study identified several risks to the industrial base, including foreign dependency, and in some cases dependency on sole foreign suppliers for critical technologies used by the United States military. Additionally, the U.S.-China Economic and Security Review Commission's 2019 annual report identified a "growing reliance" on products critical to the manufacturing of active pharmaceutical ingredients.

The conferees believe that significant supply chain vulnerability has further been demonstrated by the recent COVID-19 pandemic. This represents a critical vulnerability, especially when supply chains come under the direct control or influence of the Government of the People's Republic of China or are potentially unreliable during an armed conflict. The Department of Defense must increase resiliency by expanding our domestic industrial base as well as fostering industrial cooperation with trusted allies and partners that offer additional capability and capacity in important areas. In exercising various legal authorities to balance these objectives, the Department must rationalize and execute a comprehensive strategy to develop, support, and maintain trusted and assured sources of critical goods from domestic or friendly nation sources, and leverage that strategy beneficially to address industrial capacity for other important materials and goods. In establishing an assessment process for considering all available mechanisms, the Department must enhance defense industrial base resiliency, minimize espionage vulnerabilities, support domestic economic growth, and limit the potential for foreign sabotage or disruption of United States access to critical sources of supply.

The conferees note that a variety of mechanisms are available to the Department and codified in title 10, United States Code. The conferees note that the assessments themselves required by this provision are intended neither to effect the removal or addition of covered items to statutory lists subject to sourcing prohibitions, nor to remove or increase the Department's ability to make a determination of nonavailability of domestic sources under domestic preference laws to meet

critical needs. The conferees note that the provision is intended to initiate analyses of items where such a determination has been made, to determine whether and how to develop additional domestic capacity, and to thereby increase supply chain security.

Implementation of recommendations for assessing and strengthening the manufacturing and defense industrial base and supply chain resiliency (sec. 850)

The Senate amendment contained a provision (sec. 801) that would require the Under Secretary of Defense for Acquisition and Sustainment to submit a series of recommendations regarding United States industrial policies to the Secretary of Defense, who would subsequently be required to submit these recommendations to the President, the Office of Management and Budget, the National Security Council, the National Economic Council, and the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the scope of the assessment and objectives upon which the Undersecretary of Defense for Acquisition and Sustainment is to base the recommendations.

The conferees commend the Department of Defense for its leadership in implementing the July 21, 2017, Presidential Executive Order 13806, "Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States." The challenges and shortfalls highlighted in the report authored in response to the executive order are of such scale that the conferees believe that only a national approach can effectively address these deficits. Therefore, the conferees expect the Department to exercise its leadership position, analytical capabilities, and policy expertise in developing recommendations for the industrial policies the United States ought to pursue.

Report on strategic and critical materials (sec. 851)

The House bill contained a provision (sec. 830D) that would require the Secretary of Defense to submit to the Congress a report on partnerships for rare earth material supply chain security not later than 180 days after the date of the enactment of this Act.

The Senate amendment contained a similar provision (sec. 810) that would require the Secretary of Defense to submit a report on strategic and critical minerals and metals and vulnerabilities in the supply chains of such minerals and metals

to the Committees on Armed Services of the Senate and the House of Representatives not later than June 30, 2021.

The House recedes with an amendment that incorporates the requirement pertaining to the ability to facilitate partnerships with institutes of higher education; situates the reporting requirement in the annual industrial capabilities report required by section 2504 of title 10, United States Code; and makes other technical corrections.

The conferees urge the Department, in carrying out this section, to complete appropriate Tribal consultation as soon as practicable in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and further complete local, environmental and clean water assessments in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Report on aluminum refining, processing, and manufacturing (sec. 852)

The House bill contained a provision (sec. 830) that would require the Secretary of Defense to submit a report on how authorities under the Defense Production Act could be used to increase activities related to refining aluminum and the development of processing and manufacturing capabilities for aluminum.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to include such reporting as an appendix to the Department of Defense's annual national technology and industrial base report, required by section 2504 of title 10, United States Code.

The conferees note that the refining of aluminum and the development of processing and manufacturing capabilities for aluminum, including a geographically diverse set of such capabilities, may have important implications for the defense industrial base and national defense.

SUBTITLE E—SMALL BUSINESS MATTERS

Initiatives to support small businesses in the national technology and industrial base (sec. 861)

The House bill contained a provision (sec. 844) that would establish a Small Business Industrial Base Resiliency Program, under which an Assistant Secretary of Defense for Industrial Base Policy (established elsewhere in the Bill) would enter into

transactions with small business concerns to respond to the COVID-19 pandemic.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, the Assistant Secretary of Defense for Industrial Base Policy, and other officials to establish several initiatives to help the Department of Defense better leverage small business concerns in its efforts to eliminate gaps and vulnerabilities in the national technology and industrial base.

The conferees note that small businesses play a critical role in ensuring the integrity of the national technology and industrial base. During the COVID-19 pandemic, the Department of Defense has awarded a large number of contracts to small businesses to support the interagency pandemic response. Despite these critical contributions, however, the conferees note there is not a recurring requirement for the Department of Defense to update, implement, and assess the success of its small business strategy. Moreover, the conferees observe that although the U.S. Small Business Administration's annual scorecard shows the Department and each of the services have reached their small business contracting goals, the number of small businesses contracting with the Department has declined steadily in recent years. The conferees also note that the COVID-19 pandemic has revealed the difficulties of identifying and providing assistance to small businesses in the national technology and industrial base, particularly those small businesses that are in sub-tiers of the defense supply chain. Therefore, the conferees encourage the Assistant Secretary of Defense for Industrial Base Policy, established elsewhere in this Act, to maintain a strong focus on leveraging and expanding the number of small businesses in the national technology and industrial base.

Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration (sec. 862)

The House bill contained a provision (sec. 831) that would amend section 8127 of title 38, United States Code, and sections 16 and 36 of the Small Business Act (as codified at sections 645 and 657f of title 15, United States Code) to transfer the function of certifying Service Disabled Veteran Owned Small Businesses (SDVOSBs) and Veteran Owned Small Businesses (VOSBs) from the Department of Veterans Affairs (VA) to the Small Business Administration (SBA), phase out self-certification of SDVOSBs for the purposes of the Federal-wide SDVOSB contracting goal in favor of affirmative certification by SBA, and better harmonize the mechanics of the SDVOSB contracting program with

other small business contracting programs already administered by SBA.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate in subsection (a) the possibility for indefinite postponements of the transfer date; eliminate in subsection (d) the requirement that SBA conduct risk-based examinations of certified firms separate from periodic recertification examinations; clarify in subsections (d) and (e) enforcement and penalties language to better conform to relevant sections of the Small Business Act; and clarify in subsection (g) that VA personnel are not directed to be transferred and shall be guaranteed continuous employment, and that legal documents, proceedings, suits, and administrative actions shall continue notwithstanding the transfer of the certification function.

Employment size standard requirements for small business concerns (sec. 863)

The House bill contained a provision (sec. 840A) that would extend from 12 months to 24 months the time period to which an agency must refer when categorizing a manufacturer as a small business based on its average employment.

The Senate amendment contained no similar provision.

The Senate recedes.

Maximum award price for sole source manufacturing contracts (sec. 864)

The Senate amendment contained a provision (sec. 5875) that would amend the Small Business Act (15 U.S.C. 631 et seq.) by modifying the maximum award price for sole source manufacturing contracts.

The House bill contained no similar provision.

The House recedes.

Reporting requirement on expenditure amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program (sec. 865)

The Senate amendment contained a provision (sec. 873) that would direct the Small Business Administration to include in its annual report to the Congress whether agencies have met required expenditure amounts for the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs, and would require the Small Business Administration to direct

those agencies which have not met the required expenditure amounts to report to the Congress on why they have not done so.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify agencies' responsibilities for reporting to the Congress on compliance with legal requirements for minimum SBIR/STTR expenditure amounts.

Small businesses in territories of the United States (sec. 866)

The House bill contained a provision (sec. 838) that would provide assistance in securing opportunities in the Federal marketplace to small businesses located in territories of the United States, as recommended by the Congressional Task Force on Economic Growth in Puerto Rico.

The Senate amendment contained no similar provision.

The Senate recedes.

Eligibility of the Commonwealth of the Northern Mariana Islands for certain Small Business Administration programs (sec. 867)

The House bill contained a provision (sec. 839) that would ensure the Commonwealth of the Northern Mariana Islands is eligible for the Small Business Administration's Small Business Development Center (SBDC) and Federal and State Technology (FAST) programs.

The Senate amendment contained an identical provision (sec. 5872).

The conference agreement includes this provision.

Past performance ratings of certain small business concerns (sec. 868)

The House bill contained a provision (sec. 836) that would amend the Small Business Act by requiring contracting officers to consider a small business concern's past performance in a joint venture or as a first-tier subcontractor when evaluating the small business concern's offer for a prime contract.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the small business concern to elect for such past performance to be considered by a contracting officer, rather than requiring it.

Extension of participation in 8(a) program (sec. 869)

The House bill contained a provision (sec. 835) that would allow small business concerns participating in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637) on or before March 13, 2020, to extend such participation by a period of 1 year, and that would require the Administrator of the Small Business Administration to issue regulations implementing this provision within 15 days.

The Senate amendment contained a similar provision (sec. 5874) that would allow small business concerns participating in the 8(a) program on the date of enactment of this provision to continue their participation for 1 year.

The Senate recedes with an amendment that would revise the eligibility date in the provision to on or before September 9, 2020.

Compliance of Offices of Small Business and Disadvantaged Business Utilization (sec. 870)

The Senate amendment contained a provision (sec. 5871) that would amend section 15(k) of the Small Business Act (15 U.S.C. 644(k)) by requiring Federal agencies that are not in compliance with statutory requirements pertaining to the Office of Small Business and Disadvantaged Business Utilization to report to the Congress on the reasons for such noncompliance and the steps they are taking to become compliant.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Category management training (sec. 871)

The House bill contained a provision (sec. 837) that would direct the Administrator of the Small Business Administration to develop a training curriculum on category management for staff of Federal agencies with procurement or acquisition responsibilities; to ensure such staff receive the category management training; and to submit a copy of the training curriculum to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE F—OTHER MATTERS

Review of and report on overdue acquisition and cross-servicing agreement transactions (sec. 881)

The Senate amendment contained a provision (sec. 1271) that would require the Secretary of Defense to produce a report on all unreimbursed and overdue Acquisition and Cross-Servicing (ACSA) transactions valued at \$1.0 million or more. The provision would also require a plan for securing reimbursement from the relevant foreign partner and a summary of actions taken by the Department to improve record-keeping related to ACSA transactions.

The House bill contained no similar provision.
The House recedes.

Domestic comparative testing activities (sec. 882)

The Senate amendment contained a provision (sec. 892) that would modify section 2350a of title 10, United States Code, to allow for domestic comparative test.

The House bill contained no similar provision.
The House recedes.

The conferees believe that the Department of Defense's new Adaptive Acquisition Framework is a very important step toward ensuring additional avenues for new entrants to the defense industrial base. The conferees emphasize the Federal Acquisition Regulation preference for commercial solutions and believe that this is especially important in technical areas where commercial development outpaces the Department. The ability of companies with innovative commercial solutions to conduct comparative tests with one or more programs of record against program requirements is foundational to enabling the Department's ability to benefit from commercial innovation.

Accordingly, the conferees direct the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Research and Engineering to jointly prepare an implementation plan that: (1) Defines the points along each of the acquisition pathways where market research should be refreshed, and (2) Establishes entry points for initiating such testing and associated procedures. The Under Secretaries shall brief the congressional defense committees no later than July 15, 2021, on the plan and associated implementation activities.

Prohibition on awarding of contracts to contractors that require nondisclosure agreements relating to waste, fraud, or abuse (sec. 883)

The House bill contained a provision (sec. 813) that would amend sections 2409(a) of title 10 and 4712(a) of title 31, United States Code, to clarify that an employee of a Federal government contractor, subcontractor, grantee, subgrantee, or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to law enforcement or investigative personnel, fraud, waste, or abuse with regard to a government contract or grant, even if that employee had previously signed or was subject to a non-disclosure agreement.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from awarding a contract to a contractor that requires its employees to sign internal confidentiality agreements or statements that would prohibit or otherwise restrict such employees from lawfully reporting waste, fraud, or abuse related to the performance of a Department of Defense contract to a designated investigative or law enforcement representative of the Department authorized to receive such information. Further, the amendment would require each contractor to inform its employees of the limitations on confidentiality agreements and other statements imposed by the provision.

The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of the enactment of this Act, detailing the Department's plan and mechanism for ensuring contractor compliance with the statutory prohibition against reprisal against an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a DOD contract or grant; an abuse of authority; a violation of law, rule, or mismanagement related to a Department contract or grant; or a substantial and specific danger to public health or safety.

Program management improvement officers and program management policy council (sec. 884)

The House bill contained a provision (sec. 1745) that would amend title 31, United States Code, to direct adherence to certain standards for program and project management; further specify qualifications for the Program Management Improvement Officer; and adjust the frequency of the Program Management Policy Council's meetings.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the changes to the standards.

Disclosure of beneficial owners in database for Federal agency contract and grant officers (sec. 885)

The House bill contained a provision (sec. 815) that would amend section 2313 of title 41, United States Code, by requiring the database used by Federal agency contract and grant officers for contractor responsibility determinations to reflect information about contractors' beneficial owners.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Repeal of pilot program on payment of costs for denied Government Accountability Office bid protests (sec. 886)

The Senate amendment contained a provision (sec. 846) that would repeal section 827 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), which required the Secretary of Defense to carry out a pilot program to determine the effectiveness of requiring contractors to reimburse the Department of Defense (DOD) for costs incurred in processing covered protests.

The House bill contained no similar provision.

The House recedes.

The conferees note that the pilot program is unlikely to result in improvements to the bid protest process given the small number of bid protests captured by the pilot criteria and lack of cost data.

The conferees continue to support efforts to improve the handling of bid protests. In support of such efforts, the conferees direct the Secretary of Defense to undertake a study through the Center for Acquisition Innovation Research, to examine elements of Section 885 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 114-328) for which the RAND National Defense Research Institute was unable to obtain full and complete data during its analysis. This study shall address: (1) The rate at which protestors are awarded the contract that was the subject of the bid protest; (2) A description of the time it takes the Department to implement corrective actions after a ruling or decision, the percentage of those corrective actions that are subsequently protested, and the outcomes of those protests; (3) Analysis of the time spent at each phase of the procurement process attempting to prevent a protest, addressing a protest, or taking corrective action in response to a protest, including the efficacy of any actions

attempted to prevent the occurrence of a protest; and (4) Analysis of the number and disposition of protests filed within the Department.

The conferees emphasize the potential benefits of a robust agency-level bid protest process. Accordingly, the study should evaluate the following factors for agency-level bid protests: prevalence, timeliness, outcomes, availability, and reliability of data on protest activities; consistency of protest processes among the military Services; and any other challenges that affect the expediency of such protest processes. In doing so, the study should review existing law, the Federal Acquisition Regulation, and agency policies and procedures and solicit input from across the DOD and industry stakeholders. The conferees note that an academic study recently examined the agency-level bid protest process at various federal agencies, including the Department of Defense, and reported on that study to the Administrative Conference of the United States. The conferees direct the Department to consider these recommendations among those it might make to improve the expediency, timeliness, transparency, and consistency of agency-level bid protests.

Not later than September 1, 2021, the Secretary of Defense shall provide the congressional defense committees with a report detailing the results and recommendations of the study, together with such comments as the Secretary determines appropriate.

Amendments to submissions to Congress relating to certain foreign military sales (sec. 887)

The House bill contained a provision (sec. 842) that would amend section 887(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) and make various modifications to the report required under such section.

The Senate amendment contained a similar provision (sec. 5893).

The Senate recedes with an amendment that would extend for 1 year the reporting requirement and would specify that the report would apply only to foreign military sales processes within the Department of Defense.

Revision to requirement to use firm fixed-price contracts for foreign military sales (sec. 888)

The House bill contained a provision (sec. 843) that would amend section 830 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to exclude modifications to a defense service or article requiring significant development work from the requirement to use firm fixed price

contracts for foreign military sales. The provision would also prohibit the Secretary of Defense from delegating the authority to waive such requirement below the level of the Service Acquisition Executive.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would repeal section 830 of the National Defense Authorization Act for Fiscal Year 2017.

Assessment and enhancement of national security innovation base (sec. 889)

The Senate amendment contained a provision (sec. 802) that would require the Deputy Secretary of Defense to conduct an assessment of how economic forces and structures are shaping the capacity of the national security innovation base. The provision would require the Deputy Secretary to submit an assessment along with any policy recommendations proceeding from it to the Secretary of Defense no later than 540 days after the date of the enactment of this Act and the Secretary of Defense to submit such assessment and recommendations, no later than 30 days after receipt, to the President, the Office of Management and Budget, the National Security Council, the National Economic Council, and the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would revise the elements under assessment and would require the Secretary to submit the Department's combined assessment to the outside parties by March 1, 2022.

The conferees recognize the Department of Defense's substantial efforts to ensure that the industrial base is innovative, robust, and expansive, and remain concerned that the wider U.S. economy has a significant impact on the industrial base. The conferees believe that ensuring domestic production and supply of critical national security technologies and source materials may extend beyond the activities, industrial policies, and scope of the Department of Defense and require serious interagency and private sector cooperation. The conferees also believe that developing a strategy to address this issue should be an inclusive, whole-of-government deliberative process that involves the Department of Defense, other relevant government agencies, and relevant stakeholders. The conferees recognize that Department of Defense appropriations are downstream of economic health and Federal budgets. The conferees intend for this provision to help the Department identify critical economic features affecting the industrial base, propose policies to guarantee that its development, industrial, and budgetary needs

are recognized, and ensure that broader economic policy decisions are fully informed.

Identification of certain contracts relating to construction or maintenance of a border wall (sec. 890)

The House bill contained a provision (sec. 850) that would require the Secretary of Defense to include on a public website of the Department of Defense a list of certain contracts relating to construction or maintenance of a border wall.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Waivers of certain conditions for progress payments under certain contracts during the COVID-19 national emergency (sec. 891)

The Senate amendment contained a provision (sec. 5841) that would allow the Secretary of Defense to temporarily increase the progress payment rate for undefinitized contract actions during the COVID-19 national emergency.

The House bill contained no similar provision.

The House recedes with an amendment that would add conditions to the waiver pertaining to companies' receipt of progress payments under other contracts, the companies' efforts to flow cash to subcontractors and suppliers, and other matters, as well as reporting on the use of the waivers and the flow of payments to subcontractors and suppliers.

The conferees support the Department of Defense's (DOD) actions to increase cash flow to the defense industry during the ongoing pandemic, which included increasing the rate of progress payments from 80 percent up to 95 percent for certain companies, and guidance on the use of advance payments in certain cases, among others. The conferees note that, according to DOD officials, these actions enabled DOD to provide billions of dollars to the defense industry in a period of severe economic downturn and instability.

The conferees remain concerned about whether and how the companies that received these funds to stabilize their operations in turn increased the rate of payments to their subcontractors and suppliers, who are in many cases small and medium sized firms that were potentially more at risk during this period.

Therefore, the conferees direct the Comptroller General of the United States to assess the Department's actions to provide and monitor the use of advance payments and the increased rate

of progress payments. As part of this review, the conferees direct the Comptroller General to brief the defense committees by September 30, 2021 on: (1) The number and types of contracts and contractors that received advanced payments or increased rates of progress payments; (2) The amount of funding that was provided via these mechanisms; (3) The extent to which DOD established effective oversight procedures to ensure that the recipients of these funds provided, as appropriate, increased payments to their subcontractors and suppliers; (4) The risks, if any, that the use of these mechanisms posed to DOD and how DOD mitigated such risks; and (5) Any other matters the Comptroller General determines to be appropriate. The conferees further direct the Comptroller General to provide a final report to the congressional defense committees at a time to be mutually agreed to following the briefing.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification to the definition of nontraditional defense contractor

The House bill contained a provision (sec. 802) that would amend section 2302(9) of title 10, United States Code, by adding to the term "nontraditional defense contractor" an entity that is owned entirely by an employee stock ownership plan (ESOP).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the Department of Defense may benefit from the workforce talent attracted by entities that are owned entirely by employee stock ownership plans (ESOPs), yet a recent Government Accountability Office study showed there are no readily available data to determine what percent of an entity is owned by an ESOP. Therefore, the conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees by December 31, 2020, on the advantages of working with ESOPs and the barriers ESOPs face in contracting with the Department. For the purposes of this briefing, an ESOP shall mean an entity that is owned entirely by an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1986 (title 26 of United States Code)).

Competition requirements for purchases from Federal Prison Industries

The House bill contained a provision (sec. 814) that would amend section 2410n of title 10, United States Code. This provision would eliminate the federal market share determination

requirement for the purchase of products from Federal Prison Industries.

The Senate amendment contained no similar provision.

The House recedes.

Requirements concerning former Department of Defense officials and lobbying activities

The House bill contained a provision (sec. 820B) that would require certain defense contractors to submit to the Secretary of Defense and make available to the public an annual report naming the former Department of Defense (DOD) personnel to whom the contractor provided compensation in the past year—including certain political appointees, members of the Senior Executive Service, military officers in the grade of O-6 and above, and certain acquisition personnel—as well as the specific issues and lobbying activities in which each named DOD official engaged on behalf of the contractor over the same period.

The Senate amendment contained no similar provision.

The House recedes.

Not later than June 30, 2021, the Secretary of Defense, informed by the ongoing review of the Comptroller General of the United States on the post-government employment of former DOD officials, will provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation of Department of Defense Instruction 1000.32, Prohibition of Lobbying Activity by DOD Senior Officials, dated March 26, 2020. The briefing will provide an overview of the policies and procedures the Department has established to operationalize the limitations imposed by section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), on the ability of retired and former general and flag officers and senior civilian equivalents to engage in lobbying contacts and activities with respect to the DOD. In addition, the briefing will provide: (1) An explanation of the interplay between section 1045 and the longstanding regime of ethics laws applicable to the entirety of the executive branch; (2) An assessment of the effectiveness of the section 1045 limitations, both in promoting ethical conduct by former senior DOD officials in the context of post-government activities and in minimizing adverse effects on the Department of what is sometimes referred to as the "revolving door;" (3) An assessment of the clarity and enforceability of the "behind the scenes" restrictions imposed by section 1045; (4) A description of the legal and practical challenges, if any, in the Department's implementation of section 1045; (5) An evaluation of the effects, if any, of the limitations imposed by section 1045 on

the Department's ability both to attract experienced and qualified persons to public service in the DOD and to derive benefit from communications with former senior employees and officers; and (6) A discussion of any related matter the Secretary deems appropriate.

Enhanced domestic content requirement for major defense acquisition programs

The House bill contained a provision (sec. 825) that would provide further direction for the Department of Defense in implementing the Buy American Act, as defined by chapter 83 of title 41, United States Code, for major defense acquisition programs. The provision would contain additional specific direction pertaining to what comprises "substantially all" for the purposes of assessing manufactured articles, materials, or supplies, to be domestic and would also require the Secretary of Defense to establish an information repository for collection and analysis of information related to domestic source content of major defense acquisition programs.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of the Department working with trusted foreign partners and developing methodologies to understand beneficial ownership within the defense industrial base. The conferees direct the Secretary to provide a briefing to the congressional defense committees not later than March 1, 2021, on mechanisms used to track foreign involvement in individual acquisition programs, as directed by section 2509 of title 10, United States Code, and elsewhere in this Act. The conferees further direct the Secretary to consider the benefits of working with allies and partners that are currently designated as "qualifying countries" under the Defense Federal Acquisition Regulation Supplement, to assist the countries' understanding of the composition of their supply chains, and any associated risks.

The conferees note that the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) established section 2509 of title 10, United States Code, which in subsection (d) directed the Department to develop a unified set of activities to modernize the systems of record, data sources and collection methods, and data exposure mechanisms to analyze and mitigate supply chain risks. The conferees note this followed direction on supply chain risk management in section 2339a of title 10, United States Code, which directed the Department to conduct certain activities to identify risk to national security systems and authorized certain contracting actions to mitigate supply

chain risk with respect to companies, including subcontractors and suppliers. The conferees acknowledge the Department has taken significant steps to implement these provisions of law, including making use of the Department's existing Advanced Analytics (ADVANA) repository to populate information about suppliers. However, the conferees remain concerned about lack of coordination within the Department and delays in collecting all pertinent data. Therefore, the conferees direct the Secretary of Defense to ensure the collection and analysis of information related to sourcing of individual acquisition programs.

Sense of Congress on the prohibition on certain telecommunications and video surveillance services or equipment

The House bill contained a provision (sec. 828) that expressed a sense of Congress regarding rulemaking to facilitate successful implementation of section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat 1917; 41 U.S.C. note prec. 3901) which prohibits using or procuring certain telecommunications and video surveillance equipment.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Federal Acquisition Regulatory Council released an interim rule on the implementation of section 889(a)(1)(B) that went into effect on August 13, 2020. On August 12, 2020, the Director of National Intelligence provided the Department of Defense with a temporary waiver under the authority of section 889(d)(2) for certain contracting activities assessed as low-risk and to avoid disruption of end of year financial activities and has since extended that waiver a full year to September 30, 2022. Department of Defense officials have publicly stated the Department may seek additional waivers on a case-by-case basis, but does not seek to delay wholesale implementation of the rule. The conferees emphasize the importance of regular dialogue with the Department on section 889 implementation, generally, and encourage continued communication with the Committees on Armed Services of the Senate and the House of Representatives, especially on additional waivers the Department may seek. The committee looks forward to updates on the Department's positive progress towards compliance with statute and congressional intent.

Domestic sourcing requirements for aluminum

The House bill contained a provision (sec. 829) that would amend section 2533b of title 10; sections 5323, 22905, 24305,

and 50101 of title 49; and section 313 of title 23, United States Code, to add domestic content preferences for aluminum pertaining to activities of the Department of Defense, Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, and Amtrak.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act, the Secretary of Defense is directed to conduct analyses of certain materials and technology sectors and make recommendations for action to address sourcing and industrial capacity, including specifically for aluminum.

Briefing on the supply chain for small unmanned aircraft system components

The House bill contained a provision (sec. 830A) would require a briefing on the supply chain for small unmanned aircraft system components, including a discussion of current and projected future demand for small unmanned aircraft system components.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense to continue its efforts to develop and sustain a secure and reliable sourcing strategy for small unmanned aircraft systems and their associated components. The conferees direct the Secretary of Defense in preparing the annual report due on March 1, 2021, as required by section 2504 of title 10, United States Code, to include an assessment of current and projected future demand for small unmanned aircraft system components. This assessment shall include: (1) The sustainability and availability of secure sources of critical components domestically and from sources in allied and partner nations; (2) The cost, availability, and quality of secure sources of critical components and other relevant information domestically and from sources in allied and partner nations; (3) Any plans of the Department of Defense to address gaps or deficiencies, including through the use of funds available under the Defense Production Act (50 U.S.C. 55) or through partnerships with public and private stakeholders; and (4) Other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

Prohibition on procurement or operation of foreign-made unmanned aircraft systems

The House bill contained a provision (sec. 830B) that would prohibit the head of an executive agency from procuring any commercial off-the-shelf drone or covered unmanned aircraft, or any component thereof for use in such a drone or unmanned aircraft, that is manufactured or assembled by a covered foreign entity, including any flight controllers, radios, core processors, printed circuit boards, cameras, or gimbals.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has taken steps to reduce unwanted dependence on foreign unmanned aircraft systems. The conferees direct the Secretary of Defense to continue these efforts by developing mechanisms to share appropriate threat information related to the operational use of such foreign systems to appropriate Federal agencies, upon request. The conferees note the importance of accounting for unmanned aircraft systems that are manufactured or assembled in foreign countries that are adversaries of the United States, tracking the use of those systems, and guarding against risks to national security associated with such systems. The conferees also underscore the importance of developing ways to enhance the capacity and capability of a domestic unmanned aircraft industry. The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees on activities to share such threat information with Federal agencies not later than October 1, 2021.

Sense of Congress on gaps or vulnerabilities in the national technology and industrial base

The House bill contained a provision (sec. 830C) that would express a Sense of Congress on gaps or vulnerabilities in the national technology and industrial base.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense in preparing the annual report due on March 1, 2021 as required by section 2504 of title 10, United States Code, to include an assessment of gaps or vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States Code) with respect to intellectual property theft as related to the development and long-term sustainability of defense technologies; the extent to which, if any, foreign adversaries engage in operations to exploit such gaps or vulnerabilities; recommendations to mitigate or address any such gaps or vulnerabilities identified by the Secretary; and any other matters the Secretary determines should be included.

Equitable adjustments to certain construction contracts

The House bill contained a provision (sec. 832) that would amend the Small Business Act (15 U.S.C. 631) to allow a small business performing a construction contract to submit a request for equitable adjustment to an agency if the contracting officer directs a change within the general scope of the contract without the agreement of the small business, and that would require the agency to provide an interim partial payment to the small business upon receipt of such request.

The Senate amendment contained no similar provision.
The House recedes.

Exemption of certain contracts awarded to small business concerns from category management requirements

The House bill contained a provision (sec. 833) that would exempt certain contracts awarded to small business concerns from category management requirements and that would require the Director of the Office of Management and Budget to develop and implement a plan to increase small business participation in agency-wide or Government-wide contracts.

The Senate amendment contained no similar provision.
The House recedes.

Report on accelerated payments to certain small business concerns

The House bill contained a provision (sec. 834) that would require the head of each Federal agency (as defined by section 551(a) of title 5, United States Code) to submit to the Congress a report on the timeliness of accelerated payments made to certain small business concerns.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the head of each Federal agency to submit to the Congress not later than March 1, 2021 a report on the timeliness of payments made to a prime contractor (as defined in section 8701 of title 41, United States Code) that is a small business concern (as defined in section 3 of the Small Business Act (section 632 of title 15, United States Code)) or to a prime contractor that subcontracts with a small business concern. The report shall include: (1) The date on which the Federal agency began providing accelerated payments in accordance with section 2307(a)(2) of title 10, United States Code, or paragraphs (10) and (11) of section 3903(a) of title

31, United States Code, as applicable, to a covered prime contractor; (2) Of contracts to which such sections apply, the amount and percentage of contracts with accelerated payment terms in accordance with such sections; and (3) Whether and on what date the agency discontinued implementation of the Office of Management and Budget Circular M-11-32 titled "Accelerating Payments to Small Businesses for Goods and Services" (issued September 14, 2011).

Boots to Business Program

The House bill contained a provision (sec. 840) that would amend section 32 of the Small Business Act (15 U.S.C. 657b) by codifying the Small Business Administration's Boots to Business program, which provides entrepreneurial training for certain members of the Armed Forces who are transitioning to civilian life.

The Senate amendment contained no similar provision.

The House recedes.

Modifications to supervision and award of certain contracts

The House bill contained a provision (sec. 841) that would create a locality preference for the award of military construction projects to firms and individuals within 60 miles of the location of the work, as well as other transparency and reporting requirements.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that military construction projects have the potential to provide significant economic stimulus to firms and individuals in local communities. The conferees encourage the military departments to seek opportunities to increase contracting opportunities to local entities and increase transparency and reporting of work performed by local entities, where practicable.

Authority to acquire innovative commercial products and services using general solicitation competitive procedures

The Senate amendment contained a provision (sec. 841) that would permanently authorize the Department of Defense to use what are commonly known as Commercial Solutions Openings to solicit and acquire innovative commercial items, technologies, or services.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this authority was originally established in section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) and that it has been successfully used by the Department to establish agreements with small businesses in technology areas relevant to supporting the current National Defense Strategy.

The conferees expect the Department to provide detailed justification to reauthorize this instrument and associated flexibilities. Accordingly, the conferees direct the Secretary of Defense to collect data on the specific cases, synthesize best practices, develop appropriate educational and training activities for the use of this authority, and to ensure such content is made available to the Department's acquisition workforce. As the conferees believe that such information will be invaluable to the Congress prior to considering reauthorization of this potentially powerful acquisition authority, the conferees direct the Under Secretary of Defense for Acquisition and Sustainment to provide a briefing to the congressional defense committees on the case data, best practices, and other activities by March 1, 2021.

Reports recommending disposition of notes and pertaining to reorganization of certain sections of defense acquisition statutes

The House bill contained a provision (sec. 847) that would require the Secretary of Defense to submit a report to the congressional defense committees with a proposal for the transfer and consolidation of certain defense acquisition statutes within the framework of part V of subtitle A of title 10, United States Code (as enacted by section 801 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232)), by February 21, 2021.

The Senate amendment contained a similar provision (sec. 5892) that would require the Secretary of Defense to submit a report to the congressional defense committees regarding the disposition of provisions of law in the notes sections of sections of title 10, United States Code.

The conference agreement does not include these provisions.

Prohibition on contracting with persons with willful or repeated violations of the Fair Labor Standards Act of 1938

The House bill contained a provision (sec. 848) that would require the head of a Federal department or agency to initiate debarment proceedings against persons for whom four or more willful or repeated violations of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) are listed in the Government-wide performance and integrity database.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense continues to award contracts to companies cited for willful or repeated fair labor standards violations under the Fair Labor Standards Act of 1938 (FLSA). The conferees note the National Defense Authorization Act for 2020 (Public Law 116-92) established section 2509 of title 10, United States Code, pertaining to the integrity of the defense industrial base, which included directing attention to contractor behavior that constitutes violations of the law, fraud, and associated remedies, including suspension and debarment.

The conferees further note that a July 2020 Government Accountability Office (GAO) report, titled "Defense Contractors: Information on Violations of Safety, Health, and Fair Labor Standards" (GAO-20-587R), mandated by the National Defense Authorization Act for Fiscal Year 2020, reviewing data from 2015-2019, determined that 417 companies had been cited for willful or repeated violations of FLSA pertaining to minimum wage, overtime, or child labor. Specifically, GAO found almost 5,200 such violations, most frequently, failures to pay minimum wage, overtime, and to keep accurate records. The conferees note that these companies, representing less than half of one percent of the companies the Department does business with, could potentially be replaced by more responsible contractors in order to improve the integrity of the industrial base, and potentially reward companies with better records of performance in these matters.

The conferees direct the Department to enter into an agreement with the Acquisition Innovation Research Center (AIRC) established by Section 835 of the National Defense Authorization Act for Fiscal Year 2020, to: (1) Assess and distinguish the extent to which statutory and discretionary debarment procedures address the Department of Defense's interests in being protected from those entities whose conduct poses business integrity risk to the Government; (2) Identify any gaps in the current requirements for statutory debarment as a result of labor law violations; (3) Provide recommendations as to whether the mission of the Interagency Suspension and Debarment Committee, an interagency body of which DOD is a member and which reports to the Congress annually on the status and improvements made to

the Federal suspension and debarment system (pursuant to Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417)), should be expanded to include not just discretionary but also statutory suspension and debarment; and (4) Provide any other recommendations the AIRC finds relevant.

Reestablishment of Commission on Wartime Contracting

The House bill contained a provision (sec. 849) that would reestablish and modify the duties of the Commission on Wartime Contracting.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 887 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) required the Comptroller General of the United States to report on the use of contractors to perform work supporting contingency operations, including the logistical support for such operations since January 1, 2009. That report will include an evaluation of the extent to which recommendations made by the Wartime Contracting Commission have been implemented in policy, guidance, education, and training. The conferees reemphasize the importance of rigorous oversight of contracting for military, security, and reconstruction operations abroad, and acknowledge the Commission's valuable work.

Congressional oversight of private security contractor contracts

The House bill contained a provision (sec. 851) that would direct the Inspector General of the Department of Defense to submit reports assessing various aspects of private security contracts performed in areas of contingency operations.

The Senate amendment contained no similar provision.

The House recedes.

Revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems

The House bill contained a provision (sec. 852) that would require the Under Secretary of Defense for Acquisition and Sustainment to publish any proposed revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems in the Federal Register and specify a comment period of at least 60 days.

The Senate amendment contained no similar provision.

The House recedes.

Recommendations for future direct selections

The Senate amendment contained a provision (sec. 863) that would require each military department to nominate to the congressional defense committees at least one acquisition program for which it would be appropriate and advantageous to use large numbers of users to provide direct assessment of the outcome of a competitive contract award.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of each military department to identify at least one newly started acquisition program for which it may be appropriate, under the Department's new Adaptive Acquisition Framework, to have a proportional representation of end users participate in materiel solution analysis supporting a Milestone A decision; in technology maturation and risk reduction activities supporting a Milestone B decision; and in developmental and operational testing activities supporting a fielding decision. The Secretaries shall brief the Committees on Armed Services of the Senate and the House of Representatives on the programs identified and activities conducted, in conjunction with the future years defense program submitted under section 221 of title 10, United States Code, for fiscal year 2022.

Report on the effect of the Defense Manufacturing Communities Support Program on the defense supply chain

The Senate amendment contained a provision (sec. 5802) that would require the Secretary of Defense to submit a report to Congress on the Defense Manufacturing Communities Support Program.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than September 30, 2021, evaluating the effect of the Defense Manufacturing Communities Support Program, as authorized under section 846 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), on the defense supply chain. The evaluation should consider the program's effect on: (1) The diversification of the supply chain; (2) Procurement costs; and (3) Efficient procurement processes.

Disaster declaration in rural areas

The Senate amendment contained a provision (sec. 5873) that would amend section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to establish requirements pertaining to rural area disaster declarations.

The House bill contained no similar provision.

The Senate recedes.

Small business loans for nonprofit child care providers

The Senate amendment contained a provision (sec. 5877) that would amend section 623(a) of title 15, United States Code, to authorize non-profit childcare providers access to small business loan programs under title 15 of United States Code.

The House bill contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SUBTITLE A—OFFICE OF THE SECRETARY OF DEFENSE AND RELATED MATTERS

Repeal of position of Chief Management Officer of the Department of Defense (sec. 901)

The House bill contained a provision (sec. 901) that would repeal the position of the Department of Defense Chief Management Officer (CMO) not later than 30 days after the enactment of the National Defense Authorization Act for Fiscal Year 2021, and would require the Secretary of Defense to submit to the congressional defense committees within 180 days of the date of the enactment of this Act, a comprehensive legislative proposal for conforming amendments to law required by the repeal of the position.

The Senate amendment contained a provision (sec. 911) that would disestablish the position of the CMO on a date to be determined by the Secretary of Defense, but in no case later than September 30, 2022.

The Senate amendment also contained a provision (sec. 912) that would require that, not later than 45 days before the date on which the Secretary of Defense determined that the position of the CMO should be disestablished, the Secretary submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth: (1) The position and title of each officer or employee of the Department of Defense

(DOD) in whom the Secretary would vest responsibility for performing the various duties of the CMO on the disestablishment of that position; (2) Any duties of the CMO that the Secretary would recommend be discontinued or modified; (3) A description of the process and timeline for transferring the responsibilities and resources of the CMO to appropriate DOD persons and organizations; (4) The Secretary's recommendations for additional authorities and resources that would be required to ensure effective exercise by the appropriate DOD officers or employees of the responsibilities to be transferred to them from the CMO; and (5) Such other matters as the Secretary deemed appropriate.

The Senate amendment also contained a provision (sec. 913) that would codify in section 142a of title 10, United States Code, the position of Department of Defense Performance Improvement Officer (PIO), to be appointed consistent with and perform the duties and functions enumerated in section 1124 of title 31, United States Code, together with such other duties and responsibilities prescribed by the Secretary or Deputy Secretary of Defense.

The Senate amendment also contained a provision (sec. 914) that would affirm the designation of the Deputy Secretary of Defense as the Chief Operating Officer of the DOD in accordance with section 1123 of title 31, United States Code, and the Deputy's responsibility for supervision of the PIO. Further, consistent with the disestablishment of the position of the CMO, the provision would reassign certain responsibilities and duties to particular officers and employees of the DOD.

The Senate amendment also contained a provision (sec. 915) that, consistent with the disestablishment of the position of the CMO, would reassign certain duties and responsibilities established in law to those DOD officers or employees so designated by the Secretary or Deputy Secretary of Defense.

The Senate amendment also contained a provision (sec. 916) that would codify in section 101 of title 10, United States Code, the definition of the term "enterprise business operations."

The Senate amendment also contained a provision (sec. 917) that would require the Secretary of Defense to submit to the Congress an annual report on the enterprise business operations of the DOD.

The Senate amendment also contained a provision (sec. 918) that would provide conforming amendments to title 10, United States Code, to reflect the disestablishment of the position of CMO and codification of the position of PIO.

The Senate recedes with an amendment that would require the repeal of the position of CMO, with enumerated amendments to

law to take effect on the date of the enactment of this Act, and would require the Secretary of Defense to transfer each duty and responsibility and all resources of the CMO to an officer, employee, organization, or element of the DOD, within 1 year of enactment. Further, the amendment would require the Secretary of Defense to submit to the congressional defense committees, within 1 year of the enactment of this Act, a report that should include any legislative proposals necessary to effectuate the changes to law made by this section.

Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and related matters (sec. 902)

The Senate amendment contained a provision (sec. 901) that would clarify the responsibilities of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD SOLIC) for providing civilian oversight and advocacy for special operations forces (SOF). Specifically, the provision would modify section 138(b)(2) of title 10, United States Code, to clarify the administrative chain of command for the ASD SOLIC in exercising authority, direction, and control with respect to the special operations-peculiar administration and support of U.S. Special Operations Command (SOCOM). The provision would also codify the Secretariat for Special Operations, which currently exists within the Office of the ASD SOLIC, in section 139 of title 10, United States Code. Lastly, the provision would require the Secretary of Defense, not later than 180 days after the date of the enactment of this Act, to publish a Department of Defense directive establishing policy and procedures related to the exercise of authority, direction, and control of all matters relating to the organization, training, and equipping of SOF by the ASD SOLIC as specified by section 138(b)(2)(A) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would make clarifying changes to the provision.

The conferees are concerned with the lack of progress on implementation of section 922 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328), which enhanced the role of ASD SOLIC as the individual responsible for providing civilian oversight and advocacy of SOF. The conferees note that a May 2019 report published by the Government Accountability Office (GAO) found that the majority of the remaining tasks identified by the Department as necessary for implementing section 922 do not have clear timeframes for completion. Furthermore, the GAO found that "outdated" departmental guidance is hindering the ASD SOLIC's ability to

serve as the "service secretary-like" civilian responsible for the oversight and advocacy of SOF, as required by section 138(b) of title 10, United States Code. Further, the conferees are concerned by the lack of progress in staffing the Secretariat for Special Operations that was created to facilitate the ASD SOLIC's responsibilities despite efforts by the committee in recent NDAAs to provide additional flexibility to the Department to bring on additional personnel to support the activities of the Secretariat.

The conferees believe that an empowered and appropriately resourced ASD SOLIC is critical to the effective civilian oversight and advocacy of SOF and to ensuring that this force is appropriately aligned with the objectives of the National Defense Strategy.

Assistant Secretary of Defense for Industrial Base Policy (sec. 903)

The House bill contained a provision (sec. 902) that would amend section 138 of title 10, United States Code, to require one of the Assistant Secretaries to be the Assistant Secretary of Defense for Industrial Base Policy, whose principal duty would be the overall supervision of policy of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security. The provision would further specify the duties and responsibilities of the office and direct certain transfer activities and timeframes, and would make technical and conforming changes to other provisions of law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the specification of duties and responsibilities from the provision, and would remove the direction of certain transfer activities and timeframes for execution.

The conferees note increasing concerns in the Congress, industry, and the Department over: the health of the defense industrial base; risks to sources of supply; and the reliability of the supply chain to meet defense needs. The conferees note that, accordingly, following the Executive Order 13806 on Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States, and the associated Department of Defense report and recommendations, the profile and workload of the Deputy Assistant Secretary of Defense for Industrial Policy, who was designated to lead efforts in this policy area by the Under Secretary of Defense for Acquisition and Sustainment, has

increased significantly. The conferees also note that senior leaders in both the Congress and the Department have focused increasing attention on defense industrial base issues, including increasing the profile and funding of certain activities authorized under the Defense Production Act, which are currently led by the Deputy Assistant Secretary. The conferees further note that the COVID-19 pandemic and associated efforts to shore up the United States' defense industrial base and expand its industrial capacity have further expanded the workload for the Deputy Assistant Secretary, and especially the interagency coordination required to execute planned activities. The provision therefore elevates the civilian leadership position responsible for these activities in order to reflect the visibility and importance of the Department's activities with respect to the security of the United States.

The conferees expect the Secretary of Defense to ensure that the new office of the Assistant Secretary be adequately resourced in both personnel and budget, as well as delegated appropriate authority, and provided with the high-level support necessary to perform such duties and responsibilities as the Secretary directs. The conferees further note that initiatives that are currently under the purview of the Deputy Assistant Secretary should be monitored by senior leadership to ensure appropriate continuity of activities that have proven to be effective in strengthening the Department's ability to develop and execute defense industrial base policies that are supportive of the National Defense Strategy.

Assistant Secretary of Defense for Energy, Installations, and Environment (sec. 904)

The House bill contained a provision (sec. 1789) that would require the Secretary of Defense to carry out a study on the creation of a position of Assistant Deputy Secretary for Environment and Resilience, submit a report to the Congress containing all findings and determinations made in carrying out the study, and establish the position of Assistant Deputy Secretary for Environment and Resilience after issuing such report. The provision would also require the Assistant Deputy Secretary for Environment and Resilience to issue an annual report to the Secretary of Defense and the Congress containing a description of the actions taken by the Assistant Deputy Secretary during the previous year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the authorized number of Assistant Secretaries of Defense. Further, the provision would require one of the Assistant

Secretaries be the Assistant Secretary of Defense for Energy, Installations, and Environment with the principal duty of overall supervision of matters relating to energy, installations, and the environment for the Department of Defense.

Office of Local Defense Community Cooperation (sec. 905)

The House bill contained a provision (sec. 914) that would codify the existing Department of Defense Office of Economic Adjustment and emphasize its current primary mission of community cooperation through management of programs such as the Defense Critical Infrastructure Program, Defense Access Roads Program, and Joint Land Use Studies to address encroachment around military installations and compatible land use, and support of military families through schools and manufacturing programs.

The Senate amendment contained a similar provision (sec. 902).

The Senate recedes with a technical amendment that would prohibit the involuntary separation of any personnel within the newly codified Office of Local Defense Community Cooperation for 1 year after the date of the enactment of this Act.

Input from the Vice Chief of National Guard Bureau to the Joint Requirements Oversight Council (sec. 906)

The House bill contained a provision (sec. 915) that would amend section 181 of title 10, United States Code, to require the Joint Requirements Oversight Council to seek the views of the Chief of the National Guard Bureau regarding non-federalized National Guard capabilities in support of homeland defense and civil support missions.

The Senate amendment contained a similar provision (sec. 904) that would include the Vice Chief of the National Guard Bureau as an advisor to the Joint Requirements Oversight Council under certain circumstances.

The Senate recedes with a technical amendment that would require the Joint Requirements Oversight Council to seek the views of the Vice Chief of the National Guard Bureau on non-federalized National Guard capabilities in support of homeland defense and civil support missions.

Assignment of responsibility for the Arctic region within the Office of the Secretary of Defense (sec. 907)

The House bill contained a provision (sec. 903) that would require the Assistant Secretary of Defense for International Security Affairs to assign responsibility for the Arctic region to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate.

The Senate amendment contained an identical provision (sec. 905).

The conference agreement includes this provision.

Modernization of process used by the Department of Defense to identify, task, and manage Congressional reporting requirements (sec. 908)

The Senate amendment contained a provision (sec. 903) that would require the Assistant Secretary of Defense for Legislative Affairs to conduct business process reengineering analysis and assess commercially available analytics tools, technologies, and services in order to modernize the process by which the Department of Defense identifies reporting requirements from the text of the National Defense Authorization Act, tasks the reports within the Department, and manages their completion and delivery to the Congress.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note that the current process for tasking, assigning, generating, and distributing congressionally required reports does not serve anyone involved, as most of the process involves manual data entry ill-suited to the scope and complexity of congressional oversight of defense issues. This generates unnecessary workload for both sides and significantly impedes congressional oversight. The conferees have worked to modernize transmission of reporting requirements to the Department of Defense and strongly urge the Secretary of Defense to continue prioritizing the Department's encouraging efforts to modernize its systems and processes related to reports.

Therefore, the conferees direct the Assistant Secretary of Defense for Legislative Affairs and the Chief Information Officer of the Department of Defense to brief the congressional defense committees not later than January 31, 2021, on the results of the analysis to date and actions taken and planned to modernize the Department's system and processes for managing congressionally required reports.

SUBTITLE B—OTHER DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

Reform of the Department of Defense (sec. 911)

The House bill contained a provision (sec. 806) that would require the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to undertake reform of the Department of Defense to provide more efficient and economical administration of the Department, and to issue policy and guidance to that effect. The provision would add reform to existing requirements in the National Defense Strategy, Defense Planning Guidance, and the Defense authorization request. The provision would also require the Secretary to deliver a report to the Congress on reform efforts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the requirement for the Secretary of Defense to undertake reform at the department, including by improving its ability to assess the costs and benefits of certain reform activities. The amendment requires the Secretary of Defense to submit an annual framework for reform to the Congress to begin the task of improving congressional-executive understanding of progress toward reform at the Department of Defense, and requires the Government Accountability Office to review that framework.

The conferees strongly encourage the Department of Defense to draw a clear distinction between the covered activities of reform—including up-front investments—and actions taken to prioritize, such as reductions in requirements, deferrals or delays in programs or activities, or simple acceptance of risk.

Limitation on reduction of civilian workforce (sec. 912)

The House bill contained a provision (sec. 911) that would amend section 129a of title 10, United States Code, to prohibit the Secretary of Defense from reducing the civilian workforce unless the Department of Defense assesses the impact of such a reduction on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force, and costs.

The Senate amendment contained no similar provision.

The Senate recedes.

Chief Diversity Officer and Senior Advisors for Diversity and Inclusion (sec. 913)

The House bill contained a provision (sec. 912) that would amend chapter 4 of title 10, United States Code, to create a Chief Diversity Officer of the Department of Defense; chapter 703 of title 10, United States Code, to create a Chief Diversity

Officer of the Department of the Army; chapter 803 of title 10, United States Code, to create a Chief Diversity Officer of the Department of the Navy; chapter 903 of title 10, United States Code, to create a Chief Diversity Officer of the Air Force; and chapter 3 of title 14, United States Code, to create a Chief Diversity Officer of the Coast Guard, each of whom would be appointed by the President, with the advice and consent of the Senate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to appoint a Chief Diversity Officer of the Department of Defense from among persons who have an extensive management or business background and experience with diversity and inclusion. The Chief Diversity Officer would report directly to the Secretary of Defense and be responsible for providing advice on policy, oversight, guidance, and coordination for all matters of the Department of Defense related to diversity and inclusion. Further, the amendment would require the Secretary of each military department and the Commandant of the Coast Guard to appoint a Senior Advisor for Diversity and Inclusion.

Limitation on consolidation or transition to alternative content delivery methods within the Defense Media Activity (sec. 914)

The House bill contained a provision (sec. 919) that would limit consolidation or transition to alternative content delivery methods from occurring within the Defense Media Activity until a period of 180 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees a report with a detailed certification that a transition to alternative content delivery methods poses no security vulnerabilities or increase monetary costs to servicemembers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the report to change the detailed certification requirement to instead identify the business case for any alternative content delivery methods as well as identify risks and associated risk mitigation actions.

SUBTITLE C—SPACE FORCE MATTERS

Office of the Chief of Space Operations (sec. 921)

The House bill contained a provision (sec. 922) that would provide technical and conforming amendments to clarify in

existing law the function and composition of the Office of the Chief of Space Operations and the general duties of the Chief of Space Operations.

The Senate amendment contained no similar provision.

The Senate recesses.

Clarification of Space Force and Chief of Space Operations authorities (sec. 922)

The Senate amendment contained a provision (sec. 931) that would provide technical and conforming amendments to clarify in existing law the authorities of the United States Space Force and the Chief of Space Operations.

The House bill contained no similar provision.

The House recesses with a technical amendment.

Amendments to Department of the Air Force provisions in title 10, United States Code (sec. 923)

The Senate amendment contained a provision (sec. 932) that would provide technical and conforming amendments to incorporate the United States Space Force in Department of the Air Force provisions in title 10, United States Code.

The House bill contained no similar provision.

The House recesses with an amendment that would modify the technical amendment to section 9017 of title 10, United States Code, to adjust the placement of the Chief of Space Operations on the list of officials slated to perform the duties of the Secretary of the Air Force, should the Secretary die, resign, be removed from office, or be absent or disabled.

Amendments to other provisions of title 10, United States Code (sec. 924)

The Senate amendment contained a provision (sec. 933) that would provide technical and conforming amendments to incorporate the United States Space Force in certain provisions of title 10, United States Code.

The House bill contained no similar provision.

The House recesses with an amendment that would clarify Space Force contributions to the Joint Staff.

Amendments to provisions of law relating to pay and allowances (sec. 925)

The Senate amendment contained a provision (sec. 934) that would provide technical and conforming amendments to incorporate

the United States Space Force in certain provisions of law pertaining to military pay and allowances.

The House bill contained no similar provision.

The House recesses.

*Amendments to provisions of law relating to veterans' benefits
(sec. 926)*

The Senate amendment contained a provision (sec. 935) that would provide technical and conforming amendments to incorporate the United States Space Force in certain provisions of law relating to veterans' benefits.

The House bill contained no similar provision.

The House recesses.

*Amendments to other provisions of the United States Code and
other laws (sec. 927)*

The Senate amendment contained a provision (sec. 936) that would provide technical and conforming amendments to incorporate the United States Space Force in certain other sections of the United States Code.

The House bill contained no similar provision.

The House recesses with an amendment that would amend to section 1(a) of the Act of August 12, 1946 (Public Law 79-772) to include the Chief of Space Operations or the Chief's designee as a member of the board established to advise the Smithsonian Institution on the administration of the National Air and Space Museum.

Applicability to other provisions of law (sec. 928)

The Senate amendment contained a provision (sec. 937) that would define the authority of the Secretary of Defense and the Secretary of the Air Force with regard to members of the United States Space Force and the benefits for which members of the United States Space Force would be eligible with regard to any provision of law not addressed by the technical and conforming amendments enacted in this Act.

The House bill contained no similar provision.

The House recesses with an amendment to section 958 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) that would ensure, unless otherwise specified in law, that members and civilian employees of the Space Force are treated commensurate with members and civilian employees of the Air Force and that the Secretary of Defense and Secretary of the

Air Force may exercise the same authorities vis-à-vis the Space Force as they do with regard to the Air Force.

Temporary exemption from authorized daily average of members in pay grades E-8 and E-9 (sec. 929)

The House bill contained a provision (sec. 925) that would exempt the United States Space Force from the limitation on the number of military personnel in the grade of E-8 and E-9 contained in section 517 of title 10, United States Code, until October 1, 2023.

The Senate amendment contained an identical provision (sec. 945).

The conference agreement includes this provision.

Limitation on transfer of military installations to the jurisdiction of the Space Force (sec. 930)

The Senate amendment contained a provision (sec. 943) that would prohibit the transfer of any military installation to the jurisdiction or command of the Space Force unless the Secretary of the Air Force conducts a business case analysis on the transfer and provides a briefing on such analysis to the congressional defense committees.

The House bill contained no similar provision.

The House recedes.

Organization of the Space Force (sec. 931)

The House bill contained a provision (sec. 517) that would not allow the Secretary of the Air Force to transfer or relocate any personnel or asset, or dissolve any unit, of the Air National Guard or Air Force Reserve until the latter of the following occurs: (1) The day that is 180 days after the date on which the Secretary of the Air Force submits the report under subsection (b); or (2) The Chief of Space Operations certifies in writing to the Secretary of the Air Force that plans of the Secretary to establish the reserve components of the Space Force shall not diminish space capability of the Department of the Air Force. Subsection (b) of the provision would require the Secretary of the Air Force to submit, not later than January 31, 2021, to the Committees on Armed Services of the Senate and House of Representatives a report regarding the plan of the Secretary to establish the reserve components of the Space Force. The report shall identify the following: (1) The assumptions and factors used to develop the plan; (2) The members of the team that issued recommendations regarding the

organization of such reserve components; (3) The recommendations of the Secretary regarding the mission, organization, and unit retention of such reserve components; (4) The final organizational and integration recommendations regarding such reserve components; (5) The proposed staffing and operational organization for such reserve components; (6) The estimated date of implementation of the plan; and (7) Any savings or costs arising from the preservation of existing space-related force structures in the Air National Guard.

The Senate amendment contained a similar provision (sec. 941) that would not allow the Space National Guard to be established as a reserve component of the Space Force until the Secretary of Defense certifies in writing to the congressional defense committees that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard.

The Senate recesses with a modifying amendment.

The conferees direct the Secretary of Defense to provide the congressional defense committees legislative recommendations that would consider the preferred organizational structure and integration of the reserve components and a consideration of the full time and part-time permeability that may best leverage the human capital of the Space Force, including a single integrated force.

LEGISLATIVE PROVISIONS NOT ADOPTED

Establishment of Deputy Assistant Secretaries for Sustainment

The House bill contained a provision (sec. 913) that would require the military departments to each establish a position of a Deputy Assistant Secretary for Sustainment and would outline the responsibilities of each position.

The Senate amendment contained no similar provision.

The House recesses.

The conferees continue to be disappointed by the lack of emphasis the military departments place on sustainment in the acquisition process. This lack of foresight continues to unnecessarily burden budgets that are already stressed to meet the Department's modernization and recapitalization requirements. The conferees note that the Department of the Navy has already established a Deputy Assistant Secretary for Sustainment. As fifth generation and other advanced platforms are fielded alongside legacy systems, the conferees believe that additional emphasis must be placed on sustainment.

The conferees direct the Secretary of each military department to submit an assessment not later than March 1, 2021 to the Committees on Armed Services of the Senate and the House of Representatives determining if each respective military department believes it should establish a Deputy Assistant Secretary for Sustainment. If the Secretary concerned determines a Deputy Assistant Secretary for Sustainment is warranted, the report should include an implementation plan, to include a timeline for establishment.

Redesignation of the Joint Forces Staff College

The House bill contained a provision (sec. 916) that would amend title 10, United States Code, to rename the Joint Forces Staff College to the Joint Forces War College.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that elsewhere in this bill the Secretary of Defense is required to conduct a thorough review of professional military education and to provide a report to the Committees on Armed Services of the Senate and the House of Representatives that contains recommendations for possible reforms. It would be premature to begin renaming Department of Defense academic institutions before the results of the Secretary's review are delivered to the Congress.

Comptroller General report on vulnerabilities of the Department of Defense resulting from offshore technical support call centers

The House bill contained a provision (sec. 918) that would direct a Comptroller General of the United States review of the vulnerabilities created by foreign call centers supporting the Department of Defense.

The Senate amendment contained a similar provision (sec. 5951).

The conference agreement does not include either provision.

The conferees are concerned about the nature and extent of reliance on offshore technical support call centers and the vulnerabilities they pose for the Department and its personnel. The conferees direct the Chief Information Officer of the Department of Defense to brief the congressional defense committees no later than October 1, 2021 on vulnerabilities in connection with the provision of services by offshore technical support call centers to the Department of Defense, to include a description of the nature, extent, and location of such call

centers, and a description of activities to reduce vulnerabilities. The conferees note that "offshore technical support call centers" are physically located outside the United States; employ individuals who are foreign nationals; and may be contacted by personnel of the Department to provide technical support relating to technology used by the Department.

Assistant Secretary of Defense for Space and Strategic Deterrence Policy

The House bill contained a provision (sec. 921) that would change the existing requirement for an Assistant Secretary of Defense for Space Policy into a requirement for an Assistant Secretary of Defense for Space and Strategic Deterrence Policy. The provision would detail the responsibilities of the position and make certain conforming amendments to existing U.S. Code.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that both space and strategic deterrence play an important role in national defense policy. Both space and deterrence policy should be coordinated and the conferees encourage the Department to work to ensure deterrence policy is adequately addressed as space is elevated in the Office of the Secretary of Defense.

Space Force Medal

The House bill contained a provision (sec. 923) that would authorize the President to award a decoration called the "Space Force Medal" to any person who, while serving with the Space Force, distinguishes himself or herself by heroism not involving actual conflict with an enemy.

The Senate amendment contained a provision (sec. 947) that would supersede the current "Airman's Medal," with an "Air and Space Force Medal."

The conference agreement does not include either provision.

The conferees understand that an assessment of the naming conventions and precedence of Space Force-unique awards and decorations is ongoing. Once the Secretary of the Air Force has decided these issues, the Secretary shall submit a report to the Committees on Armed Service of the Senate and the House of Representatives detailing the names and precedence of Space Force-unique awards and decorations. The conferees encourage the Secretary of the Air Force to consider the independent culture being developed within the Space Force, as well as the

principles underlying the Department of Defense military decorations and awards program, in choosing a name and design for the medal intended to recognize the service, sacrifice, and actions of Space Force personnel who have distinguished themselves through heroism not involving actual conflict with the enemy.

Rank and grade structure of the United States Space Force

The House bill contained a provision (sec. 927) that would require the Space Force to use a system of ranks and grades that is identical to the system of ranks and grades used by the Navy.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Space Force is currently undertaking an assessment of the future rank structure of the members of the Space Force. The conferees assume the Space Force will be comprised of members transferring from all services across the Department and strongly encourage the consideration of all the military services historic rank structures. Once a decision by the Secretary of the Air Force has been made the Secretary will submit the findings and decision to the Committees on Armed Service of the Senate and the House of Representatives detailing the final rank structure of the officer and enlisted force of the Space Force at least 15 days prior to implementation.

Report on the role of the Naval Postgraduate School in space education

The House bill contained a provision (sec. 928) that would require the Secretary of the Navy to submit to the congressional defense committees a report on the future role of the Naval Postgraduate School in space education.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to provide a report, not later than 180 days after the date of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the future role of the Naval Postgraduate School in space education. The report shall include the following elements:

(1) An overview of the Naval Postgraduate School's existing space-focused education and research capabilities, programs, products, and outputs;

(2) An identification and evaluation of additional space-focused educational requirements that may be fulfilled by

the Naval Postgraduate School, including any requirements resulting from the establishment of the Space Force or otherwise necessitated by the evolving space-related needs of the Department of Defense; and

(3) A plan for meeting the requirements identified under paragraph (2), including a description of the types and amounts of additional resources that may be needed for the Naval Postgraduate School to meet such requirements over the period of 5 fiscal years following the date of the report.

Office of the Chief of Space Operations

The Senate amendment contained a provision (sec. 931A) that would provide technical and conforming amendments to clarify in existing law the function and composition of the Office of the Chief of Space Operations and the general duties of the Chief of Space Operations.

The House bill contained no similar provision.

The Senate recedes.

Transfers of military and civilian personnel to the Space Force

The Senate amendment contained a provision (sec. 942) that would prohibit the transfer of any servicemember or civilian employee of the Department of Defense without the consent of the transferred individual and place certain restrictions on such transfers.

The House bill contained no similar provision.

The Senate recedes.

Application of acquisition demonstration project to Department of the Air Force employees assigned to acquisition positions within the Space Force

The Senate amendment contained a provision (sec. 946) that would make applicable a demonstration project, relating to certain acquisition personnel policies, to civilian employees of the Department of the Air Force assigned to the Space Force.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that the Space Force requires innovative personnel authorities, but agree the authorities in question are already vested in the Secretary of Defense. The conferees encourage the Secretary of Defense to utilize these authorities to the maximum extent practical.

Annual report on establishment of field operating agencies

The Senate amendment contained a provision (sec. 951) that would require the Secretary of Defense to submit a report to the congressional defense committees, not later than January 31 of each year, identifying any field operating agency established by the Department of Defense or a component thereof during the preceding calendar year. The report would list: (1) The name of such field operating agency; (2) The agency's location; (3) The title and grade of the head of the agency; (4) The chain of command, supervision, or authority by which the agency head reports to the Office of the Secretary of Defense or the military department concerned; (5) The agency's mission; (6) The number of personnel authorized and assigned to the agency; (7) The purpose underlying the agency's establishment; and (8) Any cost savings or other efficiencies expected to accrue to the Department in connection with the establishment and operation of the agency.

The Senate intended this provision to substitute for a long-recurring provision of defense appropriations acts, last enacted in section 8041 of the Department of Defense Appropriations Act for Fiscal Year 2020 (Public Law 116-93).

The House bill contained no similar provision.
The Senate recedes.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense, with certain limitations, to make transfers between amounts authorized for fiscal year 2021 in division A of this Act. This section would limit the total amount transferred under this authority to \$4.0 billion.

The Senate amendment contained a similar provision (sec. 1001).

The House recedes.

Budget materials for special operations forces (sec. 1002)

The House bill contained a provision (sec. 1004) that would modify section 226 of title 10, United States Code, by requiring additional budgetary information related to special operations forces.

The Senate amendment contained no similar provision.
The Senate recesses.

*Application of Financial Improvement and Audit Remediation Plan
to fiscal years following fiscal year 2020 (sec. 1003)*

The Senate amendment contained a provision (sec. 1002) that would require the Department of Defense Financial Improvement and Audit Remediation Plan to ensure that an annual audit of the Department's financial statements for each fiscal year after fiscal year 2020 occurs by not later than March 31 following such fiscal year.

The House bill contained no similar provision.
The House recesses.

*Incentives for the achievement by the components of the
Department of Defense of unqualified audit opinions on the
financial statements (sec. 1004)*

The Senate amendment contained a provision (sec. 1003) that would require that the Under Secretary of Defense (Comptroller) develop and issue guidance for personnel and components of the Department of Defense to incentivize the achievement of an unqualified audit opinion.

The House bill contained no similar provision.

The House recesses with an amendment clarifying that incentives established under this section would apply to both personnel and components of the Department of Defense, and adds a reporting requirement on such incentives.

Audit readiness and remediation (sec. 1005)

The House bill contained a provision (sec. 1005) that would amend the requirements for the Department of Defense audit remediation plan.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to submit an annual report on unfunded priorities related to audit readiness and remediation not later than 10 days after submission of the annual budget request.

The conferees are encouraged that the Department of Defense has successfully completed an independent annual financial audit three times in accordance with the Chief Financial Officers Act of 1990. The conferees are also encouraged that a number of organizations within the Department have received an unmodified opinion. However, there are still several organizations that have not received an unmodified

opinion. While not required by law, an unmodified opinion on an independent annual financial audit is critical to identifying areas for reform and improving readiness.

The conferees direct the Secretary of Defense to continue to take appropriate steps and apply sufficient resources to build upon the recent excellent progress towards achieving an unmodified opinion on the Department's independent annual financial audit. The conferees believe that this is an important step to earn the Congress' and public's confidence in the Department's ability to be a responsible steward of taxpayer funds.

Addition of Chief of the National Guard Bureau to the list of officers providing reports of unfunded priorities (sec. 1006)

The House bill contained a provision (sec. 1742) that would add the Chief of the National Guard Bureau to the list of officers required to provide unfunded requirements to the congressional defense committees under section 222a of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the Chief of the National Guard Bureau's addition to the list of covered officers is only in that position's capacity and responsibilities as defined in section 10502(c)(1) of title 10, United States Code. The amendment would add restrictions on the new unfunded requirements list, including exclusion of items that have appeared on existing unfunded requirements lists over the past 5 years or those items not exclusively related to the role of non-federalized National Guard forces in support of the homeland defense or civil support missions.

The conferees strongly urge the Chief of the National Guard Bureau to use this unfunded requirements list judiciously in support of non-warfighting domestic support missions, such as disaster response. While the National Guard's performance in support of such missions represents a significant contribution to broader national security needs, the conferees also note that the U.S. Air National Guard and the U.S. Army National Guard are components of the U.S. Air Force and the U.S. Army and, as such, their nominations of items for unfunded priorities lists are already considered in the unfunded priorities lists submitted by the chiefs of those services.

SUBTITLE B—COUNTERDRUG ACTIVITIES

Quarterly reports on Department of Defense support provided to other United States agencies for counterdrug activities and activities to counter transnational organized crime (sec. 1011)

The House bill contained a provision (sec. 1012) that would amend section 284 of title 10, United States Code, to require the Secretary of Defense to notify specified congressional committees not later than 15 days before providing support for counterdrug activities and activities to counter transnational organized crime under subsection (b) of such section.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 284 of title 10, United States Code to require the Secretary to provide quarterly reports to specified congressional committees on support provided under subsection (b) of such section.

SUBTITLE C—NAVAL VESSELS

Limitation on availability of certain funds without naval vessels plan and certification (sec. 1021)

The House bill contained a provision (sec. 1021) that would amend section 231(e) of title 10, United States Code, by restricting 75 percent of certain operation and maintenance funds for the Secretary of Defense until the Annual Naval Vessel Construction Plan has been delivered to the Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the submitter of the Annual Naval Vessel Construction Plan to the Secretary of the Navy and change the funding restriction to 75 percent of specified funds not yet obligated or expended as of the date the plan was required to be submitted.

The conferees are troubled that the Department of Defense has not submitted the Annual Naval Vessel Construction Plan for fiscal year 2021 as required by section 231 of title 10, United States Code, despite repeated requests from the congressional defense committees. Timely submission of this plan is critical for the committees to perform their statutory oversight roles and provide the necessary authorities and resources for the Department of the Navy to meet requirements under the National Defense Strategy. As peer competitors make increased investments in naval capacity and capability, it is critical that the

committees receive an accurate and complete report on the Navy's requirements to execute the National Defense Strategy.

In past years, the Annual Naval Vessel Construction Plan has been submitted by the Department of the Navy, and in general the submission has coincided with the submission of other budget materials as required by law.

This year, Department of Defense officials stated that they were undertaking their own review of the Navy's long-range shipbuilding requirements, a review that still has not been shared with the Congress, forcing the committees to draft the National Defense Authorization Act for Fiscal Year 2021 without complete awareness of the Navy's long-range shipbuilding requirements. Not only are the conferees concerned with the Department's refusal to comply with a long-standing statutory requirement, the conferees are equally concerned that responsibilities that belong with Navy leadership have been subsumed by the Office of the Secretary of Defense.

Therefore, this provision would amend section 231 of title 10, United States Code, to provide the Secretary of the Navy with the authority and responsibility to develop the Annual Naval Vessel Construction Plan and submit this plan with each fiscal year's budget materials to the Congress.

Limitations on use of funds in the National Defense Sealift Fund for purchase of foreign constructed vessels (sec. 1022)

The House bill contained a provision (sec. 1022) that would amend section 2218 of title 10, United States Code, by authorizing the purchase of a total of nine used foreign built ships and four used foreign-built ships prior to the Navy initiating an acquisition strategy for a sealift recapitalization plan.

The Senate amendment contained a similar provision (sec. 1021).

The Senate recedes with an amendment that would require the anticipated delivery of the lead ship in a new class of U.S.-built vessels to be not later than 2028 and make a technical amendment.

The conferees direct the Secretary of the Navy to conduct a business case analysis of acquisition strategies for the new U.S.-built sealift ship program described in section 2218(f)(3)(E) of title 10, United States Code, and submit such analysis and the Secretary's intended course of action to the congressional defense committees not later than July 1, 2021.

In conducting this business case analysis, the Secretary shall consider, at a minimum, the following options and associated acquisition strategies: (1) Current Navy acquisition

processes for acquiring Combat Logistics Force ships; (2) The use of a commercial executive agent or vessel acquisition manager, similar to the acquisition of the National Security Multi-Mission Vessel; and (3) A commercial-government hybrid acquisition biased toward maximum commerciality in both specifications and process.

Use of National Sea-Based Deterrence Fund for incrementally funded contracts to provide full funding for Columbia class submarines (sec. 1023)

The House bill contained a provision (sec. 1023) that would amend section 2218a(h)(1) of title 10, United States Code, by authorizing the use of incremental funding for the full funding of the first two *Columbia*-class submarines.

The Senate amendment contained a similar provision (sec. 121).

The Senate recedes with an amendment that would prohibit funds authorized for the full funding procurement of the *Columbia*-class program to be obligated or expended for the construction of SSBN-827 in fiscal years 2021, 2022, or 2023 and make technical edits.

Preference for United States vessels in transporting supplies by sea (sec. 1024)

The House bill contained a provision (sec. 1024) that would amend section 2631 of title 10, United States Code, to increase compliance with military cargo preference requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Restrictions on overhaul, repair, etc. of naval vessels in foreign shipyards (sec. 1025)

The House bill contained a provision (sec. 1025) that would provide limited exceptions for the repair of Navy vessels in shipyards outside the United States when damage occurred by hostile actions. This section would also provide limited authority for maintenance work to be performed by foreign workers if U.S. personnel cannot perform the work for health or safety reasons.

The Senate amendment contained a similar provision (sec. 1022).

The Senate recedes.

Biennial report on shipbuilder training and the defense industrial base (sec. 1026)

The House bill contained a provision (sec. 1026) that would amend chapter 863 of title 10, United States Code, to require the Secretary of Defense, in coordination with the Secretary of Labor, to submit reports to Congress on the state of defense industrial base training, hiring, and the ability to meet the requirements of the 30-year shipbuilding plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the reports to be submitted by the Secretary of the Navy and based on the Navy's most recent Force Structure Assessments.

Modification of waiver authority on prohibition on use of funds for retirement of certain legacy maritime mine countermeasure platforms (sec. 1027)

The Senate amendment contained a provision (sec. 1023) that would modify the waiver authority germane to the prohibition on the use of funds for retirement of certain legacy maritime mine countermeasure platforms contained in section 1046 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) to include concurrence by the Director of Operational Test and Evaluation.

The House bill contained no similar provision.

The House recedes.

Extension of authority for reimbursement of expenses for certain Navy mess operations afloat (sec. 1028)

The Senate amendment contained a provision (sec. 1024) that would further amend section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1023(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by striking September 30, 2020, and inserting September 30, 2025, thereby extending the Secretary of Defense's authority to fund the cost of meals for non-military personnel on U.S. naval and naval auxiliary vessels.

The House bill contained no similar provision.

The House recedes.

Working group on stabilization of Navy shipbuilding industrial base workforce (sec. 1029)

The Senate amendment contained a provision (sec. 1026) that would establish a shipbuilding industrial base working group.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Limitation on naval force structure changes (sec. 1030)

The House bill contained a provision (sec. 1029) that would prohibit the retirement of any Navy ship in fiscal year 2021 until 30 days after the date on which the Secretary of Defense has delivered the Integrated Naval Force Structure Assessment to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE D—COUNTERTERRORISM

Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States (sec. 1041)

The Senate amendment contained a provision (sec. 1031) that would extend until December 31, 2021, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

The House bill contained no similar provision.

The House recedes.

Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1042)

The Senate amendment contained a provision (sec. 1032) that would extend until December 31, 2021, the prohibition on the use of funds provided to the Department of Defense to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

The House bill contained no similar provision.

The House recedes.

Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries (sec. 1043)

The House bill contained a provision (sec. 1031) that would prohibit the use of funds authorized to be appropriated or otherwise made available to the Department of Defense, during the period beginning on the date of the enactment of this Act and ending on December 31, 2021, to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Libya, Somalia, Syria, and Yemen.

The Senate amendment contained a similar provision (sec. 1033).

The Senate recedes.

Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba (sec. 1044)

The Senate amendment contained a provision (sec. 1034) that would extend through fiscal year 2021 the prohibition on the use of funds provided to close or abandon United States Naval Station, Guantanamo Bay, Cuba; to relinquish control of Guantanamo Bay to the Republic of Cuba; or to implement a material modification to the Treaty between the United States of America and Cuba signed at Washington, D.C., on May 29, 1934, which modification would constructively close United States Naval Station, Guantanamo Bay.

The House bill contained no similar provision.

The House recedes.

SUBTITLE E—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Support of special operations to combat terrorism (sec. 1051)

The House bill contained a provision (sec. 1041) that would modify section 127e of title 10, United States Code, by establishing procedural requirements for the planning, development, and cessation of activities under such authority, and clarifying notification requirements for both the modification and termination of extant activities under such authority.

The Senate amendment contained no similar provision.

The Senates recedes with an amendment that would make various modifications to the notification requirements as well as include a construction of authority.

The conferees expect the Department to keep the congressional defense committees fully and currently informed regarding the use of the authority found in section 127e of title 10, United States Code. While the authority includes a number of requirements for formal notifications at specified thresholds, the conferees require more detailed and frequent updates on the use of the authority that do not trigger formal notification requirements or fall between specified reporting periods. The conferees believe the delivery of such critical information updates can be provided informally to ensure timely congressional awareness. Further, conferees also emphasize that such information requirements include, but are not limited to, significant operations, modifications to the fiscal amount or operational or advisory type of support provided, as well as any plans to terminate or transition a partner force supporting U.S. special operations forces in executing counterterrorism missions.

Therefore, not later than 30 days after the date of the enactment of this Act, the conferees direct the Secretary of Defense to develop and brief the congressional defense committees on the processes to be used by the Department to ensure the committees remain fully and currently informed of such developments outside of formal notifications and specified reporting requirements regarding the use of the authority found in section 127e of title 10, United States Code.

Expenditure of funds for Department of Defense clandestine activities that support operational preparation of the environment (sec. 1052)

The Senate amendment contained a provision (sec. 1042) that would authorize the Secretary of Defense to expend up to \$15.0 million in any fiscal year for clandestine activities for any purpose the Secretary determines to be proper for preparation of the environment for operations of a confidential nature.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the amount of expenditures for which the Secretary of Defense may not delegate the authority from \$100,000 to \$250,000.

Sale or donation of excess Department of Defense personal property for law enforcement activities (sec. 1053)

The Senate amendment contained provisions (secs. 1041 and 1054) that would amend section 2576a of title 10, United States Code, to permit the transfer of excess property, to include high-water vehicles, for use in disaster-related emergency preparedness activities. The provisions would also amend section 2576a of title 10, United States Code, to require additional training of recipient agency personnel.

The House bill contained no similar provisions.

The House recedes.

Prohibition on retirement of nuclear powered aircraft carriers before first refueling (sec. 1054)

The House bill contained a provision (sec. 1042) that would amend section 8062 of title 10, United States Code, by prohibiting the retirement of any aircraft carrier prior to its first reactor refueling.

The Senate amendment contained no similar provision.

The Senate recedes.

Reauthorization of National Oceanographic Partnership Program (sec. 1055)

The House bill contained a provision (sec. 1744) that would amend chapter 893 of title 10, United States Code, on the National Oceanographic Partnership Program. This section would also establish an Ocean Policy Committee and require the Committee to provide an annual report and briefing to the Committees on Armed Services of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Committee on Natural Resources of the House of Representatives; and the Committee on Science, Space, and Technology of the House of Representatives by March 1 of each year on the National Oceanographic Partnership Program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification and technical correction to Department of Defense authority to provide assistance along the southern land border of the United States (sec. 1056)

The House bill contained a provision (sec. 1044) that would modify the authority under section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to require the Secretary of Defense to ensure that the provision of assistance for securing the southern land border of the United States will not negatively affect military training,

operations, readiness, or other military requirements and that the tasks associated with the support provided align with the mission or occupational specialty of any members of the Armed Forces that are deployed. This provision would also add a new notification requirement to the Congress and modify the reporting requirements related to the support the Department provides along the southern land border.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment on the requirement for the provision of assistance, congressional notification, and reporting elements.

Limitation on use of funds for retirement of A-10 aircraft (sec. 1057)

The House bill contained a provision (sec. 1047) that would prohibit the Secretary of the Air Force from retiring, preparing to retire, or placing in storage or on back-up aircraft inventory status any A-10 aircraft during fiscal year 2021.

The Senate amendment contained a similar provision (sec. 155) that would require the Secretary of Defense to not divest or retire any A-10 aircraft during fiscal year 2021.

The Senate recedes with a clarifying amendment.

The conferees expect the Secretary of the Air Force to fully comply with the limitations and requirements contained in sections 134 and 135 of the National Defense Authorization Act for Fiscal Year for Fiscal Year 2017 (Public Law 114-328) to ensure capability and capacity is preserved to counter violent extremism and provide close air support and combat search and rescue in accordance with the National Defense Strategy.

Considerations relating to permanently basing United States equipment or additional forces in host countries with at-risk vendors in 5G or 6G networks (sec. 1058)

The House bill contained a provision (sec. 1051) that would require the Secretary of Defense, prior to basing a major weapons system or additional permanently assigned forces to a host country with at-risk 5th generation (5G) or sixth generation (6G) wireless network equipment, software, and services, to take into consideration and notify the congressional defense committees about the risks and steps being taken by the host country to mitigate potential risks, including defense mutual agreements between the host country and the United States intended to allay the costs of risk mitigation. It would also require the Secretary of Defense to provide the

congressional defense committees an assessment of the risks posed by the current or intended 5G or 6G telecommunications architecture in host countries and measures required to mitigate such risks.

The Senate amendment contained a similar provision (sec. 6046).

The Senate recedes with a technical amendment.

Public availability of Department of Defense legislative proposals (sec. 1059)

The House bill contained a provision (sec. 1006) that would require the Secretary of Defense to make Department of Defense (DOD) legislative proposals publicly available on a DOD website not later than 7 days after transmission of such proposals to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to make official DOD legislative proposals publicly available on a DOD website not later than 21 days after such proposals are transmitted to the Committees on Armed Services of the Senate and the House of Representatives.

Arctic planning, research, and development (sec. 1060)

The Senate amendment contained a provision (sec. 1045) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to begin planning and implementing changes that may be necessary for requirements, training, equipment, doctrine, and capability development of the Armed Forces should an expanded role of the Armed Forces in the Arctic be determined to be in the national security interests of the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority to establish a movement coordination center Pacific in the Indo-Pacific region (sec. 1061)

The House bill contained a provision (sec. 1757) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to establish a Movement Coordination Center Pacific and participate in an Air Transport and Air-to-Air refueling and other Exchanges of Services program of the Center.

The Senate amendment contained a similar provision (sec. 1256).

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than March 1, 2021, that contains:

(1) A summary of the coordination structure of the center and program, and details related to its formation and implementation;

(2) A list of the military services, by country, participating or seeking to participate in the program;

(3) For each country on the list under paragraph (2), a description of completed agreements and those still to be completed with host nations, as applicable; and

(4) Any other relevant matters that the Secretary determines should be included.

Limitation on provision of funds to institutions of higher education hosting Confucius Institutes (sec. 1062)

The House bill contained a provision (sec. 1797) that would prohibit an institution of higher education or other postsecondary educational institution from being eligible to receive federal funds from the Department of Defense, other than educational assistance funds that are provided directly to students, unless the institution submits any contract or agreement between the institution and a Confucius Institute to the National Academies of Sciences, Engineering, and Medicine, and the National Academies of Sciences, Engineering, and Medicine issues a written determination that the contract or agreement includes clear provisions that protect academic freedom at the institution, prohibit the application of any foreign law on any campus of the institution, and grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

The Senate amendment contained a similar provision (sec. 1090).

The Senate recedes with a clarifying amendment.

The conferees believe that the academic liaison established in this section should manage the waiver process. The waivers should include that the institution of higher education has taken steps to:

(1) Protect academic freedom at the institution;

(2) Prohibit the application of any foreign law on any campus of the institution;

(3) Grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute; and

(4) Engage with the Academic Liaison Officer in the Under Secretary of Defense for Research and Engineering, and take appropriate measures to safeguard defense-funded fundamental research activities.

The Department of Defense academic liaison should work with academic stakeholders to the extent possible in implementing this provision and in the creation of a certification process.

The conferees direct the Secretary of Defense to brief the congressional defense committees on the establishment of the waiver process, including the institutions for which the waiver has been invoked, within 180 days after the enactment of this Act.

Support for national maritime heritage grants program (sec. 1063)

The House bill contained a provision (sec. 1777) that would allow the Secretary of Defense to contribute up to \$5.0 million to support the National Maritime Heritage Grants Program.

The Senate amendment contained no similar provision.
The Senate recedes.

Requirements for use of Federal law enforcement personnel, active duty members of the Armed Forces, and National Guard personnel in support of Federal authorities to respond to civil disturbances (sec. 1064)

The House bill contained a provision (sec. 1055) that would amend section 253 of title 10, United States Code to require Federal civilian law enforcement officers to display his/her name and agency of employment on his/her uniform or clothing while engaged in such activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend chapter 41 of title 10, United States Code, to require each member of a Federal law enforcement agency, the Armed Forces, or National Guard who provides support to Federal authorities to respond to a civil disturbance to display visibly: (1) The individual's name or other identifier unique to that individual; and (2) The name of the Federal law enforcement agency, Armed

Force, or other organization by which such individual is employed or of which such individual is a member. The provision would exempt from these requirements individuals or members who do not wear a uniform or other distinguishing clothing or equipment in the regular performance of official duties or who are engaged in undercover operations in the regular performance of their official duties.

SUBTITLE F—STUDIES AND REPORTS

FFRDC study of explosive ordnance disposal agencies (sec. 1071)

The House bill contained a provision (sec. 1702) that would direct the Secretary of Defense to enter into an arrangement with a federally funded research and development center to conduct a study that identifies and evaluates the roles and responsibilities of the military services involved in the Explosive Ordnance Disposal program. Additionally, the provision would require the Secretary to submit a report on the findings of the study to the congressional defense committees not later than August 31, 2021.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Study on force structure for Marine Corps aviation (sec. 1072)

The Senate amendment contained a provision (sec. 1063) that would require the Secretary of Defense to provide for the performance of three separate studies on the force structure for Marine Corps aviation through 2030.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to perform one study on the force structure for Marine Corps aviation through 2030 and submit the results of the study to the congressional defense committees not later than September 1, 2021.

Report on joint training range exercises for the Pacific region (sec. 1073)

The House bill contained a provision (sec. 1704) that would require a report containing a plan to integrate combined, joint, and multi-domain training and experimentation in the Pacific region to test operational capabilities and weapon systems, validate joint operational concepts, and integrate allied and partner countries into national-level exercises.

The Senate amendment contained no similar provision.
The Senate recedes with a clarifying amendment.

Reports on threats to United States forces from small unmanned aircraft systems worldwide (sec. 1074)

The Senate amendment contained a provision (sec. 953) that would express the sense of Congress that: (1) United States military forces face an ever increasing and constantly evolving threat from small unmanned aerial systems in operations worldwide, whether in the United States or abroad; and (2) The Department of Defense is already doing important work to address the threats from small unmanned aerial systems worldwide but the need for engagement in that area continues.

The House bill contained no similar provision.
The House recedes with a clarifying amendment.

Under Secretary of Defense (Comptroller) reports on improving the budget justification and related materials of the Department of Defense (sec. 1075)

The Senate amendment contained a provision (sec. 6001) that would require the Under Secretary of Defense (Comptroller) to submit annually through 2025 a report to the congressional defense committees on proposed ideas for modernizing congressional budget justification materials.

The House bill contained no similar provision.
The House recedes.

Quarterly briefings on Joint All Domain Command and Control effort (sec. 1076)

The House bill contained a provision (sec. 1746) that would require the Director of the Joint All Domain Command and Control Cross Functional Team, in consultation with the Vice Chairman of the Joint Chiefs of Staff and Chief Information Officer of the Department of Defense, to provide to the Committee on Armed Services of the House of Representatives quarterly briefings on the progress of the Department's Joint All Domain Command and Control concept.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Vice Chairman of the Joint Chiefs of Staff, the Chief Information Officer of the Department of Defense, and a senior military representative for each service to provide to the Committees on Armed Services of the Senate and the House of

Representatives quarterly briefings on the progress of the Department's Joint All Domain Command and Control concept.

Report on civilian casualty resourcing and authorities (sec. 1077)

The House bill contained a provision (sec. 1747) that would require a report on the resources required to implement the Department of Defense policy on civilian casualties in connection with United States military operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the elements of the required report.

The conferees commend the Department for progress made towards allocating resources to address civilian casualty matters. However, the conferees note that the initial estimates provided in the report required by section 923 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) regarding resources required to implement the civilian casualty policy of the Department of Defense lack the specific detail required to appropriately and accurately resource each geographic combatant command with the necessary personnel and technology.

Therefore, in order to facilitate the fulfillment of the requirements in section 936, the conferees direct the Department to provide a report on current and projected resources, inclusive of personnel and technology, required to implement the civilian casualty policy of the Department of Defense.

Comptroller General Review of Department of Defense efforts to prevent resale of goods manufactured by forced labor in commissaries and exchanges (sec. 1078)

The House bill contained a provision (sec. 1810) that would direct the Secretary of Defense to issue rules to require each company that produces or imports manufactured goods sold in the military commissary and exchange systems to file an annual report with the Secretary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Comptroller General of the United States to conduct a review of the policies and processes of the Department of Defense governing the purchase of goods for resale in the commissaries and exchanges of the Department that are produced in, or imported from, areas where forced labor may be used, including the Xinjiang Uyghur Autonomous Region of China.

Comptroller General report on Department of Defense processes for responding to congressional reporting requirements (sec. 1079)

The House bill contained a provision (sec. 1710J) that would require the Comptroller General of the United States to deliver a report to the Congress containing an analysis of the Department of Defense processes for responding to congressional reporting requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a reference to another provision in the conference report that requires the Department of Defense to assess its processes and systems for responding to congressional reporting requirements and recommend to the congressional defense committees a path forward to modernize those processes and systems.

SUBTITLE G—OTHER MATTERS

Technical, conforming, and clerical amendments (sec. 1081)

The House bill contained a provision (sec. 1741) that would make a number of technical, conforming, and clerical amendments of a non-substantive nature to existing law.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendments.

Reporting on adverse events relating to consumer products on military installations (sec. 1082)

The Senate amendment contained a provision (sec. 1048) that would require the Secretary of Defense to ensure that any adverse event that occurs on a military installation relating to consumer products is reported on saferproducts.gov.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to promulgate guidance that encourages the reporting of any adverse event that occurs on a military installation relating to consumer products is reported on saferproducts.gov.

The Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives 180 days after the date of the enactment of this Act on the guidance given to the Secretaries of the military departments regarding the reporting of adverse events relating to consumer products.

Modification to First Division monument (sec. 1083)

The House bill contained a provision (sec. 627) that would authorize modifications to the First Division Monument located on Federal land in President's Park in the District of Columbia in order to honor the members of the First Infantry Division who paid the ultimate sacrifice during United States operations, including Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom.

The Senate amendment contained a similar provision (sec. 6081).

The House recedes with a technical amendment.

Sense of Congress regarding reporting of civilian casualties resulting from United States military operations (sec. 1084)

The House bill contained a provision (sec. 1748) that would express the sense of Congress regarding measures taken to prevent, mitigate, track, investigate, learn from, respond to, and report civilian casualties resulting from U.S. military operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that makes modifications to the sense of Congress.

Deployment of real-time status of special use airspace (sec. 1085)

The House bill contained a provision (sec. 1750) that would require the Administrator of the Federal Aviation Administration, in consultation, as appropriate, with the Secretary of Defense and the heads of the military services, including the National Guard and Air National Guard, and other appropriate Federal agencies, to initiate, not later than 180 days after the date of the enactment of this Act, a program to enable public dissemination of information.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

The conferees direct the Secretary of Defense to submit a report regarding air space utilization to the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, not later than 180 days after the date of the enactment of this Act. The report shall:

(1) Describe whether the Department of Defense has submitted the utilization reports required under section 73.19

of title 14, Code of Federal Regulations for the prior fiscal year, and, if so, to what extent such reports have been submitted; and

(2) Provide, if the Secretary discovers that all such reports have not been submitted in a timely and complete manner--(a) an explanation for the failure to submit any such reports in the manner prescribed by regulation; and (b) a plan to ensure the timely and complete submission of all such reports.

Duties of Secretary under uniformed and overseas citizens absentee voting act (sec. 1086)

The House bill contained a provision (sec. 1751) that would require the Secretary of Defense to take actions as necessary to ensure absent uniformed services voters who are absent from the United States by reason of Active Duty or service at a diplomatic and consular post are able to receive and transmit balloting materials in the same manner as a uniformed services voter absent by reason of Active Duty or service at a military installation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to take actions that are necessary, feasible, and practical to ensure a servicemember stationed at an overseas diplomatic or consular post is able to receive and transmit balloting materials in the same manner as a servicemember stationed at an overseas military installation.

Mitigation of military helicopter noise (sec. 1087)

The House bill contained a provision (sec. 1765) that would require the Secretary of Defense mitigate helicopter noise, and receive, track, and analyze complaints on an ongoing basis from individuals in the National Capital Region.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees believe that, in addition to use of the public website, the Secretary of Defense should take steps to convene community noise roundtables in the National Capital Region to facilitate meetings, at least twice per year, along with the Metropolitan Washington Airports Authority, for the purpose of discussing and identifying trends in community noise complaints associated with helicopter operations in the National Capital Region.

Furthermore, the conferees direct that not later than 6 months after the date of enactment of this Act, the Secretary of

Defense, in coordination with the Secretaries of the military departments, shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Transportation and Infrastructure Committee of the House of Representatives. The briefing shall address the coordination occurring between the Metropolitan Washington Airports Authority and Federal agencies and the proposed way-ahead for the use of the existing noise inquiry websites, and other such actions taken by the Secretary of Defense related to helicopter noise concerns in the National Capital Region.

Congressional expression of support for the designation of National Borinqueneers Day (sec. 1088)

The House bill contained a provision (sec. 1775) that would express the sense of Congress for support of the designation of "National Borinqueneers Day," recognizing the bravery, service, and sacrifice of the Puerto Rican soldiers of the 65th Infantry Regiment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would that would express support for the designation of "National Borinqueneers Day."

The conferees applaud the extraordinary service of the 65th Infantry Regiment in World War I, when the unit was still designated the "Puerto Rico Regiment of Infantry," in World War II in North Africa and Europe, and in South Korea when the nickname the "Borinqueneers" was created. The conferees recognize the bravery, service, and sacrifice of the Puerto Rican soldiers of the 65th Infantry Regiment.

Ted Stevens Center for Arctic Security Studies (sec. 1089)

The House bill contained a provision (sec. 1811) that would require, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, to submit to the congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic. The provision would also provide the Secretary with the discretionary authority to establish and administer such a Center following the submission of the required plan.

The Senate amendment contained a similar provision (sec. 1208) that would require, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, to submit a plan to

establish a Department of Defense Regional Center for Security Studies for the Arctic. The provision would also provide the Secretary with the discretionary authority to establish and administer such a Center following the submission of the required plan.

The House recedes with an amendment that would make modifications to the elements of the required plan and the authority for the Secretary of Defense to establish the Center.

Consistent with the assessment required by subsection (a)(2)(D), the Secretary may consider Alaska as a potential location for the establishment of the Center.

Establishment of vetting procedures and monitoring requirements for certain military training (sec. 1090)

The House bill contained a provision (sec. 1758) that would require the Secretary of Defense to establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States not later than 90 days after the date of enactment of this Act. It would also require a report on the implementation and effects of this section.

The Senate amendment contained a similar provision (sec. 1047).

The Senate recedes with an amendment that would make modifications to the requirement for establishment of vetting procedures, additional security measures, and the associated reporting requirements.

Personal protective equipment matters (sec. 1091)

The House bill contained a provision (sec. 1046) that would require the Secretaries of the military departments to each submit a report on the fielding of the newest generations of personal protective equipment (PPE) to the Armed Forces and a description and assessment of the barriers, if any, to the development and fielding of such generations of equipment. This section would also require the Director of the Defense Health Agency to develop and maintain a system for tracking data on injuries among servicemembers and for the Periodic Health Assessment of members of the Armed Forces to include one or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning PPE.

The Senate amendment contained a similar provision (sec. 1082).

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Pandemic Preparedness and Resilience National Security Fund

The House bill contained a provision (sec. 1003) that would establish a Pandemic Preparedness and Resilience National Security Fund, authorize the appropriation of \$1.0 billion for that fund, and authorize the transfer of amounts in that fund for execution elsewhere at the Department of Defense, subject to certain restrictions.

The Senate amendment contained no similar provision.
The House recedes.

Support for counterdrug activities and activities to counter transnational organized crime affecting flow of drugs into the United States

The House bill contained a provision (sec. 1011) that would modify section 284 of title 10, United States Code, regarding the authority to provide support to other agencies for counterdrug activities and activities to counter transnational organized crime.

The Senate amendment contained no similar provision.
The House recedes.

Codification of authority for joint task forces of the Department of Defense to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities

The Senate amendment contained a provision (sec. 1011) that would establish a new section 285 in title 10, United States Code, to codify section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), which authorizes the expenditure of funds from the drug interdiction and counter-drug activities account to enable joint task forces that support law enforcement agencies conducting counter-drug activities to also provide support to law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities. The provision would also eliminate the geographic limitations on the use of the authority to better reflect the global nature of the threat.

The House bill contained no similar provision.
The Senate recedes.

Sense of Congress on actions necessary to achieve a 355-ship Navy

The Senate amendment contained a provision (sec. 1025) that would express the sense of Congress on actions necessary to implement the national policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on use of funds for retirement of certain littoral combat ships

The House bill contained a provision (sec. 1027) that would prohibit the Secretary of the Navy from retiring LCS-3 and LCS-4 until the Secretary has submitted a certification that all operational tests have been completed on all mission modules.

The Senate amendment contained no similar provision.

The House recedes.

Report on implementation of Commandant's Planning Guidance

The House bill contained a provision (sec. 1028) that would require the Secretary of Defense to submit a report regarding the implementation of the Commandant of the Marine Corps' Planning Guidance.

The Senate amendment contained no similar provision.

The House recedes.

The conferees support the Commandant's Planning Guidance and recognize the potential of the transformational initiatives embodied in this approach. The conferees believe that better Marine Corps integration with the Navy is essential to operating in a denied environment as a stand-in force. The conferees further believe it is essential for the Marine Corps to reduce the overall weight of force elements and return to a more expeditionary, temporal posture that is more agile and decisively lethal.

To better examine Marine Corps future force structure and Navy integration requirements to support this effort, the conferees direct the Secretary of the Navy to submit a report to the congressional defense committees not later than March 1, 2021, that provides a detailed description of each of the following:

(1) The specific number and type of manned littoral ships required to execute such Guidance;

(2) The role of unmanned surface vessels (USVs), particularly long-range USVs, in the execution of such Guidance;

(3) How platforms referred to in paragraphs (1) and (2) interact with ground-based Marine Corps units, including cruise missile units, deployed throughout the Indo-Pacific region;

(4) The integrated naval command and control architecture required to support the platforms referred to in paragraphs (1), (2) and (3); and

(5) The projected cost and any additional resources required to deliver the platforms and capabilities described in paragraphs (1) through (4) by not later than 5 years after the date of the enactment of this Act.

This report shall be submitted in unclassified form but may contain a classified annex. The unclassified report shall be made publicly available.

Annual report on use of social media by foreign terrorist organizations

The House bill contained a provision (sec. 1032) that would require the Secretary of Defense, in consultation with the Secretary of State, to submit to specified congressional committees an annual report on the use of online social media platforms by entities designated as foreign terrorist organizations and an assessment of the threat posed to the national security of the United States by the online radicalization of terrorists and violent extremists.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in coordination with the Secretary of State, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives and the Committee on Foreign Affairs the House of Representatives and the Committee on Foreign Relations the Senate a report on the use of social media by foreign terrorist organizations as designated by the Department of State. The report shall include:

(1) An assessment of the use of online social media platforms by such foreign terrorist organizations for recruitment, fundraising, and the dissemination of information; and

(2) An assessment of the threat posed to the national security of the United States by the online radicalization.

The conferees note that the mission of the Global Engagement Center (GEC) of the Department of State is to direct,

lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the United States, its allies, and partner nations. The conferees believe the GEC provides unique insight and capabilities to track and understand the use of social media by terrorist organizations and encourages the Secretary to coordinate closely with the GEC in the preparation of the required report.

Clarification of authority of military commissions under chapter 47A of title 10, United States Code, to punish contempt

The Senate amendment contained a provision (sec. 1043) that would amend subchapter IV of chapter 47A of title 10, United States Code, to permit a judge of the United States Court of Military Commission Review or a military judge detailed to a military commission to punish contempt. The provision also would provide that the punishment for contempt may not exceed confinement for 30 days, a fine of \$1,000, or both, and would establish the conditions under which punishment for contempt is reviewable.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on actions to infringe upon First Amendment rights of peaceable assembly and petition for redress of grievances

The Senate amendment contained a provision (sec. 1044) that would prohibit the use of amounts authorized to be appropriated by this Act for any program, project, or activity, or for any use of personnel to conduct actions against United States citizens that infringe upon their rights under the First Amendment of the Constitution peaceably to assemble and/or to petition the Government for a redress of grievances.

The House bill contained no similar provision.

The Senate recedes.

Battlefield airborne communications node certification requirement

The House bill contained a provision (sec. 1045) would require the Secretary of the Air Force take no action that would prevent the Air Force from maintaining or operating the fleets of EQ-4 aircraft in the configurations and capabilities in effect on the date of the enactment of this Act, or in improved

configurations and capabilities, prior to the submission of particular certifications and analysis to the congressional defense committees.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain concerned regarding the potential decrease in airborne network communications capacity and capability resulting from the Air Force decision to divest EQ-4B platforms, and the impacts this could have on the geographical combatant commands, specifically U.S. Central Command. Therefore, the conferees expect the Secretary of the Air Force, in coordination with the associated U.S. air component commanders for each relevant geographical combatant command areas of responsibility, to provide equal or greater capability and capacity for battlefield airborne communications and networking, noting the Secretary's planned inventory quantity increases of manned E-11 aircraft systems that was similarly provided by both the unmanned EQ-4B and the E-11A aircraft systems combined.

Consideration of security risks in certain telecommunications architecture for future overseas basing decisions of the Department of Defense

The Senate amendment contained two provisions (sec. 1046 and sec. 6046) that would require the Secretary of Defense to take security risks posed by at-risk vendors such as Huawei and ZTE into account when making overseas stationing decisions.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the importance of consideration of telecommunications architecture while making overseas stationing decisions is addressed elsewhere in this report.

Limitation on use of funds pending public availability of top-line numbers of deployed members of the Armed Forces

The House bill contained a provision (sec. 1049) that would limit the availability of specified funds authorized to be appropriated for fiscal year 2020 for the Office of the Secretary of Defense until the date on which the Secretary makes publicly available the top-line numbers of deployed members of the Armed Forces pursuant to section 595 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

The Senate amendment contained no similar provision.

The House recedes.

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

The Senate amendment contained a provision (sec. 1049) that would amend section 508 of title 32, United States Code, to add the United States Navy Sea Cadet Corps to the list of organizations authorized to receive assistance from the National Guard.

The House bill contained no similar provision.

The Senate recedes.

Limitation on physical move, integration, reassignment, or shift in responsibility of Marine Forces Northern Command

The House bill contained a provision (sec. 1050) that would prohibit the Secretary of Defense from taking any action to execute the physical move, integration, reassignment, or shift in responsibility of the Marine Forces Northern Command until 60 days after submitting a detailed report on the proposed action.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the report required in sec. 1050 in the House bill was submitted to the Congress.

Sense of Congress on the basing of KC-46A aircraft outside the contiguous United States

The Senate amendment contained a provision (sec. 1051) that would articulate the sense of Congress on what the Secretary of the Air Force should consider during the strategic basing process for the KC-46A aircraft outside the continental United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees remain concerned of the continuous delays on the projected plan for strategic basing of the KC-46A aircraft outside the continental United States.

Curtailing Insurrection Act violations of individuals' liberties

The House bill contained a provision (sec. 1052) that would amend sections 251, 252, and 253 of title 10, United States Code, to require that prior to invoking the Insurrection Act, the President and the Secretary of Defense must certify to the Congress that a State is unable or unwilling to suppress an

insurrection or domestic violence, or that the State concerned is unable or unwilling to suppress an unlawful rebellion against the authority of the United States; provide "demonstrable evidence" of same; and detail the mission, scope, and duration of the proposed use of members of the Armed Forces. Further, the provision would require the President, in every possible instance, to consult with the Congress before invoking the Insurrection Act. Finally, the provision would prohibit direct participation by military personnel in a search, seizure, arrest, or similar activity, unless expressly authorized by law.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of explosive ordnance disposal in special operations activities

The House bill contained a provision (sec. 1054) that would amend section 167(k) of title 10, United States Code, by adding explosive ordnance disposal to the list of special operations activities.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on deactivation, unmanning, or selling of Army watercraft assets pending comprehensive analysis of mobility requirements and capabilities

The House bill contained a provision (sec. 1056) that would extend and modify the limitation on use of funds for the inactivation of Army watercraft units in section 1058 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 1058 of the National Defense Authorization Act for Fiscal Year 2020 required the Secretary of Defense to enter into a contract with a federally funded research and development center for the review of the Army's ability to meet the watercraft requirements of the combatant commanders and the effects on preparedness to provide support to States and Territories in connection with natural disasters, threats, and emergencies. The conferees further note that the Secretary anticipates that this study will be complete in the summer of 2022.

Therefore, the conferees direct the Secretary of Defense to provide the congressional defense committees an interim briefing on the federally funded research and development

center's findings by March 1, 2021. In addition to this interim briefing, the conferees direct the Secretary to provide not later than 60 days after the enactment of this Act the following: (1) The Army Watercraft future force laydown by unit and location; (2) Required support to implement the future force laydown; (3) Personnel gaps at the time of the briefing; and (4) Efforts the Secretary intends to use to close these personnel gaps.

Study on unemployment rate of female veterans who served on active duty in the Armed Forces after September 11, 2001

The Senate amendment contained a provision (sec. 1064) that would require the Secretary of Veterans Affairs to conduct a study of post-9/11 female veteran unemployment.

The House bill contained no similar provision.

The Senate recedes.

Report on the Chemical and Biological Defense Program of the Department of Defense

The Senate amendment contained a provision (sec. 1066) that would require, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense to submit to the congressional defense committees a report on the Chemical and Biological Defense Program of the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct that not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a classified report with an unclassified summary on the Chemical and Biological Defense Program of the Department of Defense. The report shall include:

(1) A description of the role of the Chemical and Biological Defense Program within the 2018 National Defense Strategy;

(2) A description and assessment of the threats the Chemical and Biological Defense Program is designed to address;

(3) An assessment of the capacity of current Chemical and Biological Defense Program infrastructure to accomplish their missions if funding levels for the Program are reduced;

(4) An estimate of the length of time required to return the Chemical and Biological Defense Program to its current capacity if funding levels reduced for the Program as described in paragraph (3) are restored;

(5) An assessment of the threat posed to members of the Armed Forces as a result of a reduction in testing of gear for field readiness by the Chemical and Biological Defense Program by reason of reduced funding levels for the Program;

(6) A description and assessment of the necessity of Non-Traditional Agent Defense Testing under the Chemical and Biological Defense Program for Individual Protection Systems, Collective Protection Systems, field decontamination systems, and chemical agent detectors; and

(7) Any other matters deemed relevant by the Secretary.

Department of Defense strategic Arctic ports

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to submit a report to the congressional defense committees on the updated assessment of the estimated cost of constructing, maintaining, and operating a strategic port in the Arctic at each potential site evaluated pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit to the congressional defense committees not later than March 1, 2021, a report setting forth an updated assessment of the estimated cost of constructing, maintaining, and operating a strategic port in the Arctic at each potential site evaluated in the report pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020. The report shall include, for each potential site, an estimate of the number of days per year that such port would be usable by vessels of the Navy and the Coast Guard. The Secretary of Defense may, in consultation with others, designate one or more ports identified in the report as Department of Defense Strategic Arctic Ports.

The conferees note that the similar report, pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020, which was due in June 2020 still has not been submitted to the congressional defense committees.

Sense of Senate on Gold Star Families Remembrance Week

The Senate amendment contained a provision (sec. 1085) that would express the sense of the Senate that the week of September 20 through September 26, 2020 is designated as "Gold Star Families Remembrance Week" to honor and recognize the

sacrifices made by the families of servicemembers who gave their lives to defend freedom and encourage the observation of "Gold Star Families Remembrance Week" by performing acts of service and good will in each community and by celebrating the lives of those who have made the ultimate sacrifice so that others could continue to enjoy life, liberty, and the pursuit of happiness.

The House bill contained no similar provision.

The Senate recesses.

Review of support of special operations to combat terrorism

The House bill contained a provision (sec. 1701) that would direct the Comptroller General of the United States to conduct a comprehensive review of the history, currency, processes and procedures for transitioning or terminating the programs provided by such authority, and the potential future use of the authority under section 127e of title 10, United States Code, in continued support of special operations to combat terrorism.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Comptroller General of the United States to conduct a review of support provided pursuant to section 127e of title 10, United States Code, and provide, not later than 180 days after the date of enactment of this Act, a report on the findings of such review to the Committees on Armed Services of the Senate and the House of Representatives. The review shall include an assessment of:

(1) The strategic alignment between support provided or planned to be provided pursuant to such authority and relevant Executive Orders, global campaign plans, theater campaign plans, execute orders, and other guiding documents;

(2) United States Special Operations Command's (SOCOM) processes and procedures to manage, integrate, and synchronize such activities;

(3) SOCOM's processes and procedures to assess such activities against measures of effectiveness;

(4) SOCOM's processes and procedures to manage the sunset, termination, or transition of such activities;

(5) SOCOM's processes and procedures to report to the Congress biannually on such matters and notify the Congress with respect to the intent to sunset, terminate, or transition activities carried out pursuant to such authority; and

(6) Any other issues the Comptroller General determines appropriate.

Report on the Human Rights Office at United States Southern Command

The House bill contained a provision (sec. 1703) that would express the sense of Congress regarding the role of the Human Rights Office at the United States Southern Command (SOUTHCOM) and require that the Secretary of Defense provide, not later than 90 days after the date of enactment of this Act, a report to the congressional defense committees on the activities and associated resourcing requirements of the Office.

The Senate amendment contained no similar provision.
The House recedes.

The conferees believe that the promotion of human rights and the protection of civilians is in the strategic interests of the Department of Defense and believes that the Human Rights Office at SOUTHCOM plays an important role in supporting these efforts in the SOUTHCOM area of responsibility. The conferees, however, are concerned that resourcing challenges are impacting the ability of the Human Rights Office to fulfill its mission and to meet the demands of our partners in the region. Therefore, the conferees direct the Commander of SOUTHCOM to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives as part of the fiscal year 2022 budget request that identifies the resourcing requirements of the Human Rights Office and a plan to mitigate any resourcing shortfalls for the Human Rights Office.

Sense of Congress and strategy on catastrophic critical infrastructure failure response

The House bill contained a provision (sec. 1706) that would express the sense of Congress that catastrophic critical infrastructure events, regardless of whether they are caused by natural or man-made events, constitute a significant threat to national security and public welfare.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that the Department of Defense has yet to promulgate a holistic strategy for identifying and addressing foreseeable risks from catastrophic critical infrastructure failure events. Accordingly, the conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than December 15, 2021. The report shall include at a minimum the following: (1) A description of current policies, plans, and resources that have been directed towards addressing catastrophic infrastructure failure events; (2) Analysis of the

gaps in these existing plans and efforts that present risk to national security and public welfare, to include gaps in authorities that prevent full coverage of the risks posed by catastrophic critical infrastructure failure; (3) The extent to which current plans and policies address the risk posed by magnetic disturbance or electromagnetic pulse events; and (4) Strategies to increase preparedness for catastrophic critical infrastructure failure events.

Report on recognition of African American servicemembers in Department of Defense naming practices

The House bill contained a provision (sec. 1710B) that would require the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report describing current Department of Defense naming conventions for military installations, infrastructure, vessels, and weapon systems; a list of such currently named after African Americans who served in the Armed Forces; and an explanation of the steps being taken to increase the number of military installations, infrastructure, vessels, and weapon systems named after deserving African American servicemembers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a report to the Committee on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of the enactment of this Act, regarding the recognition of African American and Native American servicemembers in Department of Defense naming practices. At minimum, the report should include the following elements: (1) A description of current Department of Defense naming conventions for military installations, infrastructure, vessels, and weapon systems; (2) A list of all military installations (including reserve component facilities), infrastructure (including reserve component infrastructure), vessels, and weapon systems that are currently named after African Americans or Native Americans who served in the Armed Forces; and (3) An explanation of the steps being taken to recognize the service of African Americans and Native Americans who have served in the Armed Forces with honor, heroism, and distinction by increasing the number of military installations, infrastructure, vessels, and weapon systems named after such deserving members of the Armed Forces.

Report on transforming business processes for revolutionary change

The House bill contained a provision (sec. 1710L) that would require the Department of Defense to report on efforts to implement recommendations from a 2015 Defense Business Board study and provide alternative solutions for certain items from those recommendations.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that other provisions of this Act direct the Secretary of Defense to improve the efficient, effective, and economical administration and operation of the Department; to eliminate unnecessary redundancies; and to incorporate these improvements into various planning materials. The conferees emphasize the importance of a strategic approach to these efforts and caution the Department against arbitrary cuts to force structure or the civilian workforce, as such actions could introduce serious long-term risks.

Report on agile program and project management

The House bill contained a provision (sec. 1710N) that would require a report on agile program and project management.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Under Secretary of Defense for Acquisition and Sustainment to direct the Acquisition Innovation Research Center established by section 2361a of title 10, United States Code, to study and develop policy options and recommendations on how the Department of Defense and the services can use agile program and project management concepts in non-software acquisition programs.

The conferees expect the study to review all statutory provisions enabling the use of agile program and project management within the Department of Defense; evaluate the implementation of statutory provisions enabling the use of agile program and project management within the Department of Defense and the services; evaluate the agile program and project methodologies used within the Department of Defense and the services; evaluate how agile program and project methodologies have enabled efforts to prepare the Department of Defense and the services for the future of work; evaluate the enterprise scalability of the agile program and project methodologies used within the Department of Defense and the services, including how well agile methods are integrated into the enterprise when used at scale; analyze the impediments to the further adoption and enterprise scalability of agile program and project management including statutory impediments, as well as existing policy, guidance, and instruction of the Department of Defense and the

services; analyze the impact of further adoption and enterprise scalability of agile program and project management on the future of work within the Department of Defense and the services; and any other topics the Under Secretary deems appropriate.

The conferees direct that the study, accompanied by an assessment and plan for the Under Secretary to implement the recommended policy options, if appropriate, should be delivered to the congressional defense committees not later than March 1, 2022.

Publicly available database of casualties of members of the Armed Forces

The House bill contained a provision (sec. 1752) that would require the Secretary of Defense to publish on a publicly available website a database of all casualties of members of the Armed Forces that occurred during military operations that took place during 1990 or any subsequent year.

The Senate amendment contained no similar provision.

The House recedes.

Department of Defense support for certain sporting events

The House bill contained a provision (sec. 1766) that would amend section 2564 of title 10, United States Code, to limit support to certain sporting events to providing technical, contracting, and specialized equipment.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the Department of Defense has broad authority to provide support to the Olympics and other sporting events provided certain requirements and certifications are satisfied. The Department is encouraged to submit a legislative proposal to the Congress if the existing laws governing the Department's support of sporting events require an update to ensure a safe and secure environment for event participants and attendees.

Hemp products

The House bill contained a provision (sec. 1773) that would prevent the Secretary of Defense from prohibiting the possession, use, or consumption of a product containing hemp or any ingredient derived from hemp, if the use or consumption of such product or ingredient complies with applicable Federal, state, and local laws.

The Senate amendment contained no similar provision.
The House recedes.

Integration of members of the Armed Forces who are minorities

The House bill contained a provision (sec. 1785) that would require each Secretary of a military department to share lessons learned and best practices regarding the integration of members of the Armed Forces who identify as belonging to a minority group, and strategically communicate progress in this matter with the public.

The Senate amendment contained no similar provision.
The House recedes.

Protections for pregnant members of the Armed Forces

The House bill contained a provision (sec. 1787) that would require the Secretary of a military department to develop policies to ensure that the career of a servicemember is not negatively affected by pregnancy.

The Senate amendment contained no similar provision.
The House recedes.

Release of Department of Defense documents on the 1981 El Mozote massacre in El Salvador

The House bill contained a provision (sec. 1788) that would require the Secretary of Defense, not more than 30 days after the date of the enactment of this Act, to direct all Defense agency bureaus, departments, agencies, and entities to identify and release to Salvadoran judicial authorities, including to the Salvadoran presiding judge investigating and prosecuting the El Mozote massacre case, all materials that might be relevant to the El Mozote massacre that occurred in December of 1981.

The Senate amendment contained no similar provision.
The House recedes.

Inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969

The House bill contained a provision (sec. 1795) that would require the Secretary of Defense, in consultation with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities, to authorize the

inclusion, on the Vietnam Veterans Memorial Wall in the District of Columbia, of the names of the 74 crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that there is an established process for adding the names of servicemembers to the Vietnam Veterans Memorial Wall. The conferees believe this process should be followed to preserve the integrity of the Wall.

Increased realism and training effectiveness for airborne anti-submarine warfare training at offshore training ranges

The House bill contained a provision (sec. 1799) that would require the Secretary of Defense to provide for greater training effectiveness for aircrews by procuring contract services that would realistically simulate real-world, manned submersible, diesel-powered vessels that are very similar to third-world and near-peer adversaries.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to submit a report to the congressional defense committees not later than November 1, 2021, on the requirements for and potential benefits of realistically simulating real-world, manned submersible, diesel-powered vessels that are very similar to third-world and near-peer adversaries' submarines. The report shall include the associated: (1) Requirements; (2) Potential benefits; (3) Market survey of potential offerors that could meet requirements; (4) On-demand availability of services by such offerors; (5) Ability to meet the demand for scalable, highly relevant, and robust training assets for use by fixed and rotary-wing Navy anti-submarine communities in the Navy's Second and Third Fleets; and (6) Dependence on foreign naval vessels to meet requirements.

Review of use of innovative wood product technology

The House bill contained a provision (sec. 1800) that would require the Secretary of Defense to review the potential to incorporate innovative wood technologies, such as mass timber and cellulose nanomaterials, in military construction projects or the sustainment and renovation of existing Department of Defense facilities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that these materials have potential for use by the Department of Defense. Accordingly, the conferees

direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than June 1, 2021. The report shall include, at a minimum, a description of potential uses for innovative wood technologies, such as mass timber and cellulose nanomaterials, in new military construction; the sustainment and renovation of existing facilities; and an analysis of any barriers to incorporating these innovative wood product technologies into these areas.

Modernization of congressional reports process

The Senate amendment contained a provision (sec. 5372) that would increase by \$2.0 million funds authorized to be appropriated for the Department of Defense to modernize its processes for responding to congressional reporting requirements. The provision would also reduce by \$2.0 million funds authorized to be appropriated for Army service-wide transportation.

The House bill contained no similar provision.

The Senate recedes.

The funding outcome is reflected in the budget tables. The conferees agree on the importance of modernizing Department of Defense processes for responding to congressional reporting requirements.

Report on pandemic preparedness and planning of the Navy

The Senate amendment contained a provision (sec. 6062) that would require the Secretary of the Navy to submit to the congressional defense committees, within 120 days of the date of the enactment of this Act, a report that describes the Department of the Navy's plans to prepare for and respond to future pandemics, including future outbreaks of coronavirus disease 2019 (COVID-19).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Navy to brief the Committees on Armed Services of the Senate and the House of Representatives, within 120 days of the date of the enactment of this Act, on the pandemic preparedness and planning of the Navy. The briefing should include a description of the Navy's comprehensive plan to prepare for and respond to future pandemics and detail its plan to protect the health and safety of military personnel on naval vessels and civilian personnel at public and private shipyards.

Modification of Estimate of damages from Federal Communications Commission Order 20-48

The Senate amendment contained a provision (sec. 6082) that would modify section 1083 of the Senate amendment. The provision would require the Secretary of Defense to distribute the estimate required by section 1083 to entities operating in the frequency band authorized to be used by Federal Communications Commission Order 20-48, grant the Secretary the authority to work directly with such entities to seek recovery of costs incurred by the Department as a result of the Order, and require the Secretary to establish a process for the recovery and use of such funds.

The House bill contained no similar provision.
The Senate recedes.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SUBTITLE A—GENERAL PROVISIONS

Department of Defense policy on unclassified workspaces and job functions of personnel with pending security clearances (sec. 1101)

The House bill contained a provision (sec. 243) that would direct the Secretary of Defense to issue guidance not later than 180 days after the date of the enactment of this Act to ensure, to the extent practicable, that all Department of Defense facilities have unclassified workspaces for employees who have applied for, but have not yet received, a security clearance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop and implement a policy to allow certain military and civilian personnel to occupy positions that require a security clearance and to perform unclassified work while they await a final security clearance determination.

Enhancement of public-private talent exchange programs in the Department of Defense (sec. 1102)

The House bill contained a provision (sec. 249) that would amend section 1599g of title 10, United States Code, to increase conflict of interest and financial disclosure requirements for participants in the Department of Defense (DOD) public-private talent exchange program. The provision would also require

military promotion boards to treat participation in a public-private talent exchange program as equivalent to attending resident professional military education. Additionally, the provision would require the establishment of a public-private exchange program billet office. The provision would direct the Secretary of Defense to ensure that public-private talent exchange authority is used to exchange personnel with private sector experience working on artificial intelligence applications.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 1599g of title 10, United States Code, to clarify that DOD participants in public-private talent exchange programs may not use knowledge related to DOD acquisition or procurement for the benefit of a participating private-sector organization. The provision would also prohibit private-sector participants from performing work that is considered inherently governmental.

The provision would also require the Secretary of Defense to expand the existing talent exchange program to private sector entities that are working on the various DOD modernization priorities. The Secretary of Defense would also be required to implement a system to identify, mitigate, and manage any conflicts of interest that may arise as a result of an individual participating in a public-private talent exchange. For military personnel participating in a talent exchange program, the Secretary of Defense, in consultation with the Secretaries of the military departments, would be required to develop practices that consider participation in a talent exchange program when deciding subsequent military assignments.

The conferees urge the Secretary of Defense and the Secretaries of the military departments to take steps to ensure that military participation in public-private talent exchange programs is viewed favorably by promotion boards and other competitive selection boards. Additionally, the conferees urge the DOD public-private talent exchange program to leverage the Air Force Education with Industry Program Office to assist in expanding the DOD talent exchange program.

Lastly, the conferees note that the public-private talent exchange program may be a valuable experience for many different DOD organizations. In particular, the use of these exchange authorities would be valuable to DOD efforts toward building artificial intelligence expertise and capabilities.

Paid parental leave technical corrections (sec. 1103)

The House bill contained a provision (sec. 1101) that would make technical corrections relating to parental leave for Federal employees.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Authority to provide travel and transportation allowances in connection with transfer ceremonies of certain civilian employees who die overseas (sec. 1104)

The House bill contained a provision (sec. 1103) that would amend subchapter II of chapter 75 of title 10, United States Code, to authorize the Secretary of the military department concerned, the agency head of a Defense Agency or Department of Defense Field Activity, or the Secretary of Homeland Security, to provide round-trip travel and transportation allowances and accompaniment services in connection with ceremonies for the transfer of a Department of Defense or Coast Guard civilian employee who dies while located or serving overseas.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow family members of deceased civilian employees of the Coast Guard to be provided with round-trip travel and associated expenses when the Coast Guard is operating as a service of the Navy.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1105)

The House bill contained a provision (sec. 1104) that would amend would amend section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), to extend through 2021 the authority of heads of executive agencies to waive the limitation on the aggregate of basic and premium pay of employees who perform work in an overseas location that is in the area of responsibility of the Commander, U.S. Central Command (CENTCOM), or in a location that was formerly in CENTCOM but has been moved to the area of responsibility of the Commander, U.S. Africa Command, in support of a military operation or an operation in response to a declared emergency.

The Senate amendment contained an identical provision (sec. 1112).

The conference agreement includes this provision.

One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone (sec. 1106)

The House bill contained a provision (sec. 1104) that would extend by 1 year the discretionary authority of the head of a Federal agency to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to the agency's civilian employees on official duty in a combat zone.

The Senate amendment contained an identical provision (sec. 1111).

The conference agreement includes this provision.

Civilian faculty at the Defense Security Cooperation University and Institute of Security Governance (sec. 1107)

The House bill contained a provision (sec. 1107) that would amend section 1595(c) of title 10, United States Code, to add the Defense Security Cooperation University and the Defense Institute for Security Governance to the list of covered institutions for which the Secretary of Defense may employ and compensate civilian faculty as the Secretary considers necessary.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that the Congress knows relatively little about Department of Defense (DOD) policies and practices for administratively determined civilian personnel positions. Therefore, the conferees direct the Undersecretary of Defense for Personnel and Readiness to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2021. The briefing shall include the following elements:

- (1) A description and summary of administratively determined positions in the DOD;
- (2) A list and explanation of the various policies pertaining to administratively determined positions;
- (3) An explanation of the significant differences in law and policy between administratively determined positions and other civil service positions within the Department of Defense; and
- (4) Any other matters the Undersecretary of Defense for Personnel and Readiness considers relevant.

Temporary authority to appoint retired members of the Armed Forces to positions in the Department of Defense (sec. 1108)

The House bill contained a provision (sec. 1108) that would amend section 3326 of title 5, United States Code, to authorize the Secretary of a military department to appoint recently retired servicemembers as civilian employees in the Department of Defense at industrial base facilities, provided the Secretary concerned certifies a lack of qualified applicants.

The Senate amendment contained a similar provision (sec. 1108).

The House recedes with an amendment that would provide temporary authority to the Secretary of Defense to appoint retired members of the Armed Forces to positions in the Department of Defense for GS-13 and below positions at a defense industrial base facility, provided the Secretary of the military department concerned certifies a lack of qualified applicants.

Fire fighters alternative work schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services (sec. 1109)

The House bill contained a provision (sec. 1109) that would require the Commander of Navy Region Mid-Atlantic to establish and carry out a 5-year fire fighter alternative work schedule demonstration project. The demonstration project would require tours of duty to be scheduled at least 2 weeks in advance and that tours of duty use a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours. The provision would also require the Commander of Navy Region Mid-Atlantic to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on effects of the demonstration project not later than 180 days after the demonstration project is terminated.

The Senate amendment contained an identical provision (sec. 1110A).

The conference agreement includes this provision.

Special rules for certain monthly workers' compensation payments and other payments for Federal Government personnel under chief of mission authority (sec. 1110)

The House bill contained a provision (sec. 1110) that would amend section 901 of title 9 of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) by

authorizing the head of any Federal agency to provide an additional monthly payment to any Federal employee who is injured while detailed to a duty station in the Republic of Cuba, the People's Republic of China, or another foreign country designated by the Secretary of State. The provision would also prevent the duplication of benefits for individuals receiving compensation under section 19A of the Central Intelligence Agency Act of 1949 (Public Law 81-110).

The Senate amendment contained a similar provision (sec. 6091).

The Senate recedes with a technical amendment.

Temporary increase in limitation on accumulation of annual leave for Executive branch employees (sec. 1111)

The House bill contained a provision (sec. 1111) that would amend section 6304 of title 5, United States Code, to require the service of a Federal employee during a pandemic be deemed an exigency of the public business and to require the restoral of annual leave that is lost as a result of a service during a pandemic.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Director of the Office of Personnel Management to allow non-Senior Executive Service and equivalent level employees to increase their accrued leave balance by up to 25 percent over current annual limits for calendar year 2021. The provision would prohibit any accrued leave in excess of an employee's ordinary annual limit from being included in a lump-sum payment upon retirement or separation.

Telework travel expenses program of the United States Patent and Trademark Office (sec. 1112)

The House bill contained a provision (sec. 1113) that would amend section 5711 of title 5, United States Code, to authorize permanently a telework travel expenses program within the United States Patent and Trademark Office.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of rate of overtime pay authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan (sec. 1113)

The House bill contained a provision (sec. 1114) that would amend section 5542 of title 5, United States Code, to extend until September 30, 2026, the authority of the Secretary of the Navy to pay overtime rates to civilian employees performing temporary duty in Japan in support of the forward deployed nuclear aircraft carrier.

The Senate amendment contained a similar provision (sec. 1104).

The Senate recesses.

Enhanced pay authority for certain acquisition and technology positions in the Department of Defense (sec. 1114)

The Senate amendment contained a provision (sec. 1101) that would amend subchapter I of chapter 87 of title 10, United States Code, to permanently authorize an enhanced pay authority for acquisition and technology positions in the Department of Defense. The provision would authorize up to 20 total positions within the Office of the Secretary of Defense and the military departments that may have a maximum pay rate set at 150 percent of level 1 of the Executive Schedule.

The House bill contained no similar provision.

The House recesses.

Enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense (sec. 1115)

The Senate amendment contained a provision (sec. 1102) that would amend chapter 139 of title 10, United States Code, to permanently authorize an enhanced pay authority for research and technology positions in the Department of Defense. The provision would authorize up to 15 total positions within the military departments that may have a maximum pay rate set at 150 percent of level 1 of the Executive Schedule.

The House bill contained no similar provision.

The House recesses.

Extension of enhanced appointment and compensation authority for civilian personnel for care and treatment of wounded and injured members of the armed forces (sec. 1116)

The Senate amendment contained a provision (sec. 1103) that would amend section 1599c(b) of title 10, United States Code, to extend the enhanced appointment and compensation authority for civilian personnel for the care and treatment of

wounded and injured members of the Armed Forces through December 31, 2025.

The House bill contained no similar provision.

The House recedes.

Expansion of direct hire authority for certain Department of Defense personnel to include installation military housing office positions supervising privatized military housing (sec. 1117)

The Senate amendment contained a provision (sec. 1105) that would amend section 9905 of title 5, United States Code, to authorize direct hire authority for installation military housing office positions responsible for supervising privatized military housing projects.

The House bill contained no similar provision.

The House recedes.

Extension of sunset of inapplicability of certification of executive qualifications by qualification certification review board of office of personnel management for initial appointments to senior executive service positions in department of defense (sec. 1118)

The Senate amendment contained a provision (sec. 1106) that would amend section 1109 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), to extend by 3 years the sunset date of the Department of Defense's temporary exemption from Office of Personnel Management qualification certification review boards for individuals appointed to senior executive service positions within the Department.

The House bill contained no similar provision.

The House recedes.

Pilot program on enhanced pay authority for certain high-level management positions in the Department of Defense (sec. 1119)

The Senate amendment contained a provision (sec. 1107) that would authorize the Department of Defense to establish a pilot program to offer higher compensation than normally allowed by the executive schedule for a limited numbers of positions requiring extremely high levels of experience managing complex organizations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Recruitment incentives for placement at remote locations (sec. 1120)

The Senate amendment contained a provision (sec. 1109) that would amend chapter 81 of title 10, United States Code, to provide a temporary direct hire authority to positions in the competitive service in geographically remote locations and locations with extreme climate conditions. The provision would also provide a relocation incentive to positions covered by the direct hire authority.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Department of Defense to provide a recruitment incentive to individuals appointed to positions at geographically remote locations and locations with extreme climate conditions.

Technical amendments regarding reimbursement of Federal, State, and local income taxes incurred during travel, transportation, and relocation (sec. 1121)

The Senate amendment contained a provision (sec. 1113) that would amend section 5724b of title 5, United States Code, to make a technical correction to authority provided by section 1114 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) relative to the reimbursement of Federal, State, and local income tax expenses incurred by Federal civilian employees incident to Government-directed travel, transportation, and relocations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE B—ELIJAH E. CUMMINGS FEDERAL EMPLOYEE ANTIDISCRIMINATION ACT OF 2020

Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 (secs. 1131-1138)

The House bill contained several provisions (sec. 1121-1128) that would amend various sections of title 5, United States Code, and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174) to modify reporting, notification, and appeals procedures associated with Federal agency equal opportunity violations.

The Senate amendment contained a similar provision (sec. 6047).

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on authority to exclude employees from chapter 71 of title 5

The House bill contained a provision (sec. 1102) that would prohibit the use of funds to exclude the Department of Defense or any agency thereof from collective bargaining rights in fiscal year 2021.

The Senate amendment contained no similar provision.

The House recedes.

Limiting the number of local wage areas defined within a pay locality

The House bill contained a provision (sec. 1106) that would amend section 5343 of title 5, United States Code, to prohibit the Office of Personnel Management (OPM) from defining more than one Federal Wage System (FWS) local wage area within a General Schedule (GS) pay locality.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that OPM is responsible for overseeing the implementation and administration of the FWS in consultation with other agencies, appropriate labor organizations, and the advice of the Federal Prevailing Rate Advisory Committee (FPRAC). Since 2010, the FPRAC has voted three times to recommend that OPM align FWS wage areas with GS locality pay areas across the country. OPM has not implemented these recommendations. The conferees encourage OPM to address this longstanding issue as soon as possible.

Modification of direct hire authority for certain personnel involved with Department of Defense maintenance activities

The Senate amendment contained a provision (sec. 1110) that would amend section 9905 of title 5, United States Code, to provide direct hire authority for positions that perform support functions for depot-level maintenance and repair.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the Department of Defense already possesses extensive direct hire authority for a variety of civilian personnel positions. Section 9905 of title 5, United States Code, provides general direct hire authority for any position involved with Department maintenance activities and Major Range and Test Facilities Bases. The conferees encourage

the Secretary of Defense to utilize fully all available direct hire authority provided by section 9905.

The conferees emphasize that future requests for additional direct hire authority must be justified by objective data that demonstrates consistent difficulty filling certain vacant positions within a reasonable amount of time.

Report by Comptroller General of the United States on diversity and inclusion within the civilian workforce of the Department of Defense

The Senate amendment contained a provision (sec. 1110B) that would require the Comptroller General of the United States to provide a report to the Congress on issues related to diversity and inclusion within the Department of Defense (DOD).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General of the United States to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the diversity and inclusion of the civilian workforce of the DOD. The report shall include: (1) A description of the demographic composition of the civilian workforce of the DOD; (2) An assessment of any differences in promotion outcomes among demographic groups of the civilian workforce of the Department; (3) An assessment as to whether the Department has identified barriers to increasing diversity in its civilian workforce; and (4) Any other matters the Comptroller General considers appropriate. The conferees further direct that, not later than 1 year after the date of the enactment of this Act, the Comptroller General provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives describing the Comptroller General's preliminary findings, and submit a final report on a date agreed to at the time of the briefing.

Vacancy of Inspector General positions

The House bill contained a provision (sec. 1115) that would amend the Federal Vacancies Reform Act (5 U.S.C. 3345) to require that when there is a vacancy in an Inspector General position that requires appointment by the President, by and with the advice and consent of the Senate, the first assistant to the Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity. If the first assistant is not available to serve, the President would be required to appoint an acting Inspector General from among

persons serving in an office of any Inspector General who met particular time in service and pay grade requirements.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SUBTITLE A—ASSISTANCE AND TRAINING

Authority to build capacity for additional operations (sec. 1201)

The Senate amendment contained a provision (sec. 1201) that would modify section 333 of title 10, United States Code, relating to the authority of the Secretary of Defense to conduct or support programs to provide training and equipment to the national security forces of one or more foreign countries by adding cyberspace operations to the list of authorized functional areas in which such support may be provided.

The House bill contained no similar provision.

The House recedes with an amendment that would modify section 333 of title 10, United States Code, to add air domain awareness operations and cyberspace security and defensive cyberspace operations to the list of authorized support. The conferees intend the authority for air domain awareness operations to authorize Department of Defense programs to conduct or support training and equipping of foreign national security forces in order to build their capacity to detect, track, and identify threats to territorial airspace and includes associated airfield operations.

Further, the conferees intend for the authority for cyberspace security operations to authorize Department of Defense programs to conduct or support training and equipping for foreign national security forces in order to build their capacity to conduct cyberspace security operations as defined in Joint Publication 3-12 as operations taken within protected cyberspace to prevent unauthorized access to, exploitation of, or damage to, computers, electronic communications systems, and other information technology, including platform information technology, as well as the information contained therein, to ensure its availability, integrity, authentication, confidentiality, and nonrepudiation.

The conferees also intend for the authority for defensive cyberspace operations to authorize Department of Defense programs to conduct or support training and equipping for

foreign national security forces in order to build their capacity to conduct defensive cyberspace operations as defined in Joint Publication 3-12 as operations to preserve the ability to utilize cyberspace capabilities and protect data, networks, cyberspace-enabled devices, and other designated systems by defeating on-going or imminent malicious cyberspace activity. The conferees intend for any cyberspace security or defensive cyberspace operation program to build capacity to defend national cyberspace against foreign threats.

Participation in European program on multilateral exchange of surface transportation services (sec. 1202)

The House bill contained a provision (sec. 1202) that would authorize the Secretary of Defense to participate in the Surface Exchange of Services Program of the Movement Coordination Centre Europe.

The Senate amendment contained a similar provision (sec. 1240).

The House recedes.

Participation in programs relating to coordination or exchange of air refueling and air transportation services (sec. 1203)

The Senate amendment contained a provision (sec. 1241) that would codify permanently the authority of the Secretary of Defense to participate in programs relating to coordination or exchange of air refueling and air transportation services.

The House bill contained no similar provision.

The House recedes.

Reciprocal patient movement agreements (sec. 1204)

The Senate amendment contained a provision (sec. 1281) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of certain partner countries concerning reciprocity with respect to patient movement including matters concerning personnel, services, and equipment. The provision would require the Secretary of Defense, before entering into a memorandum of understanding or other formal agreement, to certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country meet or exceed the equivalent standards of the United States for similar personnel and equipment and provide for a

level of care comparable to, or better than, the level of care provided by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Modification to the Inter-European Air Forces Academy (sec. 1205)

The Senate amendment contained a provision (sec. 1203) that would modify section 350(b) of title 10, United States Code, to expand eligibility for military education and training at the Inter-European Air Forces Academy to military personnel of countries that are within the United States Africa Command area of responsibility and eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

The House bill contained no similar provision.

The House recedes.

Modification of authority for participation in multinational centers of excellence (sec. 1206)

The Senate amendment contained a provision (sec. 1206) that would amend section 344 of title 10, United States Code, by modifying the authority for participation in multinational centers of excellence.

The House bill contained no similar provision.

The House recedes.

Modification and extension of support of special operations for irregular warfare (sec. 1207)

The House bill contained a provision (sec. 1201) that would modify section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), as most recently amended by section 1207 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), by extending the authority through 2025 and increasing the annual limitation of funding to \$15.0 million from \$10.0 million. This provision would also expand notification elements related to human rights violations and violations of the Geneva Conventions of 1949.

The Senate amendment contained a similar provision (sec. 1204).

The Senate recedes with an amendment that increases the annual limitation on funding to \$15.0 million and makes modifications to the notification requirements and the construction of authority.

Extension of authority to transfer excess high mobility multipurpose wheeled vehicles to foreign countries (sec. 1208)

The House bill contained a provision (sec. 1203) that would modify and extend by 2 years section 1276 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) that requires excess high mobility multipurpose wheeled vehicles (HMMWVs) that are to be transferred or granted to a foreign country to have modernized powertrains and modernized armored or armored-capable crew compartments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend section 1276 by 1 year and allow delegation of the waiver authority under the section to the Secretary of Defense.

The conferees expect the Secretary of Defense to periodically provide updates to the congressional defense committees on the Department's efforts to engage and collaborate with the industrial base. The conferees expect the Department and the industrial base to coordinate and share information in order to develop a long-term approach that considers both the needs of the industrial base as well as the excess defense article transfer needs of our foreign partners, consistent with United States national security interests. The conferees expect the Department to fully comply with the transfer authority in section 2321j of title 22, United States Code.

Modification and extension of update of Department of Defense Freedom of Navigation Report (sec. 1209)

The House bill contained a provision (sec. 1204) that would amend section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to extend and modify the Department of Defense Freedom of Navigation Report.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Extension and modification of authority to support border security operations of certain foreign countries (sec. 1210)

The Senate amendment contained a provision (sec. 1205) that would modify section 1226 of the National Defense Authorization for Fiscal Year 2016 (Public Law 114-92), as most recently amended by section 1213 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), to extend the authority to support border security operations of certain foreign countries through December 31,

2023. The provision would also clarify the source of funds available for support pursuant to this authority in order to improve oversight of such expenditures.

The House bill contained no similar provision.

The House recesses.

Extension of Department of Defense support for stabilization activities in national security interest of the United States (sec. 1210A)

The House bill contained a provision (sec. 1207) that would extend until December 31, 2021, section 1210A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) for Department of Defense support to stabilization activities in the national security interest in the United States.

The Senate amendment contained a similar provision (sec. 1283).

The Senate recesses.

Extension of report on workforce development (sec. 1210B)

The House bill contained a provision (sec. 1205) that would extend for 5 years the requirement in section 1250 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to provide a report on Department of Defense security cooperation workforce development efforts.

The Senate amendment contained no similar provision.

The Senate recesses.

Plan to increase participation in international military education and training programs (sec. 1210C)

The House bill contained a provision (sec. 1801) that would require, not later than 1 year after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, to submit to the appropriate congressional committees a plan to increase the number of foreign female participants receiving training under the International Military Education and Training program authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) and any other military exchange program offered to foreign participants, with the goal of doubling such participation over the 10-year period beginning on the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

*Mitigation and prevention of atrocities in high-risk countries
(sec. 1210D)*

The House bill contained a provision (sec. 1299E) that would require the Secretary of State to submit to the appropriate congressional committees a report on its efforts to prevent atrocities in covered foreign countries.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Implementation of the Women, Peace, and Security Act of 2017
(sec. 1210E)*

The House bill contained a provision (sec. 1759) that would express the sense of Congress regarding Department of Defense annual funding for implementation of the Women, Peace, and Security Act of 2017 (Public Law 115-68). The section would further specify the activities the Department of Defense would be required to undertake to implement the Women, Peace, and Security Act and would require a one-time briefing on security cooperation capacity building and an annual report on such activities through January 1, 2025.

The Senate amendment contained a similar provision (sec. 1207).

The House recedes with an amendment that would amplify the requirements associated with implementation of the Women, Peace, and Security Act program by the Department of Defense and the Department of State.

SUBTITLE B—MATTERS RELATING TO AFGHANISTAN AND PAKISTAN

*Extension and modification of authority for reimbursement of
certain coalition nations for support provided to United States
military operations (sec. 1211)*

The House bill contained a provision (sec. 1211) that would extend through December 31, 2021, the authority to make Coalition Support Fund payments under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as most recently amended by section 1217 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The Senate amendment contained a similar provision (sec. 1211).

The House recedes.

Extension of the Afghan Special Immigrant Visa Program (sec. 1212)

The House bill contained a provision (sec. 1212) that would extend the Afghan Allies Protection Act of 2009 (Public Law 111-8) as well as extend an expiring report.

The Senate amendment contained a similar provision (sec. 1214).

The Senate recedes with an amendment to increase the number of special immigrant visas.

The conferees note that the special immigrant visa program for Afghan allies is critical to the mission in Afghanistan and the long-term interests of the United States. Maintaining a robust special immigrant visa program for Afghan allies is necessary to support United States Government personnel in Afghanistan. Afghan allies routinely risk their lives to assist United States military and diplomatic personnel. Honoring the commitments made to Afghan allies with respect to the special immigrant visa program is essential to ensuring the continued service and safety of such allies, and the willingness of other like-minded individuals to provide similar services in any future contingency.

The conferees further note that the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) states that all Government-controlled processing of applications for special immigrant visas under that Act should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa. Any backlog in processing special immigrant visa applications should be addressed as quickly as possible so as to honor the United States commitment to Afghan allies as soon as possible. The failure to process such applications in an expeditious manner puts lives at risk and jeopardizes a critical element of support to United States operations in Afghanistan. To prevent harm to the operations of the United States Government in Afghanistan, the conferees urge the Administration to make additional visas available to principal aliens who are eligible for special immigrant status under that Act.

Extension and modification of support for reconciliation activities led by the Government of Afghanistan (sec. 1213)

The Senate amendment contained a provision (sec. 1213) that would extend the authorization for the Department of Defense to provide support for Government of Afghanistan-led reconciliation activities. The provision would modify the existing authority in section 1218 of the National Defense

Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require that covered support can only be provided for reconciliation activities that occur in Afghanistan, include the participation of the Government of Afghanistan, and do not restrict the participation of women. The provision would also prohibit Taliban members' receipt of reimbursement for travel or lodging expenses and stipends or per diem payments. Finally, the provision would prohibit the Department from providing covered support until it provides the implementation framework required by section 1218 of the National Defense Authorization Act of Fiscal Year 2020, due to the Congress on March 19, 2020.

The House bill contained no similar provision.

The House recedes.

Extension and modification of Commanders' Emergency Response Program (sec. 1214)

The Senate amendment contained a provision (sec. 1212) that would extend the authorization for the Commanders' Emergency Response Program in Afghanistan through December 31, 2021, would authorize \$2.0 million, and would provide a quarterly report on the allocation and use of funds for the program.

The House bill contained no similar provision.

The House recedes.

Limitation on use of funds to reduce deployment to Afghanistan (sec. 1215)

The House bill contained a provision (sec. 1213) that would require the Administration to submit a comprehensive, interagency report and certification prior to obligating or expending funds to draw down U.S. military personnel in Afghanistan below troop levels of 8,000 and 4,000. The provision would provide that the Secretary of Defense may waive the funding limitation required by this provision if it is determined to be vital to the national security interests of the United States or necessary due to an imminent and extraordinary threat to members of the United States Armed Forces.

The Senate amendment contained a similar provision (sec. 1215).

The Senate recedes with an amendment that would adjust the troop level thresholds, modify certain reporting requirements, and adjust the waiver available to the Secretary of Defense.

The conferees reaffirm that it is in the national security interests of the United States to deny terrorists safe haven in Afghanistan, protect the United States homeland, uphold the

United States partnership with the Government of Afghanistan, and protect the hard-fought gains for the rights of women, girls, and other vulnerable populations in Afghanistan. The conferees note the South Asia strategy emphasizes the importance of a conditions-based United States presence in Afghanistan in support of ongoing diplomatic efforts to secure a peaceful, negotiated solution to the conflict. The conferees further note that any decision to reduce the Armed Forces of the United States in Afghanistan should be done in an orderly manner and in coordination with United States allies and partners and the Government of Afghanistan. Additionally, prior to withdrawal, the United States should seek to secure the release of any United States citizens being held against their will in Afghanistan. The Administration has a constitutional obligation to provide the Congress and the American people with regular, timely, and comprehensive information on the status of security operations and diplomatic efforts in Afghanistan and across the globe.

Modifications to immunity from seizure under judicial process of cultural objects (sec. 1216)

The House bill contained a provision (sec. 1215) that would protect from seizure works of art or objects of cultural significance that have been imported from Afghanistan under certain conditions.

The Senate amendment contained no similar provision.
The Senate recedes with an amendment.

Congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process (sec. 1217)

The House bill contained a provision (sec. 1217) that would require the Secretary of State, in consultation with the Secretary of Defense, to submit to the appropriate congressional committees materials relevant to the February 29, 2020 Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America. The provision would also require the Secretary of State to submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any future agreement or arrangement involving the Taliban in any manner, as well as materials relevant to any future agreement or arrangement involving the Taliban in any manner. The provision

would also include a detailed reporting and briefing requirement.

The Senate amendment contained a similar provision (sec. 6211).

The House recedes with an amendment to strike the briefing requirement and modify elements of the report.

Strategy for post-conflict engagement on human rights in Afghanistan (sec. 1218)

The House bill contained a provision (sec. 1216) that would require, not later than 120 days after a final Afghan reconciliation agreement is reached between the Government of Afghanistan and the Taliban, the Secretary of State to submit a strategy for post-conflict engagement by the United States in Afghanistan to support the protection and promotion of basic human rights and the inclusion and empowerment of women and girls in Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Modification to report on enhancing security and stability in Afghanistan (sec. 1219)

The House bill contained a provision (sec. 1218) that would require the Secretary of Defense and Secretary of State to submit an annual report on civilian casualties caused by the Afghan National Defense and Security Forces and the Taliban. The House bill additionally contained provisions (secs. 1299S-1, 1299S-2, and 1299S-3) that would require, not later than 90 days after the enactment of this Act, the Secretary of Defense to make publicly available all data pertaining to measures of performance of the Afghan National Defense and Security Forces. The provisions also would require the Secretary of Defense to resume the production of district-level stability assessments of Afghan government and insurgent control and influence that were discontinued in 2018, to include district, population, and territorial control data.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment to modify the semi-annual report on enhancing security and stability in Afghanistan required by section 1225 of the Carl Levin and Howard P.

``Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3550) to include reporting on current training and advisory efforts to improve the Government of Afghanistan's capability to minimize civilian casualties and a description of any plans to transition existing

U.S. or coalition investigatory mechanisms and reporting channels to the Government of Afghanistan. The amendment also requires the Secretary of Defense to resume the production of district-level stability assessments of Afghan government and insurgent control and influence.

The conferees note that issues pertaining to prevention and mitigation of civilian casualties by U.S. forces are addressed in multiple provisions elsewhere in this Act.

Report on Operation Freedom's Sentinel (sec. 1220)

The House bill contained a provision (sec. 1214) that would direct the Secretary of Defense to provide a report and to submit annual budget justifications on Operation Freedom's Sentinel that include specific direct war requests, costs that occur inside and outside the geographical boundaries of Afghanistan, activities that fund the services, as well as transportation and logistical support.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that prior to fiscal year 2021, data regarding costs related to Operation Freedom's Sentinel was routinely provided as part of the President's annual budget request.

SUBTITLE C—MATTERS RELATING TO SYRIA, IRAQ, AND IRAN

Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria (sec. 1221)

The House bill contained a provision (sec. 1221) that would modify section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to provide assistance to the security forces of the Government of Iraq to counter the Islamic State of Iraq and Syria (ISIS) and extend the authority through December 31, 2021. This section would also require the Secretary of Defense to submit an annual report detailing the weapons and equipment purchased using the Counter-ISIS Train and Equip Fund, as well as the incremental costs for operations and maintenance for Operation Inherent Resolve (OIR) in the previous fiscal year. This section would also require the Department to submit annual budget justifications for OIR for fiscal years 2022 and 2023.

The Senate amendment contained a similar provision (sec. 1221) that would extend and modify section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

The Senate recesses with an amendment that would extend and modify the authority and require a report and budget details regarding OIR.

Extension and modification of authority to provide assistance to vetted Syrian groups and individuals (sec. 1222)

The House bill contained a provision (sec. 1222) that would extend and modify section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), under which support is provided to vetted Syrian groups.

The Senate amendment contained a similar provision (sec. 1222).

The Senate recesses with a clarifying amendment.

Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1223)

The House bill contained a provision (sec. 1223) that would extend and modify the authority under section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to support the operations and activities of the Office of Security Cooperation-Iraq.

The Senate amendment contained a similar provision (sec. 1223).

The Senate recesses with an amendment that would extend and modify the authority and associated reporting requirements.

Prohibition on provision of weapons and other forms of support to certain organizations (sec. 1224)

The House bill contained a provision (sec. 1224) that would prohibit the use of funds authorized to be appropriated by this Act to the Department of Defense for fiscal year 2021 to provide weapons or any form of support to al-Qaeda, the Islamic State of Iraq and Syria, Jabhat Fateh al Sham, Hamas, Hizballah, Palestinian Islamic Jihad, al-Shabaab, Islamic Revolutionary Guard Corps, or any individual or group associated with these organizations.

The Senate amendment contained no similar provision.
The Senate recesses.

Report and budget details regarding Operation Spartan Shield (sec. 1225)

The House bill contained a provision (sec. 1225) that would require the Secretary of Defense to provide a report and to submit annual budget justifications for Operation Spartan Shield for fiscal years 2022 and 2023.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

SUBTITLE D—MATTERS RELATING TO RUSSIA

Extension of limitation on military cooperation between the United States and the Russian Federation (sec. 1231)

The House bill contained a provision (sec. 1232) that would extend through fiscal year 2021 section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), as most recently amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92). This section would limit the use of fiscal year 2021 funds for bilateral military-to-military cooperation between the United States and the Russian Federation unless certain waiver conditions are met.

The Senate amendment contained a similar provision (sec. 1231).

The Senate recedes.

Matters relating to United States participation in the Open Skies Treaty (sec. 1232)

The House bill contained provisions (sec. 1234 and sec. 1237) that would require the Secretary of Defense and the Secretary of State to provide to the congressional defense committees certain notifications relating to prior warning of observation flights conducted under the Open Skies Treaty over states that host United States military forces and assets. If agreements with host nations relating to prior notification of observation flights have been reached, the provisions would require the submission of such agreements to the appropriate congressional committees. The provisions would also require the Secretaries, in coordination with the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, to provide to the appropriate congressional committees a report on the effects of a potential withdrawal of

the United States from the Treaty and detail certain required elements for the report.

The provisions would also express the sense of Congress that withdrawal from the Treaty did not comply with certain requirements for notification enacted in the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), that the withdrawal was made without asserting material breach of the Treaty, and was made over the objections of partners and allies. The provisions would further express the sense of Congress that confidence- and security-building measures remain vital to the interests of our allies and partners and that international engagement and diplomatic action should be prioritized in response to Russian treaty violations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would combine the provisions, retain the sense of Congress with some modifications, retain the required notifications from the Secretaries of Defense and State, and retain the report requirement with modifications to certain required elements.

Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea (sec. 1233)

The House bill contained a provision (sec. 1231) that would prohibit the use of fiscal year 2021 funds to implement any activity that recognizes the sovereignty of Russia over Crimea. This section would also allow the Secretary of Defense, with the concurrence of the Secretary of State, to waive the prohibition if the Secretary of Defense determines that doing so would be in the national security interest of the United States and submits a notification to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

The Senate amendment contained a similar provision (sec. 1232).

The House recedes with a technical amendment.

Annual report on military and security developments involving the Russian Federation (sec. 1234)

The House bill contained a provision (sec. 1239) that would require the Secretary of Defense, in consultation with the Director of National Intelligence and the Secretary of State, to submit to the appropriate congressional committees, not later than 120 days after the date of the enactment of this Act, a report on all threats to the United States Armed Forces and

personnel of the United States from the Russian Federation and associated agents, entities, and proxies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand and extend the annual report on military and security developments involving the Russian Federation, as previously enacted in section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1235 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) (the "Russian Military Power" report).

The conferees direct the Secretary of Defense, at the time the report under this section is submitted, to provide a briefing on the Fiscal Year 2021 Russia Military Power Report to the congressional defense committees highlighting any major changes to the disposition of Russian military forces or major improvements to military capabilities as well as any force protection measures required to address efforts by the Russian Federation and associated agents, entities, or proxies to support or encourage attacks against Armed Forces and personnel of the United States engaged in named contingency operations or combat. The conferees encourage the Administration to emphasize to the Government of the Russian Federation that the United States will not tolerate threats to the Armed Forces and military operations of the United States, the allies of the United States, or the diplomats of the United States.

Modification and extension of Ukraine Security Assistance Initiative (sec. 1235)

The House bill contained a provision (sec. 1233) that would extend by 1 year section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), most recently amended by section 1244 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), to authorize the Secretary of Defense to provide security assistance and intelligence support to the Government of Ukraine, with the concurrence of the Secretary of State. This section would also authorize \$250.0 million to carry out this authority in fiscal year 2021.

The Senate amendment contained a similar provision (sec. 1233).

The Senate recedes with an amendment that would modify the categories of appropriate assistance, broaden the types of reforms intended to decrease corruption, increase accountability, and maintain sustainability of combat capability enabled by such assistance, and make \$75.0 million available

only for lethal assistance as described in the authority as amended.

The conferees believe that lethal assistance, including as modified in this provision, contributes to building Ukraine's capability to defend and preserve its sovereignty and enhances Ukraine's role as a regional Black Sea security partner. Furthermore, the Government of Ukraine has demonstrated reliable stewardship and effective employment of more advanced capabilities enabled with U.S. assistance.

The conferees direct the Under Secretary of Defense for Policy, in coordination with the Director of the Defense Security Cooperation Agency and the U.S. European Command, to brief the congressional defense committees not later than March 15, 2021, on the Department of Defense's planning and capacity to provide lethal assistance to the Government of Ukraine given the current structure of this authority. The briefing shall include: (1) A description of defense articles and services to be provided; (2) Timelines associated with acquisition and delivery of such articles and services; (3) A description of any challenges in meeting execution timelines such as acquisition authority limitations, funding availability and mechanisms, production and delivery schedules, statutory requirements, or other factors, and the steps taken to mitigate such challenges; (4) Items considered for acquisition but not in the plan due to execution timeline concerns; and (5) Any other matter determined relevant by the Under Secretary of Defense.

Report on capability and capacity requirements of military forces of Ukraine and resource plan for security assistance (sec. 1236)

The House bill contained a provision (sec. 1299Q-4) that would require the Secretary of Defense and the Secretary of State to jointly submit to the appropriate committees of the Congress, not later than 180 days after the date of the enactment of this Act, a report on the capability and capacity requirements of the military forces of the Government of Ukraine.

The Senate amendment contained a similar provision (sec. 1234).

The Senate recedes with a technical amendment.

Report on Russian Federation support of racially and ethnically motivated violent extremists (sec. 1237)

The Senate amendment contained a provision (sec. 1239) that would require the Secretary of Defense, in consultation

with the head of any other relevant Federal department or agency, to submit a report to the appropriate congressional committees on Russian support to racially- and ethnically-motivated violent extremist groups and networks.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Director of National Intelligence and the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the head of any other relevant Federal department or agency, to submit jointly a report to the appropriate congressional committees on Russian support to foreign racially- and ethnically-motivated violent extremist groups and networks, consistent with the authorities of the Secretary of Defense and the Director of National Intelligence in this matter. The amendment would also require an assessment of the threat that Russian support to these groups and networks poses to U.S. counterterrorism and national security interests.

The conferees note that foreign state involvement with racially- and ethnically-motivated violent extremist groups and networks threatens global security. The conferees strongly condemn foreign and domestic racially- and ethnically-motivated violent extremism and support interagency efforts to counter these groups and networks.

Authorization of rewards for providing information on foreign election interference (sec. 1238)

The House bill contained a provision (sec. 1299Q-2) that would amend section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) to authorize the Secretary of State to pay a reward to any individual who furnishes information leading to the identification or location of a foreign person that knowingly engaged or is engaging in foreign election interference. The provision would further define the terms "foreign person" and "foreign election interference" for purposes of the reward program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the definition of the term "foreign election interference."

SUBTITLE E—MATTERS RELATING TO EUROPE AND NATO

Determination and imposition of sanctions with respect to Turkey's acquisition of the S-400 air defense system (sec. 1241)

The House bill contained a provision (sec. 1292) that would determine that the acquisition by the Government of Turkey of the S-400 air and missile defense system from the Russian Federation shall constitute a significant transaction as described in Section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), and require imposition of sanctions within 30 days of the enactment of this Act with certain exceptions. The provision would allow termination of sanctions if the President certifies certain conditions are met.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Clarification and expansion of sanctions relating to construction of Nord Stream 2 or TurkStream pipeline projects (sec. 1242)

The House bill contained a provision (sec. 1248) that would amend subsection (a)(1) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116-92) to clarify and expand sanctions relating to the construction of Nord Stream 2 or Turkstream pipeline projects.

The Senate amendment contained a similar provision (sec. 6231).

The Senate recedes with an amendment that would allow the President to waive the application of sanctions to a person if the President determines that the waiver would be in the national interests of the United States. The amendment also adds an exception clause and a requirement to consult with certain countries and makes other technical amendments.

Extension of authority for training for Eastern European national security forces in the course of multilateral exercises (sec. 1243)

The Senate amendment contained a provision (sec. 1236) that would extend through December 31, 2023, the authority provided in section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), as amended by section 1247 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The House bill contained no similar provision.

The House recedes.

Sense of Congress on support for the North Atlantic Treaty Organization (sec. 1244)

The House bill included a provision (section 1242) that would express the sense of Congress reaffirming the commitment of the United States to the North Atlantic Treaty Organization (NATO).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that in addition to reaffirming the commitment of the United States to NATO, would additionally express the sense of Congress on the importance of NATO and need for further cooperation on issues impacting national security.

Limitation on United States force structure reductions in Germany (sec. 1245)

The House bill contained a provision (sec. 1241) that would restrict reductions in the levels of military personnel serving on Active Duty stationed in Germany or Europe until certain conditions are met.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that expresses the sense of Congress on the importance of the relationship with Federal Republic of Germany and of the presence of U.S. force structure in Germany. The amendment prohibits the reduction in the number of members of the Armed Forces serving on Active Duty stationed in Germany until 120 days after an assessment is submitted to the appropriate committees of the Congress with certain analyses and descriptions.

Report on United States military force posture in Southeastern Europe (sec. 1246)

The House bill included a provision (section 1280) that would, among other things, require a feasibility study of increased rotational deployments to Greece.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report that would include an assessment of the value, cost, and feasibility of increased U.S. military presence in the Eastern Mediterranean Sea and Black Sea regions, to include assessments of force posture in Greece, Romania, Bulgaria, and other relevant locations.

The conferees note the importance of increased coherence in North Atlantic Treaty Organization (NATO) alliance posture and capabilities, especially in the Eastern Mediterranean and Black Sea regions. The conferees encourage the Department of Defense, in concert with efforts of NATO allies and partners, to consider options for increasing U.S. presence in the region as

part of a more effective posture to promote regional stability, deter Russian aggression, and address Russian and Chinese malign activity.

Sense of Congress on support for coordinated action to ensure the security of Baltic allies (sec. 1247)

The House bill contained provisions (secs. 1243 and 1244) that would express the sense of Congress regarding support for Estonia, Latvia, and Lithuania.

The Senate amendment contained a similar provision (sec. 1242).

The Senate recedes with an amendment that would express the sense of Congress on the importance of the security of Baltic allies to U.S. national interests and the need for continued calibrated efforts to maintain the security of Baltic allies.

Sense of Congress on the role of the Kosovo Force of the North Atlantic Treaty Organization (sec. 1248)

The Senate amendment contained a provision (sec. 1237) that would express the sense of the Senate on matters relating to Kosovo and the role of the Kosovo Force of the North Atlantic Treaty Organization.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE F—MATTERS RELATING TO THE INDO-PACIFIC REGION

Pacific Deterrence Initiative (sec. 1251)

The House bill contained a provision (sec. 1251) that would express the sense of Congress that the Secretary of Defense should pursue an integrated program of activities to reassure partners and prioritize activities in the Indo-Pacific region. The provision would express the sense of Congress that such program should be funded at a base funding level of \$3.6 billion in fiscal year 2021. The provision would also require the Secretary of Defense to implement a program, named the Indo-Pacific Reassurance Initiative, that would include a set of objectives and activities in the region. Additionally, the provision would require the Secretary to submit to the congressional defense committees a future years plan on activities and resources of the Initiative.

The Senate amendment contained a similar provision (sec. 1251) that would require the Secretary of Defense to carry out the Pacific Deterrence Initiative (PDI) to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region. The provision would describe the activities to be carried out under the PDI: (1) Activities to increase the lethality of the Joint Force in the Indo-Pacific region; (2) Activities to enhance the design and posture of the Joint Force in the Indo-Pacific region; (3) Activities to strengthen alliances and partnerships; and (4) Activities to carry out a program of exercises, experimentation, and innovation for the Joint Force in the Indo-Pacific region. The provision would authorize \$1.4 billion to be appropriated for the Secretary to carry out PDI in fiscal year 2021, as specified in the funding table in section 4502, and \$5.5 billion for fiscal year 2022.

The House recedes with an amendment that would require the Secretary of Defense to carry out the Pacific Deterrence Initiative to prioritize activities in support of enhancing U.S. deterrence and defense posture, reassuring allies and partners, and increasing readiness and capability in the Indo-Pacific region, primarily west of the International Date Line. The provision delineates five purposes or lines of effort and authorizes \$2.2 billion in fiscal year 2021. The provision would require the Secretary of Defense, in consultation with the Commander of Indo-Pacific Command, to deliver annually a report to the Congress that comprehensively describes ongoing and proposed PDI activities in the Indo-Pacific region, including a detailed budget display and subsequent briefings. The conferees believe that the availability of budgetary data organized according to regional missions and the priorities of the combatant commands is critical for the ability of the Department and the Congress to assess the implementation of the National Defense Strategy. Furthermore, a budgetary display is included elsewhere in this Act that captures spending related to the PDI. The conferees encourage the Department of Defense to continue working with the Congress to improve budgetary transparency in support of its oversight responsibilities.

The conferees appreciate the report submitted by the Commander, Indo-Pacific Command, required by section 1253 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), which included the commander's independent assessment of requirements in the area of operations. Therefore, the conferees direct the Commander, Indo-Pacific Command, to deliver to the Committees on Armed Services of the Senate and the House of Representatives an updated section 1253 briefing covering fiscal year 2022 and the five succeeding fiscal years

not later than March 1, 2021. Additionally, the conferees direct the chiefs of the military services to deliver a coordinated briefing on the respective services' ongoing contributions to the purposes outlined under PDI and independent assessments of their requirements in the Indo-Pacific region, primarily west of the International Date Line. The briefing by the chiefs of the military services shall be provided to the congressional defense committees not later than April 1, 2021. The conferees strongly urge the Department of Defense to prioritize the Initiative and submit a budget request for fiscal year 2022 that includes additional activities identified as meeting the objectives of the initiative, and believe \$5.5 billion is appropriate for the PDI in fiscal year 2022.

The conferees recognize that the spending levels between base and Overseas Contingency Operations funding in the President's budget for fiscal year 2021 were determined by the Congress in the Bipartisan Budget Act of 2019 (Public Law 116-37). However, the conferees remain concerned that several activities identified by the Committees on Armed Services of the Senate and the House of Representatives as meeting the definition of the Pacific Deterrence Initiative were funded in the Overseas Contingency Operations budget for fiscal year 2021, such as Pacific Defender 2021. The conferees expect the Department of Defense's budget submission for Pacific Deterrence Initiative activities to be fully supported from base budget accounts beginning in fiscal year 2022. The activities necessary to fulfill the purpose of the Initiative are anticipated and ongoing and should be the result of the optimized planning processes that inform the base budget. As with the European Deterrence Initiative, the combatant commanders—along with U.S. allies and partners—require the stability of planning and funding reinforced in those processes.

The conferees also note that the House Report accompanying H.R. 6395 (H. Rept. 116-442) of the National Defense Authorization Act for Fiscal Year 2021 directed the Secretary of Defense to provide a report on the activities and resources necessary to achieve the objectives of the Indo-Pacific Reassurance Initiative, including a plan to resource U.S. force posture and capabilities and to identify and assess the required infrastructure, military construction investments, and logistics needs for the region, not later than February 1, 2021. The conferees strongly urge the Department to provide such an infrastructure master plan on time to ensure the congressional defense committees are able to meet their oversight responsibilities and ensure the Department's resource requirements are forward-looking and driven by strategy.

PACIFIC DETERRENCE INITIATIVE AUTHORIZATION FOR FISCAL YEAR 2021

(In Thousands of Dollars)

Line	Program Name	FY 2021 Request	Senate Change	House Change	Conference Change	Conference Authorized
MODERNIZE AND STRENGTHEN PRESENCE						
Other Procurement, Army						
164	PDI: Theater watercraft (incl. OPA lines 166, 183)	43,025	0	0	0	43,025
165	PDI: Theater MSV-L ships	76,576	0	0	0	76,576
Procurement, Marine Corps						
22	Intelligence Support Equipment: MARFORPAC ISR Enhancements	1,730	0	0	0	1,730
25	DCGS-MC MARFORPAC ISR Enhancements	11,937	0	0	0	11,937
Operations and Maintenance, Army						
121	PDI: INDOPACOM Army UFR MDTF #1	0	45,000	0	45,000	45,000
411	Security Programs: USARPAC Theater ISR Fusion and Dissemination	10,565	0	0	0	10,565
411	Security Programs: USARPAC C2 of ISR Common Operations Picture/ Command Intelligence Picture	9,023	0	0	0	9,023
411	Security Programs: USARPAC End-to-End ISR to Support Targeting ..	20,875	0	0	0	20,875
411	Security Programs: USARPAC Persistent Deep Look Intelligence	64,196	0	0	0	64,196
Operations and Maintenance, Navy						
1A1A	Mission and Other Flight Operations: PACFLEET MIP	14,748	0	0	0	14,748
1C3C	Space Systems and Surveillance: PACFLEET MIP	31,495	0	0	0	31,495
1C6C	Combat Support Forces: PACFLEET MIP	388	0	0	0	388
1CCS	INDOPACOM MISO	8,810	17,700	0	0	8,810
Operations and Maintenance, Marine Corps						
1A1A	Operational Forces: Marine Rotational Force-Darwin	54,074	0	0	0	54,074

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Operations and Maintenance, Air Force						
11C	Combat Enhancement Forces: PACAF	977	0	0	0	977
12C	Other Combat Operations Support: PACAF	4,794	0	0	0	4,794
Operations and Maintenance, Defense-Wide						
011A	MDA: Guam THAAD Battery & AN/TPY-2 Radar	14,322	0	0	0	14,322
011A	MDA: USFK THAAD Battery & AN/TPY-2 Radar	15,032	0	0	0	15,032
011A	MDA: Japan FBM TPY-2 (Radar 1 and 2)	24,910	0	0	0	24,910
Research and Development, Defense-Wide						
0604880C	PDI: Guam Defense System—systems engineering	0	76,800	0	0	0
0605125J	PDI: Guam Defense System J8 AoA	1000	0	0	0	1,000
0603881C	THAAD: INDOPACOM THAAD/Patriot integration	28200	0	0	0	28,200
0603890C	BMD Enabling Programs: USINDOPACOM THAAD/Patriot integration ..	10679	0	0	0	10,679
0603914C	BMD Test: INDOPACOM THAAD/Patriot integration	47164	0	0	0	47,164
0603915C	BMD Test Targets: INDOPACOM THAAD/Patriot integration	6564	0	0	0	6,564
Subtotal, MODERNIZE AND STRENGTHEN PRESENCE		501,084	139,500	0	45,000	546,084
EXERCISES, TRAINING, EXPERIMENTATION						
Operations and Maintenance, Army						
111	Defender 2021 home station training	150000	0	0	0	150,000
111	Defender 2021 expanded Pacific deployment exercise	214,000	0	0	0	214,000
121	Defender 2021 support transportation/personnel	12,793	0	0	0	12,793
121/441/442	USARPAC Other Exercises & Security Cooperation Program, including Pacific Pathways & ORF	51,808	0	0	0	51,808
Operations and Maintenance, Navy						
1CCH	PDI: Range study/program review	1,000	0	0	0	1,000
	PACFLEET Fleet training ops, etc.	77,750	0	0	0	77,750

PACIFIC DETERRENCE INITIATIVE AUTHORIZATION FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

Line	Program Name	FY 2021 Request	Senate Change	House Change	Conference Change	Conference Authorized
	Operations and Maintenance, Marine Corps					
1A1A	MARFORPAC Training and Exercises	50,319	0	0	0	50,319
	Operations and Maintenance, Air Force					
11D	PACAF Exercise Program—Air Operations	27,333	0	0	0	27,333
44A	PACAF Exercise Program—International Support	3,033	0	0	0	3,033
	Operations and Maintenance, Defense-Wide					
8PL1	INDOPACOM Joint Staff CE2T2 Joint Exercise Program	128,452	0	0	0	128,452
	Subtotal, EXERCISES, TRAINING, EXPERIMENTATION	716,488	0	0	0	716,488
	INFRASTRUCTURE IMPROVEMENTS					
	Military Construction, Navy					
N/A	PDI: Joint Communication Upgrade (FY21 authorized appropriations at \$22M for increment)	166,000	0	0	0	166,000
N/A	PDI: INDOPACOM Posture Initiatives	0	0	5,000	7,500	7,500
	Military Construction, Air Force					
N/A	PDI: Guam Stand Off Weapons Complex, MSA 2	56,000	0	0	0	56,000
N/A	PDI: Tinian Airfield Development Phase 1 (Inc 2)	20,000	19,500	0	19,500	39,500
N/A	PDI: Tinian Fuel Tanks with Pipeline & Hydrant Sys (Inc 2)	7,000	0	0	–7,000	0
N/A	PDI: Parking Apron (Inc 2)	15,000	0	0	6,500	21,500
N/A	PDI: INDOPACOM Posture Initiatives	0	0	5,000	7,500	7,500
	Military Construction, Defense-Wide					

N/A	PDI: Planning and Design, INDOPACOM	0	15,000	0	0	0
	Subtotal, INFRASTRUCTURE IMPROVEMENTS	264,000	34,500	10,000	34,000	298,000
	LOGISTICS AND PREPOSITIONING OF EQUIPMENT					
	Other Procurement, Army					
150	PDI: Bulk fuel distribution	4,271	0	0	0	4,271
	Operations and Maintenance, Navy					
1CCH	PDI: Movement Coordination Center	1,000	0	0	0	1,000
2A1F	PACFLEET funding for maritime prepositioning ships and forces/ surge	124,500	0	0	0	124,500
1B2B	PACFLEET funding for fleet ordnance support/receipt, segregation, storage, and issue of ammunition	61,509	0	0	0	61,509
	Operations and Maintenance, Marine Corps					
1B1B	MARFORPAC Maritime Prepositioning Force—MARCORLOGCOM	87,171	0	0	0	87,171
	Operations and Maintenance, Air Force					
21D	PACAF pre-positioning support	3,633	0	0	0	3,633
	Subtotal, LOGISTICS AND PREPOSITIONING OF EQUIPMENT	282,084	0	0	0	282,084
	DEFENSE AND SECURITY CAPABILITIES OF ALLIES AND PARTNERS					
	Other Procurement, Air Force					
14	PDI: Mission Partner Environment BICES-X	0	1,500	0	1,500	1,500
49	PDI: Mission Partner Environment PACNET	0	14,000	0	14,000	14,000
	Operations and Maintenance, Air Force					
12A	PDI: Mission Partner Environment implementation	0	30,800	13,500	30,800	30,800

PACIFIC DETERRENCE INITIATIVE AUTHORIZATION FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

Line	Program Name	FY 2021 Request	Senate Change	House Change	Conference Change	Conference Authorized
	Research and Development, Air Force					
0305600F	PDI: Mission Partner Environment BICES-X Project 675898	0	3,680	0	3,680	3,680
	Operations and Maintenance, Navy					
1CCM	PDI: Joint Task Force Indo-Pacific (SOPAC)	0	6,300	6,300	6,300	6,300
1CCM	PDI: Singapore CTIF fusion center	0	2,000	2,000	2,000	2,000
1CCH	PDI: Asia-Pacific Regional Initiative	10,000	4,600	0	4,600	14,600
4GTD	PDI: Pacific Partnership	5,830	0	0	0	5,830
	Operations and Maintenance, Defense-Wide					
4GTE	PDI: Joint Interagency Task Force—West Project 3309	0	13,000	0	13,000	13,000
4GTE	PDI: Joint Interagency Task Force—West Project 9202	0	2,800	0	2,800	2,800
4GTD	PDI: Defense Security Cooperation Agency Sec. 333	254,662	–163,000	0	0	254,662
4GTD	PDI: Capacity building (Maritime Security Initiative)	37,000	163,000	0	0	37,000
N/A	National Guard/State Partnership Program	6,130	0	0	0	6,130
	Subtotal, DEFENSE AND SECURITY CAPABILITIES OF ALLIES AND PARTNERS	313,622	78,680	21,800	78,680	392,302
	Total, PACIFIC DETERRENCE INITIATIVE	2077278	252,680	31,800	157,680	2,234,958

Extension and modification of prohibition on commercial export of certain covered munitions items to the Hong Kong Police Force (sec. 1252)

The House bill contained a provision (sec. 1260E) that would direct the President to prohibit the issuance of licenses to export covered defense articles and services and covered munitions items to the Hong Kong police.

The Senate amendment contained a similar provision (sec. 1263).

The House recedes with a clarifying amendment.

Authority to transfer funds for Bien Hoa dioxin cleanup (sec. 1253)

The Senate amendment contained a provision (sec. 1253) that would allow the Secretary of Defense to transfer not more than \$15.0 million in fiscal year 2021 to the Secretary of State to be used by the United States Agency for International Development for the Bien Hoa dioxin cleanup in Vietnam.

The House bill contained no similar provision.

The House recedes.

Cooperative program with Vietnam to account for Vietnamese personnel missing in action (sec. 1254)

The Senate amendment contained a provision (sec. 1254) that would authorize the Secretary of Defense to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on the United States-Vietnam defense relationship (sec. 1255)

The Senate amendment contained a provision (sec. 1252) that would commemorate the 25th anniversary of the normalization of diplomatic relations between the United States and Vietnam and express support for deepening defense cooperation between the United States and Vietnam, including with respect to maritime security, cybersecurity, counterterrorism, information sharing, humanitarian assistance and disaster relief, military medicine, peacekeeping operations, defense trade, and other areas.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Pilot program to improve cyber cooperation with Vietnam, Thailand, and Indonesia (sec. 1256)

The Senate amendment contained a provision (sec. 6251) that would allow the Secretary of Defense, in consultation with the Secretary of State, to establish a pilot program in Vietnam, Thailand, and Indonesia to enhance their cyber security, resilience, and readiness.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on the costs most directly associated with the stationing of the Armed Forces in Japan (sec. 1257)

The House bill contained a provision (sec. 1287) that would express the sense of Congress regarding Japan and Special Measures Agreement report draft.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note the United States-Japan alliance has been the cornerstone of peace, stability, and security in the Indo-Pacific for more than seven decades and reaffirm the United States commitment to Article V of the Treaty of Mutual Cooperation and Security between the United States of America and Japan. The conferees commend Japan for its significant contributions to regional and global security and the substantial financial commitments of Japan to the maintenance of United States forces in Japan. The conferees believe it is in the national security interest of the United States that the United States and Japan conclude a new Special Measures Agreement, negotiated based on the principles of mutual respect, equity, and our shared national security interests, prior to the expiration of the current agreement.

Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea (sec. 1258)

The House bill contained a provision (sec. 1252) that would prohibit the use of funds authorized to be appropriated by this Act to reduce the number of members of the Armed Forces serving on Active Duty in the Republic of Korea below 28,500 until 180 days after the date that the Secretary of Defense certifies to the congressional defense committees that such a reduction is in the national security interest of the United States, will not significantly undermine the security of the United States' allies in the region, is commensurate with a

reduction in the threat posed by North Korea, that South Korea is capable of deterring a conflict, and the Secretary has appropriately consulted with allies of the United States regarding such a reduction.

The Senate amendment contained a similar provision (sec. 1260).

The House recedes with a technical amendment.

Implementation of GAO recommendations on preparedness of United States forces to counter North Korean chemical and biological weapons (sec. 1259)

The House bill contained a provision (sec. 1253) that would direct the Secretary of Defense to submit a plan not later than 1 year after the date of the enactment of this Act to the congressional defense committees to address the recommendations in the U.S. Government Accountability Office's (GAO) report on "Preparedness of U.S. Forces to Counter North Korean Chemical and Biological Weapons" (GAO-20-79C). The provision would also require the Secretary to begin implementation of the plan not later than 18 months after the date of the enactment of this Act. The Secretary may decide not to implement one of report's recommendations but must justify such a decision to the congressional defense committees along with planned alternative actions to address the conditions underlying the recommendation.

The Senate amendment contained no similar provision.

The Senate recedes.

Statement of policy and sense of Congress on the Taiwan Relations Act (sec. 1260)

The House bill contained a provision (sec. 1258) that would express the sense of Congress that Taiwan is a vital partner of the United States and, consistent with the Taiwan Relations Act (22 U.S.C. 3301), the United States should continue to strengthen defense and security cooperation in support of Taiwan maintaining a sufficient self-defense capability.

The Senate amendment contained similar provisions (secs. 1258 and 1259).

The House recedes with a clarifying amendment.

Annual briefing on Taiwan arms sales (sec. 1260A)

The Senate amendment contained a provision (sec. 1264) that would require, not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary

of Defense, or their designees, to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note).

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Report on United States-Taiwan medical security partnership
(sec. 1260B)*

The House bill contained a provision (sec. 1260) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to submit a report to the congressional defense committees, within 180 days of the date of the enactment of this Act, on a U.S.-Taiwan medical security partnership. The report would include the Department of Defense's assessment of the goals, objectives, and feasibility of establishing such partnership and an evaluation of the two countries' cooperation and collaboration on research and production of vaccines and medicines, joint scientific conferences, exchanges of medical supplies and equipment, and use of U.S. naval hospital ships.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of the enactment of this Act, on the feasibility of establishing a medical security partnership with the Ministry of Defense of Taiwan.

*Establishment of capabilities to assess the defense
technological and industrial bases of China and other foreign
adversaries (sec. 1260C)*

The House bill contained a provision (sec. 1255) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct a study on the defense industrial base of the People's Republic of China.

The Senate amendment contained a similar provision (sec. 805) that would require the Secretary of Defense to establish a process for assessing foreign industrial bases, to integrate that process with other industrial base analysis activities, and to report to the congressional defense committees on that approach by March 15, 2021.

The Senate recedes with an amendment that would combine the requirements of both provisions to establish a continuous assessment activity for industrial bases of foreign adversaries; direct an update on the status of establishing that capability by March 15, 2021; and direct that the first assessment, on China, cover certain additional topics and be submitted by August 1, 2021.

The Department of Defense's September 2018 report on "Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency" identifies industrial policies of competitor nations as one of the five macro forces driving risk into the United States industrial base, noting "the erosion of parts of our industrial base[] is, in part, attributable to the industrial policies of major trading partners that have created an unfair and non-reciprocal trade environment." The report also cites China's behavior in particular, to include Chinese economic aggression, as a contributing factor. The conferees remain concerned not only about the United States' overreliance on China for key components of national security capabilities but also about how China's own industrial policy has facilitated this dynamic.

The conferees note the respective roles for the Defense Counterintelligence and Security Agency (DCSA) and the Industrial Policy office outlined in section 2509 of title 10, United States Code, as part of a framework for modernizing acquisition processes to ensure the integrity of the industrial base. The conferees acknowledge the increased demands levied on the DCSA and believe that cooperation between these two organizations on this activity will help to anchor a strategic vision for expeditiously identifying and countering evolving threats to the defense industrial base.

Extension of annual report on military and security developments involving the People's Republic of China (sec. 1260D)

The House bill contained a provision (sec. 1299D) that would require the Secretary of Defense, in consultation with relevant Federal departments and agencies, to prepare an assessment on the People's Liberation Army of the People's Republic of China's 2035 modernization targets.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the termination date for the reporting requirement in Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) from January 31, 2021 to January 31, 2022.

Sense of Congress on the aggression of the Government of China along the border with India and its growing territorial claims (sec. 1260E)

The House bill contained provisions (secs. 1260B and 1282) that would express the sense of Congress on cross-border violence between the People's Republic of China and India and the growing territorial claims of China.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Assessment of National Cyber Strategy to deter China from engaging in industrial espionage and cyber theft (sec. 1260F)

The House bill contained a provision (sec. 1256) that would require, not later than 180 days after the date of the enactment of this Act, the President to submit to the appropriate congressional committees a whole-of-government strategy, in classified and unclassified forms, to impose costs on the People's Republic of China (PRC) or appropriate PRC persons or entities in order to deter industrial espionage and the large-scale theft of personal information conducted by the PRC, PRC persons or entities, or persons or entities acting on behalf of the PRC against the United States or United States persons.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on United Front Work Department (sec. 1260G)

The House bill contained a provision (sec. 1260A) that would require the Secretary of Defense to submit to the congressional defense committees a report on the extent to which the United Front Work Department of the People's Republic of China poses a threat to the national defense and national security of the United States and an evaluation of which actions, if any, the United States should take in response to the threat and activities of the United Front Work Department.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Public reporting of Chinese military companies operating in the United States (sec. 1260H)

The House bill contained a provision (sec. 1254) that would require a list of each entity determined to be directly or indirectly owned, controlled, or beneficially owned by the

People's Liberation Army, or identified as a military-civil fusion contributor to the Chinese defense industrial base, engaged in providing commercial services, manufacturing, producing, or exporting, and operating directly or indirectly in the United States. It would also require the Secretary to publish such list in the Federal Register.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on directed use of fishing fleets (sec. 1260I)

The House bill contained a provision (sec. 1265) that would direct the Office of Naval Intelligence to conduct an assessment of fishing fleets as the so-called "third arm" of foreign navies, the geopolitical challenge posed by China's hybrid warfare activities, and the national security threat to U.S. interests and those of our partners in the region posed by illegal, unreported and unregulated fishing and other illegal activity at sea.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add the Senate Committee on Commerce, Science, and Transportation as a report recipient.

SUBTITLE G—SUDAN DEMOCRATIC TRANSITION, ACCOUNTABILITY, AND FISCAL TRANSPARENCY ACT OF 2020

*Sudan Democratic Transition, Accountability, and Fiscal
Transparency Act of 2020 (secs. 1261-1270E)*

The House bill contained within title XII a subtitle M that included the Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make various modifications to the provision.

SUBTITLE H—UNITED STATES ISRAEL SECURITY ASSISTANCE AUTHORIZATION ACT OF 2020

Short title (sec. 1271)

The Senate amendment contained a provision (sec. 6290) that delineates that the subtitle may be cited as the "United States-Israel Security Assistance Authorization Act of 2020."

The House bill contained no similar provision.

The House recedes.

Sense of Congress on United States-Israel relationship (sec. 1272)

The Senate amendment contained a provision (sec. 6292) that expressed the policy of the United States to provide assistance to the Government of Israel.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress on the United States-Israel relationship, including on assistance to the Government of Israel.

Security assistance for Israel (sec. 1273)

The Senate amendment contained a provision (sec. 6293) that would amend section 513(c) of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension of war reserves stockpile authority (sec. 1274)

The Senate amendment contained a provision (sec. 6294) that would amend section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) and Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)).

The House bill contained no similar provision.

The House recedes.

Rules governing the transfer of precision-guided munitions to Israel above the annual restriction (sec. 1275)

The Senate amendment contained a provision (sec. 6296) that would exempt transfers of precision-guided munitions (PGMs) to Israel from certain requirements under section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h).

The House bill contained no similar provision.

The House recedes with an amendment that would make technical modifications and direct certain determinations and certifications by the Secretary of Defense that, among other requirements, any transfer under this authority would not harm

U.S. combat capabilities. The amendment would also require an assessment and a report on Israeli PGM stockpiles and operational requirements as well as of U.S. stockpiles and operational requirements.

The conferees recognize the importance of Israel maintaining adequate Israeli PGM stockpiles to support its security needs and urge the Government of Israel to make substantive, recurring investments in acquiring and maintaining an adequate PGM stockpile for their self-defense. The conferees understand that adequate U.S. PGM stockpiles are needed to fulfill a range of U.S. national security objectives, including the execution of critical U.S. military operation plans, and believe that before any transfers of PGMs from U.S. stockpiles are made, the administration must consider the risks and impact to U.S. combat capability and capacity.

The conferees strongly encourage that any precision-guided munition transfers to Israel, as stated in this section, occur only if they are necessary for Israel to respond to an imminent attack and if Israel's current supply or stockpile of precision-guided munitions does not allow it to appropriately respond to the threat. The conferees expect the administration to take concrete and expeditious steps to mitigate any increased risk to U.S. warfighter requirements of such transfers. The conferees also expect that the administration will consult to the maximum extent practicable at the earliest opportunity with the appropriate congressional foreign policy and defense committees before making transfers of PGMs to any partner or ally.

Eligibility of Israel for the strategic trade authorization exception to certain export control licensing requirements (sec. 1276)

The Senate amendment contained a provision (sec. 6298) that would require the President to brief appropriate congressional committees, not later than 120 days after the date of the enactment of this Act, on steps taken to include Israel on a list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

United States Agency for International Development memoranda of understanding to enhance cooperation with Israel (sec. 1277)

The Senate amendment contained a provision (sec. 6299) that would authorize the Secretary of State, acting through the Administrator of the United States Agency for International Development, to enter into memoranda of understanding with Israel to advance common goals in certain areas.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees encourage the Department of State and the United States Agency for International Development to continue to cooperate with Israel to advance common development goals in third countries across a wide variety of sectors including energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation.

Cooperative projects among the United States, Israel, and developing countries (sec. 1278)

The Senate amendment contained a provision (sec. 6299A) that would amend section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Joint cooperative program related to innovation and high-tech for the Middle East region (sec. 1279)

The Senate amendment contained a provision (sec. 6299B) that would authorize the Administrator of the United States Agency for International Development to establish a program between the United States and appropriate regional partners in the Middle East to support projects related to innovation and advanced technologies.

The House bill contained no similar provision.

The House recedes.

Cooperation on directed energy capabilities (sec. 1280)

The Senate amendment contained a provision (sec. 6299D) that would require establishment of a program on research, development, test, and evaluation activities, on a joint basis with Israel, on directed energy capabilities.

The House bill contained no similar provision.

The House recedes with an amendment that would require a report on the evaluation of potential areas for directed energy cooperation and allow the Department of Defense to establish a cooperative program if the United States-Israel Defense

Acquisition Advisory Group determines there are viable areas of mutual benefit to the combat capabilities of the Department of Defense and the Ministry of Defense of Israel.

Other matters of cooperation (sec. 1280A)

The Senate amendment contained a provision (sec. 6299F) that would authorize activities of cooperation between the United States and Israel, with the concurrence of the Secretary of State, and aligned with the National Security Strategy of the United States and other Federal agency strategies.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Appropriate congressional committees defined (sec. 1280B)

The Senate amendment contained a provision (sec. 6290A) that would define the term "appropriate congressional committees" for the United States-Israel Security Assistance Act subtitle.

The House bill contained no similar provision.

The House recedes.

SUBTITLE I—GLOBAL CHILD THRIVE ACT OF 2020

Global Child Thrive Act of 2020 (secs. 1281-1285)

The House bill contained within Title XII a subtitle H that included the Global Child Thrive Act of 2020.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make various modifications to the provision.

SUBTITLE J—MATTERS RELATING TO AFRICA AND THE MIDDLE EAST

Briefing and report relating to reduction in the total number of United States Armed Forces deployed to United States Africa Command area of responsibility (sec. 1291)

The House bill contained a provision (sec. 1267) that would require a report to the Congress 60 days after the enactment of this Act on the average total number of United States Armed Forces under the direct authority of the Commander of United States Africa Command and deployed to the United

States Africa Command area of responsibility and a follow up report not later than 90 days after the enactment of this Act should the Department reduce the total number of United States Armed Forces under the direct authority of the Commander of United States Africa Command and deployed to the United States Africa Command area of responsibility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives within 30 days of the Department of Defense reducing the number of specified United States Armed Forces in fiscal year 2021 below 80 percent of the number of such forces deployed in the United States Africa Command area of responsibility on the date of the enactment of this Act. The provision would also require, not later than 120 days after the date of such a reduction, the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives.

Notification with respect to withdrawal of members of the Armed Forces participating in the Multinational Force and Observers in Egypt (sec. 1292)

The House bill contained a provision (sec. 1270) that would express the sense of Congress regarding United States military support for and participation in the Multinational Force and Observers.

The Senate amendment contained a provision (sec. 1284) requiring a report 30 days before the reduction of the total number of the Armed Forces deployed to the Multinational Force and Observers in Egypt to fewer than 430 such members of the Armed Forces.

The House recedes with an amendment.

The conferees note that the mission of the Multinational Force and Observers (MFO) is to supervise implementation of the security provisions of the Egypt-Israel Peace Treaty, signed at Washington on March 26, 1979, and employ best efforts to prevent any violation of its terms. The MFO was established by the Protocol to the Egypt-Israel Peace Treaty, signed on August 3, 1981, and remains a critical institution for regional peace and stability. As a signatory to the Egypt-Israel Peace Treaty and subsequent Protocol, the conferees strongly support and encourage continued United States military support for and participation in the MFO.

Report on enhancing security partnerships between the United States and African countries (sec. 1293)

The House bill contained a provision (sec. 1268) that would require a report on the activities and resources required to enhance security and economic partnerships between the United States and African countries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the elements of the required report.

Plan to address gross violations of human rights and civilian harm in Burkina Faso, Chad, Mali, and Niger (sec. 1294)

The House bill contained a provision (sec. 1277) that would require, not later than 180 days after the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense and the Secretary of State to jointly submit to the appropriate congressional committees a report on gross violations of human rights and civilian harm in Burkina Faso, Mali, and Niger, as well as civilian harm that may occur during United States-supported advise, assist, and accompany operations in the Sahel region.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct, not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, to submit to specified congressional committees a plan to engage with the Governments of Burkina Faso, Chad, Mali, and Niger to prevent civilian harm and address allegations of gross violations of human rights by the security forces of these countries and non-state armed groups, and ensure accountability for such violations.

Statement of policy and report relating to the conflict in Yemen (sec. 1295)

The House bill contained a provision (sec. 1275) that would make a statement of policy regarding Yemen. This section would also require the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, to submit to the appropriate congressional committees a report on United States policy in Yemen. This provision would also require, not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States to submit to the appropriate congressional committees a report on United States military support to countries that are members of the Saudi-led coalition in Yemen since March 2015.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment. The conferees note that elements of the House provision requiring a report by the Comptroller General of the United States are addressed elsewhere in this Act.

Report on United States military support of the Saudi-led coalition in Yemen (sec. 1296)

The House bill contained a provision (sec. 1271) that would require the Comptroller General of the United States to submit a report that includes a description of the military support, training, and defense articles provided by the Department of Defense to Saudi Arabia, the Government of the United Arab Emirates, and other countries participating in the Saudi-led coalition since March 2015.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the elements required by the report.

Sense of Congress on payment of amounts owed by Kuwait to United States medical institutions (sec. 1297)

The House bill contained a provision (sec. 1295) that would express the sense of Congress regarding payment amounts owed by Kuwait to United States medical institutions.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SUBTITLE K—OTHER MATTERS

Provision of goods and services at Kwajalein Atoll, Republic of the Marshall Islands (sec. 1299A)

The House bill contained a provision (sec. 1261) that would authorize the Secretary of the Army, subject to the concurrence of the Secretary of State, to provide goods and services to the Government of the Republic of the Marshall Islands and to other eligible patrons at Kwajalein Atoll. It would also authorize the Secretary of the Army to collect reimbursement from the Government of the Republic of the Marshall Island or eligible patrons for such goods and services in an amount that does not exceed the costs to the United States for providing such goods or services and does not exceed \$7.0 million annually.

The Senate amendment contained a similar provision (sec. 1255).

The House recesses.

Report on contributions received from designated countries (sec. 1299B)

The Senate amendment contained a provision (sec. 1272) that would modify section 2350j of title 10, United States Code, by requiring an annual report on burden sharing contributions received from designated countries under this authority and the purposes for which such contributions were used.

The House bill contained no similar provision.

The House recesses with an amendment that would make modifications to the elements of the required report.

Modification to initiative to support protection of national security academic researchers from undue influence and other security threats (sec. 1299C)

The House bill contained provisions (secs. 228, 233, and 1264) that would direct the Secretary of Defense to maintain a list of foreign talent recruitment programs that present a threat to the United States and publish the list in the Federal Registrar; require the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, to designate an official to work with the academic and research communities to protect academic research funded by the Department of Defense from undue foreign influences and threats; and modify requirements of the initiative to support protection of national security academic researchers from undue influence and other security threats.

The Senate amendment contained provisions (secs. 1285 and 6282) that would amend section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) to include requirements for briefings to appropriate senior officials of institutes of higher education on the espionage risks posed by near-peer strategic competitors, among other things.

The House recesses with an amendment that would amend section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 to incorporate these provisions into the initiative to protect national security academic researchers from undue influence and other security threats, with technical edits.

The modified provision mandates the designation of a government official to act as an academic liaison with principal responsibility for working with academia to develop and execute initiatives to protect Department-sponsored academic research

from undue foreign influence and threats; clarifies that the initiatives are intended to be developed and executed with all appropriate academic research institutions; mandates establishment of requirements for briefings on espionage risks to appropriate senior academic officials; clarifies requirements on the development of a list of foreign talent programs that pose a threat to U.S. national security interests; establishes additional procedures, consistent with government best practices and overseen by the designated academic liaison, for enhanced information sharing between the government and academic institutions with respect to fundamental research programs; and mandates additional reporting on lists of academic institutions and foreign threat programs of concern to the Congress and the public.

Extension of authorization of non-conventional assisted recovery capabilities (sec. 1299D)

The Senate amendment contained a provision (sec. 1282) that would modify section 943(g) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1282(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), by extending for 3 years the authority of the Department of Defense to engage in non-conventional assisted recovery (NAR) activities.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority of the Department of Defense to engage in non-conventional assisted recovery activities for 2 years.

The conferees note the importance of NAR activities to support the strategic planning and execution of military operations by the Department. Therefore, the conferees direct the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, not later than February 1, 2021, to provide to the Committees on Armed Services of the Senate and the House of Representatives a detailed briefing on the Department's use of the authority to engage in NAR activities. The briefing should address, at a minimum, the following:

- (1) Current and anticipated NAR requirements and associated funding;
- (2) Mechanisms used to ensure appropriate coordination of NAR activities with other related activities of the Department and other relevant entities of the U.S. Government; and
- (3) Any other matters deemed relevant by the Assistant Secretary.

Annual briefings on certain foreign military bases of adversaries (sec. 1299E)

The House bill contained a provision (sec. 1262) that would direct the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to provide an annual assessment of covered foreign military bases, including such bases of China, Russia, and Iran, identifying the activities and capabilities at such base and the impact on U.S. national security interests.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the requirement after 5 years.

Countering white identity terrorism globally (sec. 1299F)

The House bill contained a provision (sec. 1274) that would require, not later than 6 months after the date of the enactment of this Act, the Secretary of State to develop and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, a strategy for countering white identity terrorism globally, and designate the State Department Coordinator for Counterterrorism to coordinate implementation of the strategy. The provision would require the Secretary of State to develop the strategy in coordination with the Director of the National Counterterrorism Center and in consultation with the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies. Further, development of the strategy would include consultation with representatives of United States and international civil society and academic entities with experience researching or implementing programs to counter white identity terrorism. Further, the provision would require the Secretary of State to begin implementing the strategy within 3 months of its submission to the Congress. Finally, the provision would require that not later than 60 days after the date of the enactment of this Act, the Secretary of State enter into a contract with a federally funded research and development center to map the global white identity terrorism movement.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on progress of the Department of Defense with respect to denying the strategic goals of a competitor against a covered defense partner (sec. 1299G)

The House bill contained a provision (sec. 1263) that would require a report, not later than April 30, 2021, and annually thereafter until 2026, on improving the ability of the United States Armed Forces to conduct combined joint operations to deny the ability of a strategic competitor to execute a fait accompli against a covered defense partner.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Comparative studies on defense budget transparency of the People's Republic of China, the Russian Federation, and the United States (sec. 1299H)

The Senate amendment contained a provision (sec. 6281) that would require the Secretary of Defense to carry out a study and enter into contracts for two additional studies to provide comparative analysis of the defense budgets of the People's Republic of China, the Russian Federation, and the United States of America.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate one of the three studies and clarify the research tasks for the remaining studies conducted by the Department of Defense and a federally funded research and development center.

The conferees note the importance to national security policymakers of a standardized, comprehensive methodology for measuring the defense-related expenditures and financial levels of effort of the People's Republic of China and the Russian Federation, particularly given the extremely opaque budgeting practices of those countries. The conferees understand the difficulty of this research question and appreciate the attempts made to date by think tanks and federally funded research and development centers to provide further fidelity on the Chinese and Russian defense-related budgets. However, the conferees believe that further work remains necessary to better understand the Chinese and Russian defense-related budgets. Therefore, the conferees strongly urge the Department of Defense to expeditiously initiate its study and to award a contract for the independent study at the earliest opportunity.

Assessment of weapons of mass destruction terrorism (sec. 1299I)

The House bill contained a provision (sec. 1299J) that would make it the policy of the United States to prevent the acquisition and use of weapons of mass destruction by malicious non-state actors. The provision would also express the sense of Congress that various means of international outreach are essential to the completion of this important mission. The provision would require the President, acting through the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, to prepare a report on the risks associated with weapons of mass destruction terrorism and provide a 5-year strategy for reducing said risks. The provision would further express the sense of Congress that the United States should expand international nuclear security programs as far as practicable. The provision would also require a separate report from the National Academy of Sciences on the prevention of weapons of mass destruction terrorism and authorize to be appropriated an additional \$1.0 million for the conduct of such a report. Finally, the provision would require the President to provide a report on all ongoing United States Government cooperative threat reduction programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the statement of policy, both senses of Congress, the reporting requirement on weapons of mass destruction terrorism, and the reporting requirement on ongoing cooperative threat reduction programs. The National Academy of Sciences reporting requirement would be retained without the additional funding and with modifications to the timing of said reporting requirement.

The conferees direct the Secretary of Defense, in consultation with the Secretaries of Energy and State and in further consultation with the Director of National Intelligence, to provide a briefing to the appropriate congressional committees, no later than June 30, 2021, on efforts to implement the policies described in subsection (a) of the House provision as well as the approximate budget required to implement each such line of effort effectively over the next 5 years.

The briefing should consider an assessment of nuclear, radiological, biological, and chemical terrorism and foreign state risks and other emerging risks facing the United States and its allies by foreign state, state-affiliated, and non-state actors efforts. In particular, the briefing should consider the risk of biological threats, including the proliferation of biological weapons and the risk of accidental release of dangerous pathogens due to unsafe practices and facilities, as well as the risk of uncontrolled, naturally occurring disease outbreaks that may pose a threat to the United States or its Armed Forces or allies. The briefing shall address the status

of national efforts to meet obligations to provide effective security and accounting for nuclear weapons and for all weapons-useable nuclear materials in foreign states that possess such weapons and materials.

The briefing shall propose a strategy to reduce the risk of nuclear, radiological, biological, and chemical terrorism over the next 5 years including a plan to prevent the proliferation of biological weapons, and expertise, which shall include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be used as an early warning mechanism for disease outbreaks.

The conferees note that the United States, to the extent practicable, should continue to work with international partners to reduce:

(1) Terrorist organization and other violent non-state actor access to the agents, precursors, and materials needed to produce weapons of mass destruction;

(2) The number of foreign states that possess weapons of mass destruction; and

(3) The global quantity of weapons of mass destruction.

Review of Department of Defense compliance with "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts" (sec. 1299J)

The House bill contained a provision (sec. 1297) that would provide a statement of Congress and a statement of policy regarding the protection of medical care provided by impartial humanitarian organizations during armed conflicts. The provision would require the Secretary of Defense, within 60 days of the date of the enactment of this Act, to submit to the appropriate congressional committees the results of the review requested on October 3, 2016, by the Secretary of Defense, of compliance of all relevant Department of Defense orders, rules of engagement, directives, policies, practices, and procedures with the "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts."

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, within 180 days of the date of the enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives any available results of such review requested by the Secretary. The provision would require the Secretary to ensure that all orders, rules of engagement, directives, regulations, policies,

practices, and procedures, including any guidance, training, or standard operating procedures, relating to the protection of healthcare during armed conflicts are consistent with the principles referenced above.

Certification relating to assistance for Guatemala (sec. 1299K)

The House bill contained a provision (sec.1299K) that would require, prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or the Ministry of the Interior of Guatemala during fiscal year 2021, the Secretary of Defense to certify to specified congressional committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended. The provision would also require, not later than 60 days after the date of enactment of this Act, the Secretary of State, in coordination with the Administrator of the Agency for International Development and the Secretary of Defense, as appropriate, to issue regulations related to the recovery of Department of Defense assistance in specified circumstances.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require, prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or the Ministry of the Interior of Guatemala during fiscal year 2021, the Secretary of Defense to certify to specified congressional committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

The conferees urge the Guatemala security forces to continue to emphasize the importance of human rights and adherence to international law. The conferees note that existing law and related policy requires that recipients of Department of Defense assistance use it for the purposes for which the assistance was provided and consistent with human rights and international law. The conferees expect that the Secretary will seek to ensure that any such assistance provided to the Government of Guatemala is compliant with such requirements and the conferees expect that the Secretary will promptly notify the Committees on Armed Services of the Senate and the House of Representatives of any confirmed misuse of Department of Defense-provided assistance.

The conferees direct that, not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the Department of

Defense security cooperation relationship with the Government of Guatemala. The briefing shall address Department of Defense objectives with regards to its security relationship with Guatemala, ongoing efforts by the Department of Defense to strengthen adherence to human rights and international law by Guatemalan national security forces that receive Department of Defense security sector assistance, and a description of any efforts by the Department of Defense to seek to ensure that equipment transferred from the Department of Defense to Guatemalan national security forces use such equipment for the purposes for which they were intended.

*Functional Center for Security Studies in Irregular Warfare
(sec. 1299L)*

The Senate amendment contained a provision (sec. 1209) that would require the Secretary of Defense, in coordination with the Secretary of State, to submit a report, not later than 90 days after the date of the enactment of this Act, that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare. Further, not earlier than 30 days after the submission of the required plan and subject to the availability of appropriations, the provision would provide discretionary authority to the Secretary to establish and administer such a center.

The House bill contained no similar provision.

The House recedes with an amendment that would make modifications to the elements of the required plan and the authority for the Secretary to establish the Center.

Consistent with the assessment required by subsection (a)(2)(F), the Secretary may consider the McCain Institute at the Arizona State University in Tempe, Arizona as a potential location for the establishment of the Center.

*United States-Israel operations-technology cooperation within
the United States-Israel Defense Acquisition Advisory Group
(sec. 1299M)*

The Senate amendment contained provisions (secs. 1286 and 6286) that would direct the Secretary of Defense to establish a United States-Israel Operations-Technology Working Group to evaluate potential options to develop combined United States-Israel plans for cooperative research and development to meet common capability requirements of the Department of Defense and the Ministry of Defense of Israel.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense, under the United States-Israel Defense Acquisition Advisory Group, to evaluate potential areas of cooperation of mutual benefit between the Department of Defense and the Ministry of Defense of Israel. The amendment would also require an annual report to appropriate committees of the Congress on such evaluations and the resulting recommendations. Finally, it would allow the Secretary of Defense, in consultation with appropriate heads of other Federal agencies, to establish under the vice chairman of the United States-Israel Defense Acquisition Advisory Group a working group on operations technology issues to facilitate such evaluations and recommendations.

Payment of passport fees for certain individuals (sec. 1299N)

The House bill contained a provision (sec. 1299) that would amend section 214 of title 22, United States Code, to waive passport fees for the purpose of allowing family members of seriously wounded or ill military personnel stationed overseas to travel and provide aid in the health and welfare of the sick or injured servicemember.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 452 of title 37, United States Code, to authorize the Department of Defense to provide reimbursement of or advanced payment for passport and visa fees, as required.

Resumption of Peace Corps operations (sec. 12990)

The House bill contained a provision (sec. 1299F) that would require, not later than 90 days after the enactment of this Act, the Director of the Peace Corps to submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that describes the efforts of the Peace Corps to:

(1) Offer a return to service to each Peace Corps volunteer and trainee whose service ended on March 15, 2020 (or earlier, in the cases of volunteers who were serving China and Mongolia), due to the COVID-19 public health emergency;

(2) Obtain approval from countries, as is safe and appropriate, to return volunteers and trainees to countries of service, predicated on the ability for volunteers and trainees to return safely and legally;

(3) Provide adequate measures necessary for the safety and health of volunteers and trainees and develop

contingency plans in the event overseas operations are disrupted by future COVID-19 outbreaks;

(4) Develop and maintain a robust volunteer cohort;
and

(5) Identify the need for anticipated additional appropriations or new statutory authorities and changes in global conditions that would be necessary to achieve the goal of safely enrolling 7,300 Peace Corps volunteers during the 1-year period beginning on the date on which Peace Corps operations resume.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Establishment of the Open Technology Fund (sec. 1299P)

The House bill contained a provision (sec. 1294) that would amend the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) by authorizing the establishment of an Open Technology Fund for the purposes specified in such section.

The Senate amendment contained a similar provision (sec. 1210).

The Senate recesses.

United States Agency for Global Media (sec. 1299Q)

The House bill contained a provision (sec. 1291) that included the U.S. Agency for Global Media Reform Act.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would make various modifications to the provision.

Leveraging information on foreign traffickers (sec. 1299R)

The House bill contained within Title XII a subtitle O that included the Leveraging Information on Foreign Traffickers Act.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would make various modifications to the provision.

Rule of construction relating to use of military force (sec. 1299S)

The House bill contained a provision (sec. 1273) that would clarify that nothing in this Act or any amendment made by

this Act may be construed to authorize the use of military force.

The Senate amendment contained no similar provision.
The Senate recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to build capacity for air sovereignty operations

The Senate amendment contained a provision (sec. 1202) that would modify section 333 of title 10, United States Code, relating to the authority of the Secretary of Defense to conduct or support programs to provide training and equipment to the national security forces of one or more foreign countries by adding air sovereignty operations to the list of authorized functional areas in which such support may be provided.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that elsewhere in this Act is a provision that would modify section 333 of title 10, United States Code to add air domain awareness operations to the list of authorized support.

Report on human rights and building partner capacity programs

The House bill contained a provision (sec. 1206) that would require, not later than 120 days after the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, to submit to the appropriate congressional committees a report identifying units of national security forces of foreign countries that have participated in programs pursuant to section 333 of title 10, United States Code, during any of fiscal years 2017 through 2020 and are subject to United States sanctions relating to gross violations of internationally recognized human rights.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress on Peshmerga forces as a partner in Operation Inherent Resolve

The House bill contained a provision (sec. 1226) that would express the sense of Congress regarding Peshmerga forces as a partner in Operation Inherent Resolve.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the Peshmerga of the Kurdistan Region of Iraq, as a partner in Operation Inherent Resolve, have made, and continue to make, significant contributions to the security of Northern Iraq by defending nearly 650 miles of critical terrain and conducting operations to degrade, dismantle, and ultimately defeat the Islamic State of Iraq and Syria (ISIS) in Iraq. Although ISIS has been severely degraded, the terrorist group's ideology and combatants still linger and pose a threat of resurgence if regional security is not sustained. A strong Peshmerga and Kurdistan Regional Government is critical to maintaining a stable and tolerant Iraq in which all faiths, sects, and ethnicities are afforded equal protection under the law and full integration into the Government and society of Iraq. Continued security assistance, as appropriate, to the Ministry of Peshmerga Affairs of the Kurdistan Region of Iraq in support of counter-ISIS operations, in coordination with the Government of Iraq, is critical to United States national security interests. Continued United States support to the Peshmerga, coupled with security sector reform in the region, will enable them to partner more effectively with other elements of the Iraqi Security Forces, the United States, and other coalition members to consolidate gains, hold territory, and protect infrastructure from ISIS and its affiliates in an effort to deal a lasting defeat to ISIS and prevent its reemergence in Iraq.

Report on the threat posed by Iranian-backed militias in Iraq

The House bill contained a provision (sec. 1227) that would require, not later than 180 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State to submit to the appropriate congressional committees a report on the short- and long-term threats posed by Iranian-backed militias in Iraq to Iraq and to United States persons and interests.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in consultation with the Secretary of State, to submit to the appropriate congressional committees a report on the short- and long-term threats posed by Iranian-backed militias in Iraq to Iraq and to United States persons and interests not later than 180 days after the enactment of this Act. The report should include a detailed description of acts of violence and intimidation that Iranian-backed militias in Iraq have committed against Iraqi civilians during the previous 2 years; a detailed description of the threat that Iranian-backed militias in Iraq

pose to United States persons in Iraq and in the Middle East, including United States Armed Forces and diplomats; a detailed description of the threat Iranian-backed militias in Iraq pose to United States partners in the region; a detailed description of the role that Iranian-backed militias in Iraq play in Iraq's armed forces and security services, including Iraq's Popular Mobilization Forces; and an assessment of whether and to what extent any Iranian-backed militia in Iraq, or member of such militia, had illicit access to United States-origin defense equipment provided to Iraq since 2014 and the response from the Government of Iraq to each incident.

Sense of Congress on support for Ukraine

The House bill contained a provision (sec. 1235) that would express the sense of Congress reaffirming support for an enduring strategic partnership between the United States and Ukraine, including support for Ukraine's sovereignty and territorial integrity and both lethal and non-lethal security assistance to build resiliency, bolster deterrence against Russia, and promote stability.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that continued strong support for Ukraine is reaffirmed elsewhere in this report, including extension and modification of the Ukraine Security Assistance Initiative.

Sense of Senate on North Atlantic Treaty Organization enhanced opportunities partner status for Ukraine

The Senate amendment contained provisions (secs. 1235 and 6235) that would express the sense of the Senate that the United States should support the designation of Ukraine as an enhanced opportunities partner as part of the Partnership Interoperability Initiative of the North Atlantic Treaty Organization (NATO).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that as of June 2020, Ukraine has achieved enhanced opportunities partner status with NATO, enabling the country to benefit from enhanced access to interoperability programs and exercises, as well as increased sharing of information.

Report on the threat posed by Iranian-backed militias in Iraq

The House bill contained a provision (sec. 1227) that would require, not later than 180 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, to submit to the appropriate congressional committees a report on the short- and long-term threats posed by Iranian-backed militias in Iraq to Iraq and to United States persons and interests.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in consultation with the Secretary of State, to submit to the appropriate congressional committees a report on the short- and long-term threats posed by Iranian-backed militias in Iraq to Iraq and to United States persons and interests not later than 180 days after the enactment of this Act. The report shall include a detailed description of acts of violence and intimidation that Iranian-backed militias in Iraq have committed against Iraqi civilians during the previous 2 years; a detailed description of the threat that Iranian-backed militias in Iraq pose to United States persons in Iraq and in the Middle East, including United States Armed Forces and diplomats; a detailed description of the threat Iranian-backed militias in Iraq pose to United States partners in the region; a detailed description of the role that Iranian-backed militias in Iraq play in Iraq's armed forces and security services, including Iraq's Popular Mobilization Forces; and an assessment of whether, and to what extent, any Iranian-backed militia in Iraq, or member of such militia, had illicit access to United States-origin defense equipment provided to Iraq since 2014 and the response from the Government of Iraq to each incident.

Report on presence of Russian military forces in other foreign countries

The House bill contained a provision (sec. 1236) that would require a report on the presence of Russian forces in foreign countries.

The Senate amendment contained no similar provision.

The House recedes.

Countering Russian and other overseas kleptocracy

The House bill contained a provision (sec. 1238) that would establish a program intended to address corruption and kleptocracy in Russia and other foreign governments.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that measures to address corruption and kleptocracy in foreign governments are addressed elsewhere in the bill.

Sense of Senate on strategic competition with the Russian Federation and related activities of the Department of Defense

The Senate amendment contained a provision (sec. 1238) that would express the sense of the Senate that long-term strategic competition with the Russian Federation is a principal priority for the Department of Defense that requires sustained investment due to the magnitude of the threat posed to United States security, prosperity, as well as to U.S. alliances and partnerships. The provision would further express the sense of the Senate concerning steps that the Department of Defense should take to enhance deterrence against Russian aggression and counter Russian activities short of armed conflict.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that long-term strategic competition with Russia is addressed elsewhere in this report.

Sense of Congress on support for Georgia

The House bill included a provision (section 1245) that expressed the sense of Congress reaffirming support for an enduring strategic partnership between the United States and Georgia.

The Senate amendment contained no similar provision.

The House recedes.

Not later than March 1, 2021, the conferees direct the Secretary of Defense to provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on measures the Department of Defense is taking to strengthen defense cooperation with allies and partners in the Black Sea region, including the Government of the Republic of Georgia. The briefing should include measures to build resiliency and bolster deterrence against Russian aggression; promote regional stability; improve interoperability with North Atlantic Treaty Organization forces; and enhance security cooperation and engagement with and between Black Sea regional partners.

Sense of Congress on burden sharing by partners and allies

The House bill contained a provision (sec. 1246) that would express the sense of Congress regarding burden sharing by United States partners and allies.

The Senate amendment contained no similar provision.
The House recedes.

The conferees highlight that the 2018 National Defense Strategy emphasizes that allies and partners are critical to promoting U.S. national security interests and underscore the vital role the military contributions and investments of U.S. partners and allies around the world play in deterring aggression and defeating malign actors, especially in an era of resurgent strategic competition. The conferees believe that the United States should focus defense investments in forward presence, joint bilateral and multilateral exercises, enhanced interoperability, and commitments that contribute to the security of the United States as well as collective security. Additionally, the conferees urge allies and partners to continue to increase their investments in military capacity and capability to enhance their ability to contribute to global peace and security and urge the U.S. Government to adopt a comprehensive approach in evaluating U.S. security relationships with allies and partners. The conferees believe the U.S. must continue to strengthen its alliances and security partnerships.

The conferees note that the importance for U.S. national security and significant impact of the military capabilities and capacities of specific U.S. alliances and security partnerships are addressed elsewhere in this report.

Sense of Congress on NATO's response to the COVID-19 pandemic

The House bill included a provision (sec. 1247) that would express the sense of Congress regarding response to the COVID-19 pandemic.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that the North Atlantic Treaty Organization's response to the COVID-19 pandemic is addressed elsewhere in this report.

Coordination of stockpiles with the North Atlantic Treaty Organization and other allies

The House bill contained a provision (sec. 1249) that would amend title I of the Defense Production Act of 1950 (50 U.S.C. 5411 et seq.) to direct that if President of the United States invokes the Defense Production Act in the context of a global pandemic, that the United States shall coordinate with the North Atlantic Treaty Organization and other allied countries to address supply chain gaps and promote access to vaccines and other remedies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that coordination with the North Atlantic Treaty Organization on pandemic response is addressed elsewhere in this Act.

Report on China's One Belt, One Road Initiative in Africa

The House bill contained a provision (sec. 1257) that would direct the Secretary of Defense to provide a report not later than 1 year after the date of the enactment of this Act on China's One Belt, One Road Initiative in Africa. Such report shall include a strategy to address impacts on United States military and defense interests in Africa.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the date of the enactment of this Act on the military implications of China's One Belt, One Road Initiative in Africa and a description of its strategy to address impacts on United States defense interests in Africa. The briefing shall include:

(1) An assessment of Chinese dual-use investments in Africa, including those associated with People's Liberation Army cooperation with African countries, and an identification of which investments are of greatest concern to the Department of Defense;

(2) An assessment of the potential military, intelligence, and logistical threats facing United States' key regional military infrastructure, supply chains, and freedom of maneuver due to such investments;

(3) A description of the Department of Defense's strategy and associated efforts to mitigate the risk posed by such investments and any anticipated expansion of such investments; and

(4) Any other matters deemed relevant by the Secretary.

The conferees note that the Department of Defense has compiled various reports and intelligence products in recent years on China's One Belt, One Road Initiative in Africa and expect that these products will be incorporated as supplemental material to the required briefing.

Training of ally and partner air forces in Guam

The Senate amendment contained a provision (sec. 1257) that would require the Secretary of Defense submit to the congressional defense committees a report assessing the merit and feasibility of entering into agreements similar to the aforementioned memorandum of understanding with other United States allies and partners in the Indo-Pacific region, to include Japan, Australia, and India.

The House bill contained no similar provision.

The Senate recedes.

The conferees commend the December 6, 2019, memorandum of understanding agreed to by the United States and the Republic of Singapore to establish a fighter jet training detachment in Guam. The agreement is a manifestation of the strong, enduring, and forward-looking partnership of the United States and the Republic of Singapore, and the permanent establishment of a fighter detachment in Guam will enhance the interoperability of the air forces of the United States and the Republic of Singapore and provide training opportunities needed to maximize their readiness.

The conferees direct the Secretary of Defense, not later than 1 year after the date of the enactment of this Act, to submit to the congressional defense committees a report assessing the merit and feasibility of entering into similar agreements with other United States allies and partners in the Indo-Pacific region, including Japan, Australia, and India.

Report on supply chain security cooperation with Taiwan

The House bill contained a provision (sec. 1259) that would require a report on the feasibility of establishing a United States-Taiwan working group for supply chain security, the Department's current and future plans to engage with Taiwan on activities ensuring supply chain security, and obstacles for conducting such activities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in coordination with the head of each appropriate Federal department and agency, to submit to the congressional defense committees not later than 180 days after the date of the enactment of this Act a report on supply chain security cooperation with Taiwan. The report shall include: (1) The feasibility of establishing a high-level, interagency United States-Taiwan working group for coordinating cooperation related to supply chain security; (2) A discussion of the Department of Defense's current and future plans to engage with Taiwan with respect to activities ensuring supply chain security; (3) A

discussion of obstacles encountered in forming, executing, or implementing agreements with Taiwan for conducting activities to ensure supply chain security; and (4) Any other matters the Secretary of Defense determines should be included.

Sense of Congress on United States commitments to Pacific allies

The House bill contained a provision (sec. 1260C) that would express the sense of Congress on United States commitments to Pacific allies.

The Senate amendment contained no similar provision.

The House recedes.

Restrictions on export, reexport, and in-country transfers of certain items that provide a critical capability to the Government of the People's Republic of China to suppress individual privacy, freedom, and other basic human rights

The House bill contained a provision (sec. 1260D) that would require, not later than 120 days after the date of the enactment of this Act, and as appropriate thereafter, the President to identify those items that provide a critical capability to the Government of the People's Republic of China, or any person acting on behalf of such Government, to suppress individual privacy, freedom of movement, and other basic human rights.

The Senate amendment contained no similar provision.

The House recedes.

Southeast Asia Strategy

The House bill contained a provision (sec. 1260F) that would require, not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, to develop and submit to the appropriate congressional committees a comprehensive strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on strategic security relationship between the United States and Mongolia

The House bill contained a provision (sec. 1260G) that would express the sense of Congress on the strategic security relationship between the United States and Mongolia.

The Senate amendment contained no similar provision.
The House recedes.

Sense of Congress on co-development with Japan of a long-range ground-based anti-ship cruise missile system

The Senate amendment contained a provision (sec. 1261) that would express the sense of Congress that the Department of Defense should prioritize consultations with the Ministry of Defense of Japan to determine whether a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements of the United States and Japan and, if so, that the United States and Japan should consider co-development of such a system.

The House bill contained no similar provision.
The Senate recedes.

Statement of policy on cooperation in the Indo-Pacific region

The Senate amendment contained a provision (sec. 1262) that would state that the policy of the United States is to strengthen alliances and partnerships with like-minded countries to effectively compete with the People's Republic of China.

The House bill contained no similar provision.
The Senate recedes.

Expanding the state partnership program in Africa

The House bill contained a provision (sec. 1266) that would require the Secretary of Defense, in coordination with the Chief of the National Guard Bureau, to seek to build partner capacity and interoperability in the United States Africa Command area of responsibility through increased partnerships with countries on the African continent, military-to-military engagements, and traditional activities of the combatant commands.

The Senate amendment contained no similar provision.
The House recedes.

Sense of Congress with respect to Qatar

The House bill contained a provision (sec. 1269) that would express the sense of Congress regarding Qatar.

The Senate amendment contained no similar provision.

The House recesses.

Prohibition on support for military participation against the Houthis

The House bill contained a provision (sec. 1272) that would prohibit funds to provide logistical support for Saudi-led coalition strikes against the Houthis in Yemen. It would prohibit funds from being made available for any civilian or military personnel of the Department of Defense or contractors of the Department to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi and United Arab Emirates-led coalition forces engaged in hostilities against the Houthis in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)). This prohibition would not apply to United States Armed Forces engaged in operations against al-Qaeda and associated forces.

The Senate amendment contained no similar provision.

The House recesses.

Report on risk to personnel, equipment, and operations due to Huawei 5G architecture in host countries

The Senate amendment contained two provisions (secs. 1273 and 6273) that would require the Secretary of Defense to submit to the congressional defense committees a report that contains an assessment of the risk to personnel, equipment, and operations of the Department of Defense in host countries as well as measures required to mitigate such risk posed by the current or intended use of a 5G telecommunications architecture provided by Huawei Technologies Co., Ltd.

The House bill contained no similar provision.

The Senate recesses.

The conferees note the importance of the assessment of the risk to personnel, equipment, and operations of the Department of Defense in host countries, as well as measures required to mitigate such risk posed by telecommunications architecture provided by at-risk vendors such as Huawei and ZTE, is addressed elsewhere in this report.

Allied burden sharing report

The Senate amendment contained a provision (sec. 1274) that would require, not later than March 1 of each year, the Secretary of Defense, in coordination with the heads of other Federal agencies as deemed necessary, to submit to specified congressional committees a report containing a description on the annual defense spending and the activities of each country described to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party. The countries described are each member state of the North Atlantic Treaty Organization, the Gulf Cooperation Council, and the Inter-American Treaty of Reciprocal Assistance.

The House bill contained no similar provision.

The Senate recedes.

Establishment of the Office of Subnational Diplomacy

The House bill contained a provision (sec. 1276) that would amend section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) to establish the Office of Subnational Diplomacy.

The Senate amendment contained no similar provision.

The House recedes.

Assessment of effectiveness of United States policies relating to exports of United States-origin Unmanned Aerial Systems that are assessed to be "Category I" items under the Missile Technology Control Regime

The House bill contained a provision (sec. 1278) that would require not later than 180 days after the enactment of this Act, and annually thereafter through December 31, 2025, the Secretary of State, in consultation with the Secretary of Defense, to conduct and submit to the appropriate congressional committees an assessment of the effectiveness of United States policies to export United States-origin Unmanned Aerial Systems that are assessed to be "Category I" items under the Missile Technology Control Regime.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on the United States-Israel relationship

The House bill contained a provision (sec. 1279) that would express the sense of Congress regarding the United States-Israel relationship.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that the United States-Israel relationship is addressed elsewhere in this Act.

Report on internally displaced peoples in Ukraine, Georgia, Moldova, and Azerbaijan

The House bill included a provision (sec. 1281) that would require a report on the status of internally displaced persons in Ukraine, Georgia, the Republic of Moldova, and the Republic of Azerbaijan.

The Senate amendment contained no similar provision.
The House recedes.

Enhancing Engagement with the Caribbean

The House bill contained a provision (sec. 1283) that would express the sense of Congress that the prosperity and security of the Caribbean region is a matter of significant importance for the United States and that promotion of such should be a component of United States policy.

The Senate amendment contained no similar provision.
The House recedes.

The conferees believe that enhancing partnerships between the United States and Caribbean nations is in our strategic interest. These partnerships in the region are based on shared interests and values, including a strong commitment to the rule of law and human rights, as well as addressing security concerns like transnational organized crime and disaster preparedness. In furtherance of these and other shared interests, the United States should pursue opportunities to strengthen its engagement in the Caribbean region consistent with the objectives of the 2018 National Defense Strategy and the Department of State's Caribbean 2020 Strategy. The conferees believe that these efforts should include a commitment to strengthening security relationships and interoperability, advancing trade and investment, academic exchanges, and other cooperative efforts between the United States and the Caribbean region.

Amendments to Annual Country Reports on Human Rights Practices

The House bill contained a provision (sec. 1284) that would amend section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n), by adding a reporting requirement related to the status of excessive surveillance and the use of advanced technology.

The Senate amendment contained no similar provision.
The House recedes.

Establishment of National Commission on U.S. Counterterrorism Policy

The House bill contained a provision (sec. 1285) that would establish an independent commission within the legislative branch to be known as the "National Commission on U.S. Counterterrorism Policy" to assess United States counterterrorism efforts and make recommendations based on its findings.

The Senate amendment contained no similar provision.
The House recedes.

Program to prevent, mitigate, and respond to civilian harm as a result of military operations in Somalia

The House bill contained a provision (sec. 1286) that would require the Department to develop a program that would improve the ability of the Somali National Army, the African Union Mission in Somalia, the U.S. military, and U.S. contractors to prevent, mitigate, and respond to instances of civilian harm as a result of military operations to counter al-Shabaab and ISIS-Somalia.

The Senate amendment contained no similar provision.
The House recedes.

The conferees understand that there may be challenges to the ability of the Somali people to report allegations of civilian harm resulting from military operations. The conferees note that section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) requires the development of publicly available means for the submittal to the United States Government of allegations of civilian casualties resulting from United States military operations. The conferees expect the Department of Defense to continuously evaluate and improve current measures and practices to help remove challenges to reporting such allegations in Somalia and other countries where challenges may exist.

Improved coordination of United States sanctions policy

The Senate amendment contained a provision (sec. 1287) that would create an office in the Department of State to coordinate U.S. sanctions policy.

The House bill contained no similar provision.
The Senate recedes.

The conferees note that this provision is incorporated elsewhere in this Act.

Sense of Congress relating to Grand Ethiopian Renaissance Dam

The House bill contained a provision (sec. 1288) that would express the sense of Congress relating to the Grand Ethiopian Renaissance Dam.

The Senate amendment contained no similar provision.

The House recedes.

Report on all comprehensive sanctions imposed on foreign governments

The House bill contained a provision (sec. 1289) that would require a report on all comprehensive sanctions imposed on governments of foreign countries under any provision of law.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on assistance to Brazil

The House bill contained a provision (sec. 1290) that would establish a limitation that no Federal funds may be obligated or expended to provide any United States security assistance or security cooperation to the defense, security, or police forces of the Government of Brazil to involuntarily relocate, including through coercion or the use of force, the indigenous or Quilombola communities in Brazil.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the important strategic security relationship between the United States and Brazil and note that the Government of Brazil was designated as a major non-North Atlantic Treaty Organization ally in July 2019. The conferees encourage the Secretary of Defense to seek opportunities to further strengthen the security relationship with Brazil. The conferees understand that there are concerns regarding the potential relocation of certain indigenous groups within Brazil. The conferees note that existing law and Department of Defense policy require that the provision of Department of Defense security sector assistance be consistent with adherence to human rights and international law. The conferees expect that the Secretary will seek to ensure that any security assistance provided to Brazil will be in compliance with such laws and policies.

Report on incidents of arbitrary detention, violence, and state-sanctioned harassment by the Government of Egypt against United States citizens and their family members who are not United States citizens

The House bill contained a provision (sec. 1293) that would require, not later than 60 days after the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, to submit a report on incidents of arbitrary detention, violence, and state-sanctioned harassment by the Government of Egypt against United States citizens and their family members who are not United States citizens, in both Egypt and in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of instances of arbitrary detention, violence, and harassment against United States citizens and their family members who are not United States citizens. These actions are deeply disturbing, and undermine the U.S.-Egyptian relationship.

Protection and promotion of internationally recognized human rights during the novel coronavirus pandemic

The House bill contained a provision (sec. 1296) that would promulgate a statement of policy and a sense of Congress regarding the novel coronavirus pandemic. The provision would require the Secretary of State to submit to the Congress a report on countering disinformation abroad related to the pandemic and a report on countries that enacted emergency measures or took other legal actions inconsistent with internationally recognized human rights in response to the pandemic. The provision would also amend section 502B(a)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(4)) to require consideration of a nation's violations of internationally recognized human rights during the pandemic in determinations by the United States to engage in security assistance cooperation with that nation. Further, the provision would require the Secretary of Defense to issue guidance that security cooperation programs and intelligence collection include indicators that partner security forces have taken advantage of the pandemic to violate internationally recognized human rights. Finally, the provision would amend the Foreign Assistance Act of 1961 to insert reporting requirements regarding human rights violations due to misuse of emergency powers and surveillance technology.

The Senate amendment contained no similar provision.

The House recesses.

Promoting human rights in Colombia

The House bill contained a provision (sec. 1298) that would require, not later than 120 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, to submit to the appropriate congressional committees a report that assesses allegations that United States security sector assistance provided to the Government of Colombia was used by or on behalf of the Government of Colombia for purposes of unlawful surveillance or intelligence gathering directed at the civilian population, including human rights defenders, judicial personnel, journalists, and the political opposition.

The Senate amendment contained no similar provision.

The House recesses.

The conferees recognize the strategic regional importance of Colombia and the longstanding partnership between the United States and Colombia, and look forward to continuing to strengthen this partnership in order to implement the Colombian peace accords and address shared regional security challenges.

The conferees note with concern allegations of unlawful surveillance or intelligence gathering by the Colombian Armed Forces. The conferees encourage the Government of Colombia to continue to investigate credible allegations of misuse and take corrective actions, as appropriate, to ensure any misuse does not occur in the future. The conferees note that existing law requires that the provision of Department of Defense security sector assistance include programs focused on strengthening institutional capacity, to include adherence to human rights and international law. Additionally, the conferees note that existing law and related policy requires that recipients of Department of Defense assistance use it for the purposes for which the assistance was provided and consistent with human rights and international law.

The conferees direct the Secretary of Defense, not later than 120 days after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report that describes any credible allegations since 2016 of Department of Defense-provided assistance intended to build the surveillance capabilities of the Colombian Armed Forces that was subsequently used by the Colombian Armed Forces to conduct unlawful surveillance or intelligence gathering. The report shall include a description of any steps taken by the Department in response to such

credible allegations, to include any steps taken to seek to ensure that any misuse does not occur in the future. The report shall also include information on steps taken by the Government of Colombia in response to any credible evidence of misuse of such equipment, including a description of steps taken to hold those responsible accountable, ensure that any misuse does not occur in the future, and any modifications to relevant tactics, techniques, and procedures. The report shall be submitted in unclassified form, but may include a classified annex.

Report on Venezuela

The House bill contained a provision (sec. 1299A) that would require, not later than 120 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense to submit to the appropriate congressional committees a report regarding the political, economic, health, and humanitarian crisis in Venezuela, and its implications for United States national security and regional security and stability.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the ongoing crisis in Venezuela undermines regional security and stability. The conferees continue to endorse a whole-of-government approach to support the rule of law, fair elections and self-determination for the Venezuelan people.

Not later than 90 days after the Secretary of State submits the report required by section 123(c) of the Venezuela Emergency Relief, Democracy Assistance, and Development Act of 2019 (title I of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94)), the Secretary of State and the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives on the contents of the report and provide an update to the political, economic, health, and humanitarian crisis in Venezuela and the implications for United States national security and regional security and stability. The brief shall also include an assessment of how the multifaceted crisis in Venezuela and the resulting migration of millions of citizens from Venezuela to neighboring countries, including Brazil, Colombia, Ecuador, and Peru, affects regional security and stability.

Prohibition on use of funds for aerial fumigation

The House bill contained a provision (sec. 1299B) that would prohibit funds authorized to be appropriated or otherwise made available by this Act to be made available to directly conduct aerial fumigation in Colombia unless there are demonstrated actions by the Government of Colombia to adhere to national and local laws and regulations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that any Department support for counterdrug activities in Colombia should be compliant with Colombia's national and local laws and regulations.

Report on support for democratic reforms by the Government of the Republic of Georgia

The House bill contained a provision (sec. 1299C) that would require a report on analysis of democratic reforms by the government of the Republic of Georgia.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that issues related to Georgia are covered elsewhere in the conference report.

Transfer of excess naval vessels to the Government of Egypt

The House bill contained a provision (sec. 1299G) that would authorize the transfer of excess naval vessels to the Government of Egypt.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on production of nuclear proliferation assessment statements

The House bill contained a provision (sec. 1299H) that would prohibit the provision by the Secretary of State to the President or by the President to the Congress of a Nuclear Proliferation Assessment Statement on a proposed cooperation agreement with a country that has neither signed and implemented an Additional Protocol with the International Atomic Energy Agency nor has already implemented a civilian nuclear cooperation agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153). The provision would allow the waiving of this prohibition in the event that the President submits a report to the relevant congressional committees and the Congress enacts a joint resolution approving the waiver request.

The Senate amendment contained no similar provision.

The House recesses.

Report on Mexican Security Forces

The House bill contained a provision (sec. 1299I) that would require, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State, in coordination with other appropriate officials, to jointly submit to the appropriate congressional committees a report containing a comprehensive assessment of ongoing support and a strategy for future cooperation between the United States Government and the Mexican security forces, including the Mexican National Guard, Federal, State, and municipal law enforcement.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and the Secretary of State, not later than 90 days after the date of the enactment of this Act, to jointly submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a comprehensive assessment of ongoing support and a strategy for future cooperation between the United States Government and the Mexican security forces, including the Mexican National Guard, Federal, State, and municipal law enforcement. The report should include, at a minimum, the following:

(1) A strategy and timeline for assistance to Mexican security forces, including the amounts of assistance, any defense articles, and training to be provided to each of the Mexican security forces;

(2) A description of the transfer of U.S.-supported equipment, if any, from the Federal Police and Armed Forces to the National Guard;

(3) Department of Defense and Department of State plans for all U.S. training for Mexican security forces, including training in human rights, proper use of force, de-escalation, investigation and evidence-gathering, community relations, and anti-corruption; and

(4) An assessment of the National Guard's adherence to human rights standards to date, including its progress toward the adoption of measures to ensure accountability for human rights violations and the development of a human rights training curriculum.

The report may be submitted in classified form with an unclassified summary.

Global Health Security Act of 2020

The House bill contained provisions (Subtitle I, secs. 1299N-1 to 1299N-5), titled the "Global Health Security Act of 2020," which would require the President to establish a Global Health Security Agenda Interagency Review Council and to appoint an individual to the position of United States Coordinator for Global Health Security, who would be responsible for the coordination of the interagency process for responding to global health security emergencies. In addition, the provision would direct the United States Coordinator for Global Health Security to coordinate the development and implementation of a strategy to advance the aims of the Global Health Security Agenda, among other objectives.

The Senate amendment contained no similar provision.

The House recedes.

Definitions

The House bill contained a provision (sec. 1299N-6) that would define certain terms used in the Global Health Security Act of 2020.

The Senate amendment contained no similar provision.

The House recedes.

Sunset

The House bill contained a provision (sec. 1299N-7) that would sunset all sections of the Global Health Security Act of 2020 (except for section 1299N-3) on December 31, 2024.

The Senate amendment contained no similar provision.

The House recedes.

Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act

The House bill contained within title XII a subtitle J that included the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act.

The Senate amendment contained in subtitle H of title XII a similar provision.

The conference agreement does not include either provision.

Matters relating to the Northern Triangle

The House bill contained within title XII a subtitle K on matters relating to the Northern Triangle.

The Senate amendment contained no similar provisions.

The House recedes.

Foreign military loan authority

The House bill contained a provision (sec. 1299Q-1) that would authorize the President, acting through the Secretary of State, to make direct loans under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to North Atlantic Treaty Organization member countries that joined the alliance after March 1, 1999 and would authorize the President, acting through the Secretary of State, to charge fees for such loans consistent with specified law.

The Senate amendment contained no similar provision.

The House recedes.

Report on NATO member contributions

The House bill contained a provision (sec. 1299Q-3) that would require a report to assess contributions by North Atlantic Treaty Organization (NATO) member countries to the security of the alliance, including defense funding and contributions to NATO-led missions, exercises, and combat and non-combat operations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that a similar report was required by the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) and that the NATO Secretary General, with support from the International Staff, publishes a comprehensive annual report assessing NATO member contributions. The conferees also highlight that burden sharing and the importance of contributions by NATO allies and partners to the security of the United States is addressed elsewhere in this report.

Efforts to counter malign authoritarian influence

The House bill contained a provision (sec. 1299Q-5) that would require a report on trends of malign influence from the governments of Russia and China in Serbia that discourage progress towards greater integration with Western institutions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned by the growth of efforts by the Governments of Russia and China to influence governments and

public opinion across the Balkans. The spread of malign influence is promoted through the use of social media, propaganda, disinformation, cyber operations, foreign assistance, and the expansion of coercive economic ties. The conferees note that this malign influence is intended to impede progress towards greater integration with Western institutions such as the North Atlantic Treaty Organization and the European Union. Finally, the conferees urge the Secretary of Defense and the Secretary of State to continue efforts to counter the malign influence of the Governments of China and Russia in the Balkans.

Sense of Senate on United States-Israel cooperation on precision-guided munitions

The Senate amendment contained a provision (sec. 6283) that would express the sense of Senate on the United States-Israel cooperation on precision-guided munitions.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that United States-Israel cooperation on precision-guided munitions is addressed elsewhere in this Act.

Blocking deadly fentanyl imports

The Senate amendment contained a provision (sec. 6284) that would identify countries that are major producers or traffickers of illicit fentanyl, and penalize those countries that fail to take steps to combat illicit fentanyl trafficking or production by withholding bilateral and multilateral assistance.

The House bill contained no similar provision.

The Senate recedes.

Findings

The Senate amendment contained a provision (sec. 6291) that would delineate a series of findings concerning the United States-Israel relationship.

The House bill contained no similar provision.

The Senate recedes.

Extension of loan guarantees to Israel

The Senate amendment contained a provision (sec. 6295) that would extend loan guarantees by amending chapter 5 of title

I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that loan guarantees to Israel have already been extended through 2023.

Sense of Congress on rapid acquisition and deployment procedures

The Senate amendment contained a provision (sec. 6297) that would express the sense of Congress on rapid acquisition and deployment procedures.

The House bill contained no similar provision.

The Senate recedes.

Sense of Congress on United States-Israel economic cooperation

The Senate amendment contained a provision (sec. 6299C) that would express the sense of Congress on the United States-Israel economic partnership.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the sense of Congress regarding United States-Israel economic partnership is addressed elsewhere in this Act.

Plans to provide Israel with necessary defense articles and services in a contingency

The Senate amendment contained a provision (sec. 6299E) that would require the President to establish plans to provide Israel with defense articles and services in a contingency.

The House bill contained no similar provision.

The Senate recedes.

Banking Transparency for Sanctioned Persons Act of 2019

The House bill contained provisions (secs. 19001-19005) that would require a report on any licenses issued by the Secretary of the Treasury benefitting state sponsors of terrorism, and any financial institutions facilitating transactions or financial services benefitting state sponsors of terrorism or certain sanctioned persons.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Funding allocations; specification of cooperative threat reduction funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would specify obligation levels for cooperative threat reduction funds authorized to be appropriated for fiscal year 2021 for specified purposes.

The Senate amendment contained a similar provision (sec. 1301).

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Congress regarding biological threat reduction and cooperative biological engagement of the cooperative threat reduction program

The House bill contained a provision (sec. 1302) that would express the sense of Congress that biological threats are a critical emerging threat; continuing to use cooperative threat reduction programs to counter these threats is in the national security interest of the United States; and the Secretary of Defense and the Secretary of State should make every effort to prioritize and advance these processes in the future.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that:

(1) Keeping Americans safe means ensuring that global health security is prioritized as a national security issue;

(2) As highlighted by the 2017 National Security Strategy of the United States, biological threats, whether ``deliberate attack, accident, or a natural outbreak,'' are growing threats and ``require actions to address them at their source'' through programs carried out by cooperative engagement, such as working ``with partners to ensure that laboratories that handle dangerous pathogens have in place safety and security measures;''

(3) The 2017 National Security Strategy of the United States appropriately affirms the importance of supporting advancements in biomedical innovation while mitigating harm caused by advanced bioweapons and capabilities;

(4) The intrinsically linked nature of biological threats, whether naturally occurring, accidental, or deliberate,

underscores the relationship between the Global Health Security Strategy of the United States and the National Biodefense Strategy, and the national security tools used to prevent and mitigate these threats must be similarly connected;

(5) Biological threats are a critical emerging threat against the United States and addressing these threats through cooperative programs is an opportunity to achieve long-standing nonproliferation goals;

(6) Cooperative programs to address biological threats through improved global capacity in the areas of biosafety, biosecurity, bio-surveillance, research oversight, and related legislative and regulatory frameworks have become even more important as the world faces increasing availability of and advancements in biotechnology, which has broad dual use and proliferation implications;

(7) Under the Cooperative Threat Reduction Program of the Department of Defense established under the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.), the Congress authorized the Secretary of Defense to address such threats through activities to prevent, detect, and report on highly pathogenic diseases or other diseases, ``regardless of whether such diseases are caused by biological weapons;''

(8) In 2014, President Obama declared the Ebola virus disease epidemic a national security priority and exercised the authority under such Program to build capacity that mitigated the imminent threat posed by the Ebola virus disease and established capabilities required to prevent future outbreaks;

(9) Many of the prevention, detection, and response capacities built in response to the Ebola virus disease epidemic are also those used to prevent, detect, and respond to the use of biological weapons abroad;

(10) Continuing to use cooperative engagement programs is in the national security interests of the United States because of the important relationships established between the United States and partner countries, which are based on ideals such as transparency, information sharing, and a shared responsibility in advancing global security;

(11) The recent coronavirus disease 2019 (COVID-19) global pandemic has illustrated the dire consequences resulting from a single disease that knows no boundaries, impacting the United States economy and the health of United States citizens and members of the Armed Forces, both domestically and abroad;

(12) In light of the impacts caused by COVID-19, and following two congressionally-mandated reports that call for better implementation of the biological cooperative engagement

programs of the United States and the National Biodefense Strategy (the report published by the Government Accountability Office on March 11, 2020, titled ``National Biodefense Strategy: Opportunities and Challenges with Early Implementation'' and the report published by the National Academies of Sciences, Engineering, and Medicine on April 14, 2020, titled ``A Strategic Vision for Biological Threat Reduction: The U.S. Department of Defense and Beyond''), it is of utmost importance that such programs are given due and increased prioritization for national security purposes; and

(13) The Secretary of Defense and the Secretary of State should make every effort to prioritize and advance the determination, concurrence, and notification processes under the Department of Defense Cooperative Threat Reduction Act to provide for necessary new country determinations in a timely manner and be responsive to emerging biological threats.

TITLE XIV—OTHER AUTHORIZATIONS

SUBTITLE A—MILITARY PROGRAMS

Working capital funds (sec. 1401)

The House bill contained a provision (sec. 1401) that would authorize appropriations for Defense Working Capital Funds at the levels identified in section 4501 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

Chemical agents and munitions destruction, defense (sec. 1402)

The House bill contained a provision (sec. 1402) that would authorize appropriations for Chemical Agents and Munitions Destruction, Defense at the levels identified in section 4501 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1402).

The conference agreement includes this provision.

Drug interdiction and counter-drug activities, defense-wide (sec. 1403)

The House bill contained a provision (sec. 1403) that would authorize appropriations for Drug Interdiction and Counter-Drug Activities, Defense-wide at the levels identified in section 4501 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1403).

The conference agreement includes this provision.

Defense Inspector General (sec. 1404)

The House bill contained a provision (sec. 1404) that would authorize appropriations for the Office of the Inspector General at the levels identified in section 4501 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

Defense health program (sec. 1405)

The House bill contained a provision (sec. 1405) that would authorize appropriations for the Defense Health Program at the levels identified in section 4501 of division D of this Act.

The Senate amendment contained a similar provision (sec. 1405).

The Senate recesses.

SUBTITLE B—ARMED FORCES RETIREMENT HOME

Authorization of appropriations for Armed Forces Retirement Home (sec. 1411)

The House bill contained a provision (sec. 1412) that would authorize an appropriation of \$70.3 million from the Armed Forces Retirement Home Trust Fund for fiscal year 2021 for the operation of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1411).

The Senate recesses.

Expansion of eligibility for residence at the Armed Forces Retirement Home (sec. 1412)

The Senate amendment contained a provision (sec. 1413) that would amend section 1512(a) of the Armed Forces Retirement

Home Act of 1991 (24 U.S.C. 412 (a)) to expand eligibility for residence at the Armed Forces Retirement Home.

The House bill contained no similar provision.

The House recedes.

Periodic inspections of Armed Forces Retirement Home facilities by nationally recognized accrediting organization (sec. 1413)

The Senate amendment contained a provision (sec. 1412) that would amend section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) to require the Chief Operating Officer (COO) to request the inspection of each facility by a nationally recognized civilian accrediting organization, in accordance with section 1511(g) of such Act, on a frequency consistent with the standards of the organization. The provision would require the COO and the administrator of a facility under inspection to make, in a timely manner, all staff, other personnel, and facility records available to the civilian accrediting organization for purposes of the inspection. Not later than 60 days after an inspection, the COO would submit a report to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council containing the results of the inspection and a plan to address recommendations or other matters specified in the report. The provision would remove the requirement for a periodic inspection of the retirement home's facilities by the Department of Defense Inspector General.

The House bill contained no similar provision.

The House recedes.

SUBTITLE C—OTHER MATTERS

Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1421)

The House bill contained a provision (sec. 1411) that would authorize the Secretary of Defense to transfer \$137.0 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), for the operation of the Captain James A. Lovell Federal Health Care Center.

The Senate amendment contained a similar provision (sec. 1421).

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

National Defense Sealift Fund

The House bill contained a provision (sec. 1406) that would authorize appropriations for the National Defense Sealift Fund.

The Senate amendment contained no similar provision.
The House recedes.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) that would establish the purpose of this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act, to provide for additional authorization of funds due to overseas contingency operations and other additional funding requirements.

The Senate amendment contained an identical provision (sec. 1501).

The conference agreement includes this provision.

Overseas contingency operations (sec. 1502)

The Senate amendment contained a provision (sec. 1502) that would designate authorization of appropriations in this section as Overseas Contingency Operations.

The House bill contained no similar provision.
The House recedes.

Procurement (sec. 1503)

The House bill contained a provision (sec. 1502) that would authorize additional appropriations for procurement at the levels identified in section 4102 of division D of this Act.

The Senate amendment contained a similar provision (sec. 1503).

The House recedes with a technical amendment.

Research, development, test, and evaluation (sec. 1504)

The House bill contained a provision (sec. 1503) that would authorize additional appropriations for research, development, test, and evaluation at the levels identified in section 4202 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1504).

The conference agreement includes this provision.

Operation and maintenance (sec. 1505)

The House bill contained a provision (sec. 1504) that would authorize additional appropriations for operation and maintenance programs at the levels identified in section 4302 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1505).

The conference agreement includes this provision.

Military personnel (sec. 1506)

The House bill contained a provision (sec. 1505) that would authorize additional appropriations for military personnel at the levels identified in section 4402 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1506).

The conference agreement includes this provision.

Working capital funds (sec. 1507)

The House bill contained a provision (sec. 1506) that would authorize additional appropriations for Defense Working Capital Funds at the levels identified in section 4502 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1507).

The conference agreement includes this provision.

Drug interdiction and counter-drug activities, defense-wide (sec. 1508)

The House bill contained a provision (sec. 1507) that would authorize additional appropriations for Drug Interdiction

and Counter-Drug Activities, Defense-wide, at the levels identified in section 4502 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

Defense Inspector General (sec. 1509)

The House bill contained a provision (sec. 1508) that would authorize additional appropriations for the Office of the Inspector General at the levels identified in section 4502 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1509).

The conference agreement includes this provision.

Defense Health Program (sec. 1510)

The House bill contained a provision (sec. 1509) that would authorize additional appropriations for the Defense Health Program at the levels identified in section 4502 of division D of this Act.

The Senate amendment contained an identical provision (sec. 1510).

The conference agreement includes this provision.

SUBTITLE B—FINANCIAL MATTERS

Treatment as additional authorizations (sec. 1511)

The House bill contained a provision (sec. 1511) that would state that amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

Special transfer authority (sec. 1512)

The House bill contained a provision (sec. 1512) that would authorize the transfer of up to \$2.5 billion of additional war-related authorizations in this subtitle among the accounts in this subtitle, except for transfers from the National Guard and Reserve Equipment Account.

The Senate amendment contained a provision (sec. 1522) that would authorize the transfer of up to \$2.0 billion of additional war-related authorizations in this subtitle among the accounts in this subtitle.

The House recedes.

SUBTITLE C—OTHER MATTERS

Afghanistan Security Forces Fund (sec. 1521)

The House bill contained a provision (sec. 1521) that would continue and modify authorities and reporting requirements for the Afghanistan Security Forces Fund (ASFF) through fiscal year 2021. The provision would also set a goal of using \$29.1 million to support the efforts of the Government of Afghanistan to promote the recruitment, training, integration, and retention of Afghan women into the Afghan National Defense and Security Forces. The provision would also require the Secretary of Defense, in consultation with the Secretary of State, to submit an assessment of the Government of Afghanistan's ability to meet shared security objectives and manage, employ, and sustain equipment divested under ASFF. If it is assessed that insufficient progress has been made, the Secretary of Defense would be required to withhold assistance under ASFF.

The Senate amendment contained a similar provision (sec. 1531).

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on transitioning funding

The House bill contained a provision (sec. 1522) that would require the Secretary of Defense to include in the congressional budget justification for fiscal year 2022 a description of all activities and programs authorized and appropriated as Overseas Contingency Operations funding in

fiscal year 2021, along with a plan to transition all such activities and program to the base defense budget.

The Senate amendment contained no similar provision.
The House recedes.

The conferees remain concerned that the Department of Defense has not transmitted to Congress a detailed plan to budget for overseas contingency operations, including proposed rules to govern the inclusion of activities and programs in overseas contingency-related funding and planning considerations related to transitioning overseas contingency-related funding back into the base budget. With the statutory restrictions of the Budget Control Act set to expire after fiscal year 2021, the conferees expect the Department of Defense to transmit to Congress a new set of proposed governing principles for overseas contingency-related funding. Therefore, the conferees direct the Under Secretary of Defense (Comptroller) to deliver a briefing to the congressional defense committees no later than February 1, 2021 to discuss the future governing principles of overseas contingency-related funding in the fiscal year 2022 budget.

Transition and enhancement of inspector general authorities for Afghanistan reconstruction

The Senate amendment contained a provision (sec. 1532) that would provide for the transition of all duties, responsibilities, and authorities of the Special Inspector General for Afghanistan Reconstruction to the lead Inspector General for Operation Freedom's Sentinel.

The House bill contained no similar provision.
The Senate recedes.

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

SUBTITLE A—SPACE ACTIVITIES

Space Development Agency development requirements and transfer to Space Force (sec. 1601)

The Senate amendment contained a provision (sec. 1606) that would require the Director of the Space Development Agency to lead the development of a proliferated low-Earth orbit sensing, tracking, and data transport architecture and the integration of next-generation space capabilities (including a hypersonic and ballistic missile-tracking space sensor payload)

into such an architecture. The provision would also require the transfer of the Space Development Agency from the Office of the Secretary of Defense to the United States Space Force not later than October 1, 2022.

The House bill contained no similar provision.

The House recedes with an amendment that would codify the requirement to transfer the Space Development Agency to the Space Force by October 1, 2022, as well as certain authorities, roles, and responsibilities of the Agency.

The conferees understand the value of the establishment of a Space Development Agency (SDA) within the Department of Defense to address emerging threats, leverage new commercial architectures, and provide innovative solutions. The conferees expect the Space Development Agency to develop and preserve an independent culture of innovation and rapid acquisition that is separate and distinct from the more traditional space acquisition within the U.S. Space Force and the Department of the Air Force. The conferees also expect the SDA Director to retain his current hiring authorities, including with respect to hiring highly qualified experts, remain the original classification authority for SDA, and to retain the equivalent position of tier 3 Senior Executive Service or of an officer of the Armed Forces in grade O-9.

In addition, the conferees also direct the Secretary of Defense to provide a briefing to the congressional defense committees not later than March 15, 2021 on how the Department is coordinating the warfighter requirements and capabilities across the Space Development Agency, the Air Force, the U.S. Space Command, and the U.S. Strategic Command for the missile warning layer. Such a review shall also include how the implementation of the missile warning and tracking layer (including the hypersonic and ballistic tracking space sensor and the Wide-Field-Of-View sensors) is being coordinated with the Overhead Persistent Infrared program, and how duplication between planned systems and the need for resilience are being considered when evaluating the requirements for Air Force space programs.

Personnel management authority for Space Development Agency for experts in science and engineering (sec. 1602)

The House bill contained a provision (sec. 1610A) that would amend section 1599h of title 10, United States Code, to authorize special personnel management authorities related to appointment and compensation for certain civilian positions of the Space Development Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate the Space Development Agency civilian personnel management authority on December 31, 2025.

Requirement to buy certain satellite components from national technology and industrial base (sec. 1603)

The House bill contained a provision (sec. 1602) that would require the procurement of star trackers for certain national security satellites from the national technology and industrial base.

The Senate amendment contained a similar provision (sec. 813) that would require the use of domestically sourced star trackers in national security satellites. The provision would also include certain conditions under which the requirement could be waived.

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense, in coordination with the Secretary of the Air Force and the Director of National Reconnaissance Office, to submit to the congressional defense and intelligence committees, not later than July 1, 2021, a report on implementation of this provision, including whether and how the waiver authority will be used. In addition, the report shall include an analysis of potential impacts on domestic suppliers of star trackers (including prices, capabilities and production capacity), national security satellite manufacturers, mission capability for these satellites, satellite costs, bus production lines and testing, the likelihood of competition, and potential impacts on relations with U.S. allies and partners.

The conferees also note that another provision in this Act also modifies section 2534(a) of title 10, United States Code.

Conforming amendments relating to reestablishment of Space Command (sec. 1604)

The Senate amendment contained a provision (sec. 1605) that would make certain conforming amendments to sections of United States Code to reflect the reestablishment of United States Space Command.

The House bill contained no similar provision.

The House recedes.

Clarification of authority for procurement of commercial satellite communications services (sec. 1605)

The House bill contained a provision (sec. 924) that would make the Chief of Space Operations responsible for the procurement of commercial satellite communications services for the Department of Defense.

The Senate amendment contained a similar provision (sec. 944) that would make the Secretary of the Air Force responsible for the procurement of commercial satellite communications services for the Department of Defense.

The Senate recedes with a clarifying amendment.

The conferees note that section 1601(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) transferred authority for the procurement of commercial satellite communication (COMSATCOM) services for the Department of Defense from the Director of the Defense Information Systems Agency to the Commander of Air Force Space Command in order to improve the acquisition of COMSATCOM and better integrate the delivery of SATCOM services to the warfighter. The conferees expect the Chief of Space Operations and subsequently the Service Acquisition Executive for Space Systems and Programs to continue to procure these services in an efficient and effective manner.

National Security Space Launch program (sec. 1606)

The House bill contained a provision (sec. 1601) that would prohibit changes to the phase 2 acquisition strategy of the National Security Space Launch program, including with regard to mission performance requirements, acquisition schedule, and the selection of two launch providers. It would also mandate that the period for ordering phase 2 launch missions end by September 2024, cap the Launch Services Agreement funding amount for providers selected for phase 2, and require a termination date for Launch Services Agreements with providers not selected for phase 2.

The provision would also require a certification on reusability of previously-flown launch hardware. In addition, this section would require the Secretary to begin investments toward phase 3 to maintain competition and support innovation by providing up to \$150.0 million for the Secretary to conduct a full and open competition and enter into three agreements to fund certification and infrastructure requirements and transformational technologies. The provision would also include a rule of construction about not delaying phase 2 awards.

The Senate amendment contained similar provisions (secs. 1602 and 1603) that would require the Secretary of the Air Force to begin a program to develop technologies and systems to enhance phase 3 of the National Security Space Launch

requirements and enable further advances in launch capabilities for national security payloads. The provision would limit projects initiated under the program to a duration of no more than 3 years and an expense of not more than \$250.0 million.

The provisions would also require the Secretary of Defense, no later than 540 days after the selection of launch providers for phase 2 of the National Security Space Launch acquisition, to complete nonrecurring design validation of previously flown launch hardware for providers offering such hardware for use in the phase 2 acquisition or other national security space missions.

The Senate recedes with an amendment that would prohibit the Secretary of the Air Force from obligating or expending more on launch service agreements than what is appropriated unless the Secretary uses established procedures to reprogram or transfer additional funds. Additionally, the provision would require the Secretary of Defense, not later than 18 months after the selection of launch providers for phase 2 of the National Security Space Launch acquisition, to complete nonrecurring design validation of previously flown launch hardware for providers offering such hardware for use in the phase 2 acquisition and complete a report on the progress of the study not later than 210 days after selecting the phase 2 providers.

The conferees expect phase 2 awards to end in fiscal year 2024, to support launches through 2027, and to begin phase 3 awards in fiscal year 2025 per the Air Force plan. The conferees also expect the Secretary of the Air Force to provide the briefings required in this provision to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. Finally, the provision would establish funding for technology development for certification, infrastructure, and innovation. The conferees highly encourage the Secretary of the Air Force to enter into at least three agreements with potential National Security Space Launch providers.

Commercial space domain awareness capabilities (sec. 1607)

The House bill contained a provision (sec. 1603) that would require the Secretary of the Air Force to award at least two contracts for commercial space domain awareness services not later than 90 days after the date of enactment of this Act. The provision would also limit the obligation or expenditure of funds for enterprise space battle management command and control to no more than 75 percent of funds authorized to be appropriated for fiscal year 2021 until the Secretary certifies to the congressional defense committees that they have awarded

the required contracts. The provision would also require the Chief of Space Operations to submit to the congressional defense committees an unclassified report on all commercial space domain awareness services purchased in the previous 2 years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Policy to ensure launch of small-class payloads (sec. 1608)

The House bill contained a provision (sec. 1605) that would require the Secretary of Defense to establish a small launch and satellite policy to ensure responsive and reliable access to space through the processing and launch of Department of Defense small-class payloads. The provision would detail certain requirements for the policy and require the development and implementation of an acquisition strategy. The provision would also require the Secretary of Defense to submit a report to the congressional defense committees describing a plan for the required policy.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of the Air Force to submit to the congressional defense committees, not later than June 1, 2021, a plan for a 5-year phased acquisition strategy for the small launch and satellite policy. This plan should include steps to provide stability in budgeting and acquisition of capabilities, and flexibility for fair competition. It shall also take into account, as appropriate per competition: (1) The effect of contracts or agreements for launch services or launch capability entered into by the Department with small-class payload launch providers; (2) The Department's requirements; (3) An assessment of mission risk; (4) The cost of integrating a satellite into a launch vehicle; (5) The cost of the launches (whether dedicated or rideshare); (6) The launch performance history; (7) The ability of a launch provider to provide the option of dedicated and rideshare launch capabilities; and (8) Any other matter the Secretary considers appropriate.

Tactically responsive space launch operations (sec. 1609)

The House bill contained a provision (sec. 1606) that would require the Secretary of the Air Force to implement a program for tactically responsive space launch. The provision would require such a program to provide support for such launch operations over the future years defense program, accelerate concepts and procedures for responsive launch, develop related processes, and identify required basing infrastructure.

The Senate amendment contained an identical provision (sec. 1604).

The conference agreement contains this provision.

Limitation on availability of funds for prototype program for multi-global navigation satellite system receiver development (sec. 1610)

The House bill contained a provision (sec. 1607) that would prohibit the obligation or expenditure of more than 80 percent of those funds authorized to be appropriated for fiscal year 2021 for certain Global Positioning System (GPS) equipment. Such restriction would remain in place until the Secretary of Defense certifies to the congressional defense committees that the Secretary of the Air Force is carrying out a prototype program, required by the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), to increase the resilience of military position, navigation, and timing; and provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation of such program.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would shift the limitation on availability of funds from the acquisition of GPS user terminals to the operations funds of the Secretary of the Air Force.

Resilient and survivable positioning, navigation, and timing capabilities (sec. 1611)

The Senate amendment contained a provision (sec. 1601) that would require the Secretary of Defense to prioritize elements, platforms, and systems most critical for the operational plans of the combatant commands and to field sufficient equipment to ensure resilient positioning, navigation, and timing for such elements, platforms, and systems. The provision would also require the Secretary to provide to the congressional defense committees a plan to carry out the requirements of this provision along with any reprogramming or budget proposals.

The House bill contained no similar provision.

The House recedes.

The conferees note that this provision is not intended to negate or contradict the requirements contained in section 1609 of the John S. McCain National Defense Authorization Act for Fiscal year 2019 (Public Law 155-232) and in section 1607 of the National Defense Authorization Act for Fiscal year 2020 (Public

Law 116-92) related to Global Positioning System user equipment terminals and an M-code based, multi-global navigation satellite system receiver that is capable of receiving covered signals to enhance the resilience and capability of positioning, navigation and timing capacity in order to address threats to the Global Positioning System and to deter the likelihood of attack on the Global Positioning System.

Leveraging commercial satellite remote sensing (sec. 1612)

The Senate amendment contained a provision (sec. 1609) that would require the Secretary of Defense, in coordination with the Director of the National Reconnaissance Office (NRO) and the Director of the National Geospatial-Intelligence Agency, to leverage commercial satellite imagery and analysis as much as is practicable. The provision would also require the Director of the NRO to include in future analyses of alternatives for geospatial-intelligence systems an assessment of whether commercial alternatives are available that meet any or all of the requirements for the system. The provision would further require the Director to provide the results of such an assessment to the appropriate congressional committees.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Strategy to strengthen civil and national security capabilities and operations in space (sec. 1613)

The House bill contained a provision (sec. 1754) that would express the sense of Congress that the United States Government should support activities in space. It would also require the President to develop and maintain a strategy to ensure that the United States, as appropriate, strengthens civil and national security capabilities and operations in space. The provision would also require the Chairperson of the National Space Council to submit a report on the strategy and a plan to implement the strategy, including specific elements, not later than 1 year after the date of the enactment of this Act.

The provision would further require the Secretary of Defense to submit a report that includes an assessment of the capabilities and role of relevant departments and agencies of the Federal Government to ensure access to launch, communications, and freedom of navigation and other relevant infrastructure and services for civil and national security space programs and activities; identify vulnerabilities that could affect access to space infrastructure; and address financial security and cybersecurity concerns threatening

commercial and Federal Government launch sites of the United States. The report would also include recommendations and costs to improve related capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense, in consultation with the Director of National Intelligence and the Administrator of the National Aeronautics and Space Administration, not later than October 1, 2021, to submit to the appropriate congressional committees a report that includes an assessment of the capabilities and role of relevant departments and agencies of the Federal Government to ensure access to launch, communications, and freedom of navigation, while maintaining robust infrastructure and cybersecurity. The report shall give recommendations to improve the capabilities referenced and in particular give recommendations to counter the electronic warfare capabilities and counterspace threats of potential adversaries in space.

Report and strategy on space competition with China (sec. 1614)

The House bill contained a provision (sec. 1723) that would require the National Space Council to submit a report to the Congress, not later than 1 year after the date of enactment of this Act, and annually thereafter in fiscal years 2022 and 2023, on an interagency assessment of the ability of the United States to compete with foreign space programs and in the emerging commercial space economy. This section would also require the President to develop and submit a strategy to the Congress, not later than 1 year after the submission of the aforementioned report, on ensuring that the United States can: compete with other national space programs; maintain leadership in the emerging commercial space economy; identify market, regulatory, and other means to address unfair competition from the People's Republic of China based on the findings of in the report; leverage commercial space capabilities to ensure United States national security and the security of United States interests in space; protect United States supply chains and manufacturing critical to competitiveness in space; and coordinate with international allies and partners in space.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment to the report and strategy.

SUBTITLE B—DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

*Safety of navigation mission of the National Geospatial-
Intelligence Agency (sec. 1621)*

The House bill contained provisions (secs. 1611 and 1612) that would require the National Geospatial Intelligence Agency to assist the Joint Chiefs of Staff, combatant commands, and the military departments in establishing, coordinating, consolidating, and validating mapping, charting, geodetic data, and safety of navigation capability requirements through a formal process governed by the Joint Staff.

The Senate amendment contained no similar provision.
The Senate recedes with a clarifying amendment.

National Academies Climate Security Roundtable (sec. 1622)

The House bill contained a provision (sec. 1613) that would require the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, to enter into a joint agreement with the National Academies of Sciences to create a new "National Academies Climate Security Roundtable" for the purpose of establishing best practices for identifying and disseminating climate indicators and warnings to ensure that environmental security is included in operational planning and intelligence analysis. This roundtable would support the work of the Climate Security Advisory Council.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

*Efficient use of sensitive compartmented information facilities
(sec. 1623)*

The Senate amendment contained a provision (sec. 1052) that would direct the Director of National Intelligence, in consultation with the Secretary of Defense, to issue revised guidance authorizing and directing Government agencies and their appropriately cleared contractors to process, store, use, and discuss sensitive compartmented information at facilities previously approved to handle such information, without need for further approval by agency or by site.

The House bill contained no similar provision.
The House recedes.

SUBTITLE C—NUCLEAR FORCES

Semiannual updates on meetings held by Nuclear Weapons Council; limitation on availability of funds relating to such updates (sec. 1631)

The House bill contained a provision (sec. 1645) that would alter the section of United States Code governing the Nuclear Weapons Council to include automatic limitations on the obligation and expenditure of funds by the Office of the Under Secretary of Defense for Acquisition and Sustainment in the event that the Council fails to provide to the Congress semiannual updates on the meetings of the Council by the dates established in law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the effect of the provision to those funds authorized to be appropriated for fiscal year 2021 and limit the restriction on obligation or expenditure of funds to the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

Role of Nuclear Weapons Council with respect to performance requirements and budget for nuclear weapons programs (sec. 1632)

The House bill contained a provision (sec. 1641) that would require the Secretary of Defense and Secretary of Energy to use appropriate interagency processes during the development of budget materials of the Department of Defense and the National Nuclear Security Administration (NNSA), and to do so not later than the third quarter of the fiscal year preceding the budget request. This section would further require a report describing any transfers made to the NNSA and certifying that such transfers were developed in the manner described in this provision.

The Senate amendment contained similar provisions (secs. 1651, 1652, and 3111) that would modify Nuclear Weapons Council (NWC) roles and responsibilities as they relate to the National Nuclear Security Administration, nuclear weapons programs requirements, and the development of the annual nuclear weapons budget.

The provisions would provide to the NWC the authority to review proposed capabilities and validate requirements for nuclear weapons programs.

The provisions would also clarify the role of the NWC in the planning, programming, budgeting, and execution process of the NNSA, including by specifying NWC participation at each stage of the budget process.

The provisions would also make further changes to the budget preparation process of the NNSA. First, the Secretary of Energy would be required to transmit the proposed budget request of the NNSA to the NWC before the request is submitted to the Office of Management and Budget (OMB). The NWC would then review the NNSA budget proposal and determine whether it is adequate to implement Department of Defense (DOD) nuclear weapons objectives. The NWC would submit back to the Secretary of Energy either confirmation of adequacy of the budget proposal or a written description of funding levels and specific initiatives required to make the budget request adequate to implement those objectives.

If the NWC determines that the budget request is inadequate and submits such written description, the Secretary of Energy would be required to include this description of the funding levels and specific initiatives in the proposed budget submitted to the OMB. The Secretary would include in the submission an annex containing a description of changes made to the proposed NNSA budget through this process. The Secretary would also be required to submit that annex to the Congress along with the President's Budget request.

Finally, the Secretary would be required to transmit the complete proposed budget submission to the NWC at the same time as it is submitted to the OMB. After reviewing the submission, the NWC would be required to determine whether it contains the funding levels and initiatives described above and to submit to the Congress either a certification that the budget request is adequate to meet DOD objectives or a statement that it is not.

The House recedes with an amendment that would combine the provisions in sections 1651 and 3111 of the Senate amendment, and strike section 1652 of the Senate amendment.

Modification of Government Accountability Office review of annual reports on nuclear weapons enterprise (sec. 1633)

The Senate amendment contained a provision (sec. 1653) that would revise the required timing for annual Government Accountability Office reviews of reports submitted pursuant to section 492(a)(c) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Independent study on nuclear weapons programs of certain foreign countries (sec. 1634)

The House bill contained a provision (sec. 1643) that would require the Secretary of Defense to enter into a contract

with a federally funded research and development center to produce an open source analysis of foreign nuclear programs, to be made publicly available. The provision would also extend a requirement for the Secretary of Defense, in consultation with the Director of National Intelligence, to produce a report on foreign and U.S. nuclear weapons capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the timeline of the report to be prepared by the federally funded research and development center and include Iran, to the extent applicable, in the list of foreign countries covered in the report to be prepared by the Secretary and the Director.

Prohibition on reduction of the intercontinental ballistic missiles of the United States (sec. 1635)

The Senate amendment contained a provision (sec. 1654) that would prohibit the obligation or expenditure of fiscal year 2021 funds to reduce deployed United States intercontinental ballistic missiles' responsiveness, alert level, or quantity to fewer than 400. The provision would provide an exception to this prohibition for activities related to maintenance and sustainment and activities to ensure safety, security, or reliability.

The House bill contained no similar provision.

The House recedes.

SUBTITLE D—MISSILE DEFENSE PROGRAMS

Alignment of the Missile Defense Agency within the Department of Defense (sec. 1641)

The House bill contained a provision (sec. 1655) that would make certain findings related to the activities of the Missile Defense Agency (MDA) and express the sense of Congress that once the independent review required in the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) is complete, the Secretary of Defense should reassess the alignment of the Agency within the Department of Defense (DOD). The provision would also require the Secretary to provide to the congressional defense committees a report on the risks and benefits of, as well as the actions required by, such a realignment.

The Senate amendment contained a similar provision (sec. 1666) that would repeal the requirement for any particular reporting structure for the Missile Defense Agency.

The Senate recedes with an amendment that would strike the findings, repeal the requirement for a specific reporting structure for the Missile Defense Agency, and require the Secretary of Defense to satisfy certain conditions, including a 60-day wait period, before modifying DOD Directive 5134.09. The amendment would also include a review by the Comptroller General of the United States of the compliance of the Secretary of Defense with certain requirements of the National Defense Authorization Act for Fiscal Year 2020 regarding MDA and non-standard acquisition processes, and improvements and benefits of changes proposed to missile defense unique acquisition authorities.

The conferees understand the need to update the current DOD directive 5134.09 to address fact-of-life changes to organizational structures within the Department of Defense. Further, the conferees support codifying best practices for missile defense acquisition, and increasing oversight of critical efforts to address missile defense combatant commander requirements. For the Congress to conduct its oversight duties on Department of Defense efforts with regard to missile defense, the conferees encourage the Department of Defense to maintain open communication with the congressional defense committees as changes are made to overall missile defense acquisition and requirements authorities, responsibilities, and oversight.

Extension of prohibition relating to missile defense information and systems (sec. 1642)

The Senate amendment contained a provision (sec. 1663) that would extend by 5 years a prohibition on the transfer of certain missile defense technologies and telemetry data to the Russian Federation, as well as the integration of missile defense systems with those of the Russian Federation or the People's Republic of China.

The House bill contained no similar provision.

The House recedes.

Extension of transition of ballistic missile defense programs to military departments (sec. 1643)

The House bill contained a provision (sec. 1652) that would delay for 2 years the deadline established in the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) for the Missile Defense Agency to transfer responsibility for mature missile defense programs to the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of requirement for Comptroller General review and assessment of missile defense acquisition programs (sec. 1644)

The House bill contained a provision (sec. 1651) that would extend by 5 years the annual Comptroller General of the United States review of Missile Defense Agency acquisition programs. The provision would also increase the scope of the review by including emergent issues relating to the subject matter in either the reports prepared under the section or in separate briefings to the congressional defense committees.

The Senate amendment contained a similar provision (sec. 1665).

The House recedes with a technical amendment.

Development of hypersonic and ballistic missile tracking space sensor payload (sec. 1645)

The House bill contained provisions (sec. 1653 and sec. 1654) that would find that the Missile Defense Agency (MDA) is required to develop the Hypersonic and Ballistic Tracking Space Sensor (HBTSS) payload by law and that the President's Budget request for fiscal year 2021 did not include funding for the Missile Defense Agency to continue such activities. The provisions would express the sense of Congress that regardless of the overall architecture, the Director of MDA is responsible for the material development of the HBTSS payload. The provisions would also limit the expenditure or obligation of more than 50 percent of funds authorized to be appropriated by this Act for fiscal year 2021 for the operations and maintenance of the Space Development Agency (SDA) until the Secretary of Defense certifies to the Congress that they have assigned the Director of the Missile Defense Agency principal responsibility for the development and deployment of the HBTSS payload.

The provisions would further find and express the sense of Congress that HBTSS is underfunded and should be prioritized within the architecture of SDA. The provisions would also require an annual certification from the Secretary of Defense, without delegation, that the most recent future years defense program adequately resources the development and deployment of the HBTSS payload and that the Commander of United States Space Command has validated both the ballistic- and hypersonic-tracking elements of the program requirements.

The Senate amendment contained a similar provision (sec. 1662) that would require the Secretary of Defense to assign primary responsibility for the development and deployment of a HBTSS payload to the Director of MDA through the end of fiscal year 2022. It would also require the Secretary to determine

whether responsibility for the development and deployment of a HBTSS payload should transition to the United States Space Force after fiscal year 2022 and, if such a determination is made, submit a transition plan along with the determination.

The provision would require the Under Secretary of Defense (Comptroller) and the Director, Cost Assessment and Program Evaluation, to submit a certification with the fiscal year 2022 budget request as to whether the HBTSS program is sufficiently funded in the future years defense program and would prohibit the obligation or expenditure of more than 50 percent of funds authorized to be appropriated for travel of the Office of the Under Secretary of Defense for Research and Engineering until that certification is submitted.

The provision would further require the Director of MDA to begin on-orbit testing of a HBTSS payload not later than December 31, 2022. Finally, the provision would require the Chair of the Joint Requirements Oversight Council (JROC) to submit to the congressional defense committees an assessment of whether the various Department of Defense efforts for space-based sensing and tracking are aligned with JROC-validated requirements.

The House recedes with an amendment that would change the determination regarding the transition of HBTSS to the Space Force into a plan for integrating the MDA-developed payload into existing architectures of SDA and the Space Force, delay the date for required on-orbit testing of the payload until 2023, include the limitation on the use of funds, strike the report by the JROC, and include the annual certification of sufficient resourcing and valid requirements.

Ground-based midcourse defense interim capability (sec. 1646)

The Senate amendment contained a provision (sec. 1667) that would express the sense of Congress that the threat to the United States of ballistic missile attack by rogue nations is increasing and that an interim ballistic missile defense capability should be pursued by the Department of Defense. The provision would require the Secretary of Defense, acting through several relevant officials within the Department of Defense, to develop and deploy such an interim missile defense capability no later than 2026. The provision would specify certain capabilities to be included in such a system and would allow the Secretary of Defense to waive the requirement for development and deployment in certain circumstances. The provision would also require the Director of the Missile Defense Agency to include in the budget justification materials for the fiscal

year 2022 budget a report on the funding profile necessary for such an interim capability.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the sense of Congress, make development subject to appropriations, include the Under Secretary of Defense for Research and Engineering on the list of relevant officials, include an additional grounds for waiving the requirement, and prohibit the delegation of waiver and certification authority to below an Under Secretary of Defense.

Next generation interceptors (sec. 1647)

The House bill contained provisions (secs. 1657 and 1658) that would require the Director of the Missile Defense Agency (MDA) to notify the congressional defense committees should any changes be made to requirements of the next generation interceptor program and would require a briefing not later than 14 days following any contract award on the next generation interceptor. The provisions would also require the Secretary of Defense, in coordination with the Director of MDA, the Commander of U.S. Northern Command, and the Under Secretary of Defense for Policy, to submit a report on the ground-based midcourse defense program.

The provisions would also express the sense of Congress that the Secretary of Defense should ensure robust oversight and accountability for the next generation interceptor program to avoid similar errors that led to the cancellation of the redesigned kill vehicle program. The provisions would further require the Director of Cost Assessment and Program Evaluation (CAPE) to conduct an independent cost assessment of the next generation interceptor program and require that the preliminary cost assessment inform the contract award for the next generation interceptor and be provided to the congressional defense committees not later than the date of the contract award. Finally, the provisions would prohibit MDA from making an initial production decision for the next generation interceptor until two successful flight tests have been conducted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would combine the two provisions, strike the report on the ground-based midcourse defense system, as it is addressed elsewhere in this Act, and strike the findings and sense of Congress relating to the redesigned kill vehicle program. The amendment would also modify the requirement for an independent CAPE assessment to give the Director of MDA, the Under Secretary of Defense for Acquisition and Sustainment, and the Under Secretary of Defense

for Research and Engineering access to preliminary findings of the assessment to inform the development of the next generation interceptor and provide technical edits.

Report on and limitation on availability of funds for layered homeland missile defense system (sec. 1648)

The House bill contained a provision (sec. 1656) that would require the Director of Cost Assessment and Program Evaluation to conduct an analysis of alternatives for the layered homeland defense architecture using the regional terminal high altitude area defense system and the Aegis ballistic missile defense system. The provision would detail certain requirements for the analysis of alternatives and would require the Secretary of Defense to provide to the congressional defense committees this analysis and a certification that the supporting analysis is sufficient. The provision would also require the Director of the Defense Intelligence Agency (DIA), as well as such other elements of the Intelligence Community as appropriate, to provide to the congressional defense committees an assessment of likely near-peer and rogue state perceptions of such a defense system, along with their likely responses.

The Senate amendment contained a similar provision (sec. 1664) that would require the Director of the Missile Defense Agency (MDA) to provide to the congressional defense committees a report on layered homeland defense and detail certain requirements for said report. The provision would also prohibit the obligation or expenditure by MDA of more than 50 percent of the funds authorized to be appropriated by this Act for fiscal year 2021 for the purposes of a layered homeland missile defense system until the Director provides the required report to the congressional defense committees.

The House recedes with an amendment that would add several requirements to the report and modify several existing ones. The amendment would also include the requirement for a DIA assessment of near-peer and rogue state perceptions of and reactions to the deployment of such a defense system.

Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production (sec. 1649)

The Senate amendment contained a provision (sec. 1661) that would authorize funds for the Missile Defense Agency to provide to the Government of Israel to procure components for the Iron Dome short-range rocket defense system, the David's Sling Weapon System, and the Arrow 3 Upper Tier Interceptor

Program, including through co-production of such components in the United States. The provision would also provide a series of certification requirements relating to implementation of the relevant bilateral agreements before disbursement of these funds, consistent with previous legislative requirements.

The House bill contained no similar provision.

The House recesses.

Report on defense of Guam from integrated air and missile threats (sec. 1650)

The House bill contained a provision (sec. 1660) that would require the Secretary of Defense to submit a report not later than 120 days after the date of the enactment of this Act containing a study on the defense of Guam from integrated air and missile threats, including ballistic, hypersonic, and cruise missiles.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would include the Commander of United States Strategic Command and the Director of the Joint Integrated Air and Missile Defense Organization on a list of officials to be consulted pursuant to this provision.

The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees on any final decisions regarding the development of an integrated air and missile defense architecture for Guam, as well as any decisions on defensive system procurements planned to be made in support of such an architecture, not less than 90 days before such decisions take effect.

Reports on cruise missile defense and North Warning System (sec. 1651)

The House bill contained a provision (sec. 1661) that would require the Commander of United States Northern Command, in coordination with the Director of the Missile Defense Agency, to submit to the congressional defense committees a report on the vulnerability of the contiguous United States to cruise missile threats and a plan to mitigate such vulnerability.

The Senate amendment contained a similar provision (sec. 1062) that would require the Secretary of Defense to provide to the congressional defense committees a report on the status of the North Warning System and detail certain required elements of such report. The provision would also require the Secretary to provide to the congressional defense committees a report on the

modernization of the North Warning System and detail required elements for that report as well.

The Senate recedes with an amendment that would combine the two provisions and require the coordination of the Secretary of the Air Force and the Director for Force Structure, Resources, and Assessment of the Joint Staff in the preparation of the two required reports.

SUBTITLE E—MATTERS RELATING TO CERTAIN COMMERCIAL TERRESTRIAL OPERATIONS

Prohibition on availability of funds for certain purposes relating to the Global Positioning System (sec. 1661)

The House bill contained a provision (sec. 1609) that would prohibit the Department of Defense from taking actions to modify equipment to mitigate interference from terrestrial communications networks operating in certain frequency bands.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the findings of the House provision.

Limitation on awarding contracts to entities operating commercial terrestrial communication networks that cause harmful interference with the Global Positioning System (sec. 1662)

The House bill contained a provision (sec. 1608) that would prohibit the Secretary of Defense from entering into or continuing a contract with any entity engaged in commercial terrestrial operations within specified frequency bands. This prohibition may be waived if the Secretary certifies to the congressional defense committees that such operations cause no harmful interference to Department of Defense use of the Global Positioning System.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that operation of a terrestrial radio network in frequency bands historically reserved for satellite to ground communications may impact existing commercial satellite communications providers who currently provide services to the Department of Defense. The Secretary of Defense should ensure that any efforts to mitigate the possible impacts of a terrestrial radio network on Department of Defense operations account for impacts to commercial satellite communications.

*Independent technical review of Federal Communications
Commission Order 20-48 (sec. 1663)*

The Senate amendment contained a provision (sec. 234) that would require the Secretary of Defense to enter into an agreement with the National Academies to undertake an independent technical review of Federal Communications Commission Order 20-48 insofar as the order may impact Department of Defense equipment and operations.

The House bill contains no similar provision.

The House recedes.

*Estimate of damages from Federal Communications Commission Order
20-48 (sec. 1664)*

The Senate amendment contained a provision (sec. 1083) that would prohibit the Secretary of Defense from using any funds authorized to be appropriated by this Act for fiscal year 2021 to comply with Federal Communications Commission Order 20-48 until the Secretary submits to the congressional defense committees accurate estimates of the costs associated with compliance.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE F—OTHER MATTERS

Conventional prompt strike (sec. 1671)

The House bill contained a provision (sec. 1671) that would require the Secretary of the Navy to initiate transfer of technologies to DDG-1000 class destroyers by not later than January 1, 2021 and require the Chairman of the Joint Chiefs of Staff to submit a report on the requirements, authorities, and updates to existing Department of Defense planning that would be needed with the introduction of strategic hypersonic weapons. The report would also need to address basing strategies for land-based launch platforms and the potential of miscalculation and escalation introduced by these weapons. The provision would further require the Secretary of the Army and Secretary of the Navy to submit annual acquisition documentation to include cost, schedule, and testing, and require the Director of Cost Assessment and Program Evaluation (CAPE) to certify the services' estimates. This requirement would expire once the respective service programs were transitioned out of section 804

authority to standard Department of Defense acquisition management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy to initiate efforts to integrate technologies to DDG-1000 class destroyers in fiscal year 2021. The amendment also would modify requirements of the strategic hypersonic weapon report from the Joint Chiefs of Staff and replace the CAPE certification of annual service acquisition reports with CAPE submission of an independent cost estimate for the Army long range hypersonic weapon and Navy conventional prompt strike programs.

Limitation on availability of funds relating to reports on missile systems and arms control treaties (sec. 1672)

The House bill contained a provision (sec. 1674) that would prohibit the obligation or expenditure of more than 25 percent of all funds authorized to be appropriated for the immediate office of the Secretary of Defense until two reports required by the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) are submitted, as required by law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would shift the limitation on obligation or expenditure of funds to the immediate office of the Under Secretary of Defense for Policy and modify the prohibition to no more than 50 percent of funds authorized to be appropriated.

Submission of reports under Missile Defense Review and Nuclear Posture Review (sec. 1673)

The House bill contained a provision (sec. 1672) that would require the Secretary of Defense to provide to the congressional defense committees, within 30 days of the enactment of the Act, all reports associated with the 2019 Missile Defense Review and 2018 Nuclear Posture Review.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Responsive satellite infrastructure

The House bill contained a provision (sec. 1604) that would require the Secretary of Defense to establish a domestic responsive satellite manufacturing capability for Department of

Defense space operations and develop a plan to rapidly reconstitute critical capability gaps in the event of destruction or failure of a space asset. It would further require an acquisition strategy for responsive satellite infrastructure to swiftly identify need, develop capability, and launch a responsive satellite to fill a critical capability gap in the event of destruction or failure of a space asset or otherwise determined need. The provision would further require the Secretary of Defense to submit a related report not later than 180 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision. The House recedes.

The conferees direct the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of Space Operations, and the Commander of United States Space Command, to develop an operational plan and strategy for responsive satellite infrastructure to swiftly identify the need, develop capability, and launch a responsive satellite to fill a critical capability gap in the event of destruction or failure of a space asset or otherwise determined need. The plan shall include: (1) A process for determining whether the reconstitution of a space asset is necessary; (2) The timeframe in which a developed satellite is determined to be "responsive;" (3) A plan to leverage domestic commercial entities in the "new space" supply chain that have already demonstrated rapid satellite product development and delivery capability to meet new "mission responsiveness" requirements being passed down by Department of Defense prime satellite contractors in: (a) power systems and solar arrays; (b) payloads and integration features; and (c) buses and structures; (4) An assessment of acquisition requirements and standards necessary for commercial entities to meet Department of Defense validation of supply chains, processes, and technologies while operating under rapid development cycles needed to maintain a responsive time frame as determined by paragraph (2); and (5) Such other matters as the Secretary considers appropriate.

The conferees also direct the Secretary of Defense, not later than 180 days after the date of enactment of this Act, to submit to the Congress a report detailing the plan.

Space launch rate assessment

The Senate amendment contained a provision (sec. 1607) that would require the Secretary of the Air Force to provide to the congressional defense committees every 2 years an assessment of the total number of U.S. Government space launches during the preceding 2 years and the number of expected space launches over

the following 3 years, along with certain details on the expected launches.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to, not later than 90 days after the date of enactment of this Act, and biennially thereafter for the following 5-year period, submit to the congressional defense committees an assessment that includes: (1) The total number of space launches for all national security and Federal civil agency entities conducted in the United States during the preceding 2-year period; and (2) The number of space launches by the same sponsors projected to occur during the following 3-year period, including: (a) the number of launches, disaggregated by class of launch vehicle; and (b) the number of payloads, disaggregated by orbital destination.

Report on impact of acquisition strategy for the National Security Space Launch Program on emerging foreign space launch providers

The Senate amendment contained a provision (sec. 1608) that would require the Secretary of the Air Force to provide to the Congress a report on the impact of the National Security Space Launch Program, as currently planned, on the potential for foreign commercial space launch providers to enter the global launch market.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to, not later than 90 days after the date of the enactment of this Act, submit to the Congress a report on the impact of the acquisition strategy for the National Security Space Launch program on the potential for foreign countries, including the People's Republic of China, to enter the global commercial space launch market.

Report on effect of COVID-19 on space industrial base and space programs of Department of Defense

The House bill contained a provision (sec. 1610B) that would require the Secretary of Defense to submit to the congressional defense committees a report on the current and projected effects of COVID-19 on the space industrial base and programs and detail certain requirements for the report.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, not later than 120 days after the date of enactment of this Act, to submit a report to the congressional defense committees on the current and projected effects of COVID-19 on the space industrial base and the space programs of the Department of Defense. The report shall include an assessment of each of the following:

(1) COVID-19 related and associated impacts to cost, timeline, and performance to the space industrial base and the space programs of Department, including with respect to:

(a) procurement and acquisition;

(b) research, development, test, and evaluation;

(c) partnerships with non-Federal governmental entities, such as universities and not-for-profit organizations; and

(d) labor force disruptions;

(2) Regional and sector-specific disruptions and concerns;

(3) Current mitigation strategies by both the Federal Government and industry;

(4) Any supplemental disaster appropriations requirements to mitigate impacts to such programs; and

(5) Recommendations to address risks and threats to the Federal Government and industry relating to such impacts.

Satellite ground network frequency licensing

The House bill contained a provision (sec. 1610C) that would require the Secretary of Defense, in consultation with certain other offices, to provide to the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense (DOD) processes for identifying and securing frequency licenses for national security space ground assets. The provision would also require the Secretary of the Air Force, in consultation with the Chief of Space Operations, to review and redesignate certain controlled unclassified information relating to antenna specifications in accordance with "Distribution Statement A" of DOD instruction 5230.24.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in consultation with the Secretary of the Air Force and the Chief of Space Operations, to submit to the Committees on Armed Services of the Senate and the House of Representatives, and any other appropriate congressional committee upon request, a report on the Department's processes and procedures for identifying and securing frequency licenses for national security space ground

assets. Such a report shall be submitted not later than 180 days after the date of the enactment of this Act and shall address the following: (1) An assessment of current processes, procedures, requirements, timelines, and entities necessary to coordinate and secure frequency licensing for Department of Defense space ground antenna and assets; (2) A plan to address and streamline procedures regarding the ingestion and licensing of commercial industry antenna in support of the augmentation of existing network capacity; (3) A review of FOUO classification requirements for information and specifications related to the items addressed within this report; and (4) Such other matters as the Secretary considers appropriate.

Report on resilient protected communications satellites

The House bill contained a provision (sec. 1610) that would make certain findings related to critical national security space systems and their reliance on protected communications satellites. The provision would also require the Chief of Space Operations to submit to the congressional defense committees a report on Space Force plans for such systems not later than 60 days after the enactment of this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Chief of Space Operations, not later than 60 days after the date of enactment of this Act, to submit to the congressional defense committees a report on how the Space Force will address the need for resilient protected communications satellites during the years 2025 through 2032.

Exercises of nuclear command, control, and communications system

The House bill contained a provision (sec. 1642) that would amend chapter 24 of title 10, United States Code, to direct the President, beginning in 2021, to participate in a large scale exercise of the nuclear command, control, and communications system at the beginning of each term of the President. The provision allowed the President to waive this requirement if the President determined that participating in such an exercise was infeasible by reason of a war declared by the Congress, a national emergency declared by the President or the Congress, a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), or other similar exigent circumstance, and submits to the congressional defense committees a notice of the waiver and a description of such determination.

The Senate amendment contained no similar provision.
The House recedes.

The conferees believe that all Presidents should familiarize themselves with the nuclear command, control and communications systems and nuclear war plans, and should regularly review their nuclear command and control responsibilities as Commander in Chief.

Role of Secretary of Defense and Secretary of Energy on Nuclear Weapons Council

The House bill contained a provision (sec. 1644) that would amend section 179 of title 10, United States Code, to include the Secretary of Defense and the Secretary of Energy as members of the Nuclear Weapons Council and to designate the Secretaries as co-chairs of the Council. The provision would also remove the option for the Under Secretary for Nuclear Security to chair a meeting of the Nuclear Weapons Council whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

The Senate amendment contained no similar provision.
The House recedes.

Briefing on nuclear weapons storage and maintenance facilities of the Air Force

The House bill contained a provision (sec. 1646) that would require the Secretary of the Air Force to provide a briefing on nuclear weapons storage and maintenance facilities of the Air Force to the congressional defense committees not later than 90 days after the date of enactment of this Act.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Secretary of the Air Force to provide a briefing not later than March 1, 2021 on the efforts by the Secretary to harden and modernize the nuclear weapons storage and maintenance facilities of the Air Force to the congressional defense committees. The briefing should include the plans of the Secretary with respect to the following:

(1) Verifying that the Air Force is deploying tested and field-proven physical security designs of such facilities, including with respect to forced entry, blast and ballistic resistant barrier systems, that incorporate multiple reactive countermeasures for protection against the dedicated adversary threat classification level;

(2) Streamlining the procurement of the infrastructure to protect ground-based strategic deterrent weapons by ensuring that the physical security designs of such facilities are appropriately tailored to the threat;

(3) Ensuring that competitive procedures are used in awarding a contract for the physical security design of such facilities that include a fair consideration of such designs that are successfully used at other similar facilities; and

(4) Ensuring that the physical security design for which such contract is awarded:

(a) Meets the security requirements of all planned modernization projects for the nuclear weapons storage and maintenance facilities of the Air Force; and

(b) Does not result in higher and additional costs to shore up existing infrastructure at such facilities.

Sense of the Senate on nuclear cooperation between the United States and the United Kingdom

The Senate amendment contained a provision (sec. 1655) that would express the sense of the Senate on nuclear cooperation between the United States and the United Kingdom.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that:

(1) The North Atlantic Treaty Organization (NATO) continues to play an essential role in the national security of the United States and the independent nuclear deterrents of other NATO members, such as the United Kingdom, have helped underwrite peace and security;

(2) The nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958 (9 UST 1028), between the United States and the United Kingdom (commonly referred to as the 'Mutual Defense Agreement');

(3) The unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and shared costs, particularly on such programs as the Trident II D5 weapon system and the common missile compartment for the future Dreadnought and Columbia classes of submarines;

(4) Additionally, the extension of the nuclear deterrence commitments of the United Kingdom to members of the NATO alliance strengthens collective security while reducing the

burden placed on United States nuclear forces to deter potential adversaries and assure allies of the United States and the United Kingdom;

(5) As the international security environment deteriorates and potential adversaries expand and enhance their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly important role in supporting the security interests of the United States and allies of the United States and the United Kingdom;

(6) It is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear deterrent until global security conditions warrant its elimination;

(7) As the United States must modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United Kingdom faces a similar challenge;

(8) Bilateral cooperation on the parallel development of the W93/Mk7 warhead of the United States and the replacement warhead of the United Kingdom, as well as associated components, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner that:

(a) preserves independent, sovereign control;

(b) is consistent with each country's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, (21 UST 483) (commonly referred to as the 'Nuclear Non-Proliferation Treaty'); and

(c) supports nonproliferation objectives; and

(9) Continued cooperation between the nuclear programs of United States and the United Kingdom, including through the W93/Mk7 program, is essential to ensuring that the NATO alliance continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

Missile defense cooperation between the United States and Israel

The House bill contained a provision (sec. 1659) that would express the sense of Congress supporting U.S. and Israel missile defense cooperation under the current memorandum of understanding, support continued government-to-government information sharing with regard to the potential of using Israeli missile defense systems for U.S. purposes, and also

provide support for the Secretary of Defense to expand missile defense cooperation to include directed energy capabilities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that issues relating to future cooperative development and integration of directed energy technologies with Israel are addressed in other provisions of this Act.

Report on consideration of risks of inadvertent escalation to nuclear war

The House bill contained a provision (sec. 1673) that would require the Under Secretary of Defense for Policy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives detailing the Department of Defense's efforts to develop and implement guidance to ensure that the risks of inadvertent escalation to nuclear war are considered within the decision-making processes of the Department.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense provided a report to respond to the subject area of this provision, however it did not fully address all of the required elements. The conferees strongly urge the Department to provide complete, on-time responses to congressional reporting requirements in the future.

Report on electromagnetic pulse hardening of ground-based strategic deterrent weapons system

The Senate amendment contained a provision (sec. 6651) that would require the Secretary of the Air Force to provide to the congressional defense committees a report on the requirements for hardening the ground-based strategic deterrent weapons system against electromagnetic pulses and detail certain elements of the report.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to brief the congressional defense committees on the requirements to harden the ground-based strategic deterrent against electromagnetic pulses. The briefing would include: (1) The testing protocols the ground-based strategic deterrent program will use for electromagnetic pulse testing; (2) How requirements for electromagnetic pulse hardness will be integrated into the

ground-based strategic deterrent program; (3) Plans for electromagnetic pulse verification tests of the ground-based strategic deterrent weapons system; (4) Plans for electromagnetic pulse testing of nonmissile components of the ground-based strategic deterrent weapons system; and (5) Plans to sustain electromagnetic pulse qualification of the ground-based strategic deterrent weapons system.

TITLE XVII—CYBERSPACE-RELATED MATTERS

Modification of mission of Cyber Command and assignment of cyber operations forces (sec. 1701)

The House bill contained a provision (sec. 1621) that would alter the requirements for submission of certain cyber-specific budget justification materials and expand the scope of such materials to include the entirety of the cyberspace operations forces.

The Senate amendment contained a similar provision (sec. 1621) that would modify the establishing statute for United States Cyber Command to broaden the function of the command and bring force allocation procedures for the command into alignment with those of other unified combatant commands.

The Senate recedes with an amendment that would combine the provisions and further specify the submission requirements for cyber-specific budget justification materials.

Modification of scope of notification requirements for sensitive military cyber operations (sec. 1702)

The Senate amendment contained a provision (sec. 1613) that would modify the requirements for notification of sensitive military cyber operations by clarifying the statutory definition of the term "sensitive military operation."

The House bill contained no similar provision.

The House recedes.

Modification of requirements for quarterly Department of Defense cyber operations briefings for Congress (sec. 1703)

The Senate amendment contained a provision (sec. 1614) that would modify several aspects of the quarterly cyber operations briefings required by section 484 of title 10, United States Code. The provision would shift the responsibility to provide the briefings to the Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the

Chairman of the Joint Chiefs of Staff. The provision would also require the inclusion of reporting on clandestine cyber activities, updates on new authorities and presidential directives, and information on critical challenges posed by adversaries or encountered in the course of operations.

The House bill contained no similar provision.

The House recedes.

Clarification relating to protection from liability of operationally critical contractors (sec. 1704)

The Senate amendment contained a provision (sec. 1635) that would amend section 391 of title 10, United States Code, to extend the ability of the Department of Defense (DOD) to react immediately to reports of intrusions that may affect critical DOD data. The committee understands the importance of commercial service providers to the DOD and believes that the security and integrity of these providers are absolutely critical to the effective management of the worldwide logistics enterprise, especially during a contingency or wartime.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the requirements for protection from liability under the provision.

Strengthening Federal networks; CISA cybersecurity support to agencies (sec. 1705)

The House bill contained provisions (sec. 1639 and sec. 1640C) that would authorize the director of the Cybersecurity and Infrastructure Security Agency (CISA) and the Secretary of the Department of Homeland Security to conduct threat hunting on Federal information systems and would require the Secretary to implement such a program not later than 1 year after the enactment of this Act. The provisions would also allow, at the discretion of the Secretary, CISA to provide services, information technology, and sensors to other Federal agencies upon request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would combine the two provisions, provide general authorization for information sharing, and strike the requirement to implement the threat hunting program within 1 year of enactment of the Act.

Improvements relating to the quadrennial cyber posture review (sec. 1706)

The Senate amendment contained a provision (sec. 1626) that would update the requirements of the Quadrennial Cyber Posture Review. The provision would require the review to include new sections on delegation of authorities, consultations with academia and industry in the review of cyber competition and deterrence strategies, and a comprehensive force structure assessment of the Cyber Operations Forces.

The House bill contained no similar provision.

The House recedes with an amendment that would include capacity-building programs with international partners under the review.

Modification of authority to use operation and maintenance funds for cyber operations-peculiar capability development projects (sec. 1707)

The Senate amendment contained a provision (sec. 1638) that would modify the authority to use operation and maintenance (O&M) funds for cyber operations-peculiar capability development projects to allow the Secretaries of the military departments to each obligate and expend funds under this authority up to a total of \$20.0 million per year. The provision would also allow the Commander, U.S. Cyber Command, to use O&M funds for cyber operations-peculiar capability development projects under this authority up to a total of \$6.0 million per year.

The House bill contained no similar provision.

The House recedes with an amendment that would reduce the amount that each service secretary may obligate and expend under this authority to a total of \$10.0 million per year.

Personnel management authority for Commander of United States Cyber Command and development program for offensive cyber operations (sec. 1708)

The Senate amendment contained a provision (sec. 1639) that would provide to the Commander of United States Cyber Command special personnel management authorities to pay up to 10 computer scientists, data scientists, engineers, mathematicians, and computer network exploitation specialists at rates of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code. The provision would require the Commander of U.S. Cyber Command to establish a new program, or augment an existing one, using such talent to: (1) Develop accesses, tools, vulnerabilities, and tactics, techniques, and procedures fit for military operations; (2) Decrease the reliance of the Command on accesses, tools, and expertise provided by the intelligence community; and (3) Coordinate

development activities with, and facilitate transition of, capabilities from the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, and the intelligence community.

The House bill contained no similar provision.

The House recedes.

Applicability of reorientation of Big Data Platform program to Department of Navy (sec. 1709)

The Senate amendment contained a provision (sec. 1634) that would modify the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to make explicit the applicability of section 1651 of that Act to the Department of the Navy, including the Sharkcage and associated programs. The provision would require certain responsible parties within the Department of the Navy to provide to the congressional defense committees a briefing on the compliance of the Department with this provision no later than January 1, 2021.

The House bill contained no similar provision.

The House recedes with an amendment that would alter the date of the briefing.

Report on Cyber Institutes program (sec. 1710)

The Senate amendment contained a provision (sec. 1641) that would amend section 1640 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) by requiring the Secretary of Defense to submit a report, by September 30, 2021, to the Committees on Armed Services of the Senate and the House of Representatives on the effectiveness of Cyber Institutes and on opportunities to expand Cyber Institutes to additional institutions of higher learning that have a Reserve Officers' Training Corps program.

The House bill contained no similar provision.

The House recedes.

Modification of acquisition authority of Commander of United States Cyber Command (sec. 1711)

The Senate amendment contained a provision (sec. 1616) that would make permanent certain special acquisition authorities granted to the commander of United States Cyber Command in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House bill contained no similar provision.

The House recedes.

Modification of requirements relating to the Strategic Cybersecurity Program and the evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense (sec. 1712)

The Senate amendment contained a provision (sec. 1630) that would require the Secretary of Defense to establish policies and requirements for each major weapon system, and the priority critical infrastructure essential to the proper functioning of major weapon systems in broader mission areas, to be re-assessed for cyber vulnerabilities. The provision would also make a number of amendments to section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2224 note), which required the development of a plan for the establishment of the Strategic Cybersecurity Program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the program to be conducted by a program office of the National Security Agency and give primary responsibility for the program as a whole to the Under Secretary of Defense for Acquisition and Sustainment. The amendment would also specify in greater detail the responsibilities of certain relevant parties as they relate to the program.

Modification of position of Principal Cyber Advisor (sec. 1713)

The Senate amendment contained a provision (sec. 1611) that would amend the position of the Principal Cyber Advisor to the Secretary of Defense by removing some restrictions on the designation of the Advisor as well as modifying the scope of the responsibilities of the position.

The House bill contained no similar provision.

The House recedes.

Cyberspace Solarium Commission (sec. 1714)

The House bill contained a provision (sec. 1622) that would update the membership of the Cyberspace Solarium Commission and extend the Commission to provide updates to the legislative and executive branches regarding the implementation of the Commission's findings.

The Senate amendment contained a similar provision (sec. 1624).

The Senate recedes with an amendment that would modify details of the Commission extension.

Establishment in Department of Homeland Security of joint cyber planning office (sec. 1715)

The House bill contained a provision (sec. 1640D) that would establish within the Cybersecurity and Infrastructure Security Agency a joint cyber planning office to develop plans for the cyber defense of private and public sector entities. The provision would detail requirements for the development of plans by the office and certain composition and consultation requirements for the office.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the requirements for the leadership of the office.

Subpoena authority (sec. 1716)

The House bill contained a provision (sec. 1640A) that would grant the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security the authority to issue administrative subpoenas.

The Senate amendment contained a similar provision (sec. 6088).

The Senate recedes.

Cybersecurity State Coordinator (sec. 1717)

The Senate amendment contained a provision (sec. 6613) that would require the director of the Cybersecurity and Infrastructure Security Agency to appoint a cybersecurity coordinator for each State.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the duties of the appointed cybersecurity State coordinators.

Cybersecurity advisory committee (sec. 1718)

The Senate amendment contained a provision (sec. 6614) that would require the establishment within the Cybersecurity and Infrastructure Security Agency of an advisory committee and detail several requirements for the composition and responsibilities of such body.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the list of recipients for a required congressional notification.

Cybersecurity education and training assistance program (sec. 1719)

The Senate amendment contained a provision (sec. 6615) that would amend the Homeland Security Act of 2002 (Public Law 107-296) to authorize the establishment of Cybersecurity Education and Training Assistance Programs within the Department of Homeland Security.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Framework for cyber hunt forward operations (sec. 1720)

The Senate amendment contained a provision (sec. 1612) that would require the Secretary of Defense to develop a framework to enhance the consistency and effectiveness of cyber hunt forward missions. The provision would require the framework to include criteria for initiating a hunt forward operation, the roles and responsibilities of several relevant organizations in the planning and execution of such operations, planning guidelines, metrics to measure effectiveness, and responsibilities for the analysis of mission data. The provision would also require the Secretary of Defense to provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing not later than March 1, 2021 on the framework developed in accordance with this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the framework to include discussion of relevant counterintelligence planning, force presentation, and certain personnel policy matters relevant to such operations.

Rationalization and integration of parallel cybersecurity architectures and operations (sec. 1721)

The Senate amendment contained a provision (sec. 1615) that would require the Commander of United States Cyber Command to conduct a detailed review, in consultation with various relevant parties within the Department of Defense, of the Cybersecurity Service Provider and Cyber Mission Force enterprises in order to identify gaps and redundancies. The provision would also require certain relevant parties to develop recommendations for the Secretary of Defense to support the development of the fiscal year 2023 budget request and provide to the congressional defense committees a briefing no later than March 31, 2021 on the progress made in carrying out this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the inclusion of the Principal Cyber Advisors and the Chief

Information Officers of the military services in the list of parties supporting the preparation of the required review.

Assessing risk to national security of quantum computing (sec. 1722)

The House bill contained a provision (sec. 1614) that would require the Secretary of Defense to prepare and submit to the congressional defense committees an assessment of the current and future risks posed to national security by quantum computing. The provision would also require the Secretary to provide updates on the assessment each quarter until the completion of the assessment.

The Senate amendment contained a similar provision (sec. 1633) that would require the Secretary of Defense to prepare an assessment on the threats posed to critical national security systems by quantum computing. The provision would also require the Secretary to brief the congressional defense committees upon the completion of the assessment on the findings and recommendations.

The House recedes with an amendment that would alter the dates of the reporting requirement and briefing, and modified the elements of the assessment.

Tailored cyberspace operations organizations (sec. 1723)

The House bill contained a provision (sec. 1623) that would require the Secretary of the Navy to submit to the congressional defense committees a study on the Navy Cyber Warfare Development Group no later than 120 days after the date of enactment. The provision would also require the Secretary of the Navy to designate the group as a screened command and release the study to the other service secretaries and the Commander of United States Special Operations Command (SOCOM). The provision would authorize the creation by the other services and SOCOM of counterpart organizations to Navy Cyber Warfare Development Group with similar size and authorities. Finally, the provision would require each service secretary and the Commander of U.S. SOCOM to brief the congressional defense committees not later than 30 days after receipt of the Secretary of the Navy's study on their intent or lack thereof to establish such a counterpart organization.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would alter the requirements of the study, including the addition of a requirement to provide recommendations on the creation of counterpart organizations, modify the timing of the required

briefing from the other service secretaries, and move the responsibility for SOCOM involvement under the provision to the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Responsibility for cybersecurity and critical infrastructure protection of the defense industrial base (sec. 1724)

The House bill contained a provision (sec. 1624) that would designate the Principal Cyber Advisor to the Secretary of Defense as the Department of Defense's lead official for the Department's roles and functions as assigned under Presidential Policy Directive 21, specifically on support of the critical infrastructure security and resilience of the defense industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would designate the Principal Cyber Advisor as responsible for coordination of all policies and programs germane to defense industrial base cybersecurity, and would direct the Secretary of Defense to conduct a comprehensive assessment of the complete set of roles and responsibilities of the Department in implementing Presidential Policy Directive 21 and report within 180 days of enactment of this Act.

The conferees note that the COVID-19 pandemic revealed that the Under Secretary of Defense for Policy had not fulfilled its sector specific agency planning responsibilities for National Infrastructure Preparedness under Presidential Policy Directive 21. This led to confusion and delays in determining how to mitigate risks to the defense industrial base. Although not technically responsible to do so under the Department's aforementioned formal roles and responsibilities, the astute attention of the Under Secretary of Defense for Acquisition and Sustainment was successful in mitigating the delays and in getting the defense industrial base back to work. The conferees emphasize the importance of a coherent approach, and strongly recommend the Secretary consider assigning the Under Secretary of Defense for Acquisition and Sustainment as lead for all the non-cyber responsibilities under Presidential Policy Directive 21.

Pilot program on remote provision by National Guard to National Guards of other States of cybersecurity technical assistance in training, preparation, and response to cyber incidents (sec. 1725)

The Senate amendment contained provisions (sec. 590 and sec. 5590) that would authorize the Secretary of the Army and the Secretary of the Air Force to each conduct a pilot program to develop and use a capability within the National Guard through which a National Guard of a State would remotely provide State governments and National Guard units of other States with cybersecurity technical assistance. The provisions would establish the development and exercise activities to be assessed and executed as part of the program, should it be carried out.

The House bill contained no similar provision.

The House recedes with an amendment that would shift responsibility for the pilot program, modify scope, include a termination date for the authority to begin the pilot program, modify certain assessment requirements, strike a requirement relating to demonstration exercises, and modify the term of the pilot program.

Department of Defense cyber workforce efforts (sec. 1726)

The House bill contained a provision (sec. 1625) that would direct the Department of Defense Chief Information Officer (CIO) to study and expand the model used at the National Security Agency (NSA) that authorizes NSA employees to use up to 140 hours of paid time toward NSA cyber education efforts in local communities. The provision would also require the CIO to study and provide a report to the congressional defense committees on the Training With Industry program and the synchronization between NSA GenCyber program and the Centers for Academic Excellence.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Reporting requirements for cross domain incidents and exemptions to policies for information technology (sec. 1727)

The House bill contained a provision (sec. 1626) that would direct the Secretary of Defense to report monthly to the congressional defense committees on all cross domain compromises within the Department of Defense Information Network and would direct the Secretary of Defense to report biannually to the congressional defense committees on all current exemptions to information technology policies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would revise and further specify the nature of the items being reported.

The conferees' intent is to establish a baseline for legislative oversight on areas where the Department of Defense has accepted risk to its networks and systems.

Assessing private-public collaboration in cybersecurity (sec. 1728)

The House bill contained a provision (sec. 1627) that would require the Secretary of Defense to conduct a review of any public-private collaboration initiatives related to cybersecurity and the defense of critical infrastructure, and submit the results of said review in a report to the congressional defense committees.

The Senate amendment contained no similar provision.
The Senate recedes.

Cyber capabilities and interoperability of the National Guard (sec. 1729)

The House bill contained a provision (sec. 1628) that would direct the Secretary of Defense, in conjunction with the Chief of the National Guard Bureau, to conduct a review of existing statutes, rules, and regulations that govern the use of the National Guard in response to significant cyber incidents.

The Senate amendment contained a similar provision (sec. 1625) that would require the Secretary of Defense, in coordination with the Secretary of Homeland Security, to carry out a similar evaluation of existing authorities in place for the use of the National Guard in response to cyber incidents.

The Senate recedes with an amendment that would require the Secretary of Defense to consult with the Secretary of Homeland Security rather than the Chief of the National Guard Bureau, modify the list of congressional recipients of the evaluation, and modify the required contents of the report.

Evaluation of non-traditional cyber support to the Department of Defense (sec. 1730)

The House bill contained a provision (sec. 1629) that would require the Principal Cyber Advisor to the Secretary of Defense, in consultation with certain other officials, to conduct an assessment of military reserve models to support Department of Defense cyberspace operations. The provision would detail the required elements of such an assessment and require the Secretary of Defense to provide to the congressional defense committees a report on the assessment and its findings.

The Senate amendment contained a similar provision (sec. 1628) that would require the Secretary of Defense to conduct an evaluation of options for establishing a cyber reserve force. The provision would detail the requirements for such an evaluation and require the Secretary of Defense to provide a report to the congressional defense committees on the evaluation and its findings.

The House recedes with an amendment that would modify the dates of certain reporting requirements, change the party responsible for the evaluation to the Principal Cyber Advisor of the Secretary of Defense, and modify certain elements required in the report.

Integrated cybersecurity center plan (sec. 1731)

The House bill contained a provision (sec. 1630) that would require the Secretary of Homeland Security to provide to the congressional defense committees a report on Federal cybersecurity centers and the potential for improved coordination through the establishment of an integrated cyber center at the Department of Homeland Security. The provision would also detail the contents and elements of this report. The provision would further require the Secretary to develop a plan to establish such an integrated cyber center and begin doing so no later than 1 year after the Secretary submits the report to the Congress. The provision would require annual updates on the progress made towards the establishment and operation of such a center and would require certain privacy officers to review and provide comment, as appropriate, on all reports and proposals made under this provision.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make several modifications, including striking the requirement for the establishment of the center upon submission of the report.

Assessment of cyber operational planning and deconfliction policies and processes (sec. 1732)

The Senate amendment contained a provision (sec. 1617) that would require the Principal Cyber Advisor of the Department of Defense and the Commander of United States Cyber Command to jointly conduct an assessment of the planning and deconfliction processes of the Department. The provision would require a detailed review of planning policies and processes to determine whether or not existing structures allow for effective and timely cyber operations, intelligence is being effectively gathered and distributed to support cyber operations, and

relevant authorities are properly delegated. The provision would also require the Principal Cyber Advisor and the Commander of Cyber Command to provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing not later than February 1, 2022, on the findings of the assessment.

The House bill contained no similar provision.

The House recedes with an amendment that would alter the date of the required briefing.

Pilot program on cybersecurity capability metrics (sec. 1733)

The Senate amendment contained a provision (sec. 1618) that would require the Secretary of Defense, acting through the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, to conduct a pilot program on the use of speed-based metrics to evaluate the effectiveness of cybersecurity providers, products, and technologies. The provision would require the program to be implemented at select security operations centers and cybersecurity service providers for a period of not less than 4 months and would require the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the findings of the pilot program no later than March 1, 2022.

The House bill contained no similar provision.

The House recedes.

Assessment of effect of inconsistent timing and use of Network Address Translation in Department of Defense networks (sec. 1734)

The Senate amendment contained a provision (sec. 1619) that would require the Chief Information Officer of the Department of Defense to conduct an assessment on timing variability within Department of Defense networks and the impact of such variability on current, planned, and potential cybersecurity capabilities. The assessment would also cover the current use and impact of Network Address Translation on network security. The provision would require the Chief Information Officer and the Principal Cyber Advisor of the Department to present recommendations to the Secretary of Defense to address the results of the assessment, and the Chief Information Officer to brief the congressional defense committees on the findings of the assessment and recommendations presented to the Secretary.

The House bill contained no similar provision.

The House recedes.

Integration of Department of Defense user activity monitoring and cybersecurity (sec. 1735)

The Senate amendment contained a provision (sec. 1622) that would require the Secretary of Defense to integrate aspects of user activity monitoring, endpoint cybersecurity, and the collection of metadata to enable mutual support and information sharing. The provision would require the Secretary to provide a briefing to the congressional defense committees no later than October 1, 2021, on the actions taken in accordance with this provision.

The House bill contained no similar provision.

The House recedes.

Defense industrial base cybersecurity sensor architecture plan (sec. 1736)

The Senate amendment contained a provision (sec. 1623) that would require the Principal Cyber Advisor of the Department of Defense, in coordination with certain other offices, to develop a plan for the deployment of commercial-off-the-shelf sensors to monitor the networks of the defense industrial base. The provision details the contents to be included in such a plan and would require extensive consultation with representative companies of the defense industrial base to ensure prospective participants understand and agree on any proposed solutions. The provision would also require the Principal Cyber Advisor to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the plan developed pursuant to this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would turn the plan into an assessment of the feasibility of an industrial base sensor architecture program. The amendment would modify the timeline of the required assessment and modify the consultation requirements for the preparation of the assessment.

Assessment on defense industrial base participation in a threat information sharing program (sec. 1737)

The House bill contained a provision (sec. 1632) that would prohibit the Secretary of Defense from entering or renewing a contract with an entity in the defense industrial base that is not a participant in a threat intelligence sharing program, either operated by the Department of Defense or a comparably widely utilized threat intelligence sharing program.

The Senate amendment contained a similar provision (sec. 1631) that would require the Secretary of Defense to establish a threat intelligence sharing program to share threat intelligence with and obtain threat intelligence from the defense industrial base. Such a program: (1) Could be mandatory or encouraged, at the discretion of the Secretary; (2) Would feature tiered requirements for companies based on their position within the defense industrial base; and (3) Could be a new program or an augmentation of an existing program.

The Senate recedes with an amendment that would modify the provision into an assessment of the feasibility and suitability of such a threat information sharing program with implementation contingent on a positive determination by the Secretary of Defense.

Assistance for small manufacturers in the defense industrial supply chain on matters relating to cybersecurity (sec. 1738)

The House bill contained a provision (sec. 1633) that would allow the Secretary of Defense, in consultation with the director of the National Institute for Standards and Technology, to provide funds to Manufacturing Extension Partnership Centers for the provision of cybersecurity services to small manufacturers. The provision would require the public listing of selection criteria for grants made under the provision, limit use of funds to assisting in Department of Defense cybersecurity requirement compliance, and require a biennial report to relevant congressional committees on the use of funds awarded under the provision. The authorities provided under the provision would terminate 5 years after the date of enactment.

The Senate amendment contained a similar provision (sec. 1642).

The Senate recedes with technical amendments.

Assessment on defense industrial base cybersecurity threat hunting program (sec. 1739)

The House bill contained a provision (sec. 1634) that would direct the Secretary of Defense to conduct a feasibility study, to be submitted to the congressional defense committees within 120 days after the date of the enactment of this Act, on a Department of Defense Threat Hunting Program. Should the feasibility study result in a positive determination of the program, the Secretary of Defense would be authorized to establish the program to actively identify cybersecurity threats and vulnerabilities within the information systems, including covered defense networks containing controlled unclassified

information, of entities in the defense industrial base. Additionally, the Secretary of Defense would not be permitted to enter into, renew, or extend contracts with entities in the defense industrial base that are not in compliance with the Threat Hunting Program established in this section.

The Senate amendment contained a similar provision (sec. 1632) that would require the Secretary of Defense to conduct an assessment of the adequacy of threat hunting elements of the Cyber Maturity Model Certification program and the need for continuous threat monitoring operations. The provision would also require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives on the assessment's findings no later than February 1, 2022.

The Senate recedes with an amendment that would make a range of modifications to the House provision to require an assessment of the feasibility and suitability of such a threat hunting program with implementation contingent on a positive determination by the Secretary of Defense.

Defense Digital Service (sec. 1740)

The House bill contained a provision (sec. 1635) that would require the Secretary of Defense and the Administrator of the United States Digital Service to establish a direct relationship to address and clarify authorities, hiring processes, roles, and responsibilities. The provision would also require the Secretary and the Administrator to jointly certify to the congressional defense committees that Department of Defense personnel supporting the Defense Digital Service have skills and qualifications consistent with those of U.S. Digital Service personnel.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the Committee on Homeland Security and Governmental Affairs of the Senate (HSGAC) and the Committee on Oversight and Reform of the House of Representatives (COR) on the list of recipients for the joint certification. The amendment would also require a briefing by the Secretary and the Administrator to the Committees on Armed Services of the Senate and the House of Representatives, HSGAC, and COR on the relationship established between the Department of Defense and the United States Digital Service pursuant to this provision.

Matters concerning the College of Information and Cyberspace and limitation of funding for National Defense University (sec. 1741)

The House bill contained a provision (sec. 1636) that would limit the obligation and expenditure of funds for the National Defense University (NDU) until the congressional defense committees receive budget and planning documents relating to the expansion of cybersecurity and information domain education at the University.

The Senate amendment contained a similar provision (sec. 1620) that would prohibit the reorganization, reduction, or elimination of the College of Information and Cyberspace (CIC), an organization established in statute, pending receipt by the congressional defense committees of an assessment of Department of Defense requirements for cybersecurity professional military education and civilian leader education and options to satisfy said requirements.

The House recedes with an amendment that would: (1) Limit the obligation and expenditure of funds by the University until receipt of the assessment outlined in the Senate provision; and (2) Modify the reporting requirement by changing the responsible parties and scope of the assessment.

The conferees note the importance of cyber warfare in future conflicts, as emphasized in the National Defense Strategy, and emphasizes the importance of the Department thoroughly reviewing and determining the requirements for cyber education both as a component of the Joint Professional Military Education curriculum and for overall cyber education requirements for the cyber workforce.

The conferees also note that section 2165 of title 10, United States Code, establishes the CIC in law as a constituent institution of the NDU and that any action to eliminate, subsume into another college, or institutionally diminish the CIC requires a change in law.

Department of Defense cyber hygiene and Cybersecurity Maturity Model Certification framework (sec. 1742)

The House bill contained two provisions (sec. 1640 and sec. 1640E) that would require the Secretary of Defense to provide to the congressional defense committees a detailed report on the implementation of a range of cybersecurity issues. The Secretary of Defense would also be required to prepare a report on the cyber hygiene practices of the Department relative to the Cyber Maturity Model Certification (CMMC) framework and submit said report to the congressional defense committees and the Government Accountability Office for review by the Comptroller General of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would combine the two provisions, modify the initial Secretary of Defense report by specifying the responsible parties, and require an assessment of each Department of Defense component against CMMC requirements. The amendment would also change the report on the implementation of certain cybersecurity recommendations into a briefing, alter certain requirements of said briefing, and impose a limitation on the use of funds authorized to be appropriated by this Act until the Under Secretary for Acquisition and Sustainment provides to the congressional defense committees a plan to implement the CMMC via requirements in procurement contracts.

Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard (sec. 1743)

The House bill contained a provision (sec. 1640B) that would extend through August 31, 2022, a pilot program for the regional provision of cybersecurity training to members of the Army National Guard.

The Senate amendment contained no similar provision.
The Senate recedes.

National cyber exercises (sec. 1744)

The House bill contained a provision (sec. 1640F) that would require the Secretary of Homeland Security to conduct an exercise to test the resilience, response, and recovery of the United States in the case of a significant cyber attack impacting critical infrastructure. The provision would detail certain required elements including exercise content, participants, planning, and associated briefings.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the Attorney General and the Director of National Intelligence on the list of offices required to coordinate in the conduct of the exercise. The amendment would also include a requirement for specific plans for each scheduled exercise to be submitted to the Congress prior to execution.

The conferees note that while, as the Cyberspace Solarium Commission originally recommended, the exercise is intended to be a tabletop exercise, the conferees defer to the executive branch to convene an exercise that would be most effective for its purposes. The conferees expect that if the scope or scale of the exercise exceeds that of a tabletop exercise, relevant departments and agencies will engage the appropriate

congressional committees early and often to gain and ensure appropriate support.

Cybersecurity and Infrastructure Security Agency review (sec. 1745)

The House bill contained a provision (sec. 1675) that would require the Director of the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security to conduct a review of the ability of CISA to carry out its mission requirements and implement certain recommendations of the U.S. Cyberspace Solarium Commission Report. The provision details certain requirements for the review and requires the Secretary of Homeland Security to provide a report on the results of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. The provision would further require the Director of CISA to provide the report to the Administrator of the General Services Administration for independent review.

The Senate amendment contained similar provisions (sec. 5245 and sec. 5246) that would require similar reviews and assessments with the General Services Administration review occurring independently of the CISA review.

The House recedes with an amendment that would modify the list of recipients for the report on the General Services Administration review.

Report on enabling United States Cyber Command resource allocation (sec. 1746)

The Senate amendment contained a provision (sec. 1627) that would require the Secretary of Defense to provide to the congressional defense committees a report on how the Secretary intends to implement certain sections of United States Code relating to the role of the commander of United States Cyber Command in the preparation of budget materials and the direct authority of the commander over the use of funds by cyber forces for the acquisition of cyber peculiar equipment, capabilities, and services. The provision would require the report to address in detail several aspects of the planned implementation of said sections of code.

The House bill contained no similar provision.

The House recedes with an amendment that would alter the date on which the Secretary shall submit the report to the congressional defense committees.

Ensuring cyber resiliency of nuclear command and control system (sec. 1747)

The Senate amendment contained a provision (sec. 1629) that would require the Secretary of Defense to submit to the congressional defense committees a plan, including a schedule and resourcing plan, to implement the findings and recommendations of the first annual assessment of cyber resiliency of the nuclear command and control (NC3) system. The provision would require the Secretary to develop a concept of operations to defend the NC3 system from cyber attacks and develop an oversight mechanism to ensure implementation of said concept of operations and the plan to be prepared by the Secretary.

The House bill contained no similar provision.

The House recedes.

Requirements for review of and limitations on the Joint Regional Security Stacks activity (sec. 1748)

The Senate amendment contained a provision (sec. 1636) that would require the Secretary of Defense to undertake a baseline review of the Joint Regional Security Stacks (JRSS) activity to determine whether the activity should proceed as a program of record or be phased out across the Department of Defense. The Secretary would be required to provide the congressional defense committees with the findings of the baseline review and, depending on the determination of the Secretary, either a plan to transition JRSS to a program of record or a plan to replace JRSS. The provision would also prohibit the operational deployment and fielding of JRSS on the Secret Internet Protocol Network and the use of funds authorized to be appropriated by this Act for such actions.

The House bill contained no similar provision.

The House recedes with an amendment that would require an independent review of JRSS prior to and informing the baseline review to be conducted by the Secretary of Defense.

Implementation of information operations matters (sec. 1749)

The Senate amendment contained a provision (sec. 1640) that would limit the availability of specified funds until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-

92) and the strategy and posture review required by subsection (g) of such section.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to designate a Department of Defense entity that is organizationally independent of Department components performing or otherwise engaged in operational support to Department information operations to develop, apply, and continually refine an assessment capability for defining and measuring the impact of Department information operations.

Report on use of encryption by Department of Defense national security systems (sec. 1750)

The Senate amendment contained a provision (sec. 6611) that would require the Secretary of Defense to submit to the Congress a report detailing the mission need and efficacy of full disk encryption across Non-classified Internet Protocol Router Network (NIPRNet) and Secretary Internet Protocol Router Network (SIPRNet) endpoint computer systems not later than 180 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

Guidance and direction on use of direct hiring processes for artificial intelligence professionals and other data science and software development personnel (sec. 1751)

The Senate amendment contained a provision (sec. 6612) that would require the Secretary of Defense to issue guidance designed to improve the use of available direct hire authorities for artificial intelligence, data science, and software development positions.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to review existing guidance and, where beneficial, issue new guidance on the use of direct hire authorities.

National Cyber Director (sec. 1752)

The House bill contained provisions (secs. 1131 and 1132) that would establish within the Executive Office of the President the Office of the National Cyber Director. The Office of the Director would have a range of responsibilities, including serving as the principal advisor to the President on cybersecurity matters, leading the development and

implementation of cyber strategy, and coordinating major cyber incident response efforts across the Federal Government.

The Senate amendment contained a similar provision (sec. 1637) that would require the Secretary of Defense, in coordination with the Secretary of Homeland Security, to enter into an agreement with an independent organization to conduct an assessment of the feasibility and advisability of establishing such an office.

The Senate recedes with an amendment that would modify certain duties, authorities, and elements of the established Office.

LEGISLATIVE PROVISIONS NOT ADOPTED

Cyber threat information collaboration environment

The House bill contained a provision (sec. 1631) that would direct the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Director of National Intelligence (acting through the Director of the National Security Agency) to develop an information collaboration environment that enables entities to identify, mitigate, and prevent malicious cyber activity. The collaboration environment would provide limited access to appropriate operationally relevant data about cybersecurity risks and cybersecurity threats, including malware forensics and data from network sensor programs, on a platform that enables query and analysis.

The Senate amendment contained no similar provision.

The House recedes.

Critical infrastructure cyber incident reporting procedures

The House bill contained a provision (sec. 1637) that would require the Secretary of Homeland Security to enact requirements and procedures for certain covered critical infrastructure entities to report cybersecurity incidents to the National Cybersecurity and Communications Integration Center of the Department of Homeland Security. The provision would detail a range of aspects for such requirements and procedures.

The Senate amendment contained no similar provision.

The House recedes.

Funding for National Center for Hardware and Embedded Systems Security and Trust

The House bill contained a provision (sec. 1638) that would increase funding for the National Center for Hardware and

Embedded Systems Security and Trust by \$3.0 million and decrease funding for chemical agents and munitions destruction by \$3.0 million.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XVIII—TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES

*Transfer and reorganization of defense acquisition statutes
(secs. 1801-1885)*

The conference agreement includes a title that would transfer and reorganize certain defense acquisition statutes and direct the Secretary of Defense to conduct a comprehensive assessment and implementation plan of the transfer and reorganization contained in this title.

The conferees note that the Advisory Panel on Streamlining and Codifying Acquisition Regulations, established by the Congress under section 809 of the National Defense Authorization Act for 2016 (Public Law 114-92), recommended as part of its work in June 2018 that the Congress transfer and consolidate certain defense acquisition statutes in title 10, United States Code, concluding that, "Organizing the defense acquisition statutes into a restructured, rationalized form would reduce the overcrowding, reflect more clearly the underlying structure of these statutes, and provide substantial benefits in terms of a structure that is more intuitive and easier to navigate. This effort would be especially beneficial for the thousands of attorneys across the Department of Defense who advise commanders, program managers, and contracting officers on acquisition authorities. Confusing notes and cumbersome statutory structure can create a barrier to entry for innovative firms unfamiliar with the federal acquisition process, firms DoD seeks to leverage to ensure technological dominance and enhanced lethality across the joint force inside the curve of near-peer competitors and nonstate actors."

The conferees appreciate the work of the Panel and observe that a transfer and reorganization is an ambitious and complex undertaking that sets the conditions for future reform. The conferees have engaged in the undertaking with a commitment to the principle that a restructuring not result in policy changes. The conferees note the intention of the 1-year enactment delay is to provide time for the Department and for other stakeholders to identify adjustments and specific and actionable recommendations to address them. Further, the conferees note the

implementation delay is intended to provide the Department a reasonable amount of time to make necessary administrative updates to implement the transfer and reorganization. The conferees therefore direct the Secretary of Defense to ensure the assessment and implementation plan directed by this section are sufficiently comprehensive to facilitate the conferees' consideration of appropriate and timely adjustments in the future.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Summary and explanation of funding tables

Division B of this Act authorizes funding for military construction projects of the Department of Defense. It includes funding authorizations for the construction and operation of military family housing, as well as military construction for the reserve components, the Defense agencies, and the North Atlantic Treaty Organization Security Investment Program. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds. The tables contained in this Act provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account.

The conferees continue to believe in the value and appropriateness of providing a full authorization but incremental authorization of appropriations for certain military construction projects. The conferees believe incremental funding of large and complex military construction projects enable the Department to execute additional infrastructure projects in a fiscal year, enables continuous congressional oversight, serves to reduce the \$24.6 billion unobligated MILCON balance, and provides opportunities to adjust the authorization of appropriations level for projects should issues arise or requirements change over the course of construction. In instances where the conference agreement provides full authorization but incremental authorization of appropriations for certain military construction projects, the committee expects the Department to award these projects in the year of authorization and not defer award until the full appropriation amount is received.

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would cite division B of this Act as the "Military Construction Authorization Act for Fiscal Year 2021."

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVII and title XXIX of this Act shall expire on October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

The Senate amendment contained a similar provision (sec. 2002).

The Senate recedes.

Effective date (sec. 2003)

The House bill contained a provision (sec. 2003) that would provide that titles XXI through XXVII and XXIX of this Act would take effect on October 1, 2020, or the date of the enactment of this Act, whichever is later.

The Senate amendment contained an identical provision (sec. 2003).

The conference agreement includes this provision.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Summary

The budget request included \$650,336,000 for Army military construction and \$486,542,000 for Army family housing for fiscal year 2021. The conference agreement includes authorization of appropriations of \$880,076,000 for Army military construction and \$512,542,000 for Army family housing in fiscal year 2021.

The agreement includes authorization and authorization of appropriations for eight military construction projects that were not included in the budget request but were submitted to the congressional defense committees as part of the Army's unfunded requirements list. These projects include: \$65.0

million for a Child Development Center at the Aliamanu Military Reservation, Hawaii; \$59.0 million for Unaccompanied Enlisted Personnel Housing at Fort Wainwright, Alaska; \$55.0 million for a Child Development Center at Fort Wainwright, Alaska; \$46.0 million for an Ammunition Holding Facility at Marine Ocean Terminal Concord, California; \$39.0 million for a Child Development Center at Schofield Barracks, Hawaii; \$10.2 million for an Access Control Point at Caserma Renato Dal Din, Italy; \$8.0 million for Planning & Design in support of JIATF-South Operations Center, Florida; and \$7.0 million associated with the cost to complete the Trainee Barracks Complex 3, Phase 2 at Fort Jackson, South Carolina.

The agreement provides for incremental authorization of appropriations in an amount equal to the Department's ability to execute in the year of the authorization of appropriations for the General Instruction Building, Increment 2 at Carlisle Barracks, Pennsylvania.

The agreement provides an increase in the authorization of appropriations for certain programs included in the Army's budget request for military construction and family housing in fiscal year 2021. These programmatic increases include:

(1) \$26.0 million for Housing Privatization Support in the Army's Family Housing Operation and Maintenance account. These additional funds are intended to continue the improvement of Military Housing Privatization Initiative oversight through the hiring of additional civilian personnel;

(2) \$25.0 million for Army Family Housing Maintenance to address environmental hazards at Government-owned military family housing; and

(3) \$18.0 million for unspecified minor military construction.

Finally, the agreement includes a reduction in the authorization of appropriations for certain programs contained in the budget request submitted by the Army for military construction and family housing in fiscal year 2021. These reductions are:

(1) \$65.0 million for planning and design at unspecified worldwide locations. The conferees believe that the Department of the Army cannot fully expend the requested funding in fiscal year 2021, and therefore the agreement includes an authorization of \$64.4 million, a reduction of \$65.0 million, for this program; and

(2) \$25.0 million for Army Family Housing Maintenance for general officer quarters. The conferees support the authorization of appropriations in an amount equivalent to the ability of the Department to execute in the year of the authorization for appropriations. For this project, the

conferees note that the Army is engaged in ongoing negotiations with the American Council for Historic Preservation on materials and renovation techniques for these historic properties that may impact the timeline and cost of renovating these homes. Therefore, the agreement includes an authorization of \$97.8 million, which includes a reduction of \$25.0 million for maintenance of general officer quarters.

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2021. The authorized amount is listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2101).

The House recedes.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction, improvements, and planning and design of family housing units for the Army for fiscal year 2021.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize appropriations for Army military construction levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

Limitation on military construction project at Kwajalein Atoll (sec. 2104)

The House bill contained a provision (sec. 2104) that would require the Secretary of the Army to submit a resilience plan prior to obligating funds for a certain project at Kwajalein Atoll.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of authority to carry out fiscal year 2017 project at Camp Walker, Korea (sec. 2105)

The House bill contained a provision (sec. 2105) that would modify the authority provided by section 2101 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328) and authorize the Secretary of the Army to make certain modifications to the authorized cost of a previously authorized construction project.

The Senate amendment contained a similar provision (sec. 2104).

The House recedes.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Summary

The budget request included \$1,975,606,000 for Navy and Marine Corps military construction and \$389,390,000 for Navy and Marine Corps family housing for fiscal year 2021. The conference agreement includes authorization of appropriations of \$2,007,085,000 for Navy and Marine Corps military construction and \$414,390,000 for Navy and Marine Corps family housing in fiscal year 2021.

The agreement includes authorization and authorization of appropriations for 10 military construction projects that were not included in the budget request but were submitted to the congressional defense committees as part of the Navy and Marine Corps' unfunded requirements lists. These projects include: \$51.9 million for a Fitness Center Replacement and Training Pool at Cherry Point, North Carolina; \$46.8 million for Magazines at Seal Beach, California; \$43.5 million for Combat Vehicle Maintenance Facilities at Point Hueneme, California; \$28.0 million Long Range Maritime Patrol Aircraft Hanger and Ramp at Comalapa, El Salvador; \$26.7 million for a Directed Energy Test Facility at Point Mugu, California; \$26.1 million for Perimeter Security at NCTAMS LANT Detachment Cutler, Maine; \$25.2 million for a Combat Water Survival Training Facility at Camp Pendleton, California; \$21.8 million for Warehouse Consolidation and Modernization at Camp Pendleton, California; \$9.4 million for Sub Logistics Support at Norfolk, Virginia; and \$7.5 million in support of Planning & Design associated with Indo-Pacific Command Posture Initiatives.

The agreement provides for incremental authorization of appropriations in an amount equal to the Department's ability to execute in the year of the authorization of appropriations for the following projects: F-35C Hangar 6 Phase 2 (Mod 3/4) at

Lemoore, California; Pier 6 Replacement at San Diego, California; Bachelor Enlisted Quarters at Joint Region Marianas, Guam; and Joint Communication Upgrade at Joint Region Marianas, Guam.

Finally, the agreement provides an increase in the authorization of appropriations for certain programs included in the Navy's budget request for military construction and family housing in fiscal year 2021. These programmatic increases include:

(1) \$45.0 million for Planning & Design associated with the Navy's Shipyard Infrastructure Optimization Plan; and
(2) \$25.0 million for Housing Privatization Support in the Navy and Marine Corps' Family Housing Operation and Maintenance account. These additional funds are intended to continue the improvement of Military Housing Privatization Initiative oversight through the hiring of additional civilian personnel.

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize Navy and Marine Corps military construction projects for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2201).

The House recedes.

Family housing and improvements to military family housing units (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction, improvements, and planning and design of family housing units for the Department of the Navy for fiscal year 2021.

The Senate amendment contained similar provisions (secs. 2202 and 2203).

The Senate recedes.

Authorization of appropriations, Navy (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize appropriations for Department of Navy military construction levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2204).

The conference agreement includes this provision.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Summary

The budget request included \$767,132,000 for Air Force military construction and \$414,235,000 for Air Force family housing for fiscal year 2021. The conference agreement includes authorization of appropriations of \$717,432,000 for Air Force military construction and \$423,235,000 for Air Force family housing in fiscal year 2021.

The agreement includes authorization and authorization of appropriations for seven military construction projects that were not included in the budget request but were submitted to the congressional defense committees as part of the Air Force's unfunded requirements list. These projects include: \$40.0 million for the Flight Test Engineering Laboratory Complex at Edwards Air Force Base, California; \$35.0 million associated with the cost to complete the Advanced Munitions Technology Complex at Eglin Air Force Base, Florida; \$18.8 million associated with the Organic Software Sustainment Center at Hill Air Force Base, Utah; \$13.0 million associated with the cost to complete the Consolidated Communications Center at Joint Base Andrews, Maryland; \$12.0 million associated with the cost to complete the Weapons Storage Facility at F.E. Warren Air Force Base, Wyoming; \$10.0 million for the first increment of the B-21 2-Bay LO Restoration Facility at Ellsworth Air Force Base, South Dakota; and \$7.5 million in support of Planning & Design associated with Indo-Pacific Command Posture Initiatives.

The agreement provides for incremental authorization of appropriations in an amount equal to the Department's ability to execute in the year of the authorization of appropriations for the following projects: Weapons Storage & Maintenance Facility, Increment 2 at Malmstrom Air Force Base, Montana; and Fuel Tanks with Pipeline & Hydrant System, Increment 2 at Tinian, Commonwealth of the Northern Mariana Islands.

The agreement includes an increased authorization and authorization of appropriations for two projects for which the Air Force submitted revised cost estimates after submission of the budget request for fiscal year 2021. These projects include: Parking Apron, Increment 2 at Tinian, Commonwealth of the Northern Mariana Islands; and Airfield Development Phase 1, Increment 2 at Tinian, Commonwealth of the Northern Mariana Islands.

The agreement provides an increased authorization of appropriations of \$9.0 million for Housing Privatization in the Air Force's Family Housing Operation and Maintenance account. These additional funds are intended to continue the improvement of Military Housing Privatization Initiative oversight through the hiring of additional civilian personnel.

Finally, the agreement provides for a reduction in the authorization of appropriations for planning and design at unspecified worldwide locations. The conferees believe that the Air Force cannot fully expend the requested funding in fiscal year 2021 nor is the request supported by the military construction projects forecasted in the future years defense program. Therefore, the conference agreement provides an authorization of \$116.5 million, a reduction of \$180.0 million, for this program. The conferees note that this amount also reflects authority contained elsewhere in the conference agreement for the Air Force to spend up to \$15.0 million for the purpose of obtaining or carrying out necessary planning and construction design associated with military construction projects and other infrastructure projects necessary to support the development and fielding of the Ground Based Strategic Deterrent weapon system.

*Authorized Air Force construction and land acquisition projects
(sec. 2301)*

The House bill contained a provision (sec. 2301) would authorize Air Force military construction projects for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2301).

The House recedes with a technical amendment.

*Family housing and improvements to military family housing units
(sec. 2302)*

The House bill contained a provision (sec. 2302) that would authorize new construction, planning, and design of family housing units for the Air Force for fiscal year 2021. The provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The Senate amendment contained similar provisions (secs. 2302 and 2303).

The Senate recedes.

Authorization of appropriations, Air Force (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize appropriations for Air Force military construction levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2304).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2018 project (sec. 2304)

The House bill contained a provision (sec. 2304) that would modify the authority provided by sections 2301 and 2903 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91) and authorize the Secretary of the Air Force to make certain modifications to the scope and authorized cost of previously authorized construction project.

The Senate amendment contained a similar provision (sec. 2305).

The Senate recesses.

Modification of authority to carry out certain fiscal year 2019 projects (sec. 2305)

The House bill contained a provision (sec. 2305) that would modify the authority provided by section 2301 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) and authorize the Secretary of the Air Force to make certain modifications to the scope and authorized cost of previously authorized construction projects.

The Senate amendment contained a similar provision (sec. 2306).

The Senate recesses.

Modification of authority to carry out certain fiscal year 2020 projects (sec. 2306)

The House bill contained a provision (sec. 2306) that would modify the authority provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116-92) and authorize the Secretary of the Air Force to make certain modifications to the scope and authorized cost of previously authorized construction projects.

The Senate amendment contained a similar provision (sec. 2308).

The House recedes with a technical amendment.

Technical corrections related to authority to carry out certain fiscal year 2020 family housing projects (sec. 2307)

The House bill contained a provision (sec. 2307) that would make technical corrections to section 2304(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) relating to the authority to carry out a certain family housing project.

The Senate amendment contained a similar provision (sec. 2307).

The Senate recedes.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Summary

The budget request included \$2,027,520,000 for Defense agency military construction and \$61,225,000 for Defense agency family housing for fiscal year 2021. The conference agreement includes authorization of appropriations of \$1,886,366,000 for Defense agency military construction and \$61,225,000 for Defense agency family housing in fiscal year 2021.

The agreement includes authorization and authorization of appropriations for 10 military construction projects that were not included in the budget request but were submitted to the congressional defense committees as part of the unfunded requirements list for the Department's Energy Resilience and Conservation Investment Program. These projects include: \$35.0 million to construct an Intelligence Facility Central Utility Plant at Wright-Patterson Air Force Base, Ohio; \$30.0 million to construct a 10MW Generation & Microgrid System at Camp Shelby, Mississippi; \$25.2 million for PV Carports at Joint Base Anacostia Bolling, District of Columbia; \$24.0 million to construct a 10MW Generation & Microgrid at Fort Rucker, Alabama; \$17.0 million to construct a 4.8MW Generation & Microgrid at Fort Benning, Georgia; \$8.7 million for Industrial Controls System Modernization at Joint Base Anacostia Bolling, District of Columbia; \$6.1 million for a SOTF Chilled Water Upgrade at Fort Bragg, North Carolina; \$4.7 million for PV Arrays and Battery Storage at Memphis, Tennessee; \$2.6 million for PV Arrays and Battery Storage at Fort Smith, Arkansas; and \$1.9

million for DIA HQ Cooling Towers and Condensation Pumps at Joint Base Anacostia Bolling, District of Columbia.

The agreement provides increased authorization and authorization of appropriations for certain programs included in the Department of Defense's budget request for military construction and family housing. These programmatic increases include:

(1) \$25.0 million for Planning & Design of Defense agency military construction projects to support additional military installation resiliency requirements; and

(2) \$15.0 million for Planning & Design at unspecified worldwide locations associated with additional Energy Resilience and Conservation Investment Program projects.

Finally, the agreement provides for incremental authorization of appropriations in an amount equal to the Department's ability to execute in the year of the authorization of appropriations for the following projects: Medical Center Replacement Increment 9 at Rhine Ordnance Barracks, Germany; Kinnick High School at Yokosuka, Japan; MEDCEN Addition/Alternation Increment 4 at Bethesda Naval Hospital, Maryland; and Next NGA West (N2W) Complex Phase 2 at St. Louis, Missouri.

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) would authorize military construction projects for the defense agencies for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2401).

The House recedes.

Authorized Energy Resilience and Conservation Investment Program projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2402).

The Senate recedes.

Authorization of appropriations, Defense Agencies (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize appropriations for defense agencies' military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2403).

The conference agreement includes this provision.

Independent study on Western Emergency Refined Fuel Reserves (sec. 2404)

The House bill contained a provision (sec. 1761) that would require the Secretary of Defense, acting through the Director of the Defense Logistics Agency, to establish a reserve, to be known as the "Western Emergency Refined Petroleum Products Reserve," to store refined petroleum products that may be made available to military and governmental entities during an emergency situation, as determined by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, in consultation with the Secretary of Energy, to enter into an agreement with a federally funded research and development center to conduct a study on the feasibility of establishing one or more emergency fuel reserves for refined fuel in the Western United States.

TITLE XXV—INTERNATIONAL PROGRAMS

SUBTITLE A—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Summary

The budget request contained \$173,030,000 for the North Atlantic Treaty Organization Security Investment Program (NSIP) for fiscal year 2021. The conference agreement includes authorization of appropriations of \$173,030,000 for NSIP for fiscal year 2021.

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions

to the North Atlantic Treaty Organization Security Investment Program in an amount not to exceed the sum of the amount specifically authorized in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize appropriations for the North Atlantic Treaty Organization Security Investment Program at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2502).

The House recedes.

Execution of projects under the North Atlantic Treaty Organization Security Investment Program (sec. 2503)

The Senate amendment contained a provision (sec. 2503) that would authorize the Secretary of Defense to accept and spend contributions from the North Atlantic Treaty Organization (NATO) or NATO members for various purposes relating to the NATO Security Investment Program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE B—HOST COUNTRY IN-KIND CONTRIBUTIONS

Republic of Korea funded construction projects (sec. 2511)

The House bill contained a provision (sec. 2511) that would authorize the Secretary of Defense to accept 10 military construction projects totaling \$416.0 million pursuant to agreement with the Republic of Korea for required in-kind contributions.

The Senate amendment contained a similar provision (sec. 2511).

The House recedes.

Qatar funded construction projects (sec. 2512)

The House bill contained a provision (sec. 2512) that would authorize the Secretary of Defense to accept 15 military construction projects totaling \$1.324 billion pursuant to an agreement with the State of Qatar for required in-kind contributions.

The Senate amendment contained a similar provision (sec. 2512).

The House recedes.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Summary

The budget request contained \$568,100,000 for military construction of National Guard and Reserve facilities for fiscal year 2021. The conference agreement includes authorization of appropriations of \$687,735,000 for military construction of National Guard and Reserve facilities for fiscal year 2021.

The agreement includes authorization and authorization of appropriations for nine military construction projects that were not included in the budget request but were submitted to the congressional defense committees as part of the military departments' unfunded requirements lists. The projects include: \$15.7 million for Enlisted Barracks, Transient Training at Hermiston, Oregon (Army National Guard); \$15.0 million for a National Guard Readiness Center at Fort Chaffee, Arkansas (Army National Guard); \$9.8 million for a National Guard Vehicle Maintenance Shop at Ardmore, Oklahoma (Army National Guard); \$9.3 million for a National Guard Vehicle Maintenance Shop at Bakersfield, California (Army National Guard); \$2.5 million for a Transient Trainee Barracks at Fort McCoy, Wisconsin (Army Reserve); \$12.8 million for a Joint Reserve Intel Center at Minneapolis, Minnesota (Navy Reserve); \$17.5 million for a Consolidated RPA Operations Facility at Hector International Airport, South Dakota (Air National Guard); \$12.0 million for a Base Supply Complex at Montgomery Regional Airport, Alabama (Air National Guard); and \$25.0 million for an F-35 Squadron Ops/Aircraft Maintenance Unit facility at Fort Worth, Texas (Air Force Reserves).

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army

National Guard for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2601).

The House recedes.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2602).

The House recedes.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2603).

The House recedes.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2604).

The House recedes.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2021. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision (sec. 2605).

The House recedes.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The House bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects authorized for construction for fiscal year 2021 in this Act. The state list contained in this report is the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2606).

The House recedes.

Modification of authority to carry out fiscal year 2020 project in Alabama (sec. 2607)

The House bill contained a provision (sec. 2607) that would modify the authority provided by section 2601 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) and authorize the Secretary of the Army to make certain modifications to the scope and authorized cost of a previously authorized construction project.

The Senate amendment contained a similar provision (sec. 2607).

The House recedes.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Summary

The budget request contained \$300,447,000 for activities related to Base Realignment and Closure (BRAC) activities in fiscal year 2021. The conference agreement includes authorization of appropriations of \$300,447,000 for BRAC activities in fiscal year 2021.

Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account (sec. 2701)

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2021 for ongoing activities that are required to implement the decisions of the 1988, 1991, 1993, 1995, and 2005 base realignment and closure rounds.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Prohibition on conducting additional base realignment and closure (BRAC) round (sec. 2702)

The Senate amendment contained a provision (sec. 2702) that would prohibit the Department of Defense from conducting another base realignment and closure (BRAC) round.

The House bill contained no similar provision.

The House recedes.

Plan to finish remediation activities conducted by the Secretary of the Army in Umatilla, Oregon (sec. 2703)

The Senate amendment contained a provision (sec. 2703) that would require the Secretary of the Army to submit to Congress, not later than 90 days after the date of enactment of this Act, a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than 3 years after such date of enactment.

The House bill contained no similar provision.

The House recedes.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM CHANGES

Modification and clarification of construction authority in the event of a declaration of war or national emergency (sec. 2801)

The House bill contained a provision (sec. 2801) that would modify and clarify the use of military construction authorities available in the event of a declaration of war or national emergency.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would prohibit the use of military family housing funds for emergency construction.

Extension of sunset for annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities (sec. 2802)

The House bill contained a provision (sec. 2802) that would extend the sunset date for annual locality adjustments applicable to unspecified minor military construction projects until fiscal year 2027.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of reporting requirements regarding certain military construction projects and military family housing projects, contracts, and agreements (sec. 2803)

The House bill contained a provision (sec. 2803) that would remove the requirement to provide reports on cost increases associated with certain military construction projects and military family housing projects to the Comptroller General of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Consideration of energy security and energy resilience in life-cycle cost for military construction (sec. 2804)

The Senate amendment contained a provision (sec. 2842) that would require, during the consideration and evaluation of the life-cycle designed cost of a military construction project, consideration, as a facility requirement, of energy security and energy resilience to ensure that the resulting facility is capable of performing its missions in the event of a human-caused disaster or other unplanned event.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Congressional project authorization required for military construction projects for energy resilience, energy security, and energy conservation (sec. 2805)

The House bill contained a provision (sec. 2805) that would require energy resilience, energy security, and Energy

Resilience and Conservation Investment Program projects to be line-item authorized.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2806)

The House bill contained a provision (sec. 2806) that would extend the Contingency Construction Authority for 1 year.

The Senate amendment contained no similar provision.

The Senate recedes.

Responsibility of Navy for military construction requirements for certain Fleet Readiness Centers (sec. 2807)

The House bill contained a provision (sec. 2864) that would designate the Navy as the responsible military service for programming, requesting, and executing any military construction requirements related to any Fleet Readiness Center that is a tenant command at a Marine Corps installation.

The Senate amendment contained a similar provision (sec. 2801).

The Senate recedes.

SUBTITLE B—MILITARY FAMILY HOUSING REFORMS

Modifications and technical corrections related to military housing privatization reform (sec. 2811)

The Senate amendment contained a provision (sec. 2822) that would provide technical corrections to specific sections of title 30 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of authority to lease substandard family housing units to members of the uniformed services (sec. 2812)

The Senate amendment contained a provision (sec. 2821) that would strike the existing language contained in section 2830 of title 10, United States Code, which allows the Secretaries of the military departments to maintain substandard military family housing, and replace it with a prohibition of

the Secretaries' leasing any substandard family housing unit.

The House bill contained no similar provision.

The House recedes with a technical amendment that would strike the underlying provision and instead repeal section 2830 of title 10, United States Code.

Expenditure priorities in using Department of Defense Family Housing Improvement Fund (sec. 2813)

The House bill contained a provision (sec. 2811) that would amend section 2883 of title 10, United States Code, by increasing the priority of funding to Military Housing Privatization Initiative recapitalization accounts and ensuring that private partners are not paid first when they mismanage projects at the expense of the reinvestment accounts.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Availability of information regarding assessment of performance metrics for contracts for provision or management of privatized military housing (sec. 2814)

The House bill contained a provision (sec. 2819) that would amend section 2891c(b)(1) of title 10, United States Code, by requiring the inclusion of assessment of performance metrics in the annual publication on use of incentive fees for privatized military housing projects.

The Senate amendment contained a similar provision (sec. 7821).

The House recedes with a technical amendment.

Requirement that Secretary of Defense implement recommendations relating to military family housing contained in report by Inspector General of Department of Defense (sec. 2815)

The Senate amendment contained a provision (sec. 2823) that would require the Department of Defense (DOD) to implement, not later than 90 days after the date of enactment of this Act, the recommendations of the Inspector General of the Department of Defense contained in the report of the Inspector General, dated April 30, 2020, and titled "Evaluation of the DOD's Management of Health and Safety Hazards in Government-Owned and Government-Controlled Military Family Housing."

The House bill contained no similar provision.

The House recedes.

Promulgation of guidance to facilitate return of military families displaced from privatized military housing (sec. 2816)

The House bill contained a provision (sec. 2812) that would require the Secretary of Defense to promulgate guidance for facilitating and managing the return of tenants of privatized military family housing who have been displaced from their homes.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Promulgation of guidance on relocation of residents of military housing impacted by presence of mold (sec. 2817)

The House bill contained a provision (sec. 2813) that would require the Secretary of Defense to establish a working group composed of the Surgeons General of the Armed Forces to develop guidance on best practices for mold mitigation in privatized military family housing.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 3053 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require the promulgation of guidance specifically on mold mitigation in emergency situations.

Expansion of uniform code of basic standards for privatized military housing and hazard and habitability inspection and assessment requirements to Government-owned and Government-controlled military family housing (sec. 2818)

The House bill contained a provision (sec. 2814) that would require the Secretary of Defense to apply the uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing to Government-owned and Government-controlled military family housing.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE C—REAL PROPERTY AND FACILITIES ADMINISTRATION

Acceptance of property by military service academies, professional military education schools, and military museums subject to naming-rights condition (sec. 2821)

The House bill contained a provision (sec. 1743) that would authorize the Secretaries concerned to display, at a military museum, recognition for an individual or organization that contributes money to a nonprofit entity for the benefit of a military museum, whether or not the contribution is subject to the condition that recognition be provided. In addition, this section would authorize museum foundations to lease a museum facility to provide for use in generating revenue for activities of the museum facility.

The Senate amendment contained a similar provision (sec. 2884).

The Senate recedes with a technical amendment.

Codification of reporting requirements regarding United States overseas military enduring locations and contingency locations (sec. 2822)

The House bill contained a provision (sec. 2821) that would amend section 2687a of title 10, United States Code, to update an annual reporting requirement regarding the overseas basing and posture of the United States Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Promotion of energy resilience and energy security in privatized utility systems (sec. 2823)

The House bill contained a provision (sec. 2822) that would amend section 2688 of title 10, United States Code, to limit renewal of utility privatization contracts to the last 5 years of the existing contract term. It also contained a provision (sec. 2825) that would amend section 2914 of title 10, United States Code, to clarify that Energy Resilience and Conservation Investment Program (ERCIP) funding may be used at military installations with privatized utilities.

The Senate amendment contained a provision (sec. 2841) that would allow ERCIP projects to be executed on installations with utilities privatization (UP).

The House recedes with a technical amendment.

The conferees note that the Department of Defense and many military installations have already leveraged or plan to leverage UP to achieve cost savings and benefit from commercial best practices. However, because ERCIP is military construction, currently it can only occur in conjunction with utility systems owned solely by the Department of Defense. In order to remove this obstacle and ensure that the Department can improve energy

security on all of its installations, this provision would authorize the Department to pair ERCIP and UP.

The conferees further note that Energy Savings Performance Contracts (ESPCs) are an essential tool to enable the Department to meet its energy savings objectives. While this section will enable the use of ERCIP funding in conjunction with ESPCs, the conferees remind the Department that section 8287 of title 42, United States Code, authorizes Federal agencies to enter into ESPCs solely for the purpose of achieving energy savings and benefits ancillary to that purpose. Nothing in this section is intended to change the statutory purpose of ESPCs.

Vesting exercise of discretion with Secretaries of the military departments regarding entering into longer-term contracts for utility services (sec. 2824)

The House bill contained a provision (sec. 2823) that would modify section 2688 of title 10, United States Code, to allow military departments to enter into utilities privatization contracts under certain circumstances.

The Senate amendment contained no similar provision.
The Senate recedes.

Use of on-site energy production to promote military installation energy resilience and energy security (sec. 2825)

The House bill contained a provision (sec. 2824) that would require the Secretary of Defense to carry out at least four energy projects for the purpose of promoting certain energy resilience and energy security goals.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Improved electrical metering of Department of Defense infrastructure supporting critical missions (sec. 2826)

The House bill contained a provision (sec. 2828) that would require the Department of Defense to improve its electrical metering of infrastructure supporting critical missions.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Improving water management and security on military installations (sec. 2827)

The House bill contained a provision (sec. 2826) that would require installations in the most water constrained environments to conduct water security assessments and to consider water scarcity in their grounds-keeping.

The Senate amendment contained no similar provision.
The Senate recesses.

Prohibition relating to closure or return to host nation of existing military installations, infrastructure, or real property in Europe (sec. 2828)

The Senate amendment contained a provision (sec. 2883) that would prohibit any funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense to be obligated or expended to implement any activity that closes or returns to the host nation any existing base under the European Infrastructure Consolidation Initiative.

The House bill contained no similar provision.
The House recesses with a clarifying amendment.

SUBTITLE D—LAND CONVEYANCES

Land conveyance, Camp Navajo, Arizona (sec. 2831)

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Army to convey not more than 3,000 acres at Camp Navajo, Arizona, to the State of Arizona Department of Emergency and Military Affairs.

The Senate amendment contained a similar provision (sec. 2864).

The Senate recesses.

Modification of land exchange involving Naval Industrial Reserve Ordnance Plant, Sunnyvale, California (sec. 2832)

The House bill contained a provision (sec. 2832) that would modify section 2841(a) of the Military Construction Authorization Act for Fiscal Year 2018 (Public Law 115-91).

The Senate amendment contained no similar provision.
The Senate recesses.

Land conveyance, Sharpe Army Depot, Lathrop, California (sec. 2833)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of the Army to convey 525 acres at Sharpe Army Depot to the Port of Stockton, California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land exchange, San Bernardino County, California (sec. 2834)

The House bill contained a provision (sec. 2834) that would authorize a land exchange between the County of San Bernardino, California and the Department of Agriculture.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Over-the-Horizon Backscatter Radar System receiving station, Modoc County, California (sec. 2835)

The House bill contained a provision (sec. 2835) that would authorize the Secretary of Agriculture to convey 927 acres in Modoc National Forest containing an obsolete Over-the-Horizon Backscatter Radar System receiving station to Modoc County, California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Transfer of administrative jurisdiction, Naval Support Activity Panama City, Florida, parcel (sec. 2836)

The House bill contained a provision (sec. 2836) that would transfer a parcel of inholdings within the boundary of Naval Support Activity Panama City, Florida, from the Department of Interior to the Department of the Navy.

The Senate amendment contained a similar provision (sec. 2863).

The Senate recedes.

Lease extension, Bryan Multi-Sports Complex, Wayne County, North Carolina (sec. 2837)

The Senate amendment contained a provision (sec. 7862) that would allow the Secretary of the Air Force to extend to the City of Goldsboro the existing lease of the approximately 62-acre Bryan Multi-Sports Complex located in Wayne County, North Carolina, for the purpose of operating a sports and recreation facility for the benefit of both the Air Force and the community.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyances, Milan Army Ammunition Plant, Tennessee (sec. 2838)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Army to convey to the City of Milan, Tennessee, all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, at Milan Army Ammunition Plant, Tennessee, consisting of approximately 292 acres.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would additionally authorize the Secretary to convey, without consideration, to the University of Tennessee, all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, consisting of approximately 900 acres.

SUBTITLE E—MILITARY LAND WITHDRAWALS

Renewal of land withdrawal and reservation to benefit Naval Air Facility, El Centro, California (sec. 2841)

The House bill contained a provision (sec. 2841) that would renew the land withdrawal and reservation for the benefit of Naval Air Facility El Centro, California, for a period of 25 years.

The Senate amendment contained no similar provision.

The Senate recedes.

Renewal of Fallon Range Training Complex land withdrawal and reservation (sec. 2842)

The House bill contained a provision (sec. 2842) that would renew the existing land withdrawal and reservation for the Fallon Range Training Complex (FRTC) for a period of 25 years.

The Senate amendment contained a similar provision (sec. 2861).

The Senate recedes.

The conferees note this renewal maintains the status quo of the FRTC. However, the conferees also note that with the increasing deployment of 5th generation fighters, finding a way to expand the Fallon Range Training Complex, in a manner that is responsive to the needs of all stakeholders is essential for the Nation's tactical aviation readiness and improved ground forces

training. The conferees direct the Department of the Navy to continue to work with the committees of jurisdiction, the Nevada congressional delegation, State, and Tribal stakeholders to secure a mutually-agreed upon expansion at FRTC.

Renewal of Nevada Test and Training Range land withdrawal and reservation (sec. 2843)

The House bill contained a provision (sec. 2843) that would renew the existing Nevada Testing and Training Range (NTTR) land withdrawal and reservation for a period of 25 years.

The Senate amendment contained a similar provision (sec. 2862).

The Senate recedes.

The conferees note this renewal maintains the status quo of the NTTR. However, the conferees also note that with the increasing deployment of 5th generation fighters, finding a way to expand the NTTR, in a manner that is responsive to the needs of all stakeholders, is essential for the Nation's tactical aviation readiness and improved ground forces training. The conferees direct the Department of the Air Force to continue to work with the committees of jurisdiction, the Nevada congressional delegation, State, and Tribal stakeholders to secure a mutually-agreed upon expansion at NTTR.

Establishment of interagency committees on joint use of certain land withdrawn from appropriation under public land laws (sec. 2844)

The Senate amendment contained a provision (sec. 7861) that would establish an interagency committee and intergovernmental executive committee on the joint use of certain land withdrawn from appropriation under public land laws.

The House bill contained no similar provision.

The House recedes.

SUBTITLE F—ASIA-PACIFIC AND INDO-PACIFIC ISSUES

Change to biennial reporting requirement for Interagency Coordination Group of Inspectors General for Guam Realignment (sec. 2851)

The House bill contained a provision (sec. 2851) that would modify section 2835 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) and reduce the reporting requirement for the Interagency Coordination Group of Inspectors General for Guam Realignment from an annual to a biennial report.

The Senate amendment contained no similar provision.
The Senate recedes.

Additional exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region (sec. 2852)

The House bill contained a provision (sec. 2852) that would authorize a public infrastructure project on Guam intended to provide a public health laboratory, as identified in the "Economic Adjustment Committee Implementation Plan Supporting the Preferred Alternative for the Relocation of Marine Corps Forces to Guam."

The Senate amendment contained no similar provision.
The Senate recedes.

Development of master plan for infrastructure to support rotational Armed Forces in Australia (sec. 2853)

The House bill contained a provision (sec. 2853) that would require the Secretary of Defense, in consultation with the Commander, U.S. Indo-Pacific Command and the military services, to submit a report to the congressional defense committees on the infrastructure investments required to support the United States Force Posture Initiatives and other activities to promote regional security and stability with Australia.

The Senate amendment contained no similar provision.
The Senate recedes with an amendment.

Bulk fuel management in United States Indo-Pacific Command Area of Responsibility (sec. 2854)

The House bill contained a provision (sec. 2854) that would provide the sense of Congress that a single organizational element should be responsible for bulk fuel management and delivery throughout the United States Indo-Pacific Command (USINDOPACOM) area of responsibility (AOR). Additionally, this section would require a report, not later than 1 year after the date of the enactment of this Act, to the congressional defense committees as to an assessment of current assets and a

projection of future fuel management strategies necessary to optimally support bulk fuel management.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

The conferees believe that the ordering and delivery of bulk fuels is organizationally bifurcated to the detriment of the Department of Defense and that legacy bulk fuel management will not meet the accelerated pace of operations required to support the National Defense Strategy (NDS) and the emphasis on disaggregated operations. Furthermore, the number of United States flagged tanking vessels continues to decline, which has resulted in an excessive reliance on foreign flagged tanking vessels to be available to support the NDS. The conferees believe that a foreign flagged tanking vessel support strategy induces excessive risk to support United States disaggregated operations in a highly contested environment and that inadequacies of the legacy bulk fuel management strategy are particularly acute in the USINDOPACOM AOR. Finally, the conferees note that an effective fuel management strategy will have to address the demand side as well as addressing supply concerns.

SUBTITLE G—AUTHORIZED PILOT PROGRAMS

Pilot program to authorize use of cost savings realized from intergovernmental services agreements for installation-support services (sec. 2861)

The Senate amendment contained a provision (sec. 5331) that would amend section 2679 of title 10, United States Code, by inserting a new subsection regarding the use of cost savings realized from intergovernmental services agreements for installation-support services.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Department of Defense pilot program to evaluate expansion of land exchange authority (sec. 2862)

The House bill contained a provision (sec. 2804) that would allow consideration of installation support services in the calculation of fair market value in certain Department of Defense land exchanges.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Pilot program to support combatant command military construction priorities (sec. 2863)

The House bill contained a provision (sec. 2807) that would require the Secretary of Defense to conduct a pilot program that would evaluate the usefulness of allocating 10 percent of military department military construction funds to satisfy combatant command military construction requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to test use of emergency diesel generators in a microgrid configuration at certain military installations (sec. 2864)

The House bill contained a provision (sec. 2827) that would allow the Secretary of Defense to create an emergency diesel generator microgrid pilot program to test assumptions about increased efficiency, resiliency, and lowered cost and emissions.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to authorize additional military construction projects for child development centers at military installations (sec. 2865)

The Senate amendment contained a provision (sec. 7801) that would amend section 2809(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to modify the authority for military construction projects for child development centers at military installations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Department of the Army pilot program for development and use of online real estate inventory tool (sec. 2866)

The House bill contained a provision (sec. 1767) that would require the Secretary of the Army, in consultation with the Administrator of the General Services Administration and Assistant Secretary of Defense for Sustainment, to establish a pilot program for developing an online real estate tool of existing inventory of space available at Army installations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SUBTITLE H—MISCELLANEOUS STUDIES AND REPORTS

Reports regarding decision-making process used to locate or relocate major headquarters and certain military units and weapon systems (sec. 2871)

The House bill contained a provision (sec. 1048) that would require the Secretary of the Air Force to modify Air Force Instruction 10-503 to include comparative analyses of community support, joint training, and all-domain training capabilities as part of the strategic basing process for an aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would require each military department to submit a one-time report outlining its respective strategic basing process and an annual report for upcoming basing decisions.

Report on effect of noise restrictions on military installations and operations and development and implementation of noise mitigation measures (sec. 2872)

The Senate amendment contained a provision (sec. 2886) that would require the Secretary of the Air Force or the Secretary of the Navy to report to the Congress if: (1) Noise restrictions placed on the relevant operational aviation unit affect readiness and combat capability by prohibiting the unit from achieving combat readiness status or maintaining aircrew currency; or (2) If required noise mitigation measures become cost prohibitive to the Department of Defense, namely, by exceeding 10 percent of an installation's annual budget.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Study and report regarding continued need for protected aircraft shelters in Europe and status of United States air base resiliency in Europe (sec. 2873)

The Senate amendment contained a provision (sec. 2882) that would require no funds authorized to be appropriated by this Act or any other Act for the Department of Defense to be obligated or expended to implement any activity that would reduce air base resiliency or demolish protected aircraft shelters in the European theater, and would prohibit the Department from implementing any such activity, without creating a similar protection from attack in the European theater until

such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

The House bill contained no similar provision.

The House recedes with an amendment that would require a study on the need for protection from attack on air bases in Europe and the capability required to achieve adequate protection. Additionally, the amendment would prohibit the demolition of protected aircraft shelters or any reductions in air base resiliency until the completion of the study.

SUBTITLE I—OTHER MATTERS

Military construction infrastructure and weapon system synchronization for Ground Based Strategic Deterrent (sec. 2881)

The House bill contained a provision (sec. 2404) that would provide for effective oversight of the military construction associated with the Ground Based Strategic Deterrent Program.

The Senate amendment contained similar provisions (secs. 2802 and 7802) that would authorize the Secretary of the Air Force to carry out military construction projects to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent (GBSD) configurations under certain conditions.

The Senate recedes with a technical amendment.

The conferees note the importance of managing the proposed transformation from Minuteman III to GBSD under existing military construction (MILCON) laws in order to maintain the right balance of flexibility and congressional oversight. The conferees note that this provision would allow the MILCON projects to be requested with each missile base as a single integrated project. Additionally, the conferees encourage the Air Force, when including these MILCON projects in the budget request, to group GBSD-related MILCON projects at no higher than a squadron level to facilitate appropriate oversight of the program.

Defense Community Infrastructure Program (sec. 2882)

The House bill contained a provision (sec. 2861) that would amend section 2391 of title 10, United States Code, to clarify requirements of the Defense Community Infrastructure Program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Consideration of certain military family readiness issues in making basing decisions associated with certain military units and major headquarters (sec. 2883)

The Senate amendment contained a provision (sec. 2881) that would require the Secretaries of the military departments to factor military family readiness considerations, among other relevant factors, in future basing decisions. Additionally, the provision would require each of the Secretaries of the military departments to establish, for each of the military installations under his or her jurisdiction, a basing decision scorecard that incorporates the military family readiness considerations listed in this provision, among other factors the Secretary deems relevant.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretaries of the military departments to take certain military family readiness considerations into account, among other relevant factors, when determining whether to proceed with any basing decision associated with a covered military unit or major headquarters within the United States. Each of the Secretaries of the military departments would be required to establish, for each of the military installations under their jurisdiction, a basing decision scorecard that incorporates the military family readiness considerations.

The conferees support the efforts of the Secretaries of the military departments to address retention and family readiness issues through the consideration of family readiness criteria as part of a broader strategic basing process. However, the conferees note that considerations related to quality of public education are fraught with complexity and the potential for unintended consequences. Accordingly, the conferees direct the Secretaries of the military departments to provide a briefing to the Committees on Armed Services for the Senate and the House of Representatives and the Committee on Education and Labor for the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate not later than March 1, 2021. The briefing shall include at a minimum the following: (1) Data on per pupil expenditures as reported under the Elementary and Secondary Education Act of 1965 (Public Law 89-10) and available information on the impact of the loss of tax base caused by the presence of the military installation on such expenditures; (2) The methods for assessing academic performance, including academic performance of subgroups of students as defined under section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965; (3) The operative definition and method of assessment of "social

climate;" (4) The method for assessing the availability of specialized instructional support personnel, mental health services, and other student support programs; (5) The extent to which the military department is using data reported under section 1111(h) of the Elementary and Secondary Education Act of 1965 as part of their evaluation; (6) The availability of Head Start, Pre-Kindergarten, and high-quality and affordable childcare for children age birth to 5, including Department of Defense childcare and activities; (7) How the military departments are considering and weighing decisions made at the State level that impact local communities in their assessment of public schools; and (8) Measures to ensure transparency and uniformity in the application of the criteria to the strategic basing process.

Department of Defense policy for regulation in military communities of dangerous dogs kept as pets (sec. 2884)

The House bill contained a provision (sec. 2863) that would require the Secretary of Defense, through the Veterinary Service Activity of the Department of Defense, to develop a standardized policy regarding the regulation of dangerous dogs for all military communities.

The Senate amendment contained a similar provision (sec. 1050).

The House recedes with an amendment that would require the Secretary of Defense to establish a uniform policy for the regulation of dangerous dogs kept as pets in military communities.

LEGISLATIVE PROVISIONS NOT ADOPTED

Biannual report regarding military installations supported by disaster relief appropriations

The House bill contained a provision (sec. 2808) that would require biannual reports by the Secretary of the Air Force and the Secretary of the Navy about disaster relief progress at certain locations.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Secretary of the Air Force and the Secretary of the Navy to submit a report regarding the obligation and expenditure at military installations under the jurisdiction of the Secretary concerned of appropriations made available to the Secretary concerned in title V of the Military Construction, Veterans Affairs, and Related Agencies

Appropriations Act, 2020 (Division F of Public Law 116-94) to the congressional defense committees biannually. Each report shall include for the period covered by the report the following elements: (1) The timeline for award of contracts for each military construction project to be funded with appropriations previously referenced; (2) The status, including obligations and expenditures, of each contract already awarded for such military construction projects; (3) An assessment of the contracting capacity of the communities in the vicinity of such military installations to support such contracts; and (4) The expectations that such local communities will be required to address.

The information in each report specific to a particular military installation shall be made available online using a public forum commonly used in the locality in which the installation is located. The Secretary of the Air Force and the Secretary of the Navy may terminate the reporting requirement applicable to the Secretary concerned effective on the date on which the Secretary concerned certifies to the congressional defense committees that at least 90 percent of the appropriations previously referred to and made available to the Secretary concerned have been expended.

Establishment of Exceptional Family Member Program housing liaison

The House bill contained a provision (sec. 2815) that would require each military department to appoint at least one Exceptional Family Member Program housing liaison.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Exceptional Family Member housing liaison is reflected in a provision located in title V of this Act.

Department of Defense report on criteria and metrics used to evaluate performance of landlords of privatized military housing that receive incentive fees

The House bill contained a provision (sec. 2816) that would require the Department of Defense to submit a report on the criteria and metrics it is using to assess landlord performance in privatized military family housing.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of

Representatives a report on the criteria and metrics used to evaluate performance of landlords of privatized military housing that receive incentive fees not later than March 1, 2021. Broken out by service, the report shall:

(1) Describe the criteria and metrics currently used by the Department of Defense to analyze the performance of landlords that receive incentive fees;

(2) Evaluate the effectiveness of such criteria and metrics in accurately judging the performance of such landlords; and

(3) Contain such recommendations as the Secretary considers appropriate to revise such criteria and metrics to better evaluate the performance of such landlords.

The Secretary shall solicit the views of the Secretaries of the military departments to prepare the report. The terms "incentive fees" and "landlord" have the meanings given those terms in paragraphs (9) and (10) of section 2871 of title 10, United States Code.

Report on Department of Defense efforts regarding oversight and role in management of privatized military housing

The House bill contained a provision (sec. 2817) that would require the Secretary of Defense to submit a report within 180 days of the date of the enactment of this Act on its progress in implementing the recommendations contained in the Comptroller General's report GAO-20-281 dated March 2020.

The Senate amendment contained no similar provision.

The House recedes.

Improved Department of Defense and landlord response to identification and remediation of severe environmental health hazards in military housing

The House bill contained a provision (sec. 2818) that would require the Secretary of Defense to issue guidance regarding hazard assessments to improve Department of Defense and landlord identification and resolution of severe environmental health hazards in housing under the jurisdiction of the Department of Defense (including privatized military housing), among other things.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the ongoing work for improving emergency testing, lead encapsulation, and testing when deemed appropriate by a medical professional. The conferees are discouraged that Congress continues to hear from concerned

military families who feel their concerns are not being heard. Finally, the conferees note that if the military services and private contractors continue to fail these families, additional legislation and hearings will be warranted.

Additional requirements regarding Nevada Test and Training Range

The House bill contained a provision (sec. 2844) that would require the Secretary of the Interior and the Secretary of the Air Force to co-manage the Nevada Test and Training Range lands and enter into a memorandum of understanding setting out proper management of natural and cultural resources, consultation, and access requirements for affected Indian Tribes and refuge management personnel, and a dispute resolution process.

The Senate amendment contained no similar provision.

The House recedes.

Specified duration of White Sands Missile Range land withdrawal and reservation and establishment of special reservation area for northern and western extension areas

The House bill contained a provision (sec. 2845) that would renew the land and airspace withdrawals for White Sands Missile Range and its call-up areas for a period of 25 years as well as make technical changes to the airspace withdrawal.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the existing permanent withdrawal concerning White Sands Missile Range remains in place.

Grand Canyon Centennial Protection Act

The House bill contained a provision (sec. 2846) that would make permanent the 2012 mining moratorium area around the Grand Canyon.

The Senate amendment contained no similar provision.

The House recedes.

Department of Defense report on easements and leased lands in Hawai'i

The House bill contained a provision (sec. 2855) that would require a report describing the progress being made by the Department of Defense (DOD) to renew DOD land leases and easements in the State of Hawai'i not later than 180 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.
The House recedes.

The conferees direct the Under Secretary of Defense for Acquisition and Sustainment to submit a report describing the progress being made by the Department of Defense to renew Department of Defense land leases and easements in the State of Hawai'i that encompass 1 acre or more and will expire before January 1, 2030, to the congressional defense committees not later than May 2, 2021.

The report shall include the following: (1) The location, size, and expiration date of each lease and easement; (2) Major milestones and expected timelines for maintaining access to the land covered by each lease and easement; (3) Actions completed over the preceding 2 years for each lease and easement; (4) Department-wide and service-specific authorities governing each lease and easement extension; (5) A summary of coordination efforts between the Secretary of Defense and the Secretaries of the military departments; (6) The status of efforts to develop an inventory of military land in Hawai'i, to include current possible future uses, that would assist in land negotiations with the State of Hawai'i; and (7) The risks and potential solutions to ensure the renewability of required and critical leases and easements.

The conferees believe that the lands throughout the State of Hawai'i currently owned and leased by the Department of Defense or in which the Department otherwise has a real property interest are critical to maintaining the readiness of the Armed Forces now stationed or to be stationed in Hawai'i, throughout the Indo-Pacific region, and elsewhere. The conferees note that securing long-term continued utilization of those lands by the Armed Forces is critical to the national defense.

Pilot program on reduction of effects of military aviation noise on certain covered property

The House bill contained a provision (sec. 2862) that would require the Secretary of Defense to carry out a 5-year pilot program under which the commander of a military installation may provide funds for the purpose of installing noise insulation on covered property impacted by military aviation noise from aircraft utilizing the installation.

The Senate amendment contained a similar provision.
The House recedes.

The conferees note with the greater deployment of fifth generation tactical aircraft, the issue of military aviation noise in our communities will continue. The conferees encourage the Department of Defense and the military departments to look

for ways to work with communities to proactively address their concerns about noise.

Equal treatment of insured depository institutions and credit unions operating on military installations

The Senate amendment contained a provision (sec. 2885) that would amend section 2667 of title 10, United States Code, to require the Department of Defense to ensure that policies governing depository institutions and credit unions operating on military installations are equally applied to all relevant institutions. Additionally, the provision would prohibit any requirement for Secretaries of the military departments to provide no-cost office space or no-cost land lease to any insured depository institution or insured credit union.

The House bill contained no similar provision.

The Senate recedes.

Thad Cochran Headquarters building

The Senate amendment contained a provision (sec. 6089) that would designate the headquarters building of the Engineer Research and Development Center of the Corps of Engineers as the "Thad Cochran Headquarters Building."

The House bill contained no similar provision.

The Senate recedes.

Sense of Congress on relocation of Joint Spectrum Center

The Senate amendment contained a provision (sec. 7881) that would establish a sense of Congress to recommend that the Director of the Defense Information Systems Agency begin the process for relocating the Joint Spectrum Center of the Department of Defense to the allocated building at Fort Meade, Maryland.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to provide a briefing on the relocation options of the Joint Spectrum Center no later than March 1, 2021. The brief should include any previously recorded Department decisions made on the relocation and the costs associated with maintaining the existing location as well as any additional location options the Department deems appropriate. If the Department believes that one course of action should be recommended, the brief should include an implementation plan for that recommendation along with the associated costs.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Summary

The budget request contained \$349,762,000 for Overseas Contingency Operations military construction for fiscal year 2021. The conference agreement includes authorization of appropriations of \$349,762,000 for Overseas Contingency Operations military construction for fiscal year 2021.

Authorized Navy construction and land acquisition projects (sec. 2901)

The House bill contained a provision (sec. 2901) that would authorize Navy military construction projects for fiscal year 2021 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained an identical provision (sec. 2901).

The conference agreement includes this provision.

Authorized Air Force construction and land acquisition projects (sec. 2902)

The House bill contained a provision (sec. 2902) that would authorize Air Force military construction projects for fiscal year 2021 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained an identical provision (sec. 2902).

The conference agreement includes this provision.

Authorization of appropriations (sec. 2903)

The House bill contained a provision (sec. 2903) that would authorize defense agencies' military construction projects for fiscal year 2021 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained an identical provision (sec. 2903).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Replenishment of certain military constructions funds

The Senate amendment contained a provision (sec. 2904) that would replenish certain military construction projects that are currently in a deferred status.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that with the exception of one project, all authorizations for deferred projects remain valid through fiscal year 2021. The conferees further note that the authorization for the one Defense Logistics Agency project in Klamath Falls, Oregon that was to expire in fiscal year 2021 is extended in title 24 of this Act.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SUBTITLE A—NATIONAL SECURITY PROGRAMS AND AUTHORIZATIONS

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize appropriations for the National Nuclear Security Administration for fiscal year 2021.

The Senate amendment contained a similar provision (sec. 3101).

The House recedes.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize appropriations for defense environmental cleanup activities, including the authorization of new plant project 21-D-401 in Carlsbad, New Mexico.

The Senate amendment contained an identical provision (sec. 3102).

The conference agreement includes this provision.

The conferees direct the Government Accountability Office to continue its monitoring of the operations at the Waste Isolation Plant with respect to its operational status and the construction of the replacement shaft, project 21-D-401, and to brief the congressional defense committees at a time that is mutually agreeable, no later than March 31, 2021, with a final report due no later than September 31, 2021.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize appropriations for the Department of Energy for other defense activities.

The Senate amendment contained an identical provision (sec. 3103).

The conference agreement includes this provision.

Nuclear energy (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize appropriations for nuclear energy.

The Senate amendment contained an identical provision (sec. 3104).

The conference agreement includes this provision.

SUBTITLE B—NUCLEAR WEAPONS STOCKPILE MATTERS

W93 nuclear warhead acquisition processes (sec. 3111)

The House bill contained a provision (sec. 3111) that would express the sense of Congress in support of the existing Stockpile Stewardship Program and maintaining the global moratorium on nuclear explosive testing. The provision would also include peer review and production facility review in various stages of the warhead design and production process and sets out detailed reporting, cost estimate, and certification requirements for said process. The provision would provide for the waiving of said requirements during a period of war as declared by the Congress. The provision would also include Phases 1 through 5 of the warhead lifecycle in existing requirements regarding acquisition reports and independent cost estimates.

The Senate amendment contained a similar provision (sec. 3157) that would also include Phases 1 through 5 of the warhead

lifecycle in existing requirements regarding selected acquisition reports and independent cost estimates.

The Senate recedes with an amendment that would strike the sense of Congress and, among other alterations, specify the review, reporting, cost estimate, and certification requirements for the W93 program, and update the requirement to provide selected acquisition reports and independent cost estimates for new nuclear weapon system programs as well as nuclear weapon life extension programs at multiple phases of said programs.

To the extent possible given cost and time constraints, the conferees urge the Administrator for Nuclear Security to leverage the use of peer review best practices, including consideration of a design competition between the nuclear weapons design laboratories, in development of the W93 warhead. The conferees further urge the Administrator to ensure the nuclear weapons production facilities are involved early and often during the design and engineering process of the W93 warhead program, including in Phase 1, in order to ensure production considerations appropriately inform W93 development.

The conferees direct the Deputy Administrator for Defense Programs and the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration, in consultation with the Nuclear Weapons Council, to provide the congressional defense committees a briefing, within 60 days of the enactment of this Act, on recommendations to strengthen governance, program execution, and program management controls with respect to the joint nuclear weapons life cycle process (as defined in section 4220 of the Atomic Energy Defense Act (50 U.S.C. 2538b)).

The conferees also direct the Deputy Administrator for Defense Programs for the National Nuclear Security Administration to provide the congressional defense committees a briefing on the National Nuclear Security Administration's implementation of the Non-nuclear Component Independent Review Team, including such activities undertaken by applicable laboratories and production facilities within the Administration's purview. This briefing should be provided no later than March 31, 2021.

Earned value management and technology readiness levels for life extension programs (sec. 3112)

The Senate amendment contained a provision (sec. 3164) that would require the Administrator of the National Nuclear Security Administration to establish an earned value management program for life extension programs.

The House bill contained no similar provision.

The House recedes with an amendment that would move responsibility for review and surveillance of earned value management systems to an independent entity, strike the requirement for cost estimate reconciliation with the Director of Cost Estimating and Program Evaluation, and exempt certain existing weapons acquisition and life extension programs from coverage under this provision.

Monitoring of industrial base for nuclear weapons components, subsystems, and materials (sec. 3113)

The Senate amendment contained a provision (sec. 3153) that would require the designation of a senior official within the National Nuclear Security Administration (NNSA) to monitor the nuclear weapons industrial base and the adequate resourcing of the designated official with respect to the monitoring mission. The provision would also require, to the extent practicable and beneficial, the designated official to consult with various Department of Defense and Department of Energy counterparts in the course of such monitoring. Finally, the provision would require the Administrator of the NNSA to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the designation of a responsible official and, once designated, the monitoring activities of said official on an annual basis.

The House bill contained no similar provision.

The House recedes.

Plutonium pit production (sec. 3114)

The House bill contained a provision (sec. 3115) that would require the Secretary of Energy to conduct an independent cost estimate of the Savannah River Plutonium Processing Facility and to provide the cost estimate, along with the confidence level of the estimators that the project can be completed within estimated schedule and cost objectives, to the congressional defense committees. If the confidence level is lower than 90 percent, the Secretary of Energy would be required to submit to the congressional defense committees either a certification, without delegation, that the Secretary independently has sufficient confidence in the project, or a plan to achieve such confidence. In the event of the independent cost estimate achieving a confidence level of less than 90 percent, the commander of United States Strategic Command (STRATCOM) would also be required to certify to the congressional defense committees whether or not requirements relating to plutonium pit production may be extended by 5 years

without posing a grave threat to the national security of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the applicability of the provision to plutonium production efforts at Los Alamos National Laboratory, establish timelines for the completion and transmission of certain reports and certifications required by the provision, and alter the criteria under which the Secretary and the commander of STRATCOM would be required to provide certain certifications.

SUBTITLE C—DEFENSE ENVIRONMENTAL CLEANUP MATTERS

Public statement of environmental liabilities for facilities undergoing defense environmental cleanup (sec. 3121)

The Senate amendment contained a provision (sec. 3141) that would require the Secretary of Energy to annually make public a statement of environmental liabilities for each defense nuclear facility currently undergoing environmental cleanup activities.

The House bill contained no similar provision.

The House recedes.

Inclusion of missed milestones in future-years defense environmental cleanup plan (sec. 3122)

The Senate amendment contained a provision (sec. 3142) that would require the future-years defense environmental cleanup plan to include, for each site, details about any missed milestones in cleanup and remediation agreements.

The House bill contained no similar provision.

The House recedes.

Classification of defense environmental cleanup as capital asset projects or operations activities (sec. 3123)

The Senate amendment contained a provision (sec. 3143) that would require the Assistant Secretary of Energy for Environmental Management (EM) to establish a requirement for the classification of defense EM projects as capital asset projects or operations activities. The provision would also require the Assistant Secretary to submit a report to the congressional defense committees no later than March 1, 2021, on the

established requirement along with an assessment of whether any ongoing projects should be reclassified.

The House bill contained no similar provision.

The House recedes.

Extension of limitation relating to reclassification of high-level waste (sec. 3124)

The House bill contained a provision (sec. 3113) that would extend by 1 year the prohibition on the reclassification of high-level waste in the state of Washington by the Department of Energy.

The Senate amendment contained no similar provision.

The Senate recedes.

Continued analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation (sec. 3125)

The Senate amendment contained a provision (sec. 3144) that would require the Secretary of Energy to enter into a contract with a federally funded research and development center to conduct a follow-on study of the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) on approaches to treating low-activity waste at the Hanford Nuclear Reservation in eastern Washington. The provision would require the Secretary to submit this study, along with a review conducted by the National Academy of Sciences, to the congressional defense committees not later than 2 years after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the timeline for the provision and include an additional element for the required analysis.

SUBTITLE D—SAFEGUARDS AND SECURITY MATTERS

Reporting on penetrations of networks of contractors and subcontractors (sec. 3131)

The Senate amendment contained a provision (sec. 3131) that would update section 2651 of title 50, United States Code, to establish a reporting requirement when covered National Nuclear Security Administration contractor and subcontractor networks are successfully penetrated by unauthorized entities.

The House bill contained no similar provision.

The House recedes.

SUBTITLE E—PERSONNEL MATTERS

Extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3141)

The Senate amendment contained a provision (sec. 3125) that would extend for 1 year special personnel authorities granted to the Secretary of Energy under section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)).

The House bill contained no similar provision.

The House recedes.

Inclusion of certain employees and contractors of Department of Energy in definition of public safety officer for purposes of certain death benefits (sec. 3142)

The Senate amendment contained a provision (sec. 3122) that would make eligible for certain death and dismemberment benefits the National Nuclear Security Administration's nuclear material couriers, as well as those individuals designated as members of an emergency response team conducting operations.

The House bill contained no similar provision.

The House recedes.

Reimbursement for liability insurance for nuclear materials couriers (sec. 3143)

The Senate amendment contained a provision (sec. 3123) that would align the status of officers of the National Nuclear Security Administration's Office of Secure Transportation with that of other Federal law enforcement officers for purposes of professional liability insurance.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Transportation and moving expenses for immediate family of deceased nuclear materials couriers (sec. 3144)

The Senate amendment contained a provision (sec. 3124) that would make eligible immediate family of officers of the National Nuclear Security Administration's Office of Secure Transportation for compensation for a last move home in the case of an officer's death in the line of duty.

The House bill contained no similar provision.

The House recedes.

Permanent extension of Office of Ombudsman for Energy Employees Occupational Illness Compensation Program (sec. 3145)

The House bill contained a provision (sec. 3122) that would express the sense of Congress on various matters relating to the Energy Employees Occupational Illness Compensation Program Act (42 U.S.C. 7384 et seq.) and the importance of the Office of the Ombudsman in the Department of Labor for the implementation of the Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the sense of Congress and amend the section governing the Office of the Ombudsman (42 U.S.C. 7385s-15) by striking the sunset provision.

Reports on diversity of certain contractor employees of National Nuclear Security Administration (sec. 3146)

The House bill contained a provision (sec. 3118) that would require the Administrator of the National Nuclear Security Administration (NNSA) to provide to the congressional defense committees an annual report on workforce diversity, equality, and inclusion in the NNSA's contractor workforce. The provision would also require the Comptroller General of the United States to review the annual report and NNSA contractor workforce diversity. Finally, the provision would express the sense of Congress that, in light of increasing demands on the NNSA, the competence and diversity of its workforce is a national security priority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that makes technical adjustments to the language of the provision and strikes the sense of Congress from the provision.

The conferees note that the modernization of all legs of the nuclear triad will be the largest undertaking asked of the NNSA since the end of the Cold War. The NNSA has demonstrated strong progress towards the hiring and retention of the next generation of nuclear security workers across the enterprise. The conferees believe that continued progress in rebuilding and maintaining a diverse and highly qualified workforce is essential to the national security of the United States.

Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing (sec. 3147)

The House bill contained a provision (sec. 3120) that would express the sense of Congress that the United States

should compensate and recognize all miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear testing carried out during the Cold War.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add findings to the provision relating to the expiration of the Radiation Exposure Compensation Act and modify the sense of Congress to more specifically address the recognition and compensation of affected individuals beyond the expiration of the Act.

SUBTITLE F—BUDGET AND FINANCIAL MANAGEMENT MATTERS

Reports on financial balances for atomic energy defense activities (sec. 3151)

The House bill contained a provision (sec. 3112) that would require the National Nuclear Security Administration to report in the President's annual budget request, for the next 5 fiscal years, uncosted and unobligated balances by program element and the year in which the funds were appropriated.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the required report and include several additional elements.

SUBTITLE G—ADMINISTRATIVE MATTERS

Modifications to enhanced procurement authority to manage supply chain risk (sec. 3161)

The Senate amendment contained a provision (sec. 3151) that would modify the enhanced procurement authority available to the Secretary of Energy to exclude a supplier that may present a significant supply chain risk from procurements of covered systems. The provision would allow the Secretary to delegate his or her authority to the Administrator for Nuclear Security, for procurements within the National Nuclear Security Administration (NNSA), or to the senior procurement executive of the Department of Energy for procurements outside the NNSA. The provision would also allow a determination to be made for multiple contracts at one time.

The House bill contained no similar provision.

The House recedes.

Extension of pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development (sec. 3162)

The House bill contained a provision (sec. 3114) that would extend by 1 year a pilot program that prohibits the use of funds made available for laboratory-directed research and development for general and administrative overhead costs of the laboratory.

The Senate amendment contained a similar provision (sec. 3152) that would make permanent the prohibition and extend it to nuclear weapons production facilities.

The Senate recedes with an amendment that would extend the pilot program by 5 years.

SUBTITLE H—OTHER MATTERS

Independent study on potential environmental effects of nuclear war (sec. 3171)

The House bill contained a provision (sec. 3117) that would require the Administrator of the National Nuclear Security Administration to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on the non-fallout atmospheric effects of nuclear explosions. The study would assess the strengths and weaknesses of existing models in the areas of fire effects, soot generation and transport, radioactivity, and the atmospheric transfer of gasses. The provision would require the National Academies to submit a report on the study to the Administrator and the congressional defense committees no later than 18 months after the enactment of this Act. The provision would also require the Secretary of Defense to provide to the National Academies such information as necessary for the conduct of the study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the study to be conducted in consultation with the Secretary of Defense and the Director of National Intelligence and would require the Director to provide to the National Academies such information as necessary for the conduct of the study.

Review of future of computing beyond exascale at the National Nuclear Security Administration (sec. 3172)

The Senate amendment contained a provision (sec. 3156) that would require the Administrator of the National Nuclear

Security Administration (NNSA) to enter into an agreement with the National Academy of Sciences to conduct a review of the future of advanced computing at the NNSA. The review would cover alternative computing architectures, including quantum computing, and would require the Administrator to ensure that the personnel of the National Academy of Sciences receive access to necessary information and security clearances in a timely manner. The provision would require the National Academy to provide to the congressional defense committees a report on the findings of the review not later than 2 years after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (sec. 3173)

The House bill contained a provision (sec. 1756) that would express the sense of Congress on several matters relating to limitations on nuclear fuel importation from the Russian Federation. The provision would express the sense of Congress that a reliable nuclear fuel supply is essential to the security of the United States and that the Government of the Russian Federation uses energy resources to exert influence and create dependency abroad. The provision would further express the sense of Congress on the importance of existing limitations on the importation of nuclear fuel from the Russian Federation and the value of extending such limitations or taking other measures to prevent the manipulation of nuclear fuel markets by the Russian Federation.

The Senate amendment contained a similar provision (sec. 3167) that expressed a similar sense of Congress.

The Senate recedes with an amendment that would express the sense of Congress that the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, dated September 16, 1992, as amended by an agreement signed by the U.S. Department of Commerce and the Russian State Atomic Energy Corporation Rosatom on October 6, 2020, will provide certainty to the U.S. nuclear fuel supply chain while avoiding unfair trade practices in the importation of uranium products from Russia consistent with national security and nonproliferation goals of the United States.

LEGISLATIVE PROVISIONS NOT ADOPTED

Program for research and development of advanced naval nuclear fuel system based on low-enriched uranium

The House bill contained a provision (sec. 3116) that would require the Administrator of the National Nuclear Security Administration (NNSA) to establish a program to assess the viability of using low-enriched uranium for naval reactors. The provision would detail certain requirements for the program and require the Administrator to submit to the congressional defense committees a report on planned actions under the program.

The Senate amendment contained a similar provision (sec. 3154) that would prohibit the obligation or expenditure of any fiscal year 2021 funds by the NNSA to conduct research and development of an advanced naval nuclear fuel system based on low-enriched uranium unless the Secretary of Defense, the Secretary of Energy, and the Secretary of the Navy submit certain certifications to the congressional defense committees. The provision would also require the Administrator of the NNSA to provide to the congressional defense committees a report outlining activities in the area using fiscal year 2020 funds.

The conference agreement does not include either provision.

Findings, purpose, and apology relating to fallout emitted during the Government's atmospheric nuclear tests

The House bill contained a provision (sec. 3119) that would amend the Radiation Exposure Compensation Act (Public Law 101-426) to include individuals residing in New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyoming, Oregon, Washington, South Dakota, North Dakota, Nevada, Guam, and the Northern Mariana Islands.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on use of funds for nuclear weapons test explosions

The House bill contained a provision (sec. 3121) that would prohibit the use of fiscal year 2021 funds appropriated or otherwise made available by this or any other Act as of the date of enactment to conduct or prepare for any explosive nuclear weapons test that produces any yield.

The Senate amendment contained a provision (sec. 3166) that would require not less than \$10.0 million of the funds authorized to be appropriated for the Stockpile Responsiveness Program be used to carry out projects related to reducing the time required to execute a nuclear test if necessary.

The conference agreement does not include either provision.

Clarification of responsibility for cybersecurity of National Nuclear Security Administration facilities

The Senate amendment contained a provision (sec. 3132) that would update section 2421 of title 50, United States Code, to establish a Chief Information Officer (CIO) for the National Nuclear Security Administration.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the National Nuclear Security Administration recently updated the roles and responsibilities of existing officials to better consolidate CIO functions, and has offered to provide the committee staffs with an update on these actions in fiscal year 2021.

Authorization of appropriations for W93 nuclear warhead program

The Senate amendment contained a provision (sec. 3155) that would authorize appropriations for the W93 nuclear warhead program.

The House bill contained no similar provision.

The Senate recedes.

Integration of stockpile stewardship and nonproliferation missions

The Senate amendment contained a provision (sec. 3159) that would express the sense of the Senate that the expertise and infrastructure of the national security laboratories should continue to be applied to efforts to counter current and emerging nuclear threats to the United States. The provision would also direct the Secretary of Energy to ensure the capabilities of the stockpile stewardship program are available to assist in the assessment of proliferation challenges, nuclear capabilities of adversaries, and related safeguards.

The House bill contained no similar provision.

The Senate recedes.

Technology development and integration program

The Senate amendment contained a provision (sec. 3160) that would require the Administrator for Nuclear Security to establish a technology development and integration program to improve the nuclear weapons stockpile's safety and security and prevent proliferation.

The House bill contained no similar provision.

The Senate recedes.

Advanced manufacturing development program

The Senate amendment contained a provision (sec. 3161) that would require the Administrator for Nuclear Security to establish an advanced manufacturing development program to ensure the safety and security of the nuclear weapons stockpile.

The House bill contained no similar provision.

The Senate recedes.

National Nuclear Security Administration Personnel System

The Senate amendment contained a provision (sec. 3121) that would allow the Administrator for Nuclear Security to adapt the pay banding and performance-based pay adjustment demonstration project carried out by the Administration under the authority provided by section 4703 of title 5, United States Code, into a permanent alternative personnel system for the National Nuclear Security Administration. The amendment would also allow the Director of the Naval Nuclear Propulsion Program, with the concurrence of the Secretary of the Navy, to apply said alternative personnel system to all employees of the Naval Nuclear Propulsion Program in the competitive service and all excepted service employees of the Department of the Navy who are assigned to the Naval Nuclear Propulsion Program. Finally, the amendment would require the Administrator for Nuclear Security to brief appropriate congressional committees on the implementation of section 3248 of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.).

The House bill contained no similar provision.

The Senate recedes.

Materials science program

The Senate amendment contained a provision (sec. 3162) that would require the Administrator for Nuclear Security to establish a materials science program to develop new materials to replace materials that are no longer available for weapons sustainment.

The House bill contained no similar provision.

The Senate recedes.

Modifications to Inertial Confinement Fusion Ignition and High Yield Program

The Senate amendment contained a provision (sec. 3163) that would require the Inertial Confinement Fusion Ignition and High Yield Program of the National Nuclear Security

Administration to provide certain capabilities required to validate the safety and effectiveness of the nuclear weapons stockpile. The provision would also require the Administrator for Nuclear Security to establish a working group to identify and implement recommendations issued by the National Academies of Sciences, Engineering, and Medicine as required by section 3137 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92). The provision would further require the Administrator to submit a report to the congressional defense committees, no later than March 31, 2021, on the timelines for completing implementation of these recommendations.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the Administrator for Nuclear Security should establish a working group to identify and implement any recommendations issued by the National Academies of Sciences, Engineering, and Medicine as required by section 3137 of the National Defense Authorization Act for Fiscal Year 2020.

The conferees direct the Administrator to provide to the congressional defense committees a briefing on the status of implementation of the recommendations issued by the National Academies no later than March 31, 2021.

Use of high performance computing capabilities for COVID-19 research

The Senate amendment contained a provision (sec. 3165) that would require the Secretary of Energy to make the unclassified high performance computing capabilities of the Department of Energy available for research relating to the coronavirus disease 2019 so long as and to the extent that doing so does not negatively affect the stockpile stewardship mission of the National Nuclear Security Administration.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the Secretary of Energy should continue to make available the unclassified computing capabilities of the Department of Energy for coronavirus research so long as it can be done without negatively affecting stockpile stewardship.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize to be appropriated for fiscal year 2021, \$28.8 million for the operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

Nonpublic collaborative discussions by Defense Nuclear Facilities Safety Board (sec. 3202)

The Senate amendment contained a provision (sec. 3202) that would modify the section of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) governing the Defense Nuclear Facilities Safety Board to allow members of the Board to hold nonpublic meetings to discuss official business. The members would not be able to take any votes, formal or informal, or other official actions at such meetings and would be subject to certain restrictions. The Board would be required to disclose to the public a list of participants and a summary of matters discussed no later than 2 business days after the meeting.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Improvements to operations of Defense Nuclear Facilities Safety Board

The Senate amendment contained a provision (sec. 3203) that would amend the establishing and governing sections of United States Code pertaining to the Defense Nuclear Facilities Safety Board (DNFSB) to alter slightly the mission of the Board and clarify certain sections of law pertaining to the access by the Board of defense nuclear facilities, personnel, and information.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Energy and the Chairman of the Defense Nuclear Facilities Safety Board to complete a memorandum of understanding regarding the access of DNFSB personnel to such facilities, documents, and such other information as necessary for the completion of their duties. In particular, such a memorandum would lay out a mutual understanding of the implementation of Department of Energy

Order 140.1 or any superseding guidance. The conferees also direct the Secretary of Energy and the Chairman of the Board to provide to the congressional defense committees a briefing no later than April 1, 2021, on the resulting memorandum. The conferees note that the Senate report accompanying S. 4049 (S. Rept. 116-236) of the National Defense Authorization Act for Fiscal Year 2021 has already directed a briefing on this matter and the conferees look forward to prompt progress and resolution of any outstanding disagreements between the parties.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize funds for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

The Senate amendment contained no similar provision.
The Senate recedes.

TITLE XXXV—MARITIME MATTERS

SUBTITLE A—MARITIME ADMINISTRATION

Authorization of the Maritime Administration (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the national security aspects of the Maritime Administration for fiscal year 2021.

The Senate amendment contained a similar provision (sec. 3501).

The Senate recedes with an amendment that would conform certain authorization levels to the most recent allocation of funds for the Maritime Administration.

Improvements to process for waiving navigation and vessel-inspection laws and approving foreign vessel charters for passenger vessels (sec. 3502)

The House bill contained a provision (sec. 3504) that would improve and tighten both the waiver and vessel inspection process in section 501 of title 46, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Maritime Administrator to make certain information publicly available online.

*Superintendent of the United States Merchant Marine Academy
(sec. 3503)*

The House bill contained a provision (sec. 3510A) that would modify the United States Merchant Marine Academy superintendent appointment criteria to provide the sense of Congress that being a graduate of the Academy in good standing with an unlimited merchant marine officer's license is highly desirable and also indicate that the Chief Engineer is the highest professional level for a maritime engineer.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Assistance for inland and small coastal ports and terminals
(sec. 3504)*

The House bill contained a provision (sec. 3508) that would amend the port and intermodal improvement program to provide a 25 percent set-aside for small ports and other items.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the inclusion of private entities as a lead sponsor, strike redundant grant application requirements for small port applicants, decrease the set-aside to 18 percent, and make technical changes.

Maritime transportation system emergency relief program (sec. 3505)

The House bill contained a provision (sec. 3505) that would authorize the U.S. Maritime Administration to provide financial assistance, subject to appropriations, to states and the maritime sector during a national emergency such as COVID-19 or a natural disaster.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include tribal entities and maritime education and training as eligible recipients. Additionally, the amendment would increase allowable administrative expenses to carry out the program and require additional reporting.

Sea year cadets on cable security fleet and tanker security fleet vessels (sec. 3506)

The House bill contained a provision (sec. 3510) that would improve the stability of the of the Sea Year program through greater access to cable security fleet and tanker security fleet vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

Centers of excellence for domestic maritime workforce training and education: technical amendments (sec. 3507)

The House bill contained a provision (sec. 3506) that would amend section 54102 of title 46, United States Code, to redesignate, transfer, and make other technical amendments related to Merchant Marine centers of excellence for domestic maritime workforce training and education.

The Senate amendment contained no similar provision.

The Senate recedes.

Merchant mariner training and education (sec. 3508)

The House bill contained a provision (sec. 3507) that would establish a loan program to provide loans to eligible students for the purposes of training United States merchant mariners.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a study on the Federal financial assistance currently available for the training of United States merchant mariners and a strategic plan to recruit, train, and retain merchant mariners and maritime workers.

Publication of information about students and recent graduates of Maritime Academies (sec. 3509)

The House bill contained a provision (sec. 3510B) that would require the Maritime Administration to make certain United States Merchant Marine Academy and State Maritime Academy graduation data available on a public website.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Mariner licensing and credentialing for M/V LISERON (sec. 3510)

The House bill contained a provision (sec. 3510C) which aligns and makes licensing requirements consistent with all the other safety and inspection regulations that apply to the M/V LISERON (U.S. official number 971339) as a small passenger vessel. Subsection (a) deems the M/V LISERON to be less than 100 gross tons for the purposes of licensing and credentialing. Subsection (b) would nullify the designation in subsection (a) if the vessel undergoes a structural change of its length. Subsection (c) adds two restrictions with respect to the application of subsection (a). First, the vessel may not operate outside of inland waters of the United States when carrying passengers for hire. Second, the Secretary may issue a restricted credential to a 100 gross ton license as appropriate and if needed for licensed individuals employed to serve on this small passenger vessel reflecting any unique qualification requirements that may be needed to operate this small passenger vessel.

The Senate amendment had no similar provision.
The Senate recedes.

SUBTITLE B—TANKER SECURITY FLEET

Tanker Security Fleet (sec. 3511)

The House bill contained a provision (sec. 3511) that would amend part C of subtitle V of title 46, United States Code, to authorize the establishment of a Tanker Security Program in order to provide a fleet of 10 United States flagged tanker vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would initiate the program in fiscal year 2022, authorize the program for fiscal years 2022 through 2031, limit program authorization unless and until the Secretary of Defense makes a certification, and make technical edits.

SUBTITLE C—OTHER MATTERS

Maritime security and domain awareness (sec. 3521)

The House bill contained a provision (sec. 1710I) that would require a report on combatting illegal, unreported, and unregulated fishing.

The Senate amendment contained a similar provision (sec. 6061).

The House recedes with an amendment that would add the House Committee on Foreign Affairs and Senate Committee on Foreign Relations as report recipients.

Sense of Congress regarding role of domestic maritime industry in national security (sec. 3522)

The House bill contained a provision (sec. 3502) that would express the sense of the Congress regarding the role of the domestic maritime industry in national security.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the findings on the role of the domestic maritime fleet.

LEGISLATIVE PROVISIONS NOT ADOPTED

Nonapplicability of requirement relating to minimum number of operating days for vessels operating under MSP Operating Agreements

The House bill contained a provision (sec. 3503) that would waive the minimum number of operating days required for vessels operating under maritime security program agreements.

The Senate amendment contained no similar provision.

The House recedes.

National Shipper Advisory Committee

The House bill contained a provision (sec. 3509) that would establish an advisory committee comprised of 24 members appointed by the Federal Maritime Commission with expertise relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note a version of this provision was included elsewhere in this Act.

National Shipper Advisory Committee

The House bill contained a provision (sec. 3510D) that would establish an advisory committee comprised of 24 members appointed by the Federal Maritime Commission with expertise relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

The Senate amendment contained no similar provision.

The House recedes.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The House bill contained a provision (sec. 4001) that would provide for the allocation of funds among programs, projects, and activities in accordance with the tables in division D of this Act, subject to reprogramming guidance in accordance with established procedures. Consistent with the previously expressed views of the committee, this section would also require that a decision by an agency head to commit, obligate, or expend funds to a specific entity on the basis of such funding tables be based on merit-based selection procedures in accordance with the requirements of section 2304(k) and section 2374 of title 10, United States Code, and other applicable provisions of law.

The Senate amendment contained a similar provision (sec. 4001).

The Senate recedes with a technical amendment.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2021

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
National Defense Funding, Base Budget Request			
Function 051, Department of Defense-Military			
Division A: Department of Defense Authorizations			
Title I—Procurement			
Aircraft Procurement, Army	3,074,594	145,060	3,219,654
Missile Procurement, Army	3,491,507	–39,859	3,451,648
Weapons & Tracked Combat Vehicles, Army	3,696,740	144,145	3,840,885
Procurement of Ammunition, Army	2,777,716	91,319	2,869,035
Other Procurement, Army	8,625,206	–343,429	8,281,777
Aircraft Procurement, Navy	17,127,378	1,417,875	18,545,253
Weapons Procurement, Navy	4,884,995	–155,761	4,729,234
Procurement of Ammunition, Navy & Marine Corps	883,602	–53,071	830,531
Shipbuilding & Conversion, Navy	19,902,757	3,506,352	23,409,109
Other Procurement, Navy	10,948,518	–172,071	10,776,447
Procurement, Marine Corps	2,903,976	–94,434	2,809,542
Aircraft Procurement, Air Force	17,908,145	1,374,468	19,282,613
Missile Procurement, Air Force	2,396,417	–36,640	2,359,777
Procurement of Ammunition, Air Force	596,338	–2,082	594,256
Other Procurement, Air Force	23,695,720	–46,154	23,649,566
Procurement, Space Force	2,446,064	–144,230	2,301,834
Procurement, Defense-Wide	5,324,487	309,574	5,634,061
Subtotal, Title I—Procurement	130,684,160	5,901,062	136,585,222
Title II—Research, Development, Test and Evaluation			
Research, Development, Test & Evaluation, Army	12,587,343	–109,284	12,478,059
Research, Development, Test & Evaluation, Navy	21,427,048	–693,459	20,733,589
Research, Development, Test & Evaluation, Air Force	37,391,826	–752,789	36,639,037
Research, Development, Test & Evaluation, Space Force	10,327,595	84,974	10,412,569
Research, Development, Test & Evaluation, Defense- Wide	24,280,891	–45,334	24,235,557
Operational Test & Evaluation, Defense	210,090		210,090
Subtotal, Title II—Research, Development, Test and Evaluation	106,224,793	–1,515,892	104,708,901
Title III—Operation and Maintenance			
Operation & Maintenance, Army	40,312,968	–240,128	40,072,840
Operation & Maintenance, Army Reserve	2,934,717	–37,441	2,897,276
Operation & Maintenance, Army National Guard	7,420,014	–51,378	7,368,636
Operation & Maintenance, Navy	49,692,742	–1,584,997	48,107,745
Operation & Maintenance, Marine Corps	7,328,607	–378,001	6,950,606
Operation & Maintenance, Navy Reserve	1,127,046	–14,797	1,112,249
Operation & Maintenance, Marine Corps Reserve	284,656	–1,733	282,923
Operation & Maintenance, Air Force	34,750,597	–302,030	34,448,567
Operation & Maintenance, Space Force	2,531,294	–17,000	2,514,294
Operation & Maintenance, Air Force Reserve	3,350,284	–42,100	3,308,184

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
Operation & Maintenance, Air National Guard	6,753,642	–8,400	6,745,242
Operation & Maintenance, Defense-Wide	38,649,079	24,083	38,673,162
US Court of Appeals for the Armed Forces, Defense ...	15,211		15,211
DOD Acquisition Workforce Development Fund	58,181	50,000	108,181
Overseas Humanitarian, Disaster and Civic Aid	109,900		109,900
Cooperative Threat Reduction	238,490	121,700	360,190
Environmental Restoration	1,073,068		1,073,068
Undistributed	0	–1,711,780	–1,711,780
Subtotal, Title III—Operation and Maintenance	196,630,496	–4,194,002	192,436,494
Title IV—Military Personnel			
Military Personnel Appropriations	150,524,104	–1,338,252	149,185,852
Medicare-Eligible Retiree Health Fund Contributions ...	8,372,741		8,372,741
Subtotal, Title IV—Military Personnel	158,896,845	–1,338,252	157,558,593
Title XIV—Other Authorizations			
Working Capital Fund, Army	56,717		56,717
Working Capital Fund, Air Force	95,712		95,712
Working Capital Fund, DECA	1,146,660		1,146,660
Working Capital Fund, Defense-Wide	49,821		49,821
National Defense Sealift Fund	0	434,193	434,193
Chemical Agents & Munitions Destruction	889,500		889,500
Drug Interdiction and Counter Drug Activities	769,629	15,800	785,429
Office of the Inspector General	371,439		371,439
Defense Health Program	32,690,372	–370,050	32,320,322
Subtotal, Title XIV—Other Authorizations	36,069,850	79,943	36,149,793
Total, Division A: Department of Defense Authoriza- tions	628,506,144	–1,067,141	627,439,003
Division B: Military Construction Authorizations			
Military Construction			
Army	650,336	229,740	880,076
Navy	1,975,606	31,479	2,007,085
Air Force	767,132	–49,700	717,432
Defense-Wide	2,027,520	–141,154	1,886,366
NATO Security Investment Program	173,030		173,030
Army National Guard	321,437	49,835	371,272
Army Reserve	88,337	2,500	90,837
Navy and Marine Corps Reserve	70,995	12,800	83,795
Air National Guard	64,214	29,500	93,714
Air Force Reserve	23,117	25,000	48,117
Unaccompanied Housing Improvement Fund	600		600
Subtotal, Military Construction	6,162,324	190,000	6,352,324
Family Housing			
Construction, Army	119,400		119,400
Operation & Maintenance, Army	367,142	26,000	393,142
Construction, Navy and Marine Corps	42,897		42,897

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
Operation & Maintenance, Navy and Marine Corps	346,493	25,000	371,493
Construction, Air Force	97,214		97,214
Operation & Maintenance, Air Force	317,021	9,000	326,021
Operation & Maintenance, Defense-Wide	54,728		54,728
Improvement Fund	5,897		5,897
Subtotal, Family Housing	1,350,792	60,000	1,410,792
Base Realignment and Closure			
Base Realignment and Closure—Army	66,060		66,060
Base Realignment and Closure—Navy	125,165		125,165
Base Realignment and Closure—Air Force	109,222		109,222
Subtotal, Base Realignment and Closure	300,447	0	300,447
Total, Division B: Military Construction Authoriza- tions	7,813,563	250,000	8,063,563
Total, 051, Department of Defense-Military	636,319,707	-817,141	635,502,566
Division C: Department of Energy National Security Authorization and Other Authorizations			
Function 053, Atomic Energy Defense Activities			
Environmental and Other Defense Activities			
Nuclear Energy	137,800		137,800
Weapons Activities	15,602,000	-51,572	15,550,428
Defense Nuclear Nonproliferation	2,031,000	10,000	2,041,000
Naval Reactors	1,684,000		1,684,000
Federal Salaries and Expenses	454,000		454,000
Defense Environmental Cleanup	4,983,608	832,159	5,815,767
Other Defense Activities	1,054,727	-153,679	901,048
Subtotal, Environmental and Other Defense Activi- ties	25,947,135	636,908	26,584,043
Independent Federal Agency Authorization			
Defense Nuclear Facilities Safety Board	28,836		28,836
Subtotal, Independent Federal Agency Authorization	28,836	0	28,836
Subtotal, 053, Atomic Energy Defense Activities	25,975,971	636,908	26,612,879
Function 054, Defense-Related Activities			
Other Agency Authorizations			
Maritime Security Program	314,008	180,000	494,008
Subtotal, Independent Federal Agency Authorization	314,008	180,000	494,008
Subtotal, 054, Defense-Related Activities	314,008	180,000	494,008
Subtotal, Division C: Department of Energy National Security Authorization and Other Authorizations ..	26,289,979	816,908	27,106,887

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
Total, National Defense Funding, Base Budget Request	662,609,686	-233	662,609,453
National Defense Funding, Overseas Contingency Operations			
Function 051, Department of Defense-Military			
Procurement			
Aircraft Procurement, Army	461,080	104,032	565,112
Missile Procurement, Army	881,592	-15,600	865,992
Weapons & Tracked Combat Vehicles, Army	15,225		15,225
Procurement of Ammunition, Army	110,668		110,668
Other Procurement, Army	924,077		924,077
Aircraft Procurement, Navy	33,241		33,241
Weapons Procurement, Navy	5,572		5,572
Procurement of Ammunition, Navy & Marine Corps	95,942		95,942
Other Procurement, Navy	343,526		343,526
Procurement, Marine Corps	47,963		47,963
Aircraft Procurement, Air Force	569,155	-67,190	501,965
Missile Procurement, Air Force	223,772		223,772
Procurement of Ammunition, Air Force	802,455		802,455
Other Procurement, Air Force	355,339		355,339
Procurement, Defense-Wide	258,491	64,811	323,302
National Guard & Reserve Equipment	0	150,000	150,000
Subtotal, Procurement	5,128,098	236,053	5,364,151
Research, Development, Test and Evaluation			
Research, Development, Test & Evaluation, Army	182,824		182,824
Research, Development, Test & Evaluation, Navy	59,562		59,562
Research, Development, Test & Evaluation, Air Force	5,304		5,304
Research, Development, Test & Evaluation, Defense-Wide	82,818		82,818
Subtotal, Research, Development, Test and Evaluation	330,508	0	330,508
Operation and Maintenance			
Operation & Maintenance, Army	17,137,754	-1,753,697	15,384,057
Operation & Maintenance, Army Reserve	33,399		33,399
Operation & Maintenance, Army National Guard	79,792		79,792
Afghanistan Security Forces Fund	4,015,612		4,015,612
Counter-ISIS Train and Equip Fund	845,000	-322,500	522,500
Operation & Maintenance, Navy	10,700,305	740,000	11,440,305
Operation & Maintenance, Marine Corps	1,102,600	400,000	1,502,600
Operation & Maintenance, Navy Reserve	21,492		21,492
Operation & Maintenance, Marine Corps Reserve	8,707		8,707
Operation & Maintenance, Air Force	17,930,020	377,579	18,307,599
Operation & Maintenance, Space Force	77,115		77,115
Operation & Maintenance, Air Force Reserve	30,090		30,090
Operation & Maintenance, Air National Guard	175,642		175,642
Operation & Maintenance, Defense-Wide	6,022,254	72,565	6,094,819

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2021—Continued

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
Ukraine Security Assistance		250,000	250,000
Subtotal, Operation and Maintenance	58,179,782	–236,053	57,943,729
Military Personnel			
Military Personnel Appropriations	4,602,593		4,602,593
Subtotal, Military Personnel	4,602,593	0	4,602,593
Other Authorizations			
Working Capital Fund, Army	20,090		20,090
Office of the Inspector General	24,069		24,069
Defense Health Program	365,098		365,098
Subtotal, Title XIV—Other Authorizations	409,257	0	409,257
Military Construction			
Army	15,873		15,873
Navy	70,020		70,020
Air Force	263,869		263,869
Subtotal, Military Construction	349,762	0	349,762
Subtotal, 051, Department of Defense-Military	69,000,000	0	69,000,000
Total, National Defense Funding, Overseas Contin-			
gency Operations Funding	69,000,000	0	69,000,000
Total, National Defense	731,609,686	–233	731,609,453
MEMORANDUM: NON-DEFENSE AUTHORIZATIONS	83,306		83,306
Title XIV—Armed Forces Retirement Home (Function 600)	70,300		70,300
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 270)	13,006		13,006
MEMORANDUM: TRANSFER AUTHORITIES (NON-ADD)			
Title X—General Transfer Authority			[4,000,000]
Title XV—Special Transfer Authority			[2,000,000]
MEMORANDUM: DEFENSE AUTHORIZATIONS NOT UNDER THE JURISDICTION OF THE ARMED SERVICES COMMITTEE (NON-ADD)			
Defense Production Act	181,931		

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
SUBTOTAL, DEPARTMENT OF DEFENSE (051)	636,319,707	-817,141	635,502,566
SUBTOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	25,975,971	636,908	26,612,879
SUBTOTAL, DEFENSE-RELATED ACTIVITIES (054)	314,008	180,000	494,008
TOTAL, NATIONAL DEFENSE (050)—BASE BILL	662,609,686	-233	662,609,453
TOTAL, OVERSEAS CONTINGENCY OPERATIONS	69,000,000		69,000,000
GRAND TOTAL, NATIONAL DEFENSE	731,609,686	-233	731,609,453
Scoring adjustments			
Transfers to non-Defense budget functions already credited to 050 by OMB	-152,000		-152,000
Subtotal, Scoring Adjustments	-152,000		-152,000
Base National Defense Discretionary Programs that are Not In the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization (CBO Estimates)			
Defense Production Act Purchases	181,931		181,931
Indefinite Account: Disposal Of DOD Real Property	9,739		9,739
Indefinite Account: Lease Of DOD Real Property	32,623		32,623
Subtotal, Budget Sub-Function 051	224,293		224,293
Other Discretionary Programs	8,811,000		8,811,000
Adjustments for revised BCA caps	6,000		6,000
Subtotal, Budget Sub-Function 054	9,131,008		9,131,008
Total Defense Discretionary Adjustments (050)	9,203,301		9,203,301
Budget Authority Implication, National Defense Discretionary			
Department of Defense--Military (051)	705,392,000	-817,141	704,574,859
Atomic Energy Defense Activities (053)	25,975,971	636,908	26,612,879
Defense-Related Activities (054)	9,131,008	180,000	9,311,008
Total BA Implication, National Defense Discretionary	740,498,979	-233	740,498,746
National Defense Mandatory Programs, Current Law (CBO Baseline)			
Concurrent receipt accrual payments to the Military Retirement Fund	9,799,000		9,799,000
Revolving, trust and other DOD Mandatory	1,833,000		1,833,000
Offsetting receipts	-1,989,000		-1,989,000
Subtotal, Budget Sub-Function 051	9,643,000		9,643,000
Energy employees occupational illness compensation programs and other	1,682,000		1,682,000
Subtotal, Budget Sub-Function 053	1,682,000		1,682,000
Radiation exposure compensation trust fund	61,000		61,000
Payment to CIA retirement fund and other	514,000		514,000
Subtotal, Budget Sub-Function 054	575,000		575,000
Total National Defense Mandatory (050)	11,900,000		11,900,000
Budget Authority Implication, National Defense Discretionary and Mandatory			
Department of Defense--Military (051)	715,035,000	-817,141	714,217,859
Atomic Energy Defense Activities (053)	27,657,971	636,908	28,294,879
Defense-Related Activities (054)	9,706,008	180,000	9,886,008

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION—Continued

(In Thousands of Dollars)

	FY 2021 Request	Conference Change	Conference Authorized
Total BA Implication, National Defense Discretionary and Mandatory	752,398,979	–233	752,398,746

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	FIXED WING										
002	MQ-1 UAV				75,000		165,000				
	Additional aircraft				[75,000]						
	Reverse planned temporary procurement pause						[165,000]				
003	FUTURE UAS FAMILY		1,100		1,100		1,100				1,100
004	RQ-11 (RAVEN)		20,851		20,851		20,851				20,851
	ROTARY										
007	AH-64 APACHE BLOCK IIIA REMAN	50	792,027	50	792,027	50	792,027			50	792,027
008	AH-64 APACHE BLOCK IIIA REMAN AP		169,460		169,460		169,460				169,460
011	UH-60 BLACKHAWK M MODEL (MYP)	36	742,998	36	725,298	36	742,998		-17,700	36	725,298
	Unjustified costs				[-17,700]				[-17,700]		
012	UH-60 BLACKHAWK M MODEL (MYP) AP		87,427		87,427		87,427				87,427
013	UH-60 BLACK HAWK L AND V MODELS	24	172,797	24	172,797	24	172,797			24	172,797
014	CH-47 HELICOPTER	6	160,750	11	266,850	6	160,750	5	136,000	11	296,750
	Program increase—F Block II			[5]	[136,000]			[5]	[136,000]		
	Unjustified cost growth				[-29,900]						
015	CH-47 HELICOPTER AP		18,372		47,372		18,372		29,000		47,372
	Program increase—F Block II				[29,000]				[29,000]		
	MODIFICATION OF AIRCRAFT										
018	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)		7,509		7,509		7,509				7,509
019	GRAY EAGLE MODS2		16,280		16,280		16,280				16,280
020	MULTI SENSOR ABN RECON (MIP)		35,864		35,864		35,864				35,864
021	AH-64 MODS		118,316		113,216		118,316		-7,740		110,576
	Sensors cost growth								[-7,740]		
	Unjustified cost growth—M-DSA				[-5,100]						

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
022	CH-47 CARGO HELICOPTER MODS (MYP)		15,548		15,548		35,548				15,548
	IVCS						[20,000]				
023	GRCS SEMA MODS (MIP)		2,947		2,947		2,947				2,947
024	ARL SEMA MODS (MIP)		9,598		9,598		9,598				9,598
025	EMARSS SEMA MODS (MIP)		2,452		2,452		2,452				2,452
026	UTILITY/CARGO AIRPLANE MODS		13,868		13,868		13,868				13,868
027	UTILITY HELICOPTER MODS		25,842		31,342		25,842		5,500		31,342
	Program increase				[5,500]				[5,500]		
028	NETWORK AND MISSION PLAN		77,432		77,432		77,432				77,432
029	COMMS, NAV SURVEILLANCE		101,355		101,355		101,355				101,355
031	AVIATION ASSURED PNT		54,609		54,609		54,609				54,609
032	GATM ROLLUP		12,180		12,180		12,180				12,180
034	UAS MODS		4,204		4,204		4,204				4,204
	GROUND SUPPORT AVIONICS										
035	AIRCRAFT SURVIVABILITY EQUIPMENT		49,455		49,455		49,455				49,455
036	SURVIVABILITY CM		8,035		8,035		8,035				8,035
037	CMWS		10,567		10,567		10,567				10,567
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	120	237,467	120	237,467	120	237,467			120	237,467
	OTHER SUPPORT										
	UNDISTRIBUTED										
039	AVIONICS SUPPORT EQUIPMENT		1,789		1,789		1,789				1,789
040	COMMON GROUND EQUIPMENT		17,584		17,584		17,584				17,584
041	AIRCREW INTEGRATED SYSTEMS		48,265		48,265		48,265				48,265
042	AIR TRAFFIC CONTROL		26,408		26,408		26,408				26,408
044	LAUNCHER, 2.75 ROCKET		2,256		2,256		2,256				2,256
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2		8,982		8,982		8,982				8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	236	3,074,594	241	3,267,394	236	3,259,594	5	145,060	241	3,219,654
	MISSILE PROCUREMENT, ARMY										
	SURFACE-TO-AIR MISSILE SYSTEM										
002	M-SHORAD—PROCUREMENT	50	378,654	50	378,654	50	378,654		-4,067	50	374,587
	Production costs previously funded								[-4,067]		
003	MSE MISSILE	122	603,188	122	603,188	168	779,773			122	603,188

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	Transfer missiles from EDI OCO				[46]	[176,585]				
004	PRECISION STRIKE MISSILE (PRSM)	30	49,941	30	42,441	49,941		30	49,941	
	Contract delay				[-7,500]					
005	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I		106,261		25,011	65,761	-40,792		65,469	
	Army identified funds excess to need				[-40,500]		[-40,792]			
	Army-identified funding early to need					[-40,500]				
	Funding excess to need				[-40,750]					
	AIR-TO-SURFACE MISSILE SYSTEM									
006	HELLFIRE SYS SUMMARY	428	91,225	428	91,225	91,225		428	91,225	
007	JOINT AIR-TO-GROUND MSLS (JAGM)	657	213,397	657	213,397	213,397		657	213,397	
008	LONG RANGE PRECISION MUNITION		45,307		45,307	45,307			45,307	
	ANTI-TANK/ASSAULT MISSILE SYS									
009	JAVELIN (AAWS-M) SYSTEM SUMMARY	773	190,325	773	190,325	190,325		773	190,325	
010	TOW 2 SYSTEM SUMMARY	1,405	121,074	1,405	121,074	121,074		1,405	121,074	
011	GUIDED MLRS ROCKET (GMLRS)	5,384	850,157	5,384	850,157	850,157	-5,000	5,384	845,157	
	Excess tooling request						[-5,000]			
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	3,270	30,836	3,270	30,836	30,836		3,270	30,836	
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	5	41,226	5	41,226	41,226	10,000	5	51,226	
	Army requested transfer from OMA line 121						[10,000]			
	MODIFICATIONS									
016	PATRIOT MODS		278,050		278,050	278,050			278,050	
017	ATACMS MODS		141,690		141,690	141,690			141,690	
020	AVENGER MODS		13,942		13,942	13,942			13,942	
021	ITAS/TOW MODS		5,666		5,666	5,666			5,666	
022	MLRS MODS		310,419		310,419	310,419			310,419	
023	HIMARS MODIFICATIONS		6,081		6,081	6,081			6,081	
	SPARES AND REPAIR PARTS									
024	SPARES AND REPAIR PARTS		5,090		5,090	5,090			5,090	
	SUPPORT EQUIPMENT & FACILITIES									
	UNDISTRIBUTED									
025	AIR DEFENSE TARGETS		8,978		8,978	8,978			8,978	
	TOTAL MISSILE PROCUREMENT, ARMY	12,124	3,491,507	12,124	3,402,757	12,170	3,627,592	-39,859	12,124	3,451,648
	PROCUREMENT OF W&TCV, ARMY									
	TRACKED COMBAT VEHICLES									
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	32	192,971	32	172,971	172,971	-53,717	32	139,254	
	Forward financing of vehicle manufacturing						[-53,717]			
	Prior year carry-over				[-80,000]					
	Program decrease						[-20,000]			
	Program increase				[60,000]					

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Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
004	MODIFICATION OF TRACKED COMBAT VEHICLES										
	STRYKER UPGRADE	154	847,212	214	1,183,052	154	847,212	60	321,000	214	1,168,212
	CROWS-J program delay				[-39,160]				[-39,160]		
	Program increase—Army UPL			[60]	[375,000]			[60]	[375,000]		
	Unit cost growth								[-14,840]		
005	BRADLEY PROGRAM (MOD)		493,109		435,759		473,109		-57,350		435,759
	Prior year carry-over				[-17,350]				[-17,350]		
	UBIS early to need				[-40,000]				[-40,000]		
	UBIS slip						[-20,000]				
006	M109 FOV MODIFICATIONS		26,893		21,893		26,893				26,893
	Prior year carryover				[-5,000]						
007	PALADIN INTEGRATED MANAGEMENT (PIM)	30	435,825	30	435,825	30	435,825			30	435,825
009	ASSAULT BRIDGE (MOD)		5,074		5,074		5,074				5,074
010	ASSAULT BREACHER VEHICLE	4	19,500	4	19,500	4	19,500			4	19,500
011	M88 FOV MODS		18,382		13,082		13,382				18,382
	Program reduction				[-5,300]						
	Unjustified growth						[-5,000]				
012	JOINT ASSAULT BRIDGE	14	72,178	14	61,878	14	61,678		-52,931	14	19,247
	IOTE and testing delay						[-10,500]				
	Program delay				[-10,300]				[-52,931]		
013	M1 ABRAMS TANK (MOD)		392,013		386,278		392,013				392,013
	Prior year carry-over				[-5,735]						
014	ABRAMS UPGRADE PROGRAM	89	1,033,253	89	1,020,396	89	1,033,253		-12,857	89	1,020,396
	Component cost savings				[-3,480]				[-3,480]		
	Prior year carry-over				[-9,377]				[-9,377]		
	WEAPONS & OTHER COMBAT VEHICLES										
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S		17,864		17,864		17,864				17,864
018	MORTAR SYSTEMS		10,288		10,288		10,288				10,288
019	XM320 GRENADE LAUNCHER MODULE (GLM)		5,969		5,969		5,969				5,969
020	PRECISION SNIPER RIFLE		10,137		10,137		10,137				10,137
021	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM		999		999		999				999
022	CARBINE		7,411		7,411		7,411				7,411
023	NEXT GENERATION SQUAD WEAPON		35,822		35,822		35,822				35,822

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024	COMMON REMOTELY OPERATED WEAPONS STATION	24,534		24,534		24,534			24,534
025	HANDGUN	4,662		4,662		4,662			4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH								
026	MK-19 GRENADE MACHINE GUN MODS	6,444		6,444		6,444			6,444
027	M777 MODS	10,983		10,983		10,983			10,983
028	M4 CARBINE MODS	4,824		4,824		4,824			4,824
031	M240 MEDIUM MACHINE GUN MODS	6,385		6,385		6,385			6,385
032	SNIPER RIFLES MODIFICATIONS	1,898		1,898		1,898			1,898
033	M119 MODIFICATIONS	2,009		2,009		2,009			2,009
034	MORTAR MODIFICATION	1,689		1,689		1,689			1,689
035	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	2,604		2,604		2,604			2,604
	SUPPORT EQUIPMENT & FACILITIES								
	UNDISTRIBUTED								
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,763		2,763		2,763			2,763
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045		3,045		3,045			3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	323	3,696,740	383	3,916,038	323	3,641,240	60	144,145
	383								3,840,885
	PROCUREMENT OF AMMUNITION, ARMY								
	SMALL/MEDIUM CAL AMMUNITION								
001	CTG, 5.56MM, ALL TYPES	68,472		68,472		68,472		-2,813	65,659
	E95700 unit cost growth							[-2,813]	
002	CTG, 7.62MM, ALL TYPES	109,933		109,933		109,933			109,933
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988		11,988		11,988			11,988
004	CTG, HANDGUN, ALL TYPES	853		853		853			853
005	CTG, .50 CAL, ALL TYPES	58,280		58,280		58,280			58,280
006	CTG, 20MM, ALL TYPES	31,708		31,708		31,708			31,708
007	CTG, 25MM, ALL TYPES	9,111		9,111		9,111			9,111
008	CTG, 30MM, ALL TYPES	58,172		58,172		58,172			58,172
009	CTG, 40MM, ALL TYPES	114,638		114,638		114,638			114,638
	MORTAR AMMUNITION								
010	60MM MORTAR, ALL TYPES	31,222		31,222		31,222			31,222
011	81MM MORTAR, ALL TYPES	42,857		42,857		42,857			42,857
012	120MM MORTAR, ALL TYPES	107,762		107,762		107,762			107,762
	TANK AMMUNITION								
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444		233,444		233,444		-1,218	232,226
	E73201 excess cost growth							[-1,218]	
	ARTILLERY AMMUNITION								
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963		35,963		35,963			35,963
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692		283,692		293,692		-2,400	291,292
	Program delays			[-10,000]				[-2,400]	

[illegible]

TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS	12,986	12,986	12,986	-3,333	9,653
	Prior year carryover				[-3,333]	
002	SEMITRAILERS, FLATBED:	31,443	31,443	31,443		31,443
003	SEMITRAILERS, TANKERS	17,082	17,082	17,082		17,082
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795	44,795		44,795
005	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932	37,932		37,932
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414	894,414		894,414
009	TRUCK, DUMP, 20T (CCE)	29,368	29,368	29,368		29,368
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092	95,092		95,092
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999	999		999
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687	27,687		27,687
014	PLS ESP	21,969	21,969	21,969		21,969
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	132,635	65,635	33,500	99,135
	Program increase		[67,000]		[33,500]	
016	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927	5,927		5,927
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497	36,497		36,497
018	MODIFICATION OF IN SVC EQUIP	114,977	114,977	114,977		114,977
NON-TACTICAL VEHICLES						
020	PASSENGER CARRYING VEHICLES	1,246	1,246	1,246		1,246
021	NONTACTICAL VEHICLES, OTHER	19,870	19,870	19,870	-14,902	4,968
	Excess carryover				[-14,902]	
COMM—JOINT COMMUNICATIONS						
022	SIGNAL MODERNIZATION PROGRAM	160,469	150,469	160,469	-9,290	151,179
	Unit cost growth		[-10,000]		[-9,290]	
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	337,879	365,379	-12,597	347,782
	MDTF scalable node equipment			[5,000]		
	Program delays		[-10,000]		[-5,380]	
	Unit cost growth		[-12,500]		[-7,217]	
024	SITUATION INFORMATION TRANSPORT	63,396	63,396	63,396		63,396
026	JCSE EQUIPMENT (USRDECOM)	5,170	5,170	5,170		5,170
COMM—SATELLITE COMMUNICATIONS						
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498	101,498		101,498
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	72,450	64,950	74,850	-2,700	69,750
	AFRICOM force protection upgrades			[1,000]	[1,000]	
	MDTF support requirements			[1,400]		
	Program delays		[-7,500]		[-3,700]	
031	SHF TERM	13,173	13,173	13,173		13,173
032	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928	134,928		134,928
033	SMART-T (SPACE)	8,611	8,611	8,611		8,611

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
034	GLOBAL BRDCST SVC—GBS		8,191		8,191		8,191				8,191
	COMM—C3 SYSTEM										
036	COE TACTICAL SERVER INFRASTRUCTURE (TSI)		94,871		94,871		94,871		-2,752		92,119
	Contract management growth								[-2,752]		
	COMM—COMBAT COMMUNICATIONS										
037	HANDHELD MANPACK SMALL FORM FIT (HMS)		550,848		550,848		552,348		1,500		552,348
	AFRICOM force protection upgrades						[1,500]		[1,500]		
038	RADIO TERMINAL SET, MIDS LVT(2)		8,237		8,237		8,237				8,237
041	SPIDER FAMILY OF NETWORKED MUNITIONS INCR		13,967						-13,967		
	Program cancellation						[-13,967]				
	Program cancellation				[-13,967]				[-13,967]		
043	UNIFIED COMMAND SUITE		19,579		19,579		19,579				19,579
044	COTS COMMUNICATIONS EQUIPMENT		94,156		94,156		94,156				94,156
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE		18,313		18,313		18,313				18,313
046	ARMY COMMUNICATIONS & ELECTRONICS		51,480		51,480		51,480				51,480
	COMM—INTELLIGENCE COMM										
048	CI AUTOMATION ARCHITECTURE (MIP)		13,146		13,146		13,146				13,146
049	DEFENSE MILITARY DECEPTION INITIATIVE		5,624		5,624		5,624				5,624
	INFORMATION SECURITY										
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP		4,596		4,596		4,596				4,596
052	COMMUNICATIONS SECURITY (COMSEC)		159,272		149,272		159,272				159,272
	Program decrease				[-10,000]						
053	DEFENSIVE CYBER OPERATIONS		54,753		54,753		55,653		-12,000		42,753
	Army requested transfer to RDTE army line 267 for pro- gram management.								[-12,000]		
	MDTF cyber defense and EW tools						[900]				
054	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO		1,760		1,760		1,760				1,760
056	ITEMS LESS THAN \$5M (INFO SECURITY)		260		260		260				260
	COMM—LONG HAUL COMMUNICATIONS										
057	BASE SUPPORT COMMUNICATIONS		29,761		29,761		30,761		1,000		30,761
	AFRICOM UFR force protection upgrades						[1,000]		[1,000]		
	COMM—BASE COMMUNICATIONS										
058	INFORMATION SYSTEMS		147,696		147,696		147,696				147,696

059	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	4,900	4,900	-4,900	
	Excess carryover				[-4,900]	
060	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227	15,227		15,227
061	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177	3,177		3,177
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	280,035	300,035	-20,000	280,035
	Unjustified growth		[-20,000]		[-20,000]	
	ELECT EQUIP—TACT INT REL ACT (TIARA)					
065	JTT/CIBS-M (MIP)	5,304	5,304	5,304		5,304
066	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081	8,081		8,081
068	DCGS-A (MIP)	151,886	151,886	151,886		151,886
070	TROJAN (MIP)	17,593	17,593	17,593		17,593
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558	28,558		28,558
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999	999		999
	ELECT EQUIP—ELECTRONIC WARFARE (EW)					
075	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332	5,332		5,332
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849	7,849		7,849
077	AIR VIGILANCE (AV) (MIP)	8,160	8,160	8,160		8,160
079	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669	8,669		8,669
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES			13,400		
	MDTF advanced intel systems remote collection			[13,400]		
082	CI MODERNIZATION (MIP)	300	300	300		300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)					
083	SENTINEL MODS	58,884	58,884	58,884		58,884
084	NIGHT VISION DEVICES	1,127,375	897,375	1,127,375	-230,000	897,375
	IVAS reduction		[-230,000]		[-230,000]	
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954	13,954		13,954
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	10,069	14,069	4,000	14,069
	AFRICOM UFR force protection upgrades			[4,000]	[4,000]	
089	FAMILY OF WEAPON SIGHTS (FWS)	133,590	115,090	133,590	-18,500	115,090
	Program decrease		[-18,500]		[-18,500]	
091	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	226,350	243,850		243,850
	Program delays		[-17,500]			
092	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	50,541	69,641	-19,100	50,541
	Early to need		[-19,100]		[-19,100]	
094	COMPUTER BALLISTICS: LHMBX XM32	7,509	7,509	7,509		7,509
095	MORTAR FIRE CONTROL SYSTEM	3,800	3,800			3,800
096	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292	7,292		7,292
097	COUNTERFIRE RADARS	72,421	71,421	72,421	-1,000	71,421
	Excess to need		[-1,000]		[-1,000]	
	ELECT EQUIP—TACTICAL C2 SYSTEMS					

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Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
098	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....		49,947		49,947		49,947				49,947
099	FIRE SUPPORT C2 FAMILY		9,390		9,390		9,390				9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS		47,374		47,374		47,374				47,374
101	IAMD BATTLE COMMAND SYSTEM		201,587		191,587		201,587		-3,000		198,587
	Program reduction				[-10,000]				[-3,000]		
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		4,495		4,495		4,495				4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE		18,651		18,651		18,651				18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)		2,792		2,792		2,792				2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)		9,071		9,071		9,071				9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET		12,117		12,117		12,117				12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)		3,004		5,004		3,004		2,000		5,004
	Program increase				[2,000]				[2,000]		
	ELECT EQUIP—AUTOMATION										
109	ARMY TRAINING MODERNIZATION		14,574		14,574		14,574				14,574
110	AUTOMATED DATA PROCESSING EQUIP		140,619		140,619		140,619		-1,778		138,841
	AIE travel costs excess								[-1,778]		
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM		4,448		4,448		4,448				4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)		68,405		68,405		54,380				68,405
	Program decrease						[-14,025]				
113	CONTRACT WRITING SYSTEM		8,459		8,459		8,459				8,459
114	CSS COMMUNICATIONS		57,651		57,651		57,651				57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)		14,848		14,848		14,848				14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)										
117	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)		4,995		4,995		4,995				4,995
	ELECT EQUIP—SUPPORT										
119	BCT EMERGING TECHNOLOGIES		16,983		8,983		20,883		-8,000		8,983
	MDTF advanced intel systems remote collection						[3,900]				
	Program reduction				[-8,000]				[-8,000]		
	CLASSIFIED PROGRAMS										
19A	CLASSIFIED PROGRAMS		1,582		1,582		1,582				1,582
	CHEMICAL DEFENSIVE EQUIPMENT										
123	CBRN DEFENSE		28,456		28,456		42,456				28,456
	WMD CST equipment						[14,000]				

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124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995	13,995		13,995
	BRIDGING EQUIPMENT					
125	TACTICAL BRIDGING	10,545	10,545	10,545		10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074	72,074		72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493	32,493		32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978	62,978		62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT					
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570	5,570		5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497	2,497		2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	99,069	109,069	-10,000	99,069
	Program reduction		[-10,000]		[-10,000]	
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584	36,584		36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	174,744	179,544	-4,800	174,744
	SMET contract delay		[-4,800]		[-4,800]	
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583	64,583		64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289	5,289		5,289
	COMBAT SERVICE SUPPORT EQUIPMENT					
140	HEATERS AND ECU'S	8,200	8,200	8,200		8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625	4,625		4,625
143	GROUND SOLDIER SYSTEM	154,937	154,937	154,937	-5,000	149,937
	Unit cost discrepancies				[-5,000]	
144	MOBILE SOLDIER POWER	34,297	34,297	34,297		34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021	53,021		53,021
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324	23,324		23,324
149	ITEMS LESS THAN \$5M (ENG SPT)	8,014	8,014	8,014		8,014
	PETROLEUM EQUIPMENT					
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,448	78,448	-198	78,250
	tank rack module unit cost growth				[-198]	
	MEDICAL EQUIPMENT					
151	COMBAT SUPPORT MEDICAL	59,485	64,485	59,485	5,000	64,485
	Future Warfighter Shelter		[5,000]		[5,000]	
	MAINTENANCE EQUIPMENT					
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337	40,337		40,337
153	ITEMS LESS THAN \$5.0M (MAINT EQ)	5,386	5,386	5,386		5,386
	CONSTRUCTION EQUIPMENT					
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406	5,406		5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188	4,188		4,188
156	LOADERS	4,521	4,521	4,521		4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186	5,186		5,186
158	TRACTOR, FULL TRACKED	4,715	4,715	4,715		4,715

189	UNDISTRIBUTED									
	INITIAL SPARES—C&E		9,950		9,950		9,950		9,950	
	TOTAL OTHER PROCUREMENT, ARMY		8,625,206		8,288,139		8,671,214	-343,429	8,281,777	
AIRCRAFT PROCUREMENT, NAVY										
COMBAT AIRCRAFT										
001	F/A-18E/F (FIGHTER) HORNET	24	1,761,146	24	1,761,146	24	1,761,146	-35,746	24	1,725,400
	Ancillary equipment excess cost growth							[-13,367]		
	Contract award savings							[-14,023]		
	Rec flyaway ECO excess growth							[-8,356]		
002	F/A-18E/F (FIGHTER) HORNET AP				28,100			28,100		28,100
	FY22 aircraft				[28,100]			[28,100]		
003	JOINT STRIKE FIGHTER CV	21	2,181,780	21	2,106,680	23	2,381,780	2	23	2,371,897
	Additional aircraft					[2]	[200,000]	[2]		[200,000]
	Excess depot standup funding				[-6,500]					
	F135 affordability challenges				[-21,000]					
	Lot 15 target cost savings				[-41,600]					[-9,883]
	Unjustified ALIS funding				[-6,000]					
004	JOINT STRIKE FIGHTER CV AP		330,386		330,386		330,386			330,386
005	JSF STOVL	10	1,109,393	10	1,053,893	12	1,234,893	-33,928	10	1,075,465
	Additional 2 F-35B aircraft					[2]	[125,500]			
	Excess depot standup funding				[-5,000]					
	F135 affordability challenges				[-15,000]					
	Lot 15 target cost savings				[-18,000]					
	Unit cost adjustment									[-33,928]
	Unjustified ALIS funding				[-10,000]					
	Unjustified production engineering support				[-7,500]					
006	JSF STOVL AP		303,035		303,035		303,035			303,035
007	CH-53K (HEAVY LIFT)	7	813,324	7	813,324	7	793,324	-12,690	7	800,634
	Force Design 2030 realignment NRE excess						[-20,000]	[-12,690]		
008	CH-53K (HEAVY LIFT) AP		201,188		201,188		191,188			201,188
	Force Design 2030 realignment						[-10,000]			
009	V-22 (MEDIUM LIFT)	9	934,793	11	1,146,193	9	934,793	2	11	1,121,949
	CMV unit cost adjustment									[-24,244]
	Navy UPL			[2]	[211,400]			[2]		[211,400]
010	V-22 (MEDIUM LIFT) AP		39,547		39,547		39,547			39,547
011	H-1 UPGRADES (UH-1Y/AH-1Z)		7,267		7,267		7,267			7,267
013	P-8A POSEIDON		80,134	6	1,020,034		80,134	8	8	1,339,900
	Additional aircraft only for the Navy Reserve			[6]	[1,020,000]			[8]		[1,420,000]
	Line shutdown early to need				[-80,100]					[-80,100]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
015	E-2D ADV HAWKEYE	4	626,109	4	626,109	4	626,109		-15,003	4	611,106
	unjustified growth peculiar training equipment								[-15,003]		
016	E-2D ADV HAWKEYE AP		123,166		123,166		123,166				123,166
	TRAINER AIRCRAFT										
017	ADVANCED HELICOPTER TRAINING SYSTEM	36	269,867	36	269,867	36	269,867		-33,721	36	236,146
	Other ILS excess growth								[-33,721]		
	OTHER AIRCRAFT										
018	KC-130J	5	380,984	5	380,984	5	380,984		-5,426	5	375,558
	Unit cost growth								[-5,426]		
019	KC-130J AP		67,022		67,022		67,022				67,022
021	MQ-4 TRITON		150,570	1	280,570		100,570	1	93,894	1	244,464
	Excess funding given procurement pause until FY23						[-50,000]				
	One additional aircraft			[1]	[130,000]			[1]	[130,000]		
	Production line preservation costs excess to need								[-36,106]		
023	MQ-8 UAV		40,375		40,375		40,375				40,375
024	STUASLO UAV		30,930		30,930		30,930				30,930
026	VH-92A EXECUTIVE HELO	5	610,231	5	610,231	5	610,231		-21,189	5	589,042
	ECO price adjustment								[-1,010]		
	Unit cost adjustment								[-20,179]		
	MODIFICATION OF AIRCRAFT										
028	F-18 A-D UNIQUE		208,261		208,261		208,261		-12,551		195,710
	USMC AESA radar excess unit cost growth (OSIP 21-00; ECP 583)								[-12,551]		
029	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM		468,954		468,954		468,954		-39,494		429,460
	OSIP 11-10 support excess growth								[-14,723]		
	OSIP 11-10 unit cost growth								[-15,787]		
	OSIP 11-10 unstallation equipment excess growth								[-8,984]		
030	AEA SYSTEMS		21,061		21,061		21,061				21,061
031	AV-8 SERIES		34,082		34,082		34,082				34,082
032	INFRARED SEARCH AND TRACK (IRST)		158,055		158,055		158,055		-30,360		127,695
	Installation equipment excess growth								[-9,654]		
	Support equipment excess growth								[-20,706]		
033	ADVERSARY		42,946		42,946		42,946				42,946

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034	F-18 SERIES	379,351	379,351	379,351		379,351
035	H-53 SERIES	74,771	74,771	74,771		74,771
036	MH-60 SERIES	131,584	136,584	131,584	5,000	136,584
	Program increase—Alternative low frequency active sonar for risk reduction.		[5,000]		[5,000]	
037	H-1 SERIES	185,140	185,140	185,140	-32,578	152,562
	APR-39D(V)2 kits early to need				[-6,720]	
	ECS thermal kits previously funded				[-1,245]	
	FMV Phase 2.0 kits previously funded				[-2,440]	
	Installation equipment NRE excess growth				[-4,379]	
	Installation equipment NRE unjustified request				[-4,317]	
	Other support excess growth				[-5,256]	
	Rotor brake system kits previously funded				[-5,500]	
	Target sight system block upgrade unit cost growth				[-2,721]	
038	EP-3 SERIES	26,602	26,602	26,602		26,602
040	E-2 SERIES	175,540	175,540	175,540		175,540
041	TRAINER A/C SERIES	7,085	7,085	7,085		7,085
042	C-2A	9,525	9,525	9,525		9,525
043	C-130 SERIES	141,705	141,705	141,705	-17,052	124,653
	GFE excess growth				[-8,509]	
	Installation excess growth				[-1,802]	
	JAGM A kit procurement and installation early to need				[-6,741]	
044	FEWSG	684	684	684		684
045	CARGO/TRANSPORT A/C SERIES	8,911	8,911	8,911		8,911
046	E-6 SERIES	197,206	197,206	197,206		197,206
047	EXECUTIVE HELICOPTERS SERIES	29,086	29,086	29,086		29,086
049	T-45 SERIES	155,745	155,745	155,745		155,745
050	POWER PLANT CHANGES	24,633	24,633	24,633		24,633
051	JPATS SERIES	22,682	22,682	22,682		22,682
052	AVIATION LIFE SUPPORT MODS	40,401	40,401	45,401	5,000	45,401
	Aviation body armor vest			[5,000]	[5,000]	
053	COMMON ECM EQUIPMENT	138,480	138,480	138,480	-4,110	134,370
	H-1 kit cost growth (OSIP 014-90)				[-2,091]	
	MV-22 kit cost growth (OSIP 014-90)				[-2,019]	
054	COMMON AVIONICS CHANGES	143,322	143,322	143,322		143,322
055	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142	2,142		2,142
056	ID SYSTEMS	35,999	35,999	35,999		35,999
057	P-8 SERIES	180,530	180,530	180,530	-7,709	172,821
	Increment 3 aircrew trainers previously funded				[-7,709]	
058	MAGTF EW FOR AVIATION	27,794	27,794	27,794		27,794

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
059	MQ-8 SERIES		28,774		28,774		28,774				28,774
060	V-22 (TILT/ROTOR ACFT) OSPREY		334,405		334,405		334,405				334,405
061	NEXT GENERATION JAMMER (NGJ)		176,638		176,638		176,638				176,638
062	F-35 STOVL SERIES		153,588		146,388		153,588		-7,200		146,388
	Block IV/TR3 upgrade delays				[-7,200]				[-7,200]		
063	F-35 CV SERIES		105,452		99,552		105,452		-5,900		99,552
	Block IV/TR3 upgrade delays				[-5,900]				[-5,900]		
064	QRC		126,618		126,618		126,618				126,618
065	MQ-4 SERIES		12,998		12,998		12,998		-3,029		9,969
	Operating base installation early to need								[-3,029]		
066	RQ-21 SERIES		18,550		18,550		18,550		-3,825		14,725
	SURFR payload suite unit cost growth								[-3,825]		
	AIRCRAFT SPARES AND REPAIR PARTS										
070	SPARES AND REPAIR PARTS		2,198,460		2,198,460		2,228,460		-109,781		2,088,679
	Additional F-35B/C spares						[30,000]		[30,000]		
	CH-53K spares excess growth								[-25,984]		
	E-2D AHE spares excess growth								[-14,773]		
	Spares for modifications excess growth								[-47,555]		
	Spares for repair of repairables excess growth								[-15,300]		
	VH-92 spares excess growth								[-36,169]		
	AIRCRAFT SUPPORT EQUIP & FACILITIES										
	UNDISTRIBUTED										
071	COMMON GROUND EQUIPMENT		543,559		543,559		543,559				543,559
072	AIRCRAFT INDUSTRIAL FACILITIES		75,685		75,685		75,685				75,685
073	WAR CONSUMABLES		40,633		40,633		40,633				40,633
074	OTHER PRODUCTION CHARGES		21,194		21,194		21,194				21,194
075	SPECIAL SUPPORT EQUIPMENT		155,179		155,179		155,179				155,179
076	FIRST DESTINATION TRANSPORTATION		2,121		2,121		2,121				2,121
	TOTAL AIRCRAFT PROCUREMENT, NAVY	121	17,127,378	130	18,298,078	125	17,407,878	13	1,417,875	134	18,545,253
	WEAPONS PROCUREMENT, NAVY										
	MODIFICATION OF MISSILES										
001	TRIDENT II MODS		1,173,837		1,173,837		1,173,837				1,173,837

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SUPPORT EQUIPMENT & FACILITIES									
002	MISSILE INDUSTRIAL FACILITIES		7,275		7,275		7,275		7,275
STRATEGIC MISSILES									
003	TOMAHAWK	155	277,694	155	277,694	165	303,694	-29,820	155 247,874
	Contract award delay							[-26,040]	
	Program increase for USMC Tomahawk					[10]	[26,000]		
	Unit cost carryover							[-3,780]	
TACTICAL MISSILES									
004	AMRAAM	325	326,952	325	326,952	325	326,952		325 326,952
005	SIDEWINDER	270	126,485	270	126,485	270	126,485		270 126,485
007	STANDARD MISSILE	125	456,206	125	456,206	125	456,206	-50,000	125 406,206
	Transition to production request unjustified							[-50,000]	
008	STANDARD MISSILE AP		66,716		66,716		66,716		66,716
009	SMALL DIAMETER BOMB II	357	78,867	357	78,867	357	78,867	-4,600	357 74,267
	Contract award delay							[-4,600]	
010	RAM	100	90,533	100	90,533	100	90,533		100 90,533
011	JOINT AIR GROUND MISSILE (JAGM)	203	49,386	203	49,386	203	49,386		203 49,386
014	AERIAL TARGETS		174,336		174,336		174,336	-2,928	171,408
	EM443 hardware procurements/modifications excess growth							[-2,375]	
	EM702 ground equipment previously funded							[-553]	
015	DRONES AND DECOYS	68	41,256	68	41,256	68	41,256	-21,300	68 19,956
	MALD concurrency							[-21,300]	
016	OTHER MISSILE SUPPORT		3,501		3,501		3,501		3,501
017	LRASM	48	168,845	48	168,845	58	203,845		48 168,845
	Additional Navy LRASM missiles					[10]	[35,000]		
018	LCS OTH MISSILE	15	32,910	15	32,910	15	32,910		15 32,910
MODIFICATION OF MISSILES									
019	TOMAHAWK MODS		164,915		164,915		164,915	-3,607	161,308
	MST kits excess cost growth							[-3,607]	
020	ESSM	120	215,375	120	206,475	120	215,375	-2,738	120 212,637
	Excessive production support growth				[-8,900]			[-2,738]	
022	HARM MODS	24	147,572	24	147,572	24	147,572	-24,923	24 122,649
	AARGM AUR installation kits excess cost growth							[-7,060]	
	AARGM ER installation kits excess cost							[-16,657]	
	AARGM ER long lead components unjustified request							[-1,206]	
023	STANDARD MISSILES MODS		83,654		17,254		83,654	-9,000	74,654
	SM-2 Blk IIC excessive concurrency				[-66,400]				
	SM-2 BLK IIIA2 Modification unit cost growth							[-4,900]	
	Unjustified DMS request							[-4,100]	

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SUPPORT EQUIPMENT & FACILITIES										
024	WEAPONS INDUSTRIAL FACILITIES		1,996		1,996		1,996				1,996
025	FLEET SATELLITE COMM FOLLOW-ON		53,401		53,401		53,401				53,401
	ORDNANCE SUPPORT EQUIPMENT										
027	ORDNANCE SUPPORT EQUIPMENT		215,659		215,659		215,659				215,659
	TORPEDOES AND RELATED EQUIP										
028	SSTD		5,811		5,811		3,611				5,811
	Insufficient justification for ADC non-recurring costs						[-2,200]				
029	MK-48 TORPEDO	110	284,901	110	284,901	110	284,901			110	284,901
030	ASW TARGETS		13,833		13,833		13,833				13,833
	MOD OF TORPEDOES AND RELATED EQUIP										
031	MK-54 TORPEDO MODS		110,286		110,286		100,286		-6,845		103,441
	HAAWC kits early to need								[-6,845]		
	Mk 54 Mod 0 production delays						[-10,000]				
032	MK-48 TORPEDO ADCAP MODS		57,214		57,214		57,214				57,214
033	MARITIME MINES		5,832		5,832		5,832				5,832
	SUPPORT EQUIPMENT										
034	TORPEDO SUPPORT EQUIPMENT		97,581		97,581		97,581				97,581
035	ASW RANGE SUPPORT		4,159		4,159		4,159				4,159
	DESTINATION TRANSPORTATION										
036	FIRST DESTINATION TRANSPORTATION		4,106		4,106		4,106				4,106
	GUNS AND GUN MOUNTS										
037	SMALL ARMS AND WEAPONS		16,030		16,030		16,030				16,030
	MODIFICATION OF GUNS AND GUN MOUNTS										
038	CIWS MODS		37,147		37,147		37,147				37,147
039	COAST GUARD WEAPONS		45,804		45,804		45,804				45,804
040	GUN MOUNT MODS		74,427		74,427		74,427				74,427
041	LCS MODULE WEAPONS	32	4,253	32	4,253	32	4,253			32	4,253
042	AIRBORNE MINE NEUTRALIZATION SYSTEMS		6,662		6,662		6,662				6,662
	SPARES AND REPAIR PARTS										
	UNDISTRIBUTED										
045	SPARES AND REPAIR PARTS		159,578		159,578		159,578				159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	1,952	4,884,995	1,952	4,809,695	1,972	4,933,795		-155,761	1,952	4,729,234

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PROCUREMENT OF AMMO, NAVY & MC									
NAVY AMMUNITION									
001	GENERAL PURPOSE BOMBS		41,496		41,496		41,496		41,496
002	JDAM	2,865	64,631	2,865	64,631	2,865	64,631	2,865	64,631
003	AIRBORNE ROCKETS, ALL TYPES		60,719		60,719		60,719		60,719
004	MACHINE GUN AMMUNITION		11,158		11,158		11,158		11,158
005	PRACTICE BOMBS		51,409		51,409		51,409		51,409
006	CARTRIDGES & CART ACTUATED DEVICES		64,694		64,694		64,694		64,694
007	AIR EXPENDABLE COUNTERMEASURES		51,523		51,523		51,523		51,523
008	JATOS		6,761		6,761		6,761		6,761
009	5 INCH/54 GUN AMMUNITION		31,517		31,517		31,517	-2,043	29,474
	MK 187 mod 0 projectile unit cost growth							[-2,043]	
010	INTERMEDIATE CALIBER GUN AMMUNITION		38,005		38,005		38,005	-1,867	36,138
	BA23 contract award delay							[-1,867]	
011	OTHER SHIP GUN AMMUNITION		40,626		40,626		40,626		40,626
012	SMALL ARMS & LANDING PARTY AMMO		48,202		48,202		48,202		48,202
013	PYROTECHNIC AND DEMOLITION		9,766		9,766		9,766		9,766
015	AMMUNITION LESS THAN \$5 MILLION		2,115		2,115		2,115		2,115
MARINE CORPS AMMUNITION									
UNDISTRIBUTED									
016	MORTARS		46,781		46,781		46,781		46,781
017	DIRECT SUPPORT MUNITIONS		119,504		79,662		79,704	-39,842	79,662
	Program decrease						[-39,800]		
	USMC identified funds excess to need				[-39,842]			[-39,842]	
018	INFANTRY WEAPONS AMMUNITION		83,220		83,220		83,220	-9,319	73,901
	A059 unit cost growth							[-8,195]	
	A940 LAP contract price savings							[-79]	
	AB57 unit cost growth							[-1,045]	
019	COMBAT SUPPORT MUNITIONS		32,650		32,650		32,650		32,650
020	AMMO MODERNIZATION		15,144		15,144		15,144		15,144
021	ARTILLERY MUNITIONS		59,539		59,539		59,539		59,539
022	ITEMS LESS THAN \$5 MILLION		4,142		4,142		4,142		4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	2,865	883,602	2,865	843,760	2,865	843,802	-53,071	830,531
SHIPBUILDING AND CONVERSION, NAVY									
FLEET BALLISTIC MISSILE SHIPS									
001	OHIO REPLACEMENT SUBMARINE	1	2,891,475	1	2,891,475	1	2,891,475	1	2,891,475
002	OHIO REPLACEMENT SUBMARINE AP		1,123,175		1,123,175		1,298,175	130,000	1,253,175
	Submarine supplier stability						[175,000]	[130,000]	

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER WARSHIPS										
003	CARRIER REPLACEMENT PROGRAM		997,544		907,544		997,544		−90,000		907,544
	Full funding early to need				[−90,000]				[−90,000]		
004	CVN−81		1,645,606		1,465,606		1,645,606		−39,174		1,606,432
	Full funding early to need				[−180,000]				[−39,174]		
005	VIRGINIA CLASS SUBMARINE	1	2,334,693	2	4,630,693	1	2,260,293	1	2,285,778	2	4,620,471
	Restore second Virginia-class SSN			[1]	[2,296,000]			[1]	[2,296,000]		
	Unjustified cost growth						[−74,400]		[−10,222]		
006	VIRGINIA CLASS SUBMARINE		1,901,187		2,173,187		2,373,187		272,000		2,173,187
	Long lead material for option ship						[472,000]				
	Restore second Virginia-class SSN				[272,000]				[272,000]		
007	CVN REFUELING OVERHAULS		1,878,453		1,878,453		1,878,453				1,878,453
008	CVN REFUELING OVERHAULS AP		17,384		17,384		17,384				17,384
009	DDG 1000		78,205		78,205		78,205				78,205
010	DDG−51	2	3,040,270	2	3,040,270	2	3,010,270		−30,000	2	3,010,270
	Available prior-year funds						[−30,000]		[−30,000]		
011	DDG−51 AP		29,297		29,297		464,297		305,000		334,297
	LLTM for FY22 DDG−51s						[260,000]		[130,000]		
	Surface ship supplier stability						[175,000]		[175,000]		
013	FFG-FRIGATE	1	1,053,123	1	954,523	1	1,053,123			1	1,053,123
	Anticipated learning curve				[−98,600]						
	AMPHIBIOUS SHIPS										
014	LPD FLIGHT II	1	1,155,801	1	1,118,101		905,801	−1	−30,000		1,125,801
	Excessive unit cost growth				[−37,700]				[−28,000]		
	Previously authorized					[−1]		[−1]			
	Transfer to Line 15						[−250,000]		[−2,000]		
015	LPD FLIGHT II AP						500,000		2,000		2,000
	LPD−32 and LPD−33 program increase						[250,000]				
	Transfer from Line 14 for LPD−32 and LPD−33						[250,000]		[2,000]		
017	LHA REPLACEMENT						250,000		500,000		500,000
	LHA−9 program increase						[250,000]		[500,000]		
019	EXPEDITIONARY FAST TRANSPORT (EPF)			1	260,000			1	260,000	1	260,000
	One additional ship			[1]	[260,000]			[1]	[260,000]		

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UNDISTRIBUTED											
022	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	2	168,209	2	168,209	2	168,209		2	168,209	
023	LCU 1700	5	87,395	5	87,395	4	70,395		5	87,395	
	Insufficient justification					[-1]	[-17,000]				
024	OUTFITTING		825,586		825,586		747,286	-59,252		766,334	
	Unjustified cost growth						[-78,300]	[-59,252]			
026	SERVICE CRAFT		249,781		249,781		275,281			249,781	
	Accelerate YP-703 Flight II						[25,500]				
027	LCAC SLEP	3	56,461	3	56,461				3	56,461	
	Insufficient justification					[-3]	[-56,461]				
028	COMPLETION OF PY SHIPBUILDING PROGRAMS		369,112		369,112		369,112			369,112	
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	16	19,902,757	18	22,324,457	11	21,254,096	1	3,506,352	17	23,409,109
OTHER PROCUREMENT, NAVY											
SHIP PROPULSION EQUIPMENT											
001	SURFACE POWER EQUIPMENT		11,738		11,738		11,738			11,738	
GENERATORS											
002	SURFACE COMBATANT HM&E		58,497		58,497		38,497	-3,687		54,810	
	Hardware and software upgrades for 5 previously pro- cured HED ship sets.						[15,000]				
	HED installation early to need						[-35,000]				
	HM&E condition system unjustified growth							[-3,687]			
NAVIGATION EQUIPMENT											
003	OTHER NAVIGATION EQUIPMENT		74,084		74,084		74,084			74,084	
OTHER SHIPBOARD EQUIPMENT											
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG		204,806		204,806		204,806			204,806	
005	DDG MOD		547,569		531,169		497,569	-35,414		512,155	
	Excessive CSSQT cost growth				[-16,400]						
	Installation excess unit cost growth						[-50,000]	[-35,414]			
006	FIREFIGHTING EQUIPMENT		18,394		18,394		18,394			18,394	
007	COMMAND AND CONTROL SWITCHBOARD		2,374		2,374		2,374			2,374	
008	LHA/LHD MIDLIFE		78,265		78,265		78,265			78,265	
009	POLLUTION CONTROL EQUIPMENT		23,035		23,035		23,035			23,035	
010	SUBMARINE SUPPORT EQUIPMENT		64,632		60,132		64,632			64,632	
	Excess cost growth				[-4,500]						
011	VIRGINIA CLASS SUPPORT EQUIPMENT		22,868		22,868		22,868			22,868	
012	LCS CLASS SUPPORT EQUIPMENT		3,976		3,976		3,976			3,976	
013	SUBMARINE BATTERIES		31,322		31,322		31,322			31,322	
014	LPD CLASS SUPPORT EQUIPMENT		50,475		55,475		50,475	5,000		55,475	
	Electronic actuator pilot program				[5,000]			[5,000]			

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
015	DDG 1000 CLASS SUPPORT EQUIPMENT		42,279		36,779		42,279		-5,500		36,779
	Excess cost growth				[-5,500]				[-5,500]		
016	STRATEGIC PLATFORM SUPPORT EQUIP		15,429		15,429		15,429				15,429
017	DSSP EQUIPMENT		2,918		2,918		2,918				2,918
018	CG MODERNIZATION		87,978		87,978		87,978				87,978
019	LCAC		9,366		9,366		9,366				9,366
020	UNDERWATER EOD EQUIPMENT		16,842		16,842		16,842				16,842
021	ITEMS LESS THAN \$5 MILLION		105,715		95,715		105,715				105,715
	Cost growth				[-10,000]						
022	CHEMICAL WARFARE DETECTORS		3,044		3,044		3,044				3,044
023	SUBMARINE LIFE SUPPORT SYSTEM		5,885		5,885		5,885				5,885
	REACTOR PLANT EQUIPMENT										
024	SHIP MAINTENANCE, REPAIR AND MODERNIZATION		1,260,721		400,621		1,260,721		-12,100		1,248,621
	LCS in-service modernization excess cost growth				[-12,100]				[-12,100]		
	Realignment to OPN-24A for Shipyard Infrastructure Op- timization Plan.				[-198,000]						
	Transfer to O&M for ship depot maintenance				[-650,000]						
024A	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN				198,000						
	Realignment from OPN-24 for Shipyard Infrastructure Optimization Plan.				[198,000]						
025	REACTOR POWER UNITS		5,305		5,305		5,305				5,305
026	REACTOR COMPONENTS		415,404		415,404		415,404				415,404
	OCEAN ENGINEERING										
027	DIVING AND SALVAGE EQUIPMENT		11,143		11,143		11,143				11,143
	SMALL BOATS										
028	STANDARD BOATS		52,371		52,371		52,371				52,371
	PRODUCTION FACILITIES EQUIPMENT										
029	OPERATING FORCES IPE		233,667		233,667		233,667				233,667
	OTHER SHIP SUPPORT										
030	LCS COMMON MISSION MODULES EQUIPMENT		39,714		39,714		17,414				39,714
	MCM containers and MPCE sonar processing insufficient justification.						[-22,300]				
031	LCS MCM MISSION MODULES		218,822		167,922		95,322		-31,214		187,608

	COBRA early to need		[-9,300]			
	Excess procurement ahead of satisfactory testing			[-123,500]	[-31,214]	
	Knifefish early to need		[-41,600]			
032	LCS ASW MISSION MODULES	61,759	61,759	4,759	-23,400	38,359
	Excess procurement ahead of satisfactory testing			[-57,000]	[-23,400]	
033	LCS SUW MISSION MODULES	24,412	24,412	24,412		24,412
034	LCS IN-SERVICE MODERNIZATION	121,848	151,848	121,848		121,848
	Preservation of LCS 3 and LCS 4		[30,000]			
035	SMALL & MEDIUM UUV	67,709	43,709	37,609	-30,100	37,609
	Early to need based on IOTE schedule		[-24,000]			
	SMCM UUV excess procurement ahead of satisfactory testing.			[-30,100]	[-30,100]	
	SHIP SONARS					
037	SPQ-9B RADAR	27,517	27,517	27,517		27,517
038	AN/SQQ-89 SURF ASW COMBAT SYSTEM	128,664	128,664	128,664		128,664
039	SSN ACOUSTIC EQUIPMENT	374,737	374,737	374,737		374,737
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286	9,286		9,286
	ASW ELECTRONIC EQUIPMENT					
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066	26,066		26,066
042	SSTD	13,241	13,241	13,241		13,241
043	FIXED SURVEILLANCE SYSTEM	193,446	193,446	193,446		193,446
044	SURTASS	63,838	63,838	63,838		63,838
	ELECTRONIC WARFARE EQUIPMENT					
045	AN/SLQ-32	387,195	387,195	330,795	-33,234	353,961
	Early to need			[-56,400]	[-33,234]	
	RECONNAISSANCE EQUIPMENT					
046	SHIPBOARD IW EXPLOIT	235,744	223,644	235,744	-8,407	227,337
	Excess cost growth		[-12,100]		[-8,407]	
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862	3,862		3,862
	OTHER SHIP ELECTRONIC EQUIPMENT					
048	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	26,006	18,706		26,006
	Common Array Block antenna program delays			[-7,300]		
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385	15,385		15,385
050	ATDLS	103,835	103,835	103,835		103,835
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594	3,594		3,594
052	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744	15,744		15,744
053	SHALLOW WATER MCM	5,493	5,493	5,493		5,493
054	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043	38,043		38,043
055	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592	2,592		2,592
056	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985	7,985		7,985

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Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AVIATION ELECTRONIC EQUIPMENT										
057	ASHORE ATC EQUIPMENT		83,475		83,475		83,475				83,475
058	AFLOAT ATC EQUIPMENT		65,113		65,113		65,113				65,113
059	ID SYSTEMS		23,815		23,815		23,815				23,815
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....		100,751		100,751		100,751				100,751
061	NAVAL MISSION PLANNING SYSTEMS		13,947		13,947		13,947				13,947
	OTHER SHORE ELECTRONIC EQUIPMENT										
062	MARITIME INTEGRATED BROADCAST SYSTEM		1,375		1,375		1,375				1,375
063	TACTICAL/MOBILE C4I SYSTEMS		22,771		22,771		22,771				22,771
064	DCGS-N		18,872		18,872		18,872				18,872
065	CANES		389,585		389,585		389,585				389,585
066	RADIAC		10,335		10,335		10,335				10,335
067	CANES-INTELL		48,654		48,654		48,654				48,654
068	GPETE		8,133		8,133		8,133				8,133
069	MASF		4,150		4,150		4,150				4,150
070	INTEG COMBAT SYSTEM TEST FACILITY		5,934		5,934		5,934				5,934
071	EMI CONTROL INSTRUMENTATION		4,334		4,334		4,334				4,334
072	ITEMS LESS THAN \$5 MILLION		159,815		159,815		105,015		-5,243		154,572
	NGSSR available prior year funds						[-54,800]		[-5,243]		
	SHIPBOARD COMMUNICATIONS										
073	SHIPBOARD TACTICAL COMMUNICATIONS		56,106		56,106		56,106				56,106
074	SHIP COMMUNICATIONS AUTOMATION		124,288		124,288		124,288				124,288
075	COMMUNICATIONS ITEMS UNDER \$5M		45,120		45,120		45,120				45,120
	SUBMARINE COMMUNICATIONS										
076	SUBMARINE BROADCAST SUPPORT		31,133		31,133		31,133				31,133
077	SUBMARINE COMMUNICATION EQUIPMENT		62,214		62,214		62,214				62,214
	SATELLITE COMMUNICATIONS										
078	SATELLITE COMMUNICATIONS SYSTEMS		47,421		47,421		47,421				47,421
079	NAVY MULTIBAND TERMINAL (NMT)		64,552		64,552		64,552				64,552
	SHORE COMMUNICATIONS										
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)		4,398		4,398		4,398				4,398
	CRYPTOGRAPHIC EQUIPMENT										
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)		157,551		147,551		157,551				157,551

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	Program decrease		[-10,000]		
082	MIO INTEL EXPLOITATION TEAM	985	985	985	985
	CRYPTOLOGIC EQUIPMENT				
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906	15,906	15,906
	OTHER ELECTRONIC SUPPORT				
090	COAST GUARD EQUIPMENT	70,689	70,689	70,689	70,689
	SONOBUOYS				
092	SONOBUOYS—ALL TYPES	237,639	286,639	286,739	49,100
	Inventory increase		[49,000]		
	Program increase for sonobuoys			[49,100]	[49,100]
	AIRCRAFT SUPPORT EQUIPMENT				
093	MINOTAUR	5,077	5,077	5,077	5,077
094	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969	83,969	83,969
095	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758	187,758	187,758
096	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059	16,059	16,059
097	METEOROLOGICAL EQUIPMENT	15,192	15,192	15,192	15,192
099	LEGACY AIRBORNE MCM	6,674	6,674	6,674	6,674
100	LAMPS EQUIPMENT	1,189	1,189	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	60,937	60,937	-9,967
	ARC-210 radio communication system excess to need				[-3,073]
	MUOS capable communication system excess to need				[-3,019]
	MUOS capable communication system unit cost growth ...				[-2,038]
	Ship change document excess growth				[-1,837]
	SHIP GUN SYSTEM EQUIPMENT				
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT				
104	HARPOON SUPPORT EQUIPMENT	208	208	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	252,077	262,077	-10,000
	Excess cost growth		[-10,000]		[-10,000]
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	76,087	84,087	-3,605
	TMPC cost growth		[-8,000]		[-3,605]
	FBM SUPPORT EQUIPMENT				
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910	258,910	258,910
	ASW SUPPORT EQUIPMENT				
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT				
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470	7,470	7,470
111	ITEMS LESS THAN \$5 MILLION	6,356	6,356	6,356	6,356

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140	NEXT GENERATION ENTERPRISE SERVICE					184,443			184,443
141	CYBERSPACE ACTIVITIES					16,523			16,523
	CLASSIFIED PROGRAMS								
41A	CLASSIFIED PROGRAMS					18,446			18,446
	SPARES AND REPAIR PARTS								
142	SPARES AND REPAIR PARTS					374,195			374,195
	SPY-1 battle spare							[47,000]	
	TOTAL OTHER PROCUREMENT, NAVY					10,948,518		10,236,018	10,576,218
								-172,071	10,776,447
	PROCUREMENT, MARINE CORPS								
	TRACKED COMBAT VEHICLES								
001	AAV7A1 PIP					87,476			87,476
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	72		72		478,874		72	456,328
	ILS excess growth								[-2,074]
	Peculiar training equipment and simulators previously funded.								[-2,550]
	Production support previously funded								[-1,713]
	Surface vehicle cost prior year carryover								[-7,347]
	System engineering program management previously funded.								[-8,862]
003	LAV PIP					41,988			41,988
	ARTILLERY AND OTHER WEAPONS								
004	155MM LIGHTWEIGHT TOWED HOWITZER					59			59
005	ARTILLERY WEAPONS SYSTEM					174,687	31		112,187
	Ground Based Anti-Ship Missiles—USMC UPL						[31]		
	Ground-Based Anti-Ship Missile NSM							[36]	[59,600]
	Missiles excess to need								[-62,500]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION					24,867			23,957
	RHGPK production units previously funded and cost growth.								[-910]
	OTHER SUPPORT								
007	MODIFICATION KITS					3,067			-33
	Program decrease								[-3,100]
	USMC funds identified excess to need								[-3,067]
	GUIDED MISSILES								
008	GROUND BASED AIR DEFENSE					18,920			18,920
009	ANTI-ARMOR MISSILE-JAVELIN	98		98		19,888		98	19,888
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)					21,891			21,891
011	ANTI-ARMOR MISSILE-TOW					34,985			34,985
012	GUIDED MLRS ROCKET (GMLRS)	952		952		133,689		952	133,689

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	COMMAND AND CONTROL SYSTEMS										
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C)		35,057		35,057		35,057				35,057
	REPAIR AND TEST EQUIPMENT										
014	REPAIR AND TEST EQUIPMENT		24,405		24,405		24,405				24,405
	OTHER SUPPORT (TEL)										
015	MODIFICATION KITS		1,006		1,006		1,006				1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)		69,725		69,725		69,725				69,725
017	AIR OPERATIONS C2 SYSTEMS		15,611		15,611		15,611				15,611
	RADAR + EQUIPMENT (NON-TEL)										
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	8	284,283	8	284,283	8	284,283			8	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)										
020	GCSS-MC		1,587		1,587		1,587				1,587
021	FIRE SUPPORT SYSTEM		24,934		24,934		24,934				24,934
022	INTELLIGENCE SUPPORT EQUIPMENT		50,728		50,728		50,728				50,728
024	UNMANNED AIR SYSTEMS (INTEL)		24,853		24,853		24,853				24,853
025	DCGS-MC		38,260		38,260		38,260				38,260
026	UAS PAYLOADS		5,489		5,489		5,489				5,489
	OTHER SUPPORT (NON-TEL)										
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)		78,922		78,922		78,922		-2,511		76,411
	Network equipment tech refresh previously funded								[-2,511]		
030	COMMON COMPUTER RESOURCES		35,349		35,349		35,349				35,349
031	COMMAND POST SYSTEMS		33,713		33,713		33,713				33,713
032	RADIO SYSTEMS		343,250		343,250		343,250		-2,900		340,350
	Program decrease								[-2,900]		
033	COMM SWITCHING & CONTROL SYSTEMS		40,627		40,627		40,627				40,627
034	COMM & ELEC INFRASTRUCTURE SUPPORT		43,782		43,782		43,782				43,782
035	CYBERSPACE ACTIVITIES		53,896		53,896		53,896				53,896
	CLASSIFIED PROGRAMS										
36A	CLASSIFIED PROGRAMS		3,797		3,797		3,797				3,797
	ADMINISTRATIVE VEHICLES										
037	COMMERCIAL CARGO VEHICLES		22,460		22,460		22,460				22,460
	TACTICAL VEHICLES										

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038	MOTOR TRANSPORT MODIFICATIONS		10,739		10,739		10,739			10,739	
039	JOINT LIGHT TACTICAL VEHICLE	752	381,675	752	381,675	752	381,675		752	381,675	
040	FAMILY OF TACTICAL TRAILERS		2,963		2,963		2,963			2,963	
	ENGINEER AND OTHER EQUIPMENT										
042	ENVIRONMENTAL CONTROL EQUIP ASSORT		385		385		385			385	
043	TACTICAL FUEL SYSTEMS		501		501		501			501	
044	POWER EQUIPMENT ASSORTED		23,430		23,430		23,430			23,430	
045	AMPHIBIOUS SUPPORT EQUIPMENT		5,752		5,752		5,752			5,752	
046	EOD SYSTEMS		20,939		20,939		20,939			20,939	
	MATERIALS HANDLING EQUIPMENT										
047	PHYSICAL SECURITY EQUIPMENT		23,063		23,063		23,063			23,063	
	GENERAL PROPERTY										
048	FIELD MEDICAL EQUIPMENT		4,187		4,187		4,187			4,187	
049	TRAINING DEVICES		101,765		101,765		101,765			101,765	
050	FAMILY OF CONSTRUCTION EQUIPMENT		19,305		19,305		19,305			19,305	
051	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)		678		678		678			678	
	OTHER SUPPORT										
052	ITEMS LESS THAN \$5 MILLION		9,174		9,174		9,174			9,174	
	SPARES AND REPAIR PARTS										
	UNDISTRIBUTED										
053	SPARES AND REPAIR PARTS		27,295		27,295		27,295			27,295	
	TOTAL PROCUREMENT, MARINE CORPS	1,882	2,903,976	1,913	2,960,559	1,918	2,960,476	-94,434	1,882	2,809,542	
	AIRCRAFT PROCUREMENT, AIR FORCE										
	TACTICAL FORCES										
001	F-35	48	4,567,018	48	4,236,018	60	5,543,685	12	719,548	60	5,286,566
	Additional 12 F-35As					[12]	[976,667]	[12]	[976,667]		
	Excess depot standup funding				[-22,000]						
	Excess miscellaneous support costs				[-156,000]				[-156,000]		
	Excess production engineering support				[-10,000]						
	F135 affordability challenges				[-48,000]						
	Lot 15 target cost savings				[-75,000]						
	Unit cost adjustment								[-101,119]		
	Unjustified ALIS funding				[-20,000]						
002	F-35 AP		610,800		610,800		610,800				610,800
004	F-15EX	12	1,269,847	12	1,269,847	12	1,269,847		-27,600	12	1,242,247
	Airframe excess to need								[-27,600]		
005	F-15EX AP		133,500		133,500		133,500				133,500
	TACTICAL AIRLIFT										
007	KC-46A MDAP	15	2,850,151	12	2,189,151	15	2,850,151		-142,352	15	2,707,799

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Decrease quantity by three aircraft			[-3]	[-462,000]						
	Lot 7 funding excess to NTE ceiling								[-142,352]		
	Prior year carryover				[-119,000]						
	Spares excess to need due to quantity decrease				[-40,000]						
	Wing Air Refueling Pods early to need				[-40,000]						
	OTHER AIRLIFT										
008	C-130J		37,131		37,131		37,131	7	655,000	7	692,131
	Additional aircraft							[7]	[655,000]		
010	MC-130J	4	362,807	4	241,807	4	362,807		-17,700	4	345,107
	Air force identified excess to need								[-17,700]		
	Prior year carryover				[-121,000]						
011	MC-130J AP		39,987		29,987		39,987		-9,987		30,000
	FY22 quantity reduction				[-10,000]				[-9,987]		
	HELICOPTERS										
012	UH-1N REPLACEMENT	8	194,016	8	194,016	8	194,016			8	194,016
013	COMBAT RESCUE HELICOPTER	16	973,473	16	973,473	16	973,473		-63,564	16	909,909
	Modernization/upgrades ahead of need								[-63,564]		
013A	CV-22							2	206,220	2	206,220
	SOCOM UPL							[2]	[206,220]		
	MISSION SUPPORT AIRCRAFT										
015	CIVIL AIR PATROL A/C		2,811		11,211		2,811		8,389		11,200
	Program increase				[8,400]				[8,389]		
	OTHER AIRCRAFT										
016	TARGET DRONES	38	133,273	38	133,273	38	133,273			38	133,273
018	COMPASS CALL		161,117	2	291,117		161,117				161,117
	Program increase			[2]	[130,000]						
020	MQ-9		29,409	16	120,209		79,409	16	78,591	16	108,000
	Program increase			[16]	[108,000]		[50,000]	[16]	[108,000]		
	Shutdown costs ahead of need								[-29,409]		
	Unjustified request				[-17,200]						
	STRATEGIC AIRCRAFT										
022	B-1		3,853		3,853				-3,853		
	USAF-requested transfer to RDAF Line 174						[-3,853]		[-3,853]		

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023	B-2A	31,476		31,476		31,476		31,476
024	B-1B	21,808		1,808		21,315		21,808
	Slow modernization execution			[-20,000]				
	USAF-requested transfer to RDAF Line 174					[-493]		
025	B-52	53,949		22,249		53,949		28,078
	Bomber TDL install funds ahead of need						[-2,000]	
	GPS IU early to need			[-28,700]				
	GPS-IU funding ahead of need						[-23,871]	
	Tactical data link contract delay			[-3,000]				
025A	LONG-RANGE STRIKE BOMBER ADVANCED PROCUREMENT			20,000				
	Advanced procurement			[20,000]				
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999		9,999		9,999		9,999
	TACTICAL AIRCRAFT							
027	A-10	135,793		135,793		135,793		135,793
028	E-11 BACN/HAG	33,645		33,645		33,645		33,645
029	F-15	349,304		349,304		349,304		329,242
	APG-82 common configuration excess to need						[-20,062]	
	MUOS ahead of need						[-12,012]	
							[-8,050]	
030	F-16	615,760		615,760		640,760		587,892
	Additional radars					[25,000]		
	AIFF Mode 5—AF requested transfer to RDTE, AF line 187.						[-9,868]	
	Comm suite upgrade excess to need						[-43,000]	
032	F-22A	387,905		361,705		387,905		361,705
	Contract delays			[-26,200]			[-26,200]	
033	F-35 MODIFICATIONS	322,185		290,485		322,185		290,485
	Block IV/TR3 delays			[-31,700]			[-31,700]	
034	F-15 EPAW	6 31,995	6	27,195	6	31,995		27,195
	Concurrency			[-4,800]			[-4,800]	
035	INCREMENT 3.2B	5,889		5,889		5,889		5,889
036	KC-46A MDAP	24,085		9,085		24,085		9,085
	Excessive airworthiness directives and service bulletins ..			[-15,000]			[-15,000]	
	AIRLIFT AIRCRAFT							
037	C-5	62,108		50,008		62,108		50,279
	Unjustified PMA cost growth			[-12,100]			[-11,829]	
038	C-17A	66,798		56,798		66,798		44,798
	BLOS ahead of need			[-10,000]			[-22,000]	
040	C-32A	2,947		2,947		2,947		2,947
041	C-37A	12,985		5,985		12,985		5,985
	SATCOM installs ahead of need			[-7,000]			[-7,000]	

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	TRAINER AIRCRAFT										
042	GLIDER MODS		977		977		977				977
043	T-6		26,829		26,829		26,829				26,829
044	T-1		4,465		4,465		4,465				4,465
045	T-38		36,806		41,806		44,506		5,000		41,806
	T-38 ejection seat improvements				[5,000]						
	T-38 ejection seats						[7,700]		[5,000]		
	OTHER AIRCRAFT										
046	U-2 MODS		110,618		110,618		110,618				110,618
047	KC-10A (ATCA)		117		117		117				117
049	VC-25A MOD		1,983		1,983		1,983				1,983
050	C-40		9,252		7,252		9,252		-2,000		7,252
	SATCOM installs ahead of need				[-2,000]				[-2,000]		
051	C-130		5,871		140,671		5,871		134,759		140,630
	AMP 1 excess to need				[-3,800]				[-3,841]		
	Eight-bladed propeller upgrade kits only				[55,000]				[55,000]		
	Improved modular airborne fire fighting system (IMAFFS)				[4,600]				[4,600]		
	T-56 3.5 engine mod				[79,000]				[79,000]		
052	C-130J MODS		140,032		140,032		140,032				140,032
053	C-135		88,250		86,450		88,250		-1,800		86,450
	Other government cost growth				[-1,800]				[-1,800]		
055	COMPASS CALL		193,389		193,389		193,389		-23,736		169,653
	Baseline 3 installation delays								[-8,706]		
	Baseline 4 cost discrepancies								[-15,030]		
057	RC-135		191,332		191,332		191,332				191,332
058	E-3		172,141		172,141		172,141		-36,401		135,740
	NATO AWACS—transfer to line 88								[-36,401]		
059	E-4		58,803		58,803		44,103		-14,663		44,140
	Funds rephased to future fiscal years						[-14,700]		[-14,663]		
060	E-8		11,037		38,037		21,037		27,000		38,037
	Program increase				[27,000]				[27,000]		
	Secure information transmission capability						[10,000]				
061	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45		53,343		53,343		53,343				53,343

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062	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573		1,573		1,573			1,573
063	H-1	4,410		4,410		4,410			4,410
064	H-60	44,538		44,538		44,538			44,538
065	RQ-4 MODS	40,468		40,468		40,468		-28,118	12,350
	ASIP SW/HW upgrades and support forward financed							[-2,000]	
	Unjustified mod funding							[-26,118]	
066	HC/MC-130 MODIFICATIONS	20,780		20,780		20,780			20,780
067	OTHER AIRCRAFT	100,774		100,774		100,774			100,774
068	MQ-9 MODS	188,387		188,387		188,387			188,387
070	CV-22 MODS	122,306	2	328,506		127,306			122,306
	CV-22 ABSS					[5,000]			
	SOCOM UPL		[2]	[206,200]					
	AIRCRAFT SPARES AND REPAIR PARTS								
071	INITIAL SPARES/REPAIR PARTS	926,683		915,383		956,683		-7,336	919,347
	F-15 EPAWSS spares excess to need							[-6,036]	
	F-35A initial spares increase					[30,000]		[10,000]	
	Unobligated balances—F-16s			[-11,300]				[-11,300]	
	COMMON SUPPORT EQUIPMENT								
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719		132,719		132,719			132,719
	POST PRODUCTION SUPPORT								
074	B-2A	1,683		1,683		1,683			1,683
075	B-2B	46,734		46,734		46,734			46,734
076	B-52	1,034		1,034		1,034			1,034
079	E-11 BACN/HAG	63,419		63,419		63,419			63,419
080	F-15	2,632		2,632		2,632			2,632
081	F-16	14,163		14,163		14,163			14,163
083	OTHER AIRCRAFT	4,595		4,595		4,595			4,595
084	RQ-4 POST PRODUCTION CHARGES	32,585		32,585		32,585			32,585
	INDUSTRIAL PREPAREDNESS								
085	INDUSTRIAL RESPONSIVENESS	18,215		18,215		18,215			18,215
	WAR CONSUMABLES								
086	WAR CONSUMABLES	36,046		36,046		36,046			36,046
	OTHER PRODUCTION CHARGES								
087	OTHER PRODUCTION CHARGES	1,439,640		1,439,640		1,514,640		111,401	1,551,041
	Classified increase					[75,000]		[75,000]	
	NATO AWACS—transfer from line 58							[36,401]	
	CLASSIFIED PROGRAMS								
	UNDISTRIBUTED								
89A	CLASSIFIED PROGRAMS	21,692		21,692		21,692			21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	147	17,908,145	164	17,233,745	159	19,068,466	37	1,374,468
								184	19,282,613

[illegible]

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25A	UNDISTRIBUTED									
	CLASSIFIED PROGRAMS		540,465		540,465		540,465		540,465	
	TOTAL MISSILE PROCUREMENT, AIR FORCE	4,006	2,396,417	4,006	2,396,417	3,966	2,396,417	-36,640	4,006	2,359,777
	PROCUREMENT OF AMMUNITION, AIR FORCE									
	ROCKETS									
001	ROCKETS		14,962		14,962		14,962			14,962
	CARTRIDGES									
002	CARTRIDGES		123,365		123,365		123,365			123,365
	BOMBS									
003	PRACTICE BOMBS		59,725		59,725		59,725			59,725
006	JOINT DIRECT ATTACK MUNITION	10,000	206,989	10,000	206,989	10,000	206,989		10,000	206,989
007	B61		35,634		35,634		35,634			35,634
	OTHER ITEMS									
009	CAD/PAD		47,830		47,830		47,830			47,830
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)		6,232		6,232		6,232			6,232
011	SPARES AND REPAIR PARTS		542		542		542			542
012	MODIFICATIONS		1,310		1,310		1,310			1,310
013	ITEMS LESS THAN \$5,000,000		4,753		4,753		4,753			4,753
	FLARES									
015	FLARES		40,088		40,088		40,088			40,088
	FUZES									
016	FUZES		40,983		40,983		40,983	-2,082		38,901
	C-HOBS ahead of need							[-2,082]		
	SMALL ARMS									
	UNDISTRIBUTED									
017	SMALL ARMS		13,925		13,925		13,925			13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	10,000	596,338	10,000	596,338	10,000	596,338	-2,082	10,000	594,256
	PROCUREMENT, SPACE FORCE									
	SPACE PROCUREMENT, SF									
001	ADVANCED EHF		14,823		14,823		14,823			14,823
002	AF SATELLITE COMM SYSTEM		48,326		43,326		48,326			48,326
	Insufficient justification				[-5,000]					
003	COUNTERSPACE SYSTEMS		65,540		57,540		65,540	-16,385		49,155
	Insufficient justification				[-8,000]			[-16,385]		
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS		66,190		66,190		66,190			66,190
005	GENERAL INFORMATION TECH—SPACE		3,299		3,299		3,299			3,299
006	GPSIII FOLLOW ON	2	627,796	2	612,796	2	627,796	-15,000	2	612,796
	Unjustified growth				[-15,000]			[-15,000]		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
007	GPS III SPACE SEGMENT		20,122		20,122		20,122				20,122
008	GLOBAL POSITIONING (SPACE)		2,256		2,256		2,256				2,256
009	SPACEBORNE EQUIP (COMSEC)		35,495		35,495		35,495				35,495
010	MILSATCOM		15,795		15,795		15,795				15,795
011	SBIR HIGH (SPACE)		160,891		160,891		160,891				160,891
012	SPECIAL SPACE ACTIVITIES		78,387		78,387		78,387				78,387
013	NATIONAL SECURITY SPACE LAUNCH	3	1,043,171	3	1,043,171	3	1,043,171		-95,000	3	948,171
	Launch services unjustified increase								[-95,000]		
014	NUDET DETECTION SYSTEM		6,638		6,638		6,638				6,638
015	ROCKET SYSTEMS LAUNCH PROGRAM		47,741		47,741		47,741				47,741
016	SPACE FENCE		11,279		11,279		11,279				11,279
017	SPACE MODS		96,551		86,551		109,051		-7,845		88,706
	Cobra Dane service life extension						[12,500]				
	Insufficient justification				[-10,000]				[-10,000]		
	Transfer from OP,AF line 22								[2,155]		
018	SPACELIFT RANGE SYSTEM SPACE		100,492		100,492		100,492		-10,000		90,492
	Underexecution								[-10,000]		
	SPARES										
019	SPARES AND REPAIR PARTS		1,272		1,272		1,272				1,272
	TOTAL PROCUREMENT, SPACE FORCE	5	2,446,064	5	2,408,064	5	2,458,564		-144,230	5	2,301,834
	OTHER PROCUREMENT, AIR FORCE										
	PASSENGER CARRYING VEHICLES										
001	PASSENGER CARRYING VEHICLES		9,016		9,016		9,016				9,016
	CARGO AND UTILITY VEHICLES										
002	MEDIUM TACTICAL VEHICLE		15,058		15,058		15,058				15,058
003	CAP VEHICLES		1,059		1,800		1,059		741		1,800
	Program increase				[741]				[741]		
004	CARGO AND UTILITY VEHICLES		38,920		38,920		38,920				38,920
	SPECIAL PURPOSE VEHICLES										
005	JOINT LIGHT TACTICAL VEHICLE		30,544		30,544		30,544				30,544
006	SECURITY AND TACTICAL VEHICLES		319		319		319				319
007	SPECIAL PURPOSE VEHICLES		43,157		34,381		43,157				43,157

	Program decrease						
	Unjustified request						
	FIRE FIGHTING EQUIPMENT						
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621	8,621			8,621
	MATERIALS HANDLING EQUIPMENT						
009	MATERIALS HANDLING VEHICLES	12,897	12,897	12,897			12,897
	BASE MAINTENANCE SUPPORT						
010	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577	3,577			3,577
011	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095	43,095			43,095
	COMM SECURITY EQUIPMENT(COMSEC)						
013	COMSEC EQUIPMENT	54,864	54,864	54,864			54,864
	INTELLIGENCE PROGRAMS						
014	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	9,283	10,783	1,500		10,783
	PDI: Mission Partner Environment BICES-X local upgrades			[1,500]	[1,500]		
015	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849	6,849			6,849
016	INTELLIGENCE COMM EQUIPMENT	33,471	33,471	33,471	-3,280		30,191
	IMAD acquisition materials				[-3,280]		
	ELECTRONICS PROGRAMS						
017	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409	29,409			29,409
018	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909	7,909			7,909
019	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632	32,632			32,632
020	WEATHER OBSERVATION FORECAST	33,021	33,021	33,021			33,021
021	STRATEGIC COMMAND AND CONTROL	31,353	31,353	31,353			31,353
022	CHEYENNE MOUNTAIN COMPLEX	10,314	10,314	10,314	-2,115		8,199
	Transfer to P,SF line 17				[-2,115]		
023	MISSION PLANNING SYSTEMS	15,132	15,132	15,132			15,132
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806	9,806			9,806
	SPCL COMM-ELECTRONICS PROJECTS						
026	GENERAL INFORMATION TECHNOLOGY	39,887	39,887	39,887			39,887
027	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602	2,602			2,602
029	MOBILITY COMMAND AND CONTROL	10,541	10,541	10,541			10,541
030	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	93,777	96,277	-2,500		93,777
	Program decrease				[-2,500]		
031	COMBAT TRAINING RANGES	195,185	195,185	195,185	-2,000		193,185
	forward financing				[-2,000]		
032	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	29,664	29,664	-8,000		21,664
	Schedule slips				[-8,000]		
033	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633	59,633			59,633
034	C3 COUNTERMEASURES	105,584	105,584	105,584			105,584
036	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899	899			899

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
038	THEATER BATTLE MGT C2 SYSTEM		3,392		3,392		3,392				3,392
039	AIR & SPACE OPERATIONS CENTER (AOC)		24,983		24,983		24,983				24,983
	AIR FORCE COMMUNICATIONS										
041	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED		19,147		19,147		19,147				19,147
042	AFNET		84,515		84,515		84,515				84,515
043	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)		6,185		6,185		6,185				6,185
044	USCENTCOM		19,649		19,649		19,649				19,649
045	USSTRATCOM		4,337		4,337		4,337				4,337
	ORGANIZATION AND BASE										
046	TACTICAL C-E EQUIPMENT		137,033		137,033		137,033				137,033
047	RADIO EQUIPMENT		15,264		15,264		15,264				15,264
049	BASE COMM INFRASTRUCTURE		132,281		132,281		146,281		14,000		146,281
	PDI: Mission Partner Environment PACNET						[14,000]		[14,000]		
	MODIFICATIONS										
050	COMM ELECT MODS		21,471		21,471		21,471				21,471
	PERSONAL SAFETY & RESCUE EQUIP										
051	PERSONAL SAFETY AND RESCUE EQUIPMENT		49,578		49,578		49,578				49,578
	DEPOT PLANT+MTRLS HANDLING EQ										
052	POWER CONDITIONING EQUIPMENT		11,454		11,454		11,454				11,454
053	MECHANIZED MATERIAL HANDLING EQUIP		12,110		12,110		12,110				12,110
	BASE SUPPORT EQUIPMENT										
054	BASE PROCURED EQUIPMENT		21,142		21,142		21,142				21,142
055	ENGINEERING AND EOD EQUIPMENT		7,700		7,700		7,700				7,700
056	MOBILITY EQUIPMENT		18,266		22,966		22,966				18,266
	Insulation system for Air Force shelters						[4,700]				
	Program increase				[4,700]						
057	FUELS SUPPORT EQUIPMENT (FSE)		9,601		9,601		9,601				9,601
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT		42,078		30,378		42,078				42,078
	Program decrease				[-4,700]						
	Unjustified request				[-7,000]						
	SPECIAL SUPPORT PROJECTS										
060	DARPA RC135		27,164		27,164		27,164				27,164
061	DCGS-AF		121,528		121,528		121,528				121,528

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063	SPECIAL UPDATE PROGRAM		782,641		782,641		782,641		782,641	
	CLASSIFIED PROGRAMS									
63A	CLASSIFIED PROGRAMS		21,086,112		21,026,112		21,086,112	-44,500	21,041,612	
	Program adjustment				[-60,000]			[-44,500]		
	SPARES AND REPAIR PARTS									
064	SPARES AND REPAIR PARTS (CYBER)		1,664		1,664		1,664		1,664	
065	SPARES AND REPAIR PARTS		15,847		15,847		15,847		15,847	
	TOTAL OTHER PROCUREMENT, AIR FORCE		23,695,720		23,618,185		23,715,920	-46,154	23,649,566	
	PROCUREMENT, DEFENSE-WIDE									
	MAJOR EQUIPMENT, OSD									
026	MAJOR EQUIPMENT, DPAA	10	500	10	500	10	500	10	500	
049	MAJOR EQUIPMENT, OSD		3,099		3,099		3,099		3,099	
	MAJOR EQUIPMENT, NSA									
048	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		101		101		101		101	
	MAJOR EQUIPMENT, WHS									
053	MAJOR EQUIPMENT, WHS		515		515		515		515	
	MAJOR EQUIPMENT, DISA									
011	INFORMATION SYSTEMS SECURITY		17,211		17,211		17,211		17,211	
012	TELEPORT PROGRAM		29,841		29,841		29,841		29,841	
013	JOINT FORCES HEADQUARTERS—DODIN		3,091		3,091		3,091		3,091	
014	ITEMS LESS THAN \$5 MILLION		41,569		41,569		41,569		41,569	
016	DEFENSE INFORMATION SYSTEM NETWORK		26,978		26,978		26,978		26,978	
017	WHITE HOUSE COMMUNICATION AGENCY		44,161		44,161		44,161		44,161	
018	SENIOR LEADERSHIP ENTERPRISE		35,935		35,935		35,935		35,935	
019	JOINT REGIONAL SECURITY STACKS (JRSS)		88,741		8,741		77,641		88,741	
	JRSS SIPR funding						[-11,100]			
	Program decrease				[-80,000]					
020	JOINT SERVICE PROVIDER		157,538		157,538		157,538		157,538	
021	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)		42,084		42,084		42,084		42,084	
	MAJOR EQUIPMENT, DLA									
023	MAJOR EQUIPMENT		417,459		417,459		417,459	-7,000	410,459	
	MGUE—DLA requested transfer to RDTE,DW line 54							[-7,000]		
	MAJOR EQUIPMENT, DCSA									
003	MAJOR EQUIPMENT		2,212		2,212		2,212		2,212	
	MAJOR EQUIPMENT, TJS									
050	MAJOR EQUIPMENT, TJS		8,329		8,329		8,329		8,329	
051	MAJOR EQUIPMENT—TJS CYBER		1,247		1,247		1,247		1,247	
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY									
031	THAAD	41	495,396	42	601,396	41	601,796	106,400	41	601,796

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	8th THAAD battery components						[76,300]		[76,300]		
	HEMTT life-of-type buy						[30,100]		[30,100]		
	THAAD battery #8			[1]	[106,000]						
034	AEGIS BMD	34	356,195	34	356,195	34	356,195			34	356,195
035	AEGIS BMD AP		44,901		44,901		44,901				44,901
036	BMDS AN/TPY-2 RADARS						243,300		243,300		243,300
	8th THAAD battery radar equipment						[243,300]		[243,300]		
037	SM-3 IIA	6	218,322	10	333,322	11	346,322	3	106,000	9	324,322
	Additional SM-3 Block IIA interceptors					[5]	[128,000]				
	Increase SM-3 Block IIA quantities			[4]	[115,000]			[3]	[106,000]		
038	ARROW 3 UPPER TIER SYSTEMS	1	77,000	1	77,000	1	77,000			1	77,000
039	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	1	50,000	1	50,000	1	50,000			1	50,000
040	AEGIS ASHORE PHASE III		39,114		39,114		39,114				39,114
041	IRON DOME	1	73,000	1	73,000	1	73,000			1	73,000
042	AEGIS BMD HARDWARE AND SOFTWARE	49	104,241	49	104,241	49	104,241			49	104,241
	MAJOR EQUIPMENT, DHRA										
005	PERSONNEL ADMINISTRATION		4,213		4,213		4,213				4,213
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY										
028	VEHICLES		215		215		215				215
029	OTHER MAJOR EQUIPMENT		9,994		9,994		9,994				9,994
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY										
027	REGIONAL CENTER PROCUREMENT		1,598		1,598		1,598				1,598
	MAJOR EQUIPMENT, DODEA										
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,319		1,319		1,319				1,319
	MAJOR EQUIPMENT, DCMA										
002	MAJOR EQUIPMENT		1,398		1,398		1,398				1,398
	MAJOR EQUIPMENT, DMACT										
024	MAJOR EQUIPMENT		7,993		7,993		7,993				7,993
	CLASSIFIED PROGRAMS										
54A	CLASSIFIED PROGRAMS		554,264		554,264		554,264		-2,400		551,864
	Classified adjustment								[-2,400]		
	AVIATION PROGRAMS										

055	ARMED OVERWATCH/TARGETING	5	101,000	5	53,000	5		-101,000	5
	Lack of validated requirement and analysis						[-101,000]		
	Program decrease				[-80,000]			[-101,000]	
	U.S. Special Operations Command Armed Overwatch program.				[32,000]				
056	MANNED ISR						40,100		
	SOCOM DHC-8 combat loss replacement						[40,100]		
059	ROTARY WING UPGRADES AND SUSTAINMENT		211,041		211,041		211,041		211,041
060	UNMANNED ISR		25,488		20,488		25,488	-1,000	24,488
	Program decrease				[-5,000]			[-1,000]	
061	NON-STANDARD AVIATION		61,874		56,874		61,874		61,874
	Program decrease				[-5,000]				
062	U-28		3,825		3,825		28,525		3,825
	SOCOM aircraft maintenance support combat loss replacement.						[24,700]		
063	MH-47 CHINOOK		135,482		135,482		135,482		135,482
064	CV-22 MODIFICATION		14,829		14,829		14,829		14,829
065	MQ-9 UNMANNED AERIAL VEHICLE		6,746		6,746		6,746		6,746
066	PRECISION STRIKE PACKAGE		243,111		238,111		243,111	-5,000	238,111
	Program decrease				[-5,000]			[-5,000]	
067	AC/MC-130J		163,914		163,914		163,914	-10,000	153,914
	RFCM excess to need							[-10,000]	
068	C-130 MODIFICATIONS		20,414		20,414		20,414		20,414
	SHIPBUILDING								
069	UNDERWATER SYSTEMS		20,556		20,556		20,556		20,556
	AMMUNITION PROGRAMS								
070	ORDNANCE ITEMS <\$5M		186,197		186,197		186,197		186,197
	OTHER PROCUREMENT PROGRAMS								
071	INTELLIGENCE SYSTEMS		94,982		94,982		108,382		94,982
	Transfer from MMP-Light to man-pack						[13,400]		
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS		11,645		11,645		11,645		11,645
073	OTHER ITEMS <\$5M		96,333		96,333		96,333	-12,226	84,107
	MMP excess to need							[-12,226]	
074	COMBATANT CRAFT SYSTEMS		17,278		17,278		17,278		17,278
075	SPECIAL PROGRAMS		78,865		71,365		78,865	-7,500	71,365
	Program decrease				[-7,500]			[-7,500]	
076	TACTICAL VEHICLES		30,158		30,158		30,158		30,158
077	WARRIOR SYSTEMS <\$5M		260,733		260,733		248,533		260,733
	MMP-Light unexecutable, transfer to man-pack						[-12,200]		
078	COMBAT MISSION REQUIREMENTS		19,848		19,848		19,848		19,848

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
079	GLOBAL VIDEO SURVEILLANCE ACTIVITIES		2,401		2,401		2,401				2,401
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE		13,861		8,861		13,861				13,861
	Program decrease				[-5,000]						
081	OPERATIONAL ENHANCEMENTS		247,038		242,038		259,538				247,038
	Program decrease				[-5,000]						
	SOCOM Syria exfiltration reconstitution						[12,500]				
	CBDP										
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS		147,150		147,150		147,150				147,150
083	CB PROTECTION & HAZARD MITIGATION		149,944		149,944		149,944				149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	148	5,324,487	153	5,384,987	153	5,768,587	3	309,574	151	5,634,061
	TOTAL PROCUREMENT	34,422	130,684,160	34,551	132,844,847	34,500	133,957,913	119	5,901,062	34,541	136,585,222

[illegible]

[illegible]

013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500	6,500	6,500
014	PLS ESP	15,163	15,163	15,163	15,163
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS				
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	2,700	2,700	2,700	2,700
032	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566	12,566	12,566
033	SMART-T (SPACE)	289	289	289	289
034	GLOBAL BRDCST SVC—GBS	319	319	319	319
	COMM—COMBAT COMMUNICATIONS				
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257	1,257	1,257
	COMM—INTELLIGENCE COMM				
048	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230	1,230	1,230
	INFORMATION SECURITY				
052	COMMUNICATIONS SECURITY (COMSEC)	128	128	128	128
	COMM—BASE COMMUNICATIONS				
058	INFORMATION SYSTEMS	15,277	15,277	15,277	15,277
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	74,004	80,004	74,004
	EDI: NATO Response Force (NRF) networks			[6,000]	
	ELECT EQUIP—TACT INT REL ACT (TIARA)				
068	DCGS-A (MIP)	47,709	47,709	47,709	47,709
070	TROJAN (MIP)	1,766	1,766	1,766	1,766
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450	61,450	61,450
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)				
080	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293	44,293	44,293
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)				
083	SENTINEL MODS	33,496	33,496	33,496	33,496
084	NIGHT VISION DEVICES	643	643	643	643
087	RADIATION MONITORING SYSTEMS	11	11	11	11
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000	37,000	37,000
094	COMPUTER BALLISTICS: LHMCB XM32	280	280	280	280
095	MORTAR FIRE CONTROL SYSTEM	13,672	13,672	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS				
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143	15,143	15,143
	ELECT EQUIP—AUTOMATION				
109	ARMY TRAINING MODERNIZATION	4,688	4,688	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT				
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480	25,480	25,480

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)											
Line	Item	FY 2021 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
122	BASE DEFENSE SYSTEMS (BDS)		98,960		98,960		98,960				98,960
123	CBRN DEFENSE		18,887		18,887		18,887				18,887
	BRIDGING EQUIPMENT										
125	TACTICAL BRIDGING		50,400		50,400		50,400				50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
137	RENDER SAFE SETS KITS OUTFITS		84,000		84,000		84,000				84,000
	COMBAT SERVICE SUPPORT EQUIPMENT										
140	HEATERS AND ECU'S		370		370		370				370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		3,721		3,721		3,721				3,721
145	FORCE PROVIDER		56,400		56,400		129,800				56,400
	EDI: Improvements to living quarters for rotational forces in Europe.						[73,400]				
146	FIELD FEEDING EQUIPMENT		2,279		2,279		2,279				2,279
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM		2,040		2,040		2,040				2,040
	PETROLEUM EQUIPMENT										
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		4,374		4,374		4,374				4,374
	MEDICAL EQUIPMENT										
151	COMBAT SUPPORT MEDICAL		6,390		6,390		6,390				6,390
	MAINTENANCE EQUIPMENT										
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS		7,769		7,769		7,769				7,769
153	ITEMS LESS THAN \$5.0M (MAINT EQ)		184		184		184				184
	CONSTRUCTION EQUIPMENT										
156	LOADERS		3,190		3,190		3,190				3,190
157	HYDRAULIC EXCAVATOR		7,600		7,600		7,600				7,600
158	TRACTOR, FULL TRACKED		7,450		7,450		7,450				7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HME)		3,703		3,703		3,703				3,703
162	CONST EQUIP ESP		657		657		657				657
	GENERATORS										
167	GENERATORS AND ASSOCIATED EQUIP		106		106		106				106
	MATERIAL HANDLING EQUIPMENT										
169	FAMILY OF FORKLIFTS		1,885		1,885		1,885				1,885
	OTHER SUPPORT EQUIPMENT										
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		8,500		8,500		8,500				8,500

181	PHYSICAL SECURITY SYSTEMS (OPA3)		3,248		3,248		3,248		3,248
185	BUILDING, PRE-FAB, RELOCATABLE		31,845		31,845		31,845		31,845
	TOTAL OTHER PROCUREMENT, ARMY		924,077		924,077		1,003,477		924,077
	AIRCRAFT PROCUREMENT, NAVY								
	OTHER AIRCRAFT								
024	STUASLO UAV		7,921		7,921		7,921		7,921
	MODIFICATION OF AIRCRAFT								
053	COMMON ECM EQUIPMENT		3,474		3,474		3,474		3,474
055	COMMON DEFENSIVE WEAPON SYSTEM		3,339		3,339		3,339		3,339
064	QRC		18,507		18,507		18,507		18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY		33,241		33,241		33,241		33,241
	WEAPONS PROCUREMENT, NAVY								
	TACTICAL MISSILES								
012	HELLFIRE	115	5,572	115	5,572	115	5,572	115	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	115	5,572	115	5,572	115	5,572	115	5,572
	PROCUREMENT OF AMMO, NAVY & MC								
	NAVY AMMUNITION								
001	GENERAL PURPOSE BOMBS		8,068		8,068		8,068		8,068
002	JDAM	673	15,529	673	15,529	673	15,529	673	15,529
003	AIRBORNE ROCKETS, ALL TYPES		23,000		23,000		23,000		23,000
004	MACHINE GUN AMMUNITION		22,600		22,600		22,600		22,600
006	CARTRIDGES & CART ACTUATED DEVICES		3,927		3,927		3,927		3,927
007	AIR EXPENDABLE COUNTERMEASURES		15,978		15,978		15,978		15,978
008	JATOS		2,100		2,100		2,100		2,100
011	OTHER SHIP GUN AMMUNITION		2,611		2,611		2,611		2,611
012	SMALL ARMS & LANDING PARTY AMMO		1,624		1,624		1,624		1,624
013	PYROTECHNIC AND DEMOLITION		505		505		505		505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	673	95,942	673	95,942	673	95,942	673	95,942
	OTHER PROCUREMENT, NAVY								
	SMALL BOATS								
028	STANDARD BOATS		19,104		19,104		19,104		19,104
	OTHER SHIP SUPPORT								
035	SMALL & MEDIUM UUV		2,946		2,946		2,946		2,946
	ASW ELECTRONIC EQUIPMENT								
043	FIXED SURVEILLANCE SYSTEM		213,000		213,000		213,000		213,000
	SONOBUOYS								

56

[illegible]

58

[illegible]

065	SPARES AND REPAIR PARTS	4,000	4,000	4,000		4,000			
	TOTAL OTHER PROCUREMENT, AIR FORCE	355,339	355,339	355,339		355,339			
	PROCUREMENT, DEFENSE-WIDE								
	MAJOR EQUIPMENT, DISA								
016	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120	6,120		6,120			
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY								
030	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540	2,540		2,540			
	CLASSIFIED PROGRAMS								
54A	CLASSIFIED PROGRAMS	3,500	3,500	3,500		3,500			
	AVIATION PROGRAMS								
056	MANNED ISR	5,000	45,100	5,000	40,100	45,100			
	Combat loss replacement—DHC-8		[40,100]		[40,100]				
057	MC-12	5,000	5,000	5,000		5,000			
060	UNMANNED ISR	8,207	8,207	8,207		8,207			
062	U-28				24,711	24,711			
	Combat loss replacement				[24,711]				
	AMMUNITION PROGRAMS								
070	ORDNANCE ITEMS <\$5M	105,355	105,355	105,355		105,355			
	OTHER PROCUREMENT PROGRAMS								
071	INTELLIGENCE SYSTEMS	16,234	16,234	16,234		16,234			
073	OTHER ITEMS <\$5M	984	984	984		984			
076	TACTICAL VEHICLES	2,990	2,990	2,990		2,990			
077	WARRIOR SYSTEMS <\$5M	32,573	37,573	32,573		32,573			
	Development of autonomous, multi-sensor cUAS capabilities with kinetic effects.		[5,000]						
078	COMBAT MISSION REQUIREMENTS	10,000	10,000	10,000		10,000			
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724	6,724		6,724			
081	OPERATIONAL ENHANCEMENTS	53,264	53,264	53,264		53,264			
	TOTAL PROCUREMENT, DEFENSE-WIDE	258,491	303,591	258,491	64,811	323,302			
	NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT								
	UNDISTRIBUTED								
007	UNDISTRIBUTED		150,000		150,000	150,000			
	Program increase		[150,000]		[150,000]				
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT.		150,000		150,000	150,000			
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		150,000		150,000	150,000			
	TOTAL PROCUREMENT	18,457	5,128,098	18,458	5,485,798	18,411	5,030,913	236,053	18,457
								5,514,151	

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY					
		BASIC RESEARCH					
002	0601102A	DEFENSE RESEARCH SCIENCES	303,257	308,257	315,257	15,000	318,257
		AI human performance optimization			[2,000]		
		Counter-UAS Army research lab		[5,000]		[5,000]	
		Increase in basic research			[10,000]	[10,000]	
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	72,148	67,148	5,000	72,148
		Program increase		[5,000]		[5,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,877	101,877	87,877	14,000	101,877
		Automotive research center modeling and simulation		[5,000]		[5,000]	
		Biotechnology advancements		[4,000]		[4,000]	
		Program increase		[5,000]		[5,000]	
005	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077	5,077		5,077
		SUBTOTAL BASIC RESEARCH	463,359	487,359	475,359	34,000	497,359
		APPLIED RESEARCH					
007	0602115A	BIOMEDICAL TECHNOLOGY	11,835	11,835	15,835		11,835
		Pandemic vaccine response			[4,000]		
011	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	2,000	2,000	2,000		2,000

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012	0602141A	LETHALITY TECHNOLOGY	42,425	47,425	45,425	8,000	50,425
		Hybrid additive manufacturing			[3,000]	[3,000]	
		Next generation additive manufacturing and 3-D printed electronics.		[5,000]		[5,000]	
013	0602142A	ARMY APPLIED RESEARCH	30,757	30,757	33,757	3,000	33,757
		Pathfinder Air Assault			[3,000]	[3,000]	
014	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	132,435	135,935	12,000	137,435
		HEROES program increase		[5,000]	[2,500]	[5,000]	
		Metal-based display technologies			[3,000]		
		Pathfinder Airborne			[5,000]	[5,000]	
		Syn-bio enabled functional materials for the soldier		[2,000]		[2,000]	
015	0602144A	GROUND TECHNOLOGY	28,047	45,047	30,047	19,000	47,047
		Cold weather military research		[2,000]		[2,000]	
		Ground technology advanced manufacturing, materials and process initiative.			[2,000]	[2,000]	
		Materials recovery technologies for defense supply resiliency		[10,000]		[10,000]	
		Polymeric composites via cold spray additive manufacturing		[5,000]		[5,000]	
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	217,565	217,565	227,565	10,000	227,565
		Ground combat vehicle platform electrification			[2,000]	[2,000]	
		Immersive virtual modeling and simulation techniques			[5,000]	[5,000]	
		Next Generation Combat Vehicle modeling and simulation			[3,000]	[3,000]	
017	0602146A	NETWORK C3I TECHNOLOGY	114,404	134,404	126,404	15,000	129,404
		Alternative positioning navigation and timing		[5,000]		[5,000]	
		Backpackable communications intelligence system		[5,000]			
		Defense resiliency platform against extreme cold weather			[3,000]	[3,000]	
		Multi-drone multi-sensor ISR capability		[2,000]	[2,000]	[2,000]	
		Program increase		[5,000]		[5,000]	
		Quantum computing base materials optimization			[2,000]		
		Sensor and electronic network initiatives		[3,000]			
018	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	60,553	67,553	5,000	65,553
		Composite artillery tube and propulsion prototyping			[7,000]	[5,000]	
019	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	101,484	96,484	5,000	101,484

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020	0602150A	High density eVOTL power source research		[5,000]		[5,000]	
		AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	76,298	66,298	10,000	66,298
		Advanced beam control tracking and targeting		[5,000]		[5,000]	
		Counter unmanned aerial systems threat R&D			[5,000]		
		Counter unmanned aircraft systems research			[5,000]		
		High energy laser technology		[5,000]		[5,000]	
		Radar research		[5,000]			
		UAS threat detection		[5,000]			
022	0602213A	C3I APPLIED CYBER	18,816	18,816	18,816		18,816
040	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,766	20,766	20,766		20,766
042	0602787A	MEDICAL TECHNOLOGY	95,496	95,496	97,496		95,496
		Research for coronavirus vaccine			[2,000]		
		SUBTOTAL APPLIED RESEARCH	920,881	994,881	984,381	87,000	1,007,881
		ADVANCED TECHNOLOGY DEVELOPMENT					
044	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896	38,896		38,896
049	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	11,659	11,659	11,659		11,659
052	0603115A	MEDICAL DEVELOPMENT	27,723	27,723	27,723		27,723
053	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	62,663	62,663	62,663		62,663
054	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	109,608	118,608	111,608	11,000	120,608
		3D advanced manufacturing			[2,000]	[2,000]	
		Advanced AI/AA analytics for modernization and readiness		[5,000]		[5,000]	
		Anthropomorphic study for body armor modernization		[4,000]		[4,000]	
055	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	23,295	20,795	8,000	22,795
		Cybersecurity for industrial control systems and building automation.			[3,000]		
		Graphene applications for military engineering			[3,000]	[3,000]	

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		Rapid entry and sustainment for the arctic		[5,000]		[5,000]	
		Survivability and energy reduction of hard shelters		[3,500]			
059	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000	25,000		25,000
063	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357	23,357		23,357
064	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	188,024	188,024	193,024	5,000	193,024
		High performance computing modernization			[5,000]	[5,000]	
065	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY	199,358	216,358	226,858	32,500	231,858
		Carbon fiber and graphitic composites			[10,000]	[10,000]	
		Cyber and connected vehicle innovation research			[5,000]		
		Cyber security support for vehicle development		[2,000]			
		Fuel cell powered vehicle development		[15,000]		[10,000]	
		Small unit ground robotic capabilities			[7,500]	[7,500]	
		Virtual experimentations enhancement			[5,000]	[5,000]	
066	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	163,608	158,608	5,000	163,608
		Tactical geospatial information development		[5,000]		[5,000]	
067	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	121,060	131,060	124,060	10,000	131,060
		Hypervelocity projectile—extended range technologies		[10,000]	[3,000]	[10,000]	
068	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	156,194	156,194	156,194		156,194
069	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	58,130	63,130	73,630	15,500	73,630
		Electromagnetic effects research to support fires and AMD CFTs			[5,000]		
		High-energy laser system characterization lab			[10,500]	[10,500]	
		Program acceleration		[5,000]		[5,000]	
077	0603920A	HUMANITARIAN DEMINING	8,515	8,515	8,515		8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	1,203,590	1,258,090	1,262,590	87,000	1,290,590
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
078	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,062	21,062	14,062	13,000	24,062
		Accelerated test and integration		[10,000]		[10,000]	
		Hypersonic hot air tunnel test environment			[3,000]	[3,000]	
079	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230	26,230		26,230
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	26,482	26,482	26,482		26,482
081	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,092	66,092	64,092	-2,234	61,858

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		Interim top attack support costs carryover				[-4,234]	
		MICLIC replacement development		[2,000]		[2,000]	
083	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753	92,753		92,753
084	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	151,478	163,978	151,478	-15,000	136,478
		Fuel cell powered vehicle development		[15,000]			
		Modeling and simulation support for vehicle development		[12,500]			
		Program decrease		[-15,000]		[-15,000]	
085	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841	5,841		5,841
086	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	194,775	194,775	194,775	-12,375	182,400
		MDSS sensor development contract ahead of need				[-12,375]	
087	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	24,316	24,316	24,316		24,316
088	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	13,387	13,387	13,387		13,387
089	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762	4,762		4,762
090	0603801A	AVIATION—ADV DEV	647,937	647,937	652,937	5,000	652,937
		Future Long Range Assault Aircraft (FLRAA)			[5,000]	[5,000]	
091	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	4,761	4,761	4,761		4,761
092	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520	28,520		28,520
093	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	26,138	30,138	26,138	-2,000	24,138
		IHPS program delays		[-3,000]		[-2,000]	
		Lightweight Body Armor Fabrics		[7,000]			
094	0604017A	ROBOTICS DEVELOPMENT	121,207	115,407	121,207	-6,415	114,792
		Excess testing and evaluation growth				[-6,415]	
		Program reduction		[-5,800]			
096	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP)	22,840	22,840	22,840		22,840
097	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	22,678	22,678	22,678		22,678
098	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082	10,082		10,082
099	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,378	1,378	1,378		1,378

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100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS)	40,083	40,083	40,083		40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	376,373	376,373	376,373		376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	149,834	146,834	-10,000	146,834
		OpFires lack of transition pathway			[-10,000]	[-10,000]	
		Program decrease		[-7,000]			
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	4,995	4,995	4,995		4,995
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING	170,490	170,490	170,490		170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	128,125	128,125	128,125		128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING	129,547	129,547	129,547		129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,831	13,831	13,831		13,831
109	0604182A	HYPERSONICS	801,417	811,417	796,417	10,000	811,417
		Lack of hypersonic prototyping coordination			[-5,000]		
		Program increase		[10,000]		[10,000]	
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992	7,992		7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677	40,677		40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	50,525	50,525	50,525		50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES ..	3,421,608	3,447,308	3,414,608	-20,024	3,401,584
		SYSTEM DEVELOPMENT & DEMONSTRATION					
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764	2,764		2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	62,426	62,426	-3,400	59,026
		MFEW developmental test flight ahead of need				[-3,400]	
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	98,574	91,574	-1,804	89,770
		Advanced gunner protection kit development		[2,000]		[2,000]	
		NGSW special purpose projectile development delay				[-8,804]	
		Soldier Enhancement Program		[5,000]		[5,000]	
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523	8,523		8,523
123	0604611A	JAVELIN	7,493	7,493	7,493		7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792	24,792		24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511	3,511		3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976	1,976		1,976

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127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	135,488	135,488	135,488		135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	61,445	61,445	–6,168	55,277
		FWS-S contract development excess to need				[–5,000]	
		Heads up display product development previously funded				[–1,168]	
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,814	2,814	2,814		2,814
130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036	28,036		28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	43,651	39,651	83,651	42,500	86,151
		Army identified funds excess to need		[–4,000]			
		Joint Counter-UAS Office acceleration			[17,500]	[17,500]	
		Joint Counter-UAS Office SOCOM advanced capabilities			[7,500]		
		Joint Counter-UAS Office SOCOM cUAS capabilities for austere locations abroad.			[15,000]	[25,000]	
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	10,150	10,150	10,150		10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578	5,578		5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	7,892	7,892	7,892		7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975	24,975		24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,568	3,568	3,568		3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	19,268	19,268	19,268		19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	265,811	266,611		265,811
		Increase NGSW soldier touchpoints			[800]		
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	49,694	49,694	49,694	–1,350	48,344
		194 excess support costs				[–1,350]	
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	11,079	11,079	11,079		11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	49,870	49,870	49,870		49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589	9,589		9,589
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	162,513	152,513	162,513	–21,839	140,674

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		Command post integrated infrastructure contract delay							
		Rephasing of MCE v3.2 development							
		TROPO IOT&E funded ahead of need							
144	0604820A	RADAR DEVELOPMENT	109,259	109,259	109,259				109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	21,201	21,201	21,201				21,201
146	0604823A	FIREFINDER	20,008	16,808	20,008				16,808
		Prior year carry-over							
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534	6,534				6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	82,459	109,380	129,459				124,380
		Bradley and Stryker APS							
		Prior year carry-over							
		Program increase for vehicle protection systems							
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611	11,611				11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	137,678	147,678				124,612
		FL9 unjustified request							
		FM7 HRC core IT schedule discrepancy							
		FM8 ATIS release 2 ahead of need							
		Integrated data software pilot program							
		Reprioritization							
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	115,286	115,286	115,286				115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	76,594	96,594				76,594
		Army identified funds excess to need							
		Test delays							
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264	16,264				16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696	31,696				31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDI- TIONARY (GBOSS-E)	5,976	5,976	5,976				5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	23,321	28,321	23,321				28,321
		AI virtual training environments							
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE	4,846	4,846	4,846				4,846
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	28,544	16,544				16,544

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		Army Cyber SU program			[-12,000]	[-12,000]	
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,178	28,178	28,178	-6,021	22,157
		Testing unjustified request				[-6,021]	
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860	22,860		22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893	35,893		35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	235,770	187,970	187,970	-47,762	188,008
		Army identified funds excess to need		[-47,800]		[-47,762]	
		Army-identified funding early to need			[-47,800]		
168	0605053A	GROUND ROBOTICS	13,710	13,710	13,710		13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	284,739	294,739		294,739
		Program decrease		[-10,000]			
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	954	954	954		954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	150,201	150,201	150,201		150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	5,999	5,999	5,999		5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891	8,891		8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	193,929	193,929	193,929		193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	244,732	247,732	-83,232	244,500
		Army identified funds excess to need		[-83,000]		[-83,232]	
		OMFV program reset			[-80,000]		
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670	7,670		7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFAC- TURING DEVELOPMENT PH.	1,742	1,742	1,742		1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	4,467	1,467		1,467
		Aircraft cleaning and deicing system development		[3,000]			
180	0303032A	TROJAN—RH12	3,451	3,451	3,451		3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855	55,855		55,855
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	3,199,798	3,058,719	3,152,798	-135,421	3,064,377

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		MANAGEMENT SUPPORT					
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515	14,515		14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668	10,668		10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	111,270	106,270	5,000	111,270
		Program increase		[5,000]		[5,000]	
188	0605103A	RAND ARROYO CENTER	13,481	13,481	13,481		13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824	231,824		231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898	54,898		54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	350,359	365,359	15,000	365,359
		Program increase—Army directed energy T&E			[15,000]	[15,000]	
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	48,475	62,975	48,475		48,475
		Aviation component testing		[5,000]			
		Testing additive manufacturing technology		[9,500]			
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001	36,001		36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736	2,736		2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,488	6,488	6,488		6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859	21,859		21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936	7,936		7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470	54,470		54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141	63,141		63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	2,572	2,572	2,572		2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472	87,472		87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244	26,244		26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,133	50,133	40,133	7,367	47,500
		Conventional ammunition demilitarization carryover				[−1,633]	
		Development of polymer-cased ammunition		[5,000]		[5,000]	
		Manufacturing technology for industrial base transformation carryover.				[−1,000]	
		Program acceleration		[5,000]		[5,000]	
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,780	1,780	1,780		1,780
206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	55,045	55,045	55,045		55,045

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208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	71,306	71,306	71,306		71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,063	1,063	1,063		1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891	19,891		19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES	4,496	4,496	4,496		4,496
		SUBTOTAL MANAGEMENT SUPPORT	1,333,123	1,362,623	1,348,123	27,367	1,360,490
OPERATIONAL SYSTEMS DEVELOPMENT							
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157	10,157		10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682	8,682		8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	20,409	20,409	20,409		20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	56,633	115,233	-15,000	107,733
		Excess funds due to second vendor dropped			[-7,500]		
		Program reduction		[-66,100]		[-15,000]	
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	11,236	16,236	11,236		11,236
		Thermoplastic drive shafts		[5,000]			
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	51,091	46,091	5,000	51,091
		Carbon composite materials for wheels and brakes		[5,000]		[5,000]	
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	249,257	249,257	-3,748	245,509
		Unjustified matrixed engineering support growth				[-3,748]	
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	17,155	17,155	17,155		17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	7,743	7,743	7,743		7,743
227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177	77,177		77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652	14,652		14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851	35,851		35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324	1,324		1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840	187,840		187,840

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232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs)	44,691	44,691	44,691		44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	263,252	268,919	-8,667	260,252
		Bradley excess carryover				[-3,000]	
		CROWS-J program delay		[-5,667]		[-5,667]	
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	427,254	290,963	427,254	-136,291	290,963
		Army identified as excess to need		[-130,000]		[-130,000]	
		Prior year carry-over		[-6,291]		[-6,291]	
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	11,688	7,688	11,688		11,688
		Early to need		[-4,000]			
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	80	80	80		80
237	0203758A	DIGITIZATION	4,516	4,516	4,516		4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	1,288	1,288	1,288		1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	79,424	19,424	79,424	-60,000	19,424
		Program decrease		[-60,000]		[-60,000]	
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV ..	259	259	259		259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	166	166	166		166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	75,575	75,575	93,075		75,575
		Qualification of second SRM source			[17,500]		
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510	9,510		9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270	29,270		29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908	86,908		86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684	18,684		18,684
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467	467		467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051	4,051		4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283	13,283		13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	47,204	47,204	47,204		47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,012	67,012	78,512	17,500	78,512
		6.8mm projectile development		[4,000]			
		Functional fabrics manufacturing			[7,500]	[7,500]	
		Lightweight film armor development		[2,000]			
		Nanoscale materials manufacturing			[5,000]	[5,000]	
		Tungsten manufacturing for armanents			[5,000]	[5,000]	

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266A	9999999999	CLASSIFIED PROGRAMS	3,983	3,983	3,983		3,983	
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	1,998,539	1,742,481	2,026,039	-201,206	1,797,333	
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS UNDISTRIBUTED						
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT	46,445	46,445	46,445	12,000	58,445	
		Army-requested transfer from Other Procurement, Army line 53 for program management.				[12,000]		
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	46,445	46,445	46,445	12,000	58,445	
		SUBTOTAL UNDISTRIBUTED				12,000	12,000	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	12,587,343	12,397,906	12,710,343	-109,284	12,478,059	
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY						
		BASIC RESEARCH						
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	126,816	118,816	10,000	126,816	
		Defense University Research and Instrumentation Program		[5,000]	[2,000]	[5,000]		
		Program increase		[5,000]		[5,000]		
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,113	19,113	19,113		19,113	
003	0601153N	DEFENSE RESEARCH SCIENCES	467,158	467,158	480,158	12,000	479,158	
		Increase in basic research			[10,000]	[10,000]		
		Predictive modeling for undersea vehicles			[3,000]	[2,000]		
		SUBTOTAL BASIC RESEARCH	603,087	613,087	618,087	22,000	625,087	
		APPLIED RESEARCH						
004	0602114N	POWER PROJECTION APPLIED RESEARCH	17,792	17,792	17,792		17,792	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	156,281	140,281	19,000	141,281	

		Additive manufacturing of unmanned maritime systems		[5,000]		[5,000]	
		Cyber physical security and resiliency research		[5,000]			
		Direct Air Capture and Blue Carbon Removal Technology Program.		[9,000]	[8,000]	[9,000]	
		Electric propulsion for military craft and advanced planning hulls.			[2,000]		
		Expeditionary unmanned systems launch and recovery		[5,000]	[5,000]		
		Talent and technology for power and energy systems		[5,000]		[5,000]	
		Testbed for autonomous ship systems			[3,000]		
		Unmanned logistics solutions		[5,000]			
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	50,623	50,623	53,623	5,000	55,623
		Interdisciplinary cybersecurity research			[3,000]		
		Unmanned logistics solutions				[5,000]	
007	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001	48,001		48,001
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	67,765	77,765	74,765	7,000	74,765
		High mobility ground robots		[5,000]			
		Humanoid robotics research		[5,000]	[4,000]	[5,000]	
		Social networks and computational social science			[3,000]	[2,000]	
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	84,994	84,994	84,994		84,994
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	63,392	73,392	63,392	10,000	73,392
		Extreme weather events research		[5,000]		[5,000]	
		Program increase		[5,000]		[5,000]	
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,343	6,343	6,343		6,343
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	91,397	63,897	20,000	76,397
		Academic partnerships for undersea vehicle research		[10,000]	[7,500]	[10,000]	
		Autonomous undersea robotics		[10,000]		[10,000]	
		Cross-domain autonomy for persistent maritime operations		[10,000]			
		Expandable structures for operational effectiveness research		[5,000]			
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	167,590	167,590	167,590		167,590
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	30,715	30,715	30,715		30,715
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH	160,537	160,537	167,837	7,300	167,837
		Thermoplastic materials			[7,300]	[7,300]	

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016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES	76,745	76,745	76,745		76,745
		SUBTOTAL APPLIED RESEARCH	953,175	1,042,175	995,975	68,300	1,021,475
		ADVANCED TECHNOLOGY DEVELOPMENT					
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	24,410	29,410	24,410		24,410
		Additive manufacturing		[5,000]			
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,008	8,008	8,008		8,008
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	219,045	249,045	222,045		219,045
		Expeditionary autonomous logistics		[5,000]			
		Heavy payload solar powered UAS		[20,000]			
		Mission planning advanced technology demonstration			[3,000]		
		Modular Advanced Armed Robotic System		[5,000]			
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,301	13,301	13,301		13,301
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	246,054	246,054	246,054	–3,689	242,365
		C-ENCAP program delays				[–3,689]	
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122	60,122		60,122
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,851	4,851	4,851		4,851
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	40,709	40,709	40,709		40,709
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	1,948	1,948	1,948		1,948
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVEL- OPMENT.	141,948	161,948	141,948	20,000	161,948
		Accelerated railgun technology maturation		[20,000]		[20,000]	
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	760,396	815,396	763,396	16,311	776,707
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
027	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS)	464,042	270,442		–204,800	259,242
		EPF conversion to LUSV prototype		[45,000]			

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		Excess procurement ahead of satisfactory testing				[−464,042]	
		LUSV additional prototypes					[−159,300]
		Two additional Overlord vessels excess to need			[−238,600]		
		Unmanned surface vehicle enabling capabilities—payload program reduction.					[−45,500]
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386	35,386		35,386
029	0603216N	AVIATION SURVIVABILITY	13,428	13,428	13,428		13,428
030	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350	2,350		2,350
031	0603251N	AIRCRAFT SYSTEMS	418	418	418		418
032	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719	15,719		15,719
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411	3,411		3,411
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	70,218	56,118	−7,000	63,218
		Project 3416: HUENKS insufficient schedule justification				[−7,000]	[−7,000]
		Project 3422: SHARC excess platforms ahead of satisfactory testing.				[−7,100]	
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	52,358	52,358	24,158	−4,550	47,808
		Project 2989: Barracuda program delay				[−28,200]	[−4,550]
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816	12,816		12,816
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559	7,559		7,559
038	0603525N	PILOT FISH	358,757	278,557	358,757	−80,200	278,557
		Excess cost growth				[−25,000]	[−25,000]
		Program adjustment				[−55,200]	[−55,200]
039	0603527N	RETRACT LARCH	12,562	12,562	12,562		12,562
040	0603536N	RETRACT JUNIPER	148,000	148,000	148,000		148,000
041	0603542N	RADIOLOGICAL CONTROL	778	778	778		778
042	0603553N	SURFACE ASW	1,161	1,161	1,161		1,161
043	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	185,356	90,356	195,356	−27,430	157,926
		Excessive accelerated development				[−28,200]	
		Out-of-autoclave submarine technology development				[20,000]	
		Project 1 insufficient budget justification				[−66,800]	
		Project 9710 unjustified new start					[−27,430]
		Project 9710: EDMs early to need				[−10,000]	

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044	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528	10,528		10,528
045	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	136,396	63,296	-15,000	111,396
		Expeditionary sustainment and repair-related technologies		[5,000]			
		Polymorphic build farm for open source technologies		[5,000]		[5,000]	
		Project 2196: Future surface combatant early to need			[-19,100]		
		Project 3161: Program increase for CBM+ initiative			[16,000]		
		Project 4044: Medium amphibious ship early to need			[-30,000]	[-10,000]	
		Project 4045: Medium logistics ship early to need			[-30,000]	[-10,000]	
046	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	70,270	70,270	28,970	-33,300	36,970
		Project 0411: LSC preliminary design and CDD early to need			[-41,300]		
		Project 0411: Preliminary design early to need				[-17,100]	
		Project 0411: Requirements and concept analysis excess growth				[-16,200]	
047	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188	149,188		149,188
048	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	38,449	238,449	7,000	45,449
		Accelerate ITF to achieve full test capability in FY23			[75,000]		
		Accelerate qualification of silicon carbide power modules			[10,000]	[7,500]	
		Power and energy systems contract award delay				[-500]	
		USV autonomy development			[45,000]		
		USV engine and generator qualification testing			[70,000]		
049	0603576N	CHALK EAGLE	71,181	71,181	71,181		71,181
050	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	32,178	27,178		32,178
		Project 3096: Available prior year funds			[-5,000]		
051	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843	17,843		17,843
052	0603595N	OHIO REPLACEMENT	317,196	317,196	317,196		317,196
053	0603596N	LCS MISSION MODULES	67,875	67,875	32,875		67,875
		Project 2550: LCS MCM MP outdated IMS and TEMP			[-20,000]		

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		Project 2551: LCS ASW MP available prior year funds due to testing delays.				[-15,000]	
054	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797	4,797		4,797
055	0603599N	FRIGATE DEVELOPMENT	82,309	82,309	82,309		82,309
056	0603609N	CONVENTIONAL MUNITIONS	9,922	9,922	2,122		9,922
		Project 0363: Insufficient justification				[-7,800]	
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	189,603	182,603	189,603	-7,000	182,603
		Program delay		[-7,000]		[-7,000]	
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	43,084	43,084	43,084		43,084
059	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,346	6,346	6,346		6,346
060	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601	20,601		20,601
061	0603724N	NAVY ENERGY PROGRAM	23,422	23,422	23,422		23,422
062	0603725N	FACILITIES IMPROVEMENT	4,664	4,664	4,664		4,664
063	0603734N	CHALK CORAL	545,763	520,763	545,763	-72,000	473,763
		Excess cost growth		[-25,000]		[-72,000]	
064	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884	3,884		3,884
065	0603746N	RETRACT MAPLE	353,226	353,226	353,226	-4,536	348,690
		Program adjustment				[-4,536]	
066	0603748N	LINK PLUMERIA	544,388	519,388	544,388	-47,000	497,388
		Excess cost growth		[-25,000]			
		Program adjustment				[-47,000]	
067	0603751N	RETRACT ELM	86,730	86,730	86,730		86,730
068	0603764M	LINK EVERGREEN	236,234	236,234	236,234	-4,464	231,770
		Program adjustment				[-4,464]	
070	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880	6,880		6,880
071	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578	10,578		10,578
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435	28,435		28,435
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	33,612	33,612	33,612		33,612
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	128,845	216,845	113,845		128,845
		One additional system		[88,000]			
		Project 3402: Excess engineering and sustainment support				[-15,000]	
075	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190	84,190		84,190

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076	0604027N	DIGITAL WARFARE OFFICE	54,699	54,699	54,699	-16,701	37,998	
		Project 3255 excess growth				[-9,979]		
		Project 3425 excess growth				[-6,722]		
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	53,942	53,942	53,942	-1,922	52,020	
		Small unmanned underwater vehicles concurrency				[-1,922]		
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	40,060	40,060	40,060		40,060	
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION.	12,100	12,100	12,100		12,100	
080	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	42,122	42,122	-32,565	45,557	
		Early to need, phase 1 results needed first		[-36,000]		[-32,565]		
		Project 2094: Excess procurement ahead of phase 1 testing			[-36,000]			
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	107,895	107,895	107,895		107,895	
082	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366	17,366		17,366	
083	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754	18,754		18,754	
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	59,776	59,776	59,776	-7,750	52,026	
		DAIRCM hardware development contract award delay				[-7,750]		
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097	5,097		5,097	
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664	3,664		3,664	
088	0604454N	LX (R)	10,203	10,203	10,203		10,203	
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	105,858	95,858	-23,256	92,602	
		Excess scope adjustments				[-23,256]		
		Orca UUV testing delay and uncertified test strategy			[-10,000]			
		Snakehead UUV uncertified test strategy			[-10,000]			
		XLUUV late test and evaluation award		[-10,000]				
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	14,259	14,259	14,259	-4,631	9,628	
		System development excess growth				[-4,631]		
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	1,102,387	1,087,387	1,045,387	-72,000	1,030,387	
		CPGS initial integration efforts—transfer to line 165				[-15,000]		

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		Lack of hypersonic prototyping coordination				[–5,000]	[–5,000]
		Project 3334: Excess Virginia-class CPS modification and installation costs.				[–52,000]	[–52,000]
		Transition to DDG–1000—initial integration				[–15,000]	
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	7,657	7,657	7,657		7,657
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	35,750	35,750	35,750	11,000	46,750
		LRASM funds—Navy requested transfer from line 141				[11,000]	
094	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151	9,151		9,151
095	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	22,589	6,989	22,589	7,000	29,589
		K-MAX				[7,000]	
		MUX uncertain acquisition strategy				[–22,600]	
097	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809	809		809
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES ..	6,503,074	6,098,674	5,926,532	–641,105	5,861,969
		SYSTEM DEVELOPMENT & DEMONSTRATION					
098	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332	4,332		4,332
099	0604212N	OTHER HELO DEVELOPMENT	18,133	18,133	23,133		18,133
		Program increase for Attack and Utility Replacement Aircraft				[5,000]	
100	0604214M	AV–8B AIRCRAFT—ENG DEV	20,054	20,054	20,054		20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237	4,237		4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	27,340	27,340	27,340		27,340
104	0604221N	P–3 MODERNIZATION PROGRAM	606	606	606		606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065	9,065		9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968	97,968		97,968
107	0604234N	ADVANCED HAWKEYE	309,373	309,373	309,373	–17,198	292,175
		Sensors excess growth				[–17,198]	
108	0604245M	H–1 UPGRADES	62,310	62,310	62,310		62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182	47,182		47,182
110	0604262N	V–22A	132,624	132,624	132,624		132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445	21,445		21,445
112	0604269N	EA–18	106,134	106,134	106,134		106,134

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113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194	134,194		134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321	99,321		99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	487,680	477,680		477,680
		High band risk reduction		[10,000]			
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	232,818	232,818	232,818		232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	170,039	170,039	170,039		170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	403,712	403,712	403,712	–27,859	375,853
		Aegis development support excess growth				[–7,159]	
		Capability upgrades unjustified growth				[–20,700]	
119	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	945	945	945		945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488	62,488		62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	359,225	386,225	–45,400	340,825
		SM–6 Block IB mission integration, development and operational test.				[–18,400]	
		SM–6 excessive cost growth; program accountability		[–27,000]		[–27,000]	
122	0604373N	AIRBORNE MCM	10,909	10,909	10,909		10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGI- NEERING.	44,548	44,548	44,548		44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)	13,673	13,673	13,673		13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	87,809	87,809	–16,360	71,449
		Shipboard passive EO/IR development concurrency				[–16,360]	
126	0604503N	SSN–688 AND TRIDENT MODERNIZATION	93,097	111,097	93,097		93,097
		Submarine electronic warfare capability improvement		[18,000]			
127	0604504N	AIR CONTROL	38,863	38,863	38,863		38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593	9,593		9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718	12,718		12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	78,319	78,319	78,319		78,319

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131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834	65,834		65,834
132	0604558N	NEW DESIGN SSN	259,443	282,943	259,443		259,443
		Accelerate design		[23,500]			
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	63,878	58,878		63,878
		AN/BYG-1 APB17 and APB19 testing delays			[-5,000]		
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	66,453	66,753	7,000	58,853
		Advanced degaussing DDG-51 retrofit and demonstration			[14,900]		
		Advanced Degaussing System		[14,600]		[7,000]	
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853	3,853		3,853
136	0604601N	MINE DEVELOPMENT	92,607	65,107	92,607	-9,102	83,505
		Encapsulate effector program delays				[-7,402]	
		Forward funded in FY20		[-27,500]			
		Historical underexecution				[-1,700]	
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	146,012	116,012	-21,762	124,250
		Advanced anti-submarine lightweight torpedo program delays				[-21,762]	
		Project 1412: HAAWC operational testing delays			[-10,000]		
		Project 3418: Mk 54 Mod 2 contract delays			[-20,000]		
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,383	8,383	8,383		8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV	33,784	33,784	33,784		33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	8,599	8,599	8,599		8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	73,744	73,744	-11,000	62,744
		LRASM funds—Navy requested transfer to line 93				[-11,000]	
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490	157,490		157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761	121,761		121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373	89,373		89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716	15,716		15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	22,120	2,120	17,500	19,620
		Autonomous aerial distributed logistics		[10,000]		[7,500]	
		ETEC disease research		[10,000]		[10,000]	
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180	50,180		50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561	561		561
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250	250		250

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150	0604850N	SSN(X)	1,000	1,000	1,000		1,000	
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974	974		974	
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	351,173	356,173	-25,742	330,431	
		Historical underexecution				[-12,972]		
		NMMES-TR contract delays				[-6,308]		
		NMMES-TR excess support growth				[-6,462]		
		Unjustified growth		[-5,000]				
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810	7,810		7,810	
154	0605212M	CH-53K RDTE	406,406	406,406	406,406		406,406	
155	0605215N	MISSION PLANNING	86,134	86,134	86,134		86,134	
156	0605217N	COMMON AVIONICS	54,540	54,540	54,540		54,540	
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155	5,155		5,155	
158	0605327N	T-AO 205 CLASS	5,148	5,148	5,148		5,148	
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970	266,970		266,970	
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713	12,713		12,713	
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424	24,424		24,424	
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,870	182,870	182,870		182,870	
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEM- ONSTRATION.	41,775	41,775	41,775		41,775	
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEM- ONSTRATION.	2,541	2,541	2,541		2,541	
165	0204202N	DDG-1000	208,448	223,448	208,448	15,000	223,448	
		CPGS initial integration efforts transfer from line 91				[15,000]		
		Transfer from CPS—initial integration		[15,000]				
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434	111,434		111,434	
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,173	26,173	26,173		26,173	
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	6,263,883	6,305,483	6,248,783	-134,923	6,128,960	

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		MANAGEMENT SUPPORT				
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224	10,224	10,224
173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	94,297	94,297	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813	3,813	3,813
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	104,822	104,822	104,822	104,822
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	446,960	446,960	419,212
		Navy requested transfer to OM,N line BSM1				−27,748
						[−27,748]
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,241	27,241	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	15,787	15,787	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,559	8,559	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES)	1,536	1,536	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	991,222	991,222	991,222	−27,748
		963,474				
		OPERATIONAL SYSTEMS DEVELOPMENT				
199	0604227N	HARPOON MODIFICATIONS	697	697	697	697
200	0604840M	F−35 C2D2	379,549	341,649	379,549	379,549
		Block IV/TR3 upgrade delays		[−37,900]		
201	0604840N	F−35 C2D2	413,875	372,475	413,875	413,875
		Block IV/TR3 upgrade delays		[−41,400]		
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	143,667	143,667	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	173,056	173,056	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970	45,970	45,970

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Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	69,190	74,190	61,190	-7,377	61,813
		Compact rapid attack weapon concurrency				[-12,377]	
		CRAW EDM (TI-2) early to need			[-8,000]		
		Next-generation countermeasure acoustic device		[5,000]		[5,000]	
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277	42,277		42,277
208	0204136N	F/A-18 SQUADRONS	171,030	175,030	171,030	4,000	175,030
		Jet noise reduction		[4,000]		[4,000]	
210	0204228N	SURFACE SUPPORT	33,482	33,482	33,482		33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	200,308	200,308	200,308		200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	102,975	152,975	12,500	115,475
		Accelerate sensor and signal processing development			[25,000]	[12,500]	
		Program increase for spiral 1 TRAPS units			[25,000]		
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873	10,873		10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	1,713	1,713	6,713		1,713
		Program increase for LCAC composite component manufacturing			[5,000]		
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	22,205	105,805		22,205
		Program increase for G/ATOR and SM-6 stand-alone engage- ment analysis.			[10,000]		
		Program increase for USMC G/ATOR and SM-6 demonstration			[73,600]		
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	83,956	83,956	83,956		83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	56,791	56,791	56,791	-5,886	50,905
		Project 2263: Unjustified growth				[-5,886]	
219	0205601N	HARM IMPROVEMENT	146,166	146,166	146,166		146,166
221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,348	29,348	29,348		29,348
222	0205632N	MK-48 ADCAP	110,349	110,349	110,349	-2,140	108,209
		APB 7 development early to need				[-2,140]	
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953	133,953		133,953

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224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313	110,313		110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662	207,662		207,662
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	4,406	4,406	4,406		4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	61,381	61,381	61,381		61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421	10,421		10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	29,977	29,977	29,977		29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469	6,469		6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859	5,859		5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	44,323	44,323	44,323		44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	46,978	41,978	5,000	46,978
		Interference mitigation technology, test and verification		[5,000]		[5,000]	
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	29,684	29,684	29,684		29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094	39,094		39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,154	6,154	6,154		6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108	7,108		7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098	62,098		62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,500	21,500	21,500		21,500
244	0305220N	MQ-4C TRITON	11,120	11,120	11,120		11,120
245	0305231N	MQ-8 UAV	28,968	28,968	28,968		28,968
246	0305232M	RQ-11 UAV	537	537	537		537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	8,773	8,773	8,773		8,773
248	0305239M	RQ-21A	10,853	10,853	10,853		10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	60,413	60,413	60,413		60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	5,000	5,000	5,000		5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	34,967	34,967	44,967		34,967
		Cyber tool development			[10,000]		
252	0305421N	RQ-4 MODERNIZATION	178,799	178,799	178,799		178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120	2,120		2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683	8,683		8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168	45,168		45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697	6,697		6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	70,056	70,056	-2,391	67,665

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257A	999999999	MUOS historical underexecution				[-2,391]	
		CLASSIFIED PROGRAMS	1,795,032	1,795,032	1,795,032		1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	5,327,043	5,261,743	5,467,643	3,706	5,330,749
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS							
UNDISTRIBUTED							
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM	14,300	14,300	14,300		14,300
259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	10,868	10,868	10,868		10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	25,168	25,168	25,168		25,168
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	21,427,048	21,152,948	21,036,806	-693,459	20,733,589
RESEARCH, DEVELOPMENT, TEST & EVAL, AF							
BASIC RESEARCH							
001	0601102F	DEFENSE RESEARCH SCIENCES	315,348	315,348	325,348	10,000	325,348
		Increase in basic research			[10,000]	[10,000]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	171,861	161,861	10,000	171,861
		Program increase		[5,000]		[5,000]	
		Solar block research		[5,000]		[5,000]	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085	15,085		15,085
		SUBTOTAL BASIC RESEARCH	492,294	502,294	502,294	20,000	512,294
APPLIED RESEARCH							
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	100,000	100,000	100,000		100,000
005	0602102F	MATERIALS	140,781	165,781	160,281	22,000	162,781
		Advanced materials manufacturing flexible biosensors		[5,000]		[5,000]	

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		High-energy synchrotron x-ray program			[5,000]	[5,000]	
		Materials maturation for high mach systems			[5,000]	[5,000]	
		Metals Affordability Initiative			[5,000]		
		Metals affordability research		[15,000]			
		Qualification of additive manufacturing processes			[2,000]	[2,000]	
		Techniques to repair fasteners			[2,500]		
		Thermal protection systems		[5,000]		[5,000]	
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	374,225	359,225	-173,753	175,472
		Advanced batteries for directed energy		[5,000]		[5,000]	
		High speed expendable turbine development		[5,000]		[4,000]	
		Hypersonic materials			[10,000]	[4,000]	
		On-orbit propulsion technologies		[5,000]			
		Secure unmanned aerial vehicles		[10,000]		[10,000]	
		Transfer to line 8				[-196,753]	
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222	115,222		115,222
008	0602203F	AEROSPACE PROPULSION				196,753	196,753
		Transfer from line 6				[196,753]	
009	0602204F	AEROSPACE SENSORS	211,301	214,301	211,301	3,000	214,301
		National Center for Hardware and Embedded Systems Security and Trust.		[3,000]		[3,000]	
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926	8,926		8,926
012	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425	132,425		132,425
013	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113	128,113		128,113
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	178,668	208,668	178,668	25,000	203,668
		Counter UAS platform integration testbed		[5,000]			
		Quantum Innovation Center		[5,000]		[5,000]	
		Quantum network testbed		[10,000]		[10,000]	
		Trusted UAS traffic management and C-UAS testbed		[10,000]		[10,000]	
015	0602890F	HIGH ENERGY LASER RESEARCH	45,088	45,088	45,088		45,088
		SUBTOTAL APPLIED RESEARCH	1,409,749	1,492,749	1,439,249	73,000	1,482,749

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ADVANCED TECHNOLOGY DEVELOPMENT								
017	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	110,280	103,280	-103,280		
		Agile composite manufacturing initiatives		[5,000]				
		Foam engine wash		[2,000]				
		Transfer to line 22				[-35,169]		
		Transfer to line 23				[-16,933]		
		Transfer to line 30				[-10,777]		
		Transfer to line 33				[-40,401]		
018	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	157,619	127,619	107,619	-187,619	-30,000	
		Golden Horde too mature for science and technology prototype ...			[-50,000]			
		Inappropriate use of S&T funds for Golden Horde demonstration & validation.		[-30,000]		[-50,000]		
		Transfer to line 25				[-40,900]		
		Transfer to line 27				[-24,632]		
		Transfer to line 31				[-72,087]		
019	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	199,556	208,556	-199,556		
		B-52 pylon fairings			[3,000]			
		C-130 finlets			[3,000]			
		KC-135 aft body drag			[3,000]			
		Transfer to line 25				[-37,230]		
		Transfer to line 26				[-105,058]		
		Transfer to line 28				[-57,268]		
020	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH	102,276	102,276	102,276	-102,276		
		Transfer to line 24				[-35,338]		
		Transfer to line 27				[-4,699]		
		Transfer to line 29				[-12,090]		
		Transfer to line 30				[-20,948]		

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		Transfer to line 34				[−29,201]	
021	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	215,817	215,817	−215,817	
		Transfer to line 27				[−31,207]	
		Transfer to line 31				[−134,145]	
		Transfer to line 32				[−31,445]	
		Transfer to line 34				[−19,020]	
022	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS				45,169	45,169
		Metals affordability research				[10,000]	
		Transfer from line 17				[35,169]	
023	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)				16,933	16,933
		Transfer from line 17				[16,933]	
024	0603203F	ADVANCED AEROSPACE SENSORS				35,338	35,338
		Transfer from line 20				[35,338]	
025	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO				78,130	78,130
		Transfer from line 18				[40,900]	
		Transfer from line 19				[37,230]	
026	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY				110,058	110,058
		Propulsion technologies				[5,000]	
		Transfer from line 19				[105,058]	
027	0603270F	ELECTRONIC COMBAT TECHNOLOGY				60,538	60,538
		Transfer from line 18				[24,632]	
		Transfer from line 20				[4,699]	
		Transfer from line 21				[31,207]	
028	0603401F	ADVANCED SPACECRAFT TECHNOLOGY				57,268	57,268
		Transfer from line 19				[57,268]	
029	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)				12,090	12,090
		Transfer from line 20				[12,090]	
030	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT				31,725	31,725
		Transfer from line 17				[10,777]	
		Transfer from line 20				[20,948]	
031	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY				206,232	206,232
		Transfer from line 18				[72,087]	

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		Transfer from line 21				[134,145]		
032	0603605F	ADVANCED WEAPONS TECHNOLOGY				31,445	31,445	
		Transfer from line 21				[31,445]		
033	0603680F	MANUFACTURING TECHNOLOGY PROGRAM				42,901	42,901	
		Technologies to repair fastener holes				[2,500]		
		Transfer from line 17				[40,401]		
034	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION				48,221	48,221	
		Transfer from line 20				[29,201]		
		Transfer from line 21				[19,020]		
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	778,548	755,548	737,548	-32,500	746,048	
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES						
038	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320	4,320		4,320	
039	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396	26,396		26,396	
040	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647	3,647		3,647	
041	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,959	32,959	32,959		32,959	
043	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869	869		869	
044	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	216,823	302,323	-85,500	216,823	
		Unjustified costs		[-85,500]		[-85,500]		
045	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	636,495	686,495	30,000	666,495	
		AETP program acceleration			[50,000]	[30,000]		
046	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,828,410	2,848,410		2,848,410	
		Transfer to APA line 025A		[-20,000]				
047	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	20,964	25,964		20,964	
		Directed energy counter-Unmanned Aerial Systems (CUAS)			[5,000]			
048	0604033F	HYPERSONICS PROTOTYPING	381,862	386,862	446,862		381,862	
		Air-launched Rapid Response Weapon Program		[5,000]				

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		HAWC program increase			[65,000]		
050	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747	24,747		24,747
051	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	76,417	76,417	76,417		76,417
052	0604317F	TECHNOLOGY TRANSFER	3,011	3,011	3,011		3,011
053	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	52,921	52,921	52,921		52,921
054	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783	69,783		69,783
055	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,835	25,835	25,835		25,835
056	0604858F	TECH TRANSITION PROGRAM	219,252	249,252	455,252	59,200	278,452
		Agile software development and operations			[4,500]	[4,500]	
		Experimentation				[−20,000]	
		Initial polar SATCOM capability			[46,000]	[46,000]	
		KC−135 vertical wipers			[2,000]		
		KC−135 winglets			[10,000]		
		LCAAT program acceleration			[128,000]	[50,000]	
		Long-endurance UAS			[33,500]		
		Program increase—LCAAT prototyping		[30,000]			
		Prototyping—hold to FY2020 level				[−27,300]	
		Rapid repair of high performance materials			[6,000]	[6,000]	
		Small satellite acceleration			[6,000]		
057	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,524,759	1,524,759	−15,000	1,509,759
		Acquisition Strategy for planning and design				[−15,000]	
059	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	1,044,089	1,044,089	−70,000	974,089
		Forward financing of development efforts				[−70,000]	
060	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	19,356	19,356	19,356		19,356
061	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737	8,737		8,737
062	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990	5,990		5,990
063	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	39,293	39,293	39,293		39,293
065	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430	11,430		11,430
066	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	259,823	259,823	259,823		259,823
067	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560	10,560		10,560
068	0401310F	C−32 EXECUTIVE TRANSPORT RECAPITALIZATION	9,908	9,908	9,908	−2,100	7,808

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		AoA funding carryover				[-2,100]		
069	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	8,662	8,662	8,662		8,662	
074	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	8,787	8,787	8,787	-8,787		
		Transfer to RD,SF line 6				[-8,787]		
077	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	56,311	56,311	-56,311		
		Transfer to RD,SF line 11A				[-56,311]		
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES ..	7,737,916	7,667,416	8,093,916	-148,498	7,589,418	
SYSTEM DEVELOPMENT & DEMONSTRATION								
082	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	25,161	25,161	25,161		25,161	
083	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564	38,564		38,564	
084	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033	35,033		35,033	
085	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098	2,098		2,098	
086	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909	131,909		131,909	
087	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752	6,752		6,752	
088	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280	17,280		17,280	
089	0604429F	AIRBORNE ELECTRONIC ATTACK			30,000	30,000	30,000	
		STITCHES integration for USAFE/PACAF interim capability			[30,000]	[30,000]		
090	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076	23,076		23,076	
091	0604604F	SUBMUNITIONS	3,091	3,091	3,091		3,091	
092	0604617F	AGILE COMBAT SUPPORT	20,609	20,609	20,609		20,609	
093	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926	7,926		7,926	
094	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660	23,660		23,660	
095	0604735F	COMBAT TRAINING RANGES	8,898	8,898	8,898		8,898	
096	0604800F	F-35—EMD	5,423	423	5,423		5,423	
		Excess SDD funding		[-5,000]				
097	0604932F	LONG RANGE STANDOFF WEAPON	474,430	474,430	474,430	-30,000	444,430	

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		Acquisition strategy				[−30,000]	
098	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099	167,099		167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547	30,547		30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	248,669	254,669		248,669
		SLATE/VR training			[6,000]		
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169	63,169		63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683	9,683		9,683
106	0207171F	F-15 EPAWSS	170,679	155,979	170,679		170,679
		Cost growth		[−14,700]			
107	0207328F	STAND IN ATTACK WEAPON	160,438	142,738	160,438	−9,792	150,646
		Unjustified cost increase		[−17,700]		[−9,792]	
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422	9,422		9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973	973		973
111	0401221F	KC-46A TANKER SQUADRONS	106,262	86,262	106,262	−20,000	86,262
		Slow execution		[−20,000]		[−20,000]	
113	0401319F	VC-25B	800,889	800,889	800,889		800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673	10,673		10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479	4,479		4,479
116	0901299F	AF A1 SYSTEMS	8,467	8,467	8,467		8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	2,615,359	2,557,959	2,651,359	−29,792	2,585,567
		MANAGEMENT SUPPORT					
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725	57,725		57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	208,680	223,680	15,000	223,680
		Gulf Range telemetric modernization			[15,000]	[15,000]	
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803	35,803		35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557	13,557		13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	754,606	764,606		764,606
		Program decrease		[−10,000]			
137	0605826F	ACQ WORKFORCE- GLOBAL POWER				273,231	273,231
		Transfer from line 142				[273,231]	
138	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS				262,119	262,119

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		Transfer from line 142				[262,119]		
139	0605828F	ACQ WORKFORCE- GLOBAL REACH				158,429	158,429	
		Transfer from line 142				[158,429]		
140	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS				247,468	247,468	
		Transfer from line 142				[247,468]		
141	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT				183,107	183,107	
		Transfer from line 142				[183,107]		
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	1,362,038	1,362,038	-1,142,170	219,868	
		Transfer to line 137				[-273,231]		
		Transfer to line 138				[-262,119]		
		Transfer to line 139				[-158,429]		
		Transfer to line 140				[-247,468]		
		Transfer to line 141				[-183,107]		
		Transfer to line 143				[-17,816]		
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	40,768	40,768	40,768	17,816	58,584	
		Transfer from line 142				[17,816]		
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646	179,646		179,646	
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734	5,734		5,734	
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUA- TION SUPPORT.	70,985	70,985	70,985		70,985	
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,880	29,880	29,880		29,880	
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381	63,381		63,381	
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785	5,785		5,785	
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)— STRATCOM.	24,564	24,564	24,564		24,564	
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	9,883	2,383		9,883	
		Acq strat incompatible with AF digital mod strategy			[-7,500]			

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152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384	13,384		13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262	1,262		1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599	3,599		3,599
		SUBTOTAL MANAGEMENT SUPPORT	2,891,280	2,881,280	2,898,780	15,000	2,906,280
		OPERATIONAL SYSTEMS DEVELOPMENT					
		UNDISTRIBUTED					
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,777	8,777	8,777		8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	499	499	499		499
165	0604840F	F-35 C2D2	785,336	706,836	785,336		785,336
		Block IV/TR3 upgrade delays		[-78,500]			
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	27,035	27,035	7,035		27,035
		Poor agile development strategy			[-20,000]		
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,508	50,508	50,508		50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,229	71,229	71,229		71,229
169	0605278F	HC/MC-130 RECAP RDT&E	24,705	24,705	24,705		24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356	26,356		26,356
172	0101113F	B-52 SQUADRONS	520,023	338,523	520,023	-38,400	481,623
		CERP virtual prototype contract delay		[-125,000]		[-25,500]	
		GPS-IU contract delays		[-10,000]			
		No acquisition strategy for AEHF		[-2,500]		[-2,000]	
		Radar modernization program contract delays		[-40,000]		[-10,900]	
		VLF/LF contract delays		[-4,000]			
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433	1,433		1,433
174	0101126F	B-1B SQUADRONS	15,766	15,766	26,566		15,766
		USAF-requested transfer from APAF Lines 22, 24			[10,800]		
175	0101127F	B-2 SQUADRONS	187,399	187,399	187,399		187,399
		Airspace compliance contract delays		[-2,000]			
		JASSM-ER Milestone B delay		[-5,000]			
		Virtual training		[7,000]			
176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569	116,569		116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	27,235	27,235	27,235		27,235

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178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK	24,227	24,227	24,227		24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753	112,753		112,753
181	0102110F	UH-1N REPLACEMENT PROGRAM	44,464	44,464	44,464		44,464
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PRO- GRAM.	5,929	5,929	5,929		5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100	100		100
184	0205219F	MQ-9 UAV	162,080	162,080	162,080	-9,968	152,112
		Tech insertion request unjustified				[-9,968]	
186	0207131F	A-10 SQUADRONS	24,535	24,535	24,535		24,535
187	0207133F	F-16 SQUADRONS	223,437	223,437	223,437		223,437
188	0207134F	F-15E SQUADRONS	298,908	298,908	298,908		298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960	14,960		14,960
190	0207138F	F-22A SQUADRONS	665,038	648,938	665,038	-16,100	648,938
		Software delays		[-16,100]		[-16,100]	
191	0207142F	F-35 SQUADRONS	132,229	129,629	132,229	-2,600	129,629
		Unjustified USAF ALIS unique funding		[-2,600]		[-2,600]	
192	0207146F	F-15EX	159,761	159,761	159,761		159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417	19,417		19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,799	51,799	51,799		51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669	669		669
196	0207247F	AF TENCAP	21,644	21,644	21,644		21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261	9,261		9,261
198	0207253F	COMPASS CALL	15,854	15,854	15,854		15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	95,896	95,896	95,896		95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	70,792	70,792	70,792		70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187	51,187		51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041	16,041		16,041

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203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	138,303	138,303	138,303		138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223	4,223		4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	16,564	16,564	16,564		16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858	7,858		7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906	12,906		12,906
210	0207452F	DCAPES	14,816	14,816	14,816		14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970	1,970		1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396	396		396
213	0207590F	SEEK EAGLE	29,680	29,680	29,680		29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666	17,666		17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353	6,353		6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827	6,827		6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390	3,390		3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768	91,768		91,768
219	0208007F	TACTICAL DECEPTION	2,370	2,370	2,370	-2,370	
		Ahead of need				[-2,370]	
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527	5,527		5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279	68,279		68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165	15,165		15,165
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480	38,480		38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645	84,645		84,645
230	0301025F	GEOBASE	2,767	2,767	2,767		2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	32,759	32,759	32,759		32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904	2,904		2,904
239	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	3,468	3,468	3,468		3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	61,887	61,887	61,887	-17,165	44,722
		Acquisition strategy for GASNT Inc 2				[-14,215]	
		CVR increment 2 schedule delays				[-2,950]	
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351	10,351		10,351
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	1,346	1,346	1,346		1,346

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246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	120,110	128,110		128,110	
		Program decrease		[-8,000]				
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042	4,042		4,042	
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,649	1,649	1,649		1,649	
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	19,265	19,265	19,265		19,265	
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645	4,645		4,645	
254	0305103F	CYBER SECURITY INITIATIVE	384	384	384		384	
255	0305111F	WEATHER SERVICE	23,640	30,640	23,640	7,000	30,640	
		Commercial weather pilot		[7,000]		[7,000]		
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	6,553	6,553	6,553		6,553	
257	0305116F	AERIAL TARGETS	449	449	449		449	
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432	432		432	
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,890	4,890	4,890		4,890	
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864	8,864		8,864	
265	0305202F	DRAGON U-2	18,660	18,660	18,660	18,000	36,660	
		Air Force requested transfer from line 267				[18,000]		
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	139,512	121,512		121,512	
		Air Force requested transfer to line 265				[-18,000]		
		Gorgon Stare Wide Area Motion Imagery program increase		[10,000]		[10,000]		
		Sensor Open Systems Architecture		[8,000]		[8,000]		
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711	14,711		14,711	
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,152	14,152	14,152		14,152	
270	0305220F	RQ-4 UAV	134,589	134,589	134,589		134,589	
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	15,049	15,049	15,049		15,049	
272	0305238F	NATO AGS	36,731	36,731	36,731		36,731	
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547	33,547		33,547	
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	13,635	13,635	17,315	3,680	17,315	

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		PDI: Mission Partner Environment BICES-X Project 675898			[3,680]	[3,680]	
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262	4,262		4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,207	2,207	2,207		2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277	6,277		6,277
278	0401115F	C-130 AIRLIFT SQUADRON	41,973	41,973	41,973		41,973
279	0401119F	C-5 AIRLIFT SQUADRONS (IF)	32,560	32,560	32,560		32,560
280	0401130F	C-17 AIRCRAFT (IF)	9,991	9,991	12,991		9,991
		C-17 microvanes			[3,000]		
281	0401132F	C-130J PROGRAM	10,674	10,674	10,674		10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,507	5,507	5,507		5,507
283	0401218F	KC-135S	4,591	4,591	4,591		4,591
286	0401318F	CV-22	18,419	18,419	18,419		18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673	7,673		7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513	24,513		24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	35,225	35,225	15,225	-3,700	31,525
		Poor agile development strategy			[-20,000]		
		Prior year carryover				[-3,700]	
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838	11,838		11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332	1,332		1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092	2,092		2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869	3,869		3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584	1,584		1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197	1,197		1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	7,006	7,006	7,006		7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS)	45,638	45,638	45,638		45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	1,889		1,889	-1,889	
		Transfer to Space Force		[-1,889]		[-1,889]	
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	993	993	993		993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999	8,999		8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	16,810	16,810	-16,810	
		Transfer to RD,SF line 41B				[-16,810]	
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	2,687	2,687	-2,687	

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318	1203906F	Transfer to RD,SF line 41A				[-2,687]		
		NCMC—TW/AA SYSTEM	6,990	6,990	6,990	-6,990		
		Transfer to RD,SF line 41C				[-6,990]		
322A	9999999999	CLASSIFIED PROGRAMS	15,777,856	15,777,856	15,839,856	-560,000	15,217,856	
		Air-to-air weapons development increase			[62,000]			
		Classified adjustment				[-560,000]		
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	21,466,680	21,203,091	21,506,160	-649,999	20,816,681	
		SUBTOTAL UNDISTRIBUTED		-263,589	39,480	-649,999	-649,999	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	37,391,826	37,060,337	37,829,306	-752,789	36,639,037	
		RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE						
		APPLIED RESEARCH						
001	1206601SF	SPACE TECHNOLOGY	130,874	164,874	133,874	16,000	146,874	
		Ground based optical GEO surveillance		[5,000]				
		Rapid development of low-cost, small satellite technology		[20,000]		[10,000]		
		Small satellite mission operations center		[9,000]	[3,000]	[6,000]		
		SUBTOTAL APPLIED RESEARCH	130,874	164,874	133,874	16,000	146,874	
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES						
002	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) ...	390,704	390,704	370,704	-10,000	380,704	
		MGUE program slip			[-20,000]	[-10,000]		
003	1203710SF	EO/IR WEATHER SYSTEMS	131,000	106,000	131,000		131,000	
		Program reduction for phase 2 risk reduction Spec OT2		[-25,000]				
004	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384	83,384		83,384	
005	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359	33,359		33,359	
006	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	142,808	142,808	142,808	8,787	151,595	

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		Transfer from RD,AF line 74				[8,787]	
007	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575	35,575		35,575
008	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	114,390	109,390	114,390	−5,000	109,390
		Unjustified growth		[−5,000]		[−5,000]	
009	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	200,178	205,178	−5,000	200,178
		Unjustified growth		[−5,000]		[−5,000]	
010	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395	71,395		71,395
011	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518	103,518		103,518
011A	9999999999	SPACE SECURITY AND DEFENSE PROGRAMS (SSDP)				56,311	56,311
		Transfer from RDTE,AF line 77				[56,311]	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES ..	1,311,311	1,276,311	1,291,311	45,098	1,356,409
		SYSTEM DEVELOPMENT & DEMONSTRATION					
012	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	263,496	253,496	263,496	−8,000	255,496
		Execution lagging		[−10,000]		[−8,000]	
013	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897	41,897		41,897
014	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689	54,689		54,689
015	1206422SF	WEATHER SYSTEM FOLLOW-ON	2,526	2,526	2,526		2,526
016	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074	173,074		173,074
017	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	138,257	138,257	−10,000	128,257
		Program delays				[−10,000]	
018	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235	190,235		190,235
019	1206442SF	NEXT GENERATION OPIR	2,318,864	2,269,864	2,318,864		2,318,864
		Block 0 GEO unjustified cost growth		[−20,000]			
		Program decrease		[−29,000]			
020	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD	560,978	710,978	590,978	90,000	650,978
		NSSL Phase 3 integration activities program			[30,000]	[90,000]	
		Program increase		[150,000]			
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	3,744,016	3,835,016	3,774,016	72,000	3,816,016
		MANAGEMENT SUPPORT					
021	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	20,281	20,281	20,281		20,281

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022	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	183,930	183,930	183,930		183,930
023	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765	9,765		9,765
024	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	27,993	17,993		17,993
		Tactically Responsive Launch Operations		[10,000]			
024A	9999999999	TACTICALLY RESPONSIVE LAUNCH				5,000	5,000
		Program increase				[5,000]	
025	1206864SF	SPACE TEST PROGRAM (STP)	26,541	26,541	26,541		26,541
		SUBTOTAL MANAGEMENT SUPPORT	258,510	268,510	258,510	5,000	263,510
OPERATIONAL SYSTEM DEVELOPMENT							
UNDISTRIBUTED							
026	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,708	5,597	3,708	1,889	5,597
		Transfer from Air Force		[1,889]		[1,889]	
027	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	247,229	237,229	247,229	−12,500	234,729
		Prior year carryover				[−12,500]	
		Program decrease		[−10,000]			
028	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	60,480	75,480	−15,000	60,480
		Program decrease		[−15,000]		[−15,000]	
029	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEG- MENTS).	1,984	1,984	1,984		1,984
030	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,397	4,397	4,397		4,397
031	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOP- MENT.	44,746	39,746	44,746	−5,000	39,746
		Underexecution		[−5,000]		[−5,000]	
032	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	16,020	11,020	5,000	16,020
		Space launch range services and capabilities		[5,000]		[5,000]	
033	1203265SF	GPS III SPACE SEGMENT	10,777	10,777	10,777		10,777

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034	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	28,179	46,679		28,179
		Cobra Dane service life extension			[18,500]		
035	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157	29,157		29,157
036	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	44,809	39,809	51,809	-4,000	40,809
		Commercial SSA			[7,000]		
		Underexecution		[-5,000]		[-4,000]	
037	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT ..	481,999	471,999	416,999	-65,000	416,999
		Funds available prioritized to other space missions			[-65,000]	[-65,000]	
		Program decrease		[-5,000]			
		Unjustified growth		[-5,000]			
041	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791	116,791		116,791
041A	9999999999	NATIONAL SPACE DEFENSE CENTER (NSDC)				2,687	2,687
		Transfer from RDTE,AF line 316				[2,687]	
041B	9999999999	SPACE SUPERIORITY INTELLIGENCE (SSI)				16,810	16,810
		Transfer from RDTE,AF line 314				[16,810]	
041C	9999999999	NCMC—TW/AA SYSTEM				6,990	6,990
		Transfer from RDTE,AF line 318				[6,990]	
041D	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866	3,632,866		3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	4,733,142	4,695,031	4,693,642	-68,124	4,665,018
		SUBTOTAL UNDISTRIBUTED		-38,111	-39,500	-68,124	-68,124
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS					
042	1203614SF	JSPOC MISSION SYSTEM	149,742	129,742	149,742	15,000	164,742
		Commercial space situational awareness				[20,000]	
		Unjustified increase				[-5,000]	
		Unjustified increase; transfer to commercial Space Domain Awareness Services and Data.		[-20,000]			
42A	9999999999	COMMERCIAL SATCOM		45,000			
		Commercial polar space-based proliferated LEO broadband services and demonstrations.		[25,000]			
		Increase for commercial space domain awareness services and data.		[20,000]			

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		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS ...	149,742	174,742	149,742	15,000	164,742
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE.	10,327,595	10,414,484	10,301,095	84,974	10,412,569
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW					
		BASIC RESEARCH					
001	0601000BR	DTRA BASIC RESEARCH	14,617	14,617	14,617		14,617
002	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958	479,958		479,958
003	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	58,565	72,565	32,000	67,565
		DEPSCoR			[20,000]	[15,000]	
		National Academies assessments		[1,000]			
		Restore Minerva research initiative		[17,000]	[17,000]	[17,000]	
		START research consortium of excellence for irregular warfare and advanced analytics.		[5,000]			
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	53,730	53,730	58,730		53,730
		Traumatic brain injury medical research			[5,000]		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	105,241	100,241	2,000	102,241
		Civics education pilot		[5,000]		[2,000]	
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITU- TIONS.	30,975	50,975	52,000	27,000	57,975
		Aerospace education, research, and innovation activities			[2,000]	[2,000]	
		HBCU/Minority Institutions			[5,000]	[5,000]	
		PIPELINE program: SMART scholarship for service diversification		[3,000]			
		Program increase		[17,000]	[14,025]	[20,000]	
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,300	45,300	45,300		45,300
		SUBTOTAL BASIC RESEARCH	760,386	808,386	823,411	61,000	821,386

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		APPLIED RESEARCH				
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	24,409	19,409	19,409
		New energetic materials design		[5,000]		
009	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568	107,568	107,568
011	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000	35,000	35,000
012	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080	41,080	41,080
013	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	60,722	60,722	60,722	-6,387
		Excess growth				[-6,387]
014	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	435,920	403,920	435,920	-12,000
		Program decrease		[-32,000]		[-12,000]
015	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950	26,950	26,950
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,807	206,807	201,807	201,807
		Treatment testing technology for nuclear, chemical, and biological exposure.		[5,000]		
017	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255	15,255	15,255
018	0602702E	TACTICAL TECHNOLOGY	233,271	233,271	233,271	233,271
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	250,107	290,107	250,107
		Increase in emerging biotech research			[40,000]	
020	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693	322,693	322,693
021	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH	174,571	174,571	174,571	174,571
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	9,573	9,573	9,573	9,573
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	47,464	42,464	10,000
		START research consortium of excellence for irregular warfare and advanced analytics.				[5,000]
		Sustained Human Performance and Resilience		[5,000]		[5,000]
		SUBTOTAL APPLIED RESEARCH	1,976,390	1,959,390	2,016,390	-8,387
		1,968,003				
		ADVANCED TECHNOLOGY DEVELOPMENT				
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920	22,920	22,920
025	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914	4,914	4,914
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	51,089	51,089	51,089	51,089

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027	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183	25,183		25,183
029	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659	366,659		366,659
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	14,910	64,910	14,910		14,910
		Restore low power laser demonstrator		[50,000]			
032	0603180C	ADVANCED RESEARCH	18,687	28,687	18,687		18,687
		Program increase		[10,000]			
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,873	18,873	18,873		18,873
034	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	230,978	210,978	−10,000	220,978
		OpFires lack of transition pathway			[−20,000]	[−10,000]	
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439	158,439		158,439
036	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775	23,775		23,775
037	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	36,524	36,524	36,524		36,524
038	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA	14,703	14,703	14,703		14,703
039	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058	11,058		11,058
040	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	133,375	133,375	126,375	−9,702	123,673
		Lack of hypersonic prototype coordination efforts			[−20,000]	[−19,702]	
		Stratospheric balloon research			[13,000]	[10,000]	
042	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141	26,141		26,141
043	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709	27,709		27,709
044	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVEL- OPMENT.	188,001	188,001	188,001		188,001
045	0603527D8Z	RETRACT LARCH	130,283	130,283	130,283		130,283
046	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164	15,164		15,164
047	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	85,452	85,452	85,452		85,452
048	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	5,882	5,882	5,882		5,882

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049	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	93,817	143,817	98,817	42,000	135,817
		Accelerating rapid prototyping by integrating high performance computing and advanced manufacturing.		[5,000]	[5,000]	[5,000]	
		Additive manufacturing training		[5,000]		[2,000]	
		Advanced structural manufacturing technologies		[30,000]		[25,000]	
		Flexible hybrid electronics		[5,000]		[5,000]	
		Hypersonic thermal management research		[5,000]		[5,000]	
050	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	40,025	55,025	15,000	55,025
		Defense supply chain technologies			[5,000]	[5,000]	
		Steel performance initiative			[10,000]	[10,000]	
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	10,235	10,235	10,235		10,235
053	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	53,862	158,862	53,862	55,000	108,862
		AFFF replacement		[50,000]		[25,000]	
		PFAS Innovation Award Fund		[5,000]		[5,000]	
		PFAS remediation and disposal technology		[50,000]		[25,000]	
054	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	124,049	124,049	124,049	7,000	131,049
		MGUE—DLA requested transfer from P,DW line 23				[7,000]	
055	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871	3,871		3,871
056	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864	95,864		95,864
057	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	221,724	221,724	221,724		221,724
058	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	661,158	651,158	-15,000	646,158
		Lack of coordination			[-10,000]	[-10,000]	
		Unjustified increase				[-5,000]	
059	0603767E	SENSOR TECHNOLOGY	200,220	200,220	200,220		200,220
060	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	6,765	6,765	6,765		6,765
061	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598	12,598		12,598
064	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	105,410	105,410	105,410	-13,140	92,270
		Excess growth				[-13,140]	
065	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	187,065	187,065	187,065	-32,700	154,365
		Directed energy test workloads					
		Excess growth electronic warfare test				[-32,700]	

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066	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK		40,000		40,000	40,000
		Restore program		[40,000]		[40,000]	
067	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT		65,000	65,000	65,000	65,000
		Program increase		[65,000]		[65,000]	
		Restoration of funds			[65,000]		
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	94,072	89,072		89,072
		SOF 3-D printing technologies		[5,000]			
071	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT	72,422	72,422	72,422		72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	3,588,876	3,913,876	3,636,876	143,458	3,732,334
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES							
072	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,636	32,636	32,636		32,636
073	0603600D8Z	WALKOFF	106,529	106,529	106,529		106,529
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	61,345	113,345	76,345	37,000	98,345
		AFFF replacement				[10,000]	
		Joint Storage Program			[15,000]		
		PFAS remediation and disposal technology		[50,000]		[25,000]	
		Program increase		[2,000]		[2,000]	
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	412,627	312,627	412,627	-100,000	312,627
		Insufficient justification—homeland defense underlay		[-100,000]		[-100,000]	
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,004,305	919,305	1,004,305	-80,000	924,305
		Unjustified cost growth		[-85,000]		[-80,000]	
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	76,167	81,167	76,167		76,167
		Decontamination technologies for civilian pandemic prepared- ness.		[5,000]			
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957	281,957		281,957

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080	0603890C	BMD ENABLING PROGRAMS	599,380	599,380	599,380		599,380
081	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216	420,216		420,216
082	0603892C	AEGIS BMD	814,936	804,936	814,936	–39,670	775,266
		Insufficient justification Aegis underlay and unjustified cost growth.				[–39,670]	
		Program decrease		[–10,000]			
083	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	593,353	593,353	593,353		593,353
084	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	49,560	49,560	49,560		49,560
085	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	55,356	55,356	55,356		55,356
086	0603906C	REGARDING TRENCH	11,863	11,863	11,863		11,863
087	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318	118,318		118,318
088	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000	300,000		300,000
089	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302	378,302		378,302
090	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133	536,133		536,133
092	0603923D8Z	COALITION WARFARE	10,129	10,129	10,129		10,129
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G)	449,000	400,000	449,000	–19,000	430,000
		Program decrease for Restoring S&T		[–49,000]		[–19,000]	
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,325	3,325	3,325		3,325
095	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	67,389	67,389	42,000	109,389
		Restore DPAL Effort				[42,000]	
098	0604181C	HYPERSONIC DEFENSE	206,832	206,832	206,832		206,832
099	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	729,508	630,508	–28,500	702,008
		Micro nuclear reactors		[50,000]		[50,000]	
		Program decrease			[–100,000]	[–78,500]	
		Program decrease for Restoring S&T		[–51,000]			
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076	489,076		489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023	82,023	–20,000	82,023
		Lack of hypersonic prototype coordination efforts			[–20,000]		
		Program decrease for Restoring S&T		[–20,000]		[–20,000]	
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	13,255	16,255	13,255	3,000	16,255
		Talent optimization pilot program		[3,000]		[3,000]	

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103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,787	2,787	2,787		2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)		130,000	162,000	65,000	65,000
		Continue radar development			[162,000]		
		Continue radar development and siting efforts		[130,000]		[65,000]	
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	3,469	3,469	3,469		3,469
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190	19,190		19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256	137,256		137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	664,138	414,138	354,138	–214,000	450,138
		Contract award delay			[–310,000]		
		Delayed NGI contract award		[–250,000]			
		NGI contract delays				[–214,000]	
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	7,768	7,768	7,768		7,768
113	0604878C	AEGIS BMD TEST	170,880	95,880	170,880	–75,000	95,880
		Unjustified cost growth		[–75,000]		[–75,000]	
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456	76,456		76,456
115	0604880C	LAND-BASED SM–3 (LBSM3)	56,628	56,628	133,428		56,628
		PDI: Guam Defense System—systems engineering			[76,800]		
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	67,071	67,071	67,071		67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,198	2,198	2,198		2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	997	997	997		997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148	1,148		1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	215,994	155,994	325,994	–20,000	195,994
		Execution of HBTSS by MDA			[–20,000]		
		HBTSS—transfer to 1206895C		[–20,000]		[–20,000]	
		Space-based target custody layer			[130,000]		

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		Unjustified growth		[-40,000]			
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144	34,144		34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	32,068	152,068	152,068	120,000	152,068
		HBTSS—transfer from 1206410SDA		[20,000]		[20,000]	
		HBTSS sensor payload development		[100,000]		[100,000]	
		Hypersonic and Ballistic Tracking Space Sensor (HBTSS)			[120,000]		
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES ..	9,416,712	9,076,712	9,470,512	-329,170	9,087,542
		SYSTEM DEVELOPMENT & DEMONSTRATION					
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,173	7,173	7,173		7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	319,976	319,976	322,976	5,000	324,976
		Decontamination technologies for civilian pandemic preparedness.				[5,000]	
		Stryker NBCRV sensor suite upgrade			[3,000]		
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	54,985	54,985	54,985		54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT ..	15,650	15,650	15,650		15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441	1,441		1,441
130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,287	7,287	7,287		7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928	12,928		12,928
132	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES	10,259	10,259	10,259		10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	1,377	1,377	1,377		1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648	1,648		1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	20,537	20,537	20,537		20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	1,638	1,638	1,638		1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS)	5,500	5,500	5,500		5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	8,279	8,279	8,279		8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585	107,585		107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,685	3,685	3,685		3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,275	3,275	3,275		3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION	20,585	20,585	20,585		20,585
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	603,808	603,808	606,808	5,000	608,808

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MANAGEMENT SUPPORT							
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239	11,239		11,239
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	9,793	9,793	9,793		9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,497	8,497	8,497		8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) ..	422,451	435,451	452,451	5,000	427,451
		Gulf Test Range and training enhancements		[13,000]			
		Joint Counter-UAS Office assessment infrastructure			[15,000]		
		Telemetry range extension wave glider relay			[15,000]	[5,000]	
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379	18,379		18,379
150	0605001E	MISSION SUPPORT	74,334	74,334	74,334		74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	79,046	79,046	79,046		79,046
153	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) ..	50,255	50,255	50,255		50,255
155	0605142D8Z	SYSTEMS ENGINEERING	49,376	49,376	49,376		49,376
156	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,777	5,777	7,777		5,777
		National Academies of Science study on comparison of talent programs.			[2,000]		
157	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	16,552	16,552	16,552	–2,561	13,991
		Excess growth				[–2,561]	
158	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,582	9,582	9,582		9,582
159	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,940	1,940	1,940		1,940
160	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	122,951	122,951	122,951		122,951
167	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,582	3,582	3,582		3,582
168	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	29,566	29,566	29,566		29,566
169	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	29,059	29,059	29,059	–5,000	24,059
		Excess growth				[–5,000]	

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170	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	59,369	16,069	9,369	-1,653	57,716
		Insufficient progress on data sharing and open repositories			[-50,000]		
		Program decrease		[-43,300]		[-1,653]	
171	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	29,420	29,420	29,420		29,420
172	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,198	27,198	27,198		27,198
173	0605898E	MANAGEMENT HQ—R&D	13,434	13,434	13,434		13,434
174	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	2,837	2,837	2,837		2,837
175	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	13,173	13,173	13,173		13,173
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,200	3,200	3,200		3,200
177	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT	999	999	999		999
180	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,099	3,099	3,099		3,099
181	0204571J	JOINT STAFF ANALYTICAL SUPPORT	3,058	3,058	3,058		3,058
182	0208045K	C4I INTEROPERABILITY	59,813	59,813	59,813		59,813
185	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	1,112	1,112	1,112		1,112
186	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	545	545	545		545
187	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,036	1,036	1,036		1,036
188	0305172K	COMBINED ADVANCED APPLICATIONS	30,824	30,824	30,824		30,824
190	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,048	3,048	3,048		3,048
194	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	31,125	31,125	31,125		31,125
195	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)	100	100	100		100
196	0901598C	MANAGEMENT HQ—MDA	26,902	26,902	26,902		26,902
197	0903235K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138	3,138		3,138
198A	9999999999	CLASSIFIED PROGRAMS	41,583	41,583	41,583		41,583
		SUBTOTAL MANAGEMENT SUPPORT	1,297,392	1,267,092	1,279,392	-4,214	1,293,178
		OPERATIONAL SYSTEMS DEVELOPMENT					
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378	14,378		14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058	132,058		132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,986	1,986	1,986		1,986

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
202	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	316	316	316		316
203	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	9,151	79,151	70,151	81,000	90,151
		Advanced machine tool research			[20,000]	[20,000]	
		Autotune filter manufacturing scale-up for advanced offboard electronic warfare.		[10,000]			
		Cold spray manufacturing technologies			[5,000]	[5,000]	
		Domestic organic light emitting diode microdisplay manufacturing.		[5,000]	[5,000]	[5,000]	
		Domestic rare earth magnet capability		[5,000]			
		Domestic tungsten		[5,000]		[5,000]	
		Implementation of radar supplier resiliency plan			[5,000]		
		Manufacturing for reuse of NdFeB magnets			[6,000]	[6,000]	
		Program increase		[15,000]		[15,000]	
		Radar supplier resiliency plan		[5,000]			
		Submarine workforce development and training		[20,000]	[20,000]	[20,000]	
		Ultra-hard armor		[5,000]		[5,000]	
204	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	19,082	19,082	19,082		19,082
205	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	3,992	3,992	3,992		3,992
206	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	39,530	39,530	39,530		39,530
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039	3,039		3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,324	16,324	16,324		16,324
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884	11,884		11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,560	5,560	5,560		5,560

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215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356	73,356		73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	46,577	66,577		46,577
		Workforce transformation cyber initiative pilot program			[20,000]		
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	336,713	356,713	38,000	394,713
		GenCyber		[20,000]		[18,000]	
		Program decrease		[-40,000]			
		Workforce Transformation Cyber Initiative Pilot Program				[20,000]	
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	8,922	18,922		8,922
		Execution of orchestration pilot			[10,000]		
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695	3,695		3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113	20,113		20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728		9,242		9,728
		JRSS SIPR funding			[-486]		
		Program decrease		[-9,728]			
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700	5,700		5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	7,144	7,144	-843	6,301
		Program decrease				[-843]	
236	0305199D8Z	NET CENTRICITY	21,793	21,793	21,793		21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,066	6,066	6,066		6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,190	2,190	2,190		2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654	1,654		1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785	1,785		1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	7,301	7,301	7,301		7,301
256	1105219BB	MQ-9 UAV	21,265	21,265	21,265		21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812	230,812		230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558	19,558		19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	151,041	136,041	10,000	146,041
		Machine learning and AI technologies to enable operational ma- neuver.		[10,000]		[10,000]	
		Modular expeditionary compact high-energy lasers		[5,000]			
261	1160431BB	WARRIOR SYSTEMS	59,511	94,511	58,311	-1,178	58,333
		Increased research for cUAS in austere locations abroad		[35,000]			

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		MMP excess to need				[-1,178]	
		MMP-Light unexecutable, transfer to man-pack			[-1,200]		
262	1160432BB	SPECIAL PROGRAMS	10,500	10,500	10,500	-3,000	7,500
		Classified adjustment—excess to need				[-3,000]	
263	1160434BB	UNMANNED ISR	19,154	19,154	19,154	-4,000	15,154
		Underexecution				[-4,000]	
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263	9,263		9,263
265	1160483BB	MARITIME SYSTEMS	59,882	59,882	59,882	-3,000	56,882
		DCS Block II studies unjustified growth				[-3,000]	
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606	4,606		4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,612	11,612	11,612		11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239	3,239		3,239
268A	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466	4,746,466		4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	6,161,946	6,252,218	6,251,260	116,979	6,278,925
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS					
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	121,676	121,676	121,676	-20,000	101,676
		Unjustified increase				[-20,000]	
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	16,848	16,848	16,848		16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	76,750	86,750	-10,000	76,750
		Program decrease		[-10,000]		[-10,000]	
272	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM.	250,107	200,107	250,107		250,107
		Program decrease		[-50,000]			
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	475,381	415,381	475,381	-30,000	445,381

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273A	9999999999	UNDISTRIBUTED					
		PANDEMIC PREPAREDNESS AND RESILIENCE NATIONAL SECURITY FUND		1,000,000			
		Program increase		[1,000,000]			
		SUBTOTAL UNDISTRIBUTED		1,000,000			
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	24,280,891	25,296,863	24,560,030	-45,334	24,235,557
		OPERATIONAL TEST & EVAL, DEFENSE					
		MANAGEMENT SUPPORT					
001	06051180TE	OPERATIONAL TEST AND EVALUATION	100,021	100,021	100,021		100,021
002	06051310TE	LIVE FIRE TEST AND EVALUATION	70,933	70,933	70,933		70,933
003	06058140TE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	39,136	39,136	66,136		39,136
		Advanced satellite navigation receiver			[5,000]		
		Joint Test and Evaluation DWR funding restoration			[22,000]		
		SUBTOTAL MANAGEMENT SUPPORT	210,090	210,090	237,090		210,090
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	210,090	210,090	237,090		210,090
		TOTAL RDT&E	106,224,793	106,532,628	106,674,670	-1,515,892	104,708,901

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SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
		APPLIED RESEARCH				
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	2,000	2,000	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	2,000	2,000	2,000	2,000
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	500	500	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	2,520	2,520	2,520	2,520
		SYSTEM DEVELOPMENT & DEMONSTRATION				
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	27,000	27,000	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,300	2,300	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	97,825	97,825	97,825	97,825
		MANAGEMENT SUPPORT				
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	4,137	4,137	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	5,137	5,137	5,137	5,137
		OPERATIONAL SYSTEMS DEVELOPMENT				
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	2,300	2,300	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367	23,367	23,367

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257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	75,342	75,342	75,342	75,342
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	182,824	182,824	182,824	182,824
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
039	0603527N	RETRACT LARCH	36,500	36,500	36,500	36,500
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	14,461	14,461	14,461	14,461
063	0603734N	CHALK CORAL	3,000	3,000	3,000	3,000
071	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	55,418	55,418	55,418	55,418
		SYSTEM DEVELOPMENT & DEMONSTRATION				
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	1,144	1,144	1,144	1,144
		OPERATIONAL SYSTEMS DEVELOPMENT				
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	3,000	3,000	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	3,000	3,000	3,000	3,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	59,562	59,562	59,562	59,562
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
065	0305601F	MISSION PARTNER ENVIRONMENTS			6,500	
		EDI: Mission Partner Environment (MPE)			[6,500]	
		OPERATIONAL SYSTEMS DEVELOPMENT				
		UNDISTRIBUTED				
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	5,304	5,304	5,304	5,304

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SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)								
Line	Program Element	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	5,304	5,304	11,804		5,304	
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW						
		APPLIED RESEARCH						
010	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	3,699	3,699	3,699		3,699	
		SUBTOTAL APPLIED RESEARCH	3,699	3,699	3,699		3,699	
		ADVANCED TECHNOLOGY DEVELOPMENT						
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	19,288	19,288	19,288		19,288	
028	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861	3,861		3,861	
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	23,149	23,149	23,149		23,149	
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES						
097	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931	19,931		19,931	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	19,931	19,931	19,931		19,931	
		OPERATIONAL SYSTEMS DEVELOPMENT						
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186	1,186		1,186	
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796	5,796		5,796	
263	1160434BB	UNMANNED ISR	5,000	5,000	5,000		5,000	
268A	9999999999	CLASSIFIED PROGRAMS	24,057	24,057	24,057		24,057	
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	36,039	36,039	36,039		36,039	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	82,818	82,818	82,818		82,818	

TOTAL RDT&E	330,508	330,508	337,008	330,508
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TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	OPERATION & MAINTENANCE, ARMY					
	OPERATING FORCES					
020	MODULAR SUPPORT BRIGADES	159,834	143,834	159,834	−10,300	149,534
	Unjustified funding for Dynamic Force Employment		[−16,000]		[−10,300]	
030	ECHELONS ABOVE BRIGADE	663,751	660,951	663,751	−1,813	661,938
	Unjustified funding for Dynamic Force Employment		[−2,800]		[−1,813]	
040	THEATER LEVEL ASSETS	956,477	956,477	956,477	−20,000	936,477
	Unjustified growth				[−20,000]	
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,152,984	1,167,935		1,157,635
	Establishment of Joint CUAS Office		[10,349]			
	Joint Counter-UAS IOC acceleration			[10,300]		
	Program decrease		[−15,000]			
060	AVIATION ASSETS	1,453,024	1,403,024	1,453,024	−104,375	1,348,649
	Unjustified funding for Dynamic Force Employment		[−50,000]		[−32,375]	
	Unjustified growth				[−72,000]	
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,698,660	4,713,660	−40,000	4,673,660
	PDI: Army UFR INDOPACOM MDTF #1				[45,000]	
	Program decrease		[−15,000]			
	Transfer to MP,A line 13				[−10,000]	
	Unjustified growth				[−75,000]	
080	LAND FORCES SYSTEMS READINESS	404,161	404,161	404,161		404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,513,359	1,413,359	−35,000	1,378,359

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	Program increase for depot maintenance activities		[100,000]			
	Unjustified growth				[−35,000]	
100	BASE OPERATIONS SUPPORT	8,220,093	8,350,093	8,346,093	120,000	8,340,093
	Army Community Services		[30,000]		[30,000]	
	Child Development Center playground equipment and furniture increases			[79,000]		
	Child Youth Service improvements			[47,000]		
	Child Youth Services program increase		[100,000]		[90,000]	
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,581,071	3,647,387	3,815,531	234,460	3,815,531
	FSRM increase			[62,360]		
	MDTF EUCOM and INDOPACOM FSRM			[126,800]		
	Program increase				[234,460]	
	Program increase for additional facility requirements		[66,316]			
	Revitalization of Army deployment infrastructure			[45,300]		
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	411,844	411,844	411,844		411,844
160	US AFRICA COMMAND	239,387	239,387	341,887	38,500	277,887
	AFRICOM force protection upgrades			[2,500]		
	AFRICOM ISR improvements			[64,000]		
	AFRICOM UFR CASEVAC improvements			[36,000]		
	Force protection upgrades—personnel recovery/casualty evacuation				[2,500]	
	Program increase—personnel recovery and casualty evacuation				[36,000]	
170	US EUROPEAN COMMAND	160,761	160,761	160,761		160,761
180	US SOUTHERN COMMAND	197,826	197,826	197,826		197,826
190	US FORCES KOREA	65,152	65,152	65,152		65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	430,109	435,109		430,109
	Additional access and operations support			[5,000]		
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117	464,117		464,117
	SUBTOTAL OPERATING FORCES	24,692,261	24,900,126	25,170,521	181,472	24,873,733
	MOBILIZATION					
220	STRATEGIC MOBILITY	402,236	402,236	402,236		402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306	324,306		324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653	3,653		3,653

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL MOBILIZATION	730,195	730,195	730,195		730,195
	TRAINING AND RECRUITING					
250	OFFICER ACQUISITION	165,142	165,142	165,142		165,142
260	RECRUIT TRAINING	76,509	76,509	76,509		76,509
270	ONE STATION UNIT TRAINING	88,523	88,523	88,523		88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578	535,578		535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436	981,436		981,436
300	FLIGHT TRAINING	1,204,768	1,204,768	1,204,768		1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195	215,195		215,195
320	TRAINING SUPPORT	575,232	575,232	575,232		575,232
330	RECRUITING AND ADVERTISING	722,612	672,612	722,612	-5,000	717,612
	Program decrease		[-50,000]			
	Unjustified growth				[-5,000]	
340	EXAMINING	185,522	185,522	185,522		185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503	221,503		221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651	154,651		154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286	173,286		173,286
	SUBTOTAL TRAINING AND RECRUITING	5,299,957	5,249,957	5,299,957	-5,000	5,294,957
	ADMIN & SRVWIDE ACTIVITIES					
390	SERVICEWIDE TRANSPORTATION	491,926	491,926	464,926		491,926
	Historical underexecution			[-25,000]		
	Program decrease			[-2,000]		
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613	812,613		812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178	676,178		676,178
420	AMMUNITION MANAGEMENT	437,774	437,774	437,774		437,774

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430	ADMINISTRATION	438,048	433,048	438,048		438,048
	Program decrease		[-5,000]			
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,603,872	1,638,872	-20,000	1,618,872
	Program decrease		[-25,000]			
	Reprioritization		[-10,000]			
	Unjustified growth				[-20,000]	
450	MANPOWER MANAGEMENT	300,046	300,046	300,046		300,046
460	OTHER PERSONNEL SUPPORT	701,103	701,103	698,103		701,103
	Historical underexecution			[-4,000]		
	Program decrease			[-2,000]		
	Servicewomen's commemorative partnerships			[3,000]		
470	OTHER SERVICE SUPPORT	1,887,133	1,852,493	1,887,133	-1,000	1,886,133
	Excess personnel increase				[-4,000]	
	Servicewoman's Commemorative Partnership		[3,000]		[3,000]	
	Transfer to DAWDF—reversal of DWR transfers		[-37,640]			
480	ARMY CLAIMS ACTIVITIES	195,291	195,291	195,291		195,291
490	REAL ESTATE MANAGEMENT	229,537	229,537	229,537		229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370	306,370		306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030	373,030		373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719	32,719		32,719
565	CLASSIFIED PROGRAMS	1,069,915	1,069,915	1,069,915		1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	9,590,555	9,515,915	9,560,555	-21,000	9,569,555
	UNDISTRIBUTED					
570	UNDISTRIBUTED		-231,457	-323,501	-395,600	-395,600
	COVID-related ops/training slowdown			[-185,801]	[-258,300]	
	Foreign Currency adjustments		[-137,300]	[-137,700]	[-137,300]	
	Historical unobligated balances		[-94,157]			
	SUBTOTAL UNDISTRIBUTED		-231,457	-323,501	-395,600	-395,600
	TOTAL OPERATION & MAINTENANCE, ARMY	40,312,968	40,164,736	40,437,727	-240,128	40,072,840

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, ARMY RES						
OPERATING FORCES						
010	MODULAR SUPPORT BRIGADES	10,784	10,784	10,784		10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425	530,425		530,425
030	THEATER LEVEL ASSETS	123,737	123,737	123,737		123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	589,582	589,582	-10,000	579,582
	Unjustified growth				[-8,400]	
	Unjustified personnel growth				[-1,600]	
050	AVIATION ASSETS	89,332	89,332	89,332		89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545	387,545		387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569	97,569		97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148	43,148		43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098	587,098		587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	327,180	333,239	332,440	6,059	333,239
	FSRM increase			[5,260]		
	Program increase for additional facility requirements		[6,059]		[6,059]	
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	28,783	28,783	28,783		28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745	2,745		2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438	7,438		7,438
	SUBTOTAL OPERATING FORCES	2,825,366	2,831,425	2,830,626	-3,941	2,821,425
ADMIN & SRVWD ACTIVITIES						
140	SERVICEWIDE TRANSPORTATION	15,530	15,530	15,530		15,530
150	ADMINISTRATION	17,761	17,761	17,761		17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256	14,256		14,256
170	MANPOWER MANAGEMENT	6,564	6,564	6,564		6,564
180	RECRUITING AND ADVERTISING	55,240	55,240	55,240		55,240

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	SUBTOTAL ADMIN & SRVWD ACTIVITIES	109,351	109,351	109,351		109,351
	UNDISTRIBUTED					
210	UNDISTRIBUTED		-10,100	-11,999	-33,500	-33,500
	COVID-related ops/training slowdown			[-11,999]	[-33,500]	
	Historical unobligated balances		[-10,100]			
	SUBTOTAL UNDISTRIBUTED		-10,100	-11,999	-33,500	-33,500
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,934,717	2,930,676	2,927,978	-37,441	2,897,276
	OPERATION & MAINTENANCE, ARNG					
	OPERATING FORCES					
010	MANEUVER UNITS	769,449	769,449	769,449		769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604	204,604		204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072	812,072		812,072
040	THEATER LEVEL ASSETS	103,650	103,650	103,650	-2,500	101,150
	Insufficient justification				[-2,500]	
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485	32,485		32,485
060	AVIATION ASSETS	1,011,142	1,011,142	1,011,142		1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881	712,881		712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732	47,732		47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408	265,408		265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704	1,106,704		1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	876,032	892,254	887,252	16,222	892,254
	FSRM increase			[11,220]		
	Program increase for additional facility requirements		[16,222]		[16,222]	
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,050,257	1,050,257	1,050,257		1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	7,998	10,998	1,000	8,998
	Pilot program for National Guard cybersecurity			[3,000]		
	Program increase—cyber security training center				[1,000]	
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756	7,756		7,756
	SUBTOTAL OPERATING FORCES	7,008,170	7,024,392	7,022,390	14,722	7,022,892

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ADMIN & SRVWD ACTIVITIES						
150	SERVICEWIDE TRANSPORTATION	8,018	8,018	8,018		8,018
160	ADMINISTRATION	74,309	74,309	74,309		74,309
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140	66,140		66,140
180	MANPOWER MANAGEMENT	9,087	9,087	9,087		9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714	251,714		251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576	2,576		2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	411,844	411,844	411,844		411,844
UNDISTRIBUTED						
220	UNDISTRIBUTED		-19,900	-36,372	-66,100	-66,100
	COVID-related ops/training slowdown			[-36,372]	[-66,100]	
	Historical unobligated balances		[-19,900]			
	SUBTOTAL UNDISTRIBUTED		-19,900	-36,372	-66,100	-66,100
	TOTAL OPERATION & MAINTENANCE, ARNG	7,420,014	7,416,336	7,397,862	-51,378	7,368,636
OPERATION & MAINTENANCE, NAVY OPERATING FORCES						
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,359,952	5,738,746	-365,000	5,373,746
	Transfer to OCO		[-378,794]		[-300,000]	
	Unjustified increase				[-65,000]	
020	FLEET AIR TRAINING	2,213,673	2,161,673	2,213,673	-50,000	2,163,673
	Restoration of Congressional mark		[-52,000]		[-50,000]	
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	57,144	57,144	57,144		57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949	171,949		171,949

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050	AIR SYSTEMS SUPPORT	838,767	834,067	838,767	-4,700	834,067
	Restoration of Congressional mark		[-4,700]		[-4,700]	
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,459,447	1,459,447	-5,000	1,454,447
	Unjustified growth				[-5,000]	
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789	57,789		57,789
080	AVIATION LOGISTICS	1,264,665	1,234,430	1,264,665	-30,000	1,234,665
	Restoration of Congressional mark		[-30,235]		[-30,000]	
090	MISSION AND OTHER SHIP OPERATIONS		-178,060			
	Insufficient justification		[-195,000]			
	Preservation of LCS 3 and LCS 4		[16,940]			
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,110,267	1,117,067	-10,000	1,107,067
	Restoration of Congressional mark		[-6,800]			
	Unjustified increase				[-10,000]	
110	SHIP DEPOT MAINTENANCE	7,859,104	8,530,664	7,859,104		7,859,104
	Preservation of LCS 3 and LCS 4		[21,560]			
	Realignment from Procurement for Ship Depot Maintenance Pilot		[650,000]			
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,261,796	2,262,196	-20,000	2,242,196
	Preservation of LCS 3 and LCS 4		[12,600]			
	Restoration of Congressional mark		[-13,000]			
	Unjustified increase				[-13,000]	
	Unjustified personnel growth				[-7,000]	
125	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN		90,000		90,000	90,000
	Realignment from Sustainment, Readiness, and Modernization		[90,000]		[90,000]	
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,521,360	1,502,360	1,521,360	-19,000	1,502,360
	Restoration of Congressional mark		[-19,000]			
	Unjustified increase				[-19,000]	
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087	274,087		274,087
150	WARFARE TACTICS	741,609	741,609	741,609		741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382	401,382		401,382
170	COMBAT SUPPORT FORCES	1,546,273	936,273	1,546,273	-610,000	936,273
	Restoration of Congressional mark		[-60,000]		[-60,000]	
	Transfer to OCO		[-550,000]		[-550,000]	

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Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951	172,951		177,951
	Program decrease			[−5,000]		
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	61,484	66,484	4,600	66,084
	PDI: Asia-Pacific Regional Initiative			[5,000]	[4,600]	
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	102,330	124,130	110,630	8,300	110,630
	INDOPACOM Mission Command and Control (MPE-C2)		[13,500]			
	PDI: Indo-Pacific Counter-Terrorism Information Facility		[2,000]		[2,000]	
	PDI: Indo-Pacific Special Operations Joint Task Force		[6,300]		[6,300]	
	PDI: Joint Task Force Indo-Pacific (SOCPAC)			[6,300]		
	PDI: Singapore CTIF fusion center			[2,000]		
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	8,810	26,510		8,810
	PDI: Countering Chinese malign influence in Indo-Pacific			[17,700]		
220	CYBERSPACE ACTIVITIES	567,496	567,496	567,496		567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102	1,428,102		1,428,102
240	WEAPONS MAINTENANCE	995,762	950,762	995,762	−45,000	950,762
	Restoration of Congressional mark		[−45,000]		[−45,000]	
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008	524,008		524,008
260	ENTERPRISE INFORMATION	1,229,056	1,184,056	1,229,056	−25,000	1,204,056
	Program decrease		[−25,000]		[−5,000]	
	Restoration of Congressional mark		[−20,000]		[−20,000]	
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,427,045	3,453,099	1,694	3,454,793
	Navy requested transfer from RDTE,N line 184				[27,748]	
	Program increase for additional facility requirements		[63,946]		[63,946]	
	Realignment to Shipyard Infrastructure Optimization Plan		[−90,000]		[−90,000]	
280	BASE OPERATING SUPPORT	4,627,966	4,603,966	4,627,966	−24,000	4,603,966
	Restoration of Congressional mark		[−24,000]		[−24,000]	
	SUBTOTAL OPERATING FORCES	40,701,322	40,064,639	40,727,322	−1,103,106	39,598,216

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	MOBILIZATION					
290	SHIP PREPOSITIONING AND SURGE	849,993	657,900	849,993	-192,093	657,900
	Realignment to National Defense Sealift Fund		[-314,193]		[-314,193]	
	Restoration of Congressional mark		[-20,000]		[-20,000]	
	Strategic sealift (MSC surge) annual operating result loss		[57,000]		[57,000]	
	Surge sealift readiness		[85,100]		[85,100]	
300	READY RESERVE FORCE	436,029	376,029	436,029	-60,000	376,029
	Acquisition and conversion of additional used vessels		[60,000]		[60,000]	
	Realignment to National Defense Sealift Fund		[-120,000]		[-120,000]	
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	258,416	286,416	-28,000	258,416
	Restoration of Congressional mark		[-28,000]		[-28,000]	
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	42,190	111,002		99,402
	Realignment to National Defense Sealift Fund		[-57,212]			
	USNS Mercy SLEP			[11,600]		
330	COAST GUARD SUPPORT	25,235	25,235	25,235		25,235
	SUBTOTAL MOBILIZATION	1,697,075	1,359,770	1,708,675	-280,093	1,416,982
	TRAINING AND RECRUITING					
340	OFFICER ACQUISITION	186,117	186,117	186,117		186,117
350	RECRUIT TRAINING	13,206	13,206	13,206		13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683	163,683		163,683
370	SPECIALIZED SKILL TRAINING	947,841	930,641	947,841	-17,000	930,841
	Restoration of Congressional mark		[-17,200]		[-17,000]	
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	369,147	367,647	1,500	369,147
	Sea Cadets		[1,500]		[1,500]	
390	TRAINING SUPPORT	254,928	254,928	254,928		254,928
400	RECRUITING AND ADVERTISING	206,305	206,305	206,305		206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799	103,799		103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060	66,060		66,060
430	JUNIOR ROTC	56,276	56,276	56,276		56,276
	SUBTOTAL TRAINING AND RECRUITING	2,365,862	2,350,162	2,365,862	-15,500	2,350,362

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ADMIN & SRVWD ACTIVITIES						
440	ADMINISTRATION	1,249,410	1,186,410	1,249,410	-46,000	1,203,410
	Program decrease		[-30,000]		[-13,000]	
	Restoration of Congressional mark		[-33,000]		[-33,000]	
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	189,625	189,625	189,625		189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	499,904	499,904	499,904		499,904
470	MEDICAL ACTIVITIES	196,747	196,747	196,747		196,747
480	SERVICEWIDE TRANSPORTATION	165,708	160,614	165,708	-3,298	162,410
	Unjustified funding for Dynamic Force Employment		[-5,094]		[-3,298]	
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	519,716	519,716	524,716		519,716
	Energy Security Programs Office			[5,000]		
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	690,564	751,184	-11,000	740,184
	Program decrease unaccounted for				[-11,000]	
	Transfer to DAWDF—reversal of DWR transfers		[-60,620]			
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	736,519	747,519		747,519
	Restoration of Congressional mark		[-11,000]			
625	CLASSIFIED PROGRAMS	608,670	608,670	608,670		608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,928,483	4,788,769	4,933,483	-60,298	4,868,185
UNDISTRIBUTED						
770	UNDISTRIBUTED		-71,900	-103,687	-126,000	-126,000
	COVID-related ops/training slowdown			[-54,987]	[-77,500]	
	Foreign Currency adjustments		[-48,500]	[-48,700]	[-48,500]	
	Historical unobligated balances		[-23,400]			
	SUBTOTAL UNDISTRIBUTED		-71,900	-103,687	-126,000	-126,000

	TOTAL OPERATION & MAINTENANCE, NAVY	49,692,742	48,491,440	49,631,655	-1,584,997	48,107,745
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	941,143	527,743	936,443	-423,679	517,464
	Deactivation of 2X companies				[-1,761]	
	Insufficient justification				[-10,300]	
	Program decrease			[-4,700]		
	Transfer to OCO		[-400,000]		[-400,000]	
	Unit deactivation				[-2,942]	
	Unjustified funding for Dynamic Force Employment		[-13,400]		[-8,676]	
020	FIELD LOGISTICS	1,277,798	1,277,798	1,277,798		1,277,798
030	DEPOT MAINTENANCE	206,907	206,907	206,907	-38,493	168,414
	USMC-identified asset for FY21 depot maintenance workload				[-38,493]	
040	MARITIME PREPOSITIONING	103,614	103,614	103,614		103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974	215,974		215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	955,434	938,063	17,371	955,434
	Program increase for additional facility requirements		[17,371]		[17,371]	
070	BASE OPERATING SUPPORT	2,264,680	2,360,680	2,312,280	101,000	2,365,680
	Program increase		[96,000]	[47,600]	[101,000]	
	SUBTOTAL OPERATING FORCES	5,948,179	5,648,150	5,991,079	-343,801	5,604,378
	TRAINING AND RECRUITING					
080	RECRUIT TRAINING	20,751	20,751	20,751		20,751
090	OFFICER ACQUISITION	1,193	1,193	1,193		1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149	110,149		110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509	69,509		69,509
120	TRAINING SUPPORT	412,613	412,613	412,613		412,613
130	RECRUITING AND ADVERTISING	215,464	215,464	215,464		215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719	33,719		33,719
150	JUNIOR ROTC	25,784	25,784	25,784		25,784
	SUBTOTAL TRAINING AND RECRUITING	889,182	889,182	889,182		889,182

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ADMIN & SRVWD ACTIVITIES						
160	SERVICEWIDE TRANSPORTATION	32,005	32,005	32,005		32,005
170	ADMINISTRATION	399,363	399,363	399,363		399,363
215	CLASSIFIED PROGRAMS	59,878	59,878	59,878		59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	491,246	491,246	491,246		491,246
UNDISTRIBUTED						
230	UNDISTRIBUTED		-19,700	-20,957	-34,200	-34,200
	COVID-related ops/training slowdown			[-7,457]	[-20,800]	
	Foreign Currency adjustments		[-13,400]	[-13,500]	[-13,400]	
	Historical unobligated balances		[-6,300]			
	SUBTOTAL UNDISTRIBUTED		-19,700	-20,957	-34,200	-34,200
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	7,328,607	7,008,878	7,350,550	-378,001	6,950,606
OPERATION & MAINTENANCE, NAVY RES						
OPERATING FORCES						
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	635,070	635,070	-3,000	632,070
	Insufficient justification				[-3,000]	
020	INTERMEDIATE MAINTENANCE	8,713	8,713	8,713		8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088	105,088		105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398	398		398
050	AVIATION LOGISTICS	27,284	27,284	27,284		27,284
070	COMBAT COMMUNICATIONS	17,894	17,894	17,894		17,894
080	COMBAT SUPPORT FORCES	132,862	132,862	132,862		132,862
090	CYBERSPACE ACTIVITIES	453	453	453		453

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100	ENTERPRISE INFORMATION	26,073	26,073	26,073		26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	49,665	48,762	903	49,665
	Program increase for additional facility requirements		[903]		[903]	
120	BASE OPERATING SUPPORT	103,580	103,580	103,580		103,580
	SUBTOTAL OPERATING FORCES	1,106,177	1,107,080	1,106,177	-2,097	1,104,080
	ADMIN & SRVWD ACTIVITIES					
130	ADMINISTRATION	1,927	1,927	1,927		1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	15,895	15,895	15,895		15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047	3,047		3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,869	20,869	20,869		20,869
	UNDISTRIBUTED					
190	UNDISTRIBUTED		-3,800	-6,438	-12,700	-12,700
	COVID-related ops/training slowdown			[-6,438]	[-12,700]	
	Historical unobligated balances		[-3,800]			
	SUBTOTAL UNDISTRIBUTED		-3,800	-6,438	-12,700	-12,700
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,127,046	1,124,149	1,120,608	-14,797	1,112,249
	OPERATION & MAINTENANCE, MC RESERVE					
	OPERATING FORCES					
010	OPERATING FORCES	104,616	104,616	104,616		104,616
020	DEPOT MAINTENANCE	17,053	17,053	17,053		17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	42,179	41,412	767	42,179
	Program increase for additional facility requirements		[767]		[767]	
040	BASE OPERATING SUPPORT	107,773	107,773	107,773		107,773
	SUBTOTAL OPERATING FORCES	270,854	271,621	270,854	767	271,621
	ADMIN & SRVWD ACTIVITIES					
050	ADMINISTRATION	13,802	13,802	13,802		13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	13,802	13,802	13,802		13,802

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
UNDISTRIBUTED						
70	UNDISTRIBUTED		-700	-1,046	-2,500	-2,500
	COVID-related ops/training slowdown			[-1,046]	[-2,500]	
	Historical unobligated balances		[-700]			
	SUBTOTAL UNDISTRIBUTED		-700	-1,046	-2,500	-2,500
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	284,656	284,723	283,610	-1,733	282,923
OPERATION & MAINTENANCE, AIR FORCE						
OPERATING FORCES						
010	PRIMARY COMBAT FORCES	731,511	733,181	733,211	1,670	733,181
	A-10 retention		[1,670]		[1,670]	
	Premature reduction of A-10 squadrons			[1,700]		
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,275,485	1,275,485	-2,500	1,272,985
	Unjustified personnel growth				[-2,500]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,449,525	1,449,495	4,430	1,441,525
	A-10 retention		[12,430]		[12,430]	
	Insufficient justification				[-8,000]	
	Premature reduction of A-10 squadrons			[12,400]		
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE		154,260		117,375	117,375
	A-10 retention		[81,460]		[65,575]	
	KC-10 aircraft retention				[48,400]	
	KC-135 aircraft retention				[3,400]	
	KC-135 and KC-10 aircraft retention		[72,800]			
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,241,216	3,301,238	3,343,016	101,800	3,343,016
	FSRM increase			[101,800]		

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	Program increase				[101,800]	
	Program increase for additional facility requirements		[60,022]			
060	CYBERSPACE SUSTAINMENT	235,816	235,816	235,816		235,816
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	1,508,342	1,477,897	15,885	1,524,227
	A-10 aircraft retention				[15,885]	
	Transfer to OCO			[-30,445]		
080	FLYING HOUR PROGRAM	4,458,457	4,511,317	4,564,157	105,660	4,564,117
	A-10 aircraft retention		[52,860]		[52,860]	
	KC-10 tanker divestment reversal			[16,200]	[16,200]	
	KC-135 tanker divestment reversal			[36,600]	[36,600]	
	Premature reduction of A-10 squadrons			[52,900]		
090	BASE SUPPORT	7,497,288	7,487,088	7,497,288	-28,604	7,468,684
	Insufficient justification				[-22,000]	
	Unjustified funding for Dynamic Force Employment		[-10,200]		[-6,604]	
100	GLOBAL C3I AND EARLY WARNING	849,842	849,842	880,642	21,800	871,642
	Insufficient justification				[-9,000]	
	PDI: Mission Partner Environment implementation			[30,800]	[30,800]	
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	820,725	1,067,055	-198,579	868,476
	Program decrease unaccounted for				[-3,000]	
	Realignment from Base to OCO		[-246,330]		[-195,579]	
120	CYBERSPACE ACTIVITIES	698,579	693,579	698,579		698,579
	Program decrease		[-5,000]			
150	SPACE CONTROL SYSTEMS	34,194	34,194	34,194		34,194
160	US NORTHCOM/NORAD	204,268	204,268	204,268		204,268
170	US STRATCOM	526,809	526,809	526,809		526,809
180	US CYBERCOM	314,524	314,524	356,224		314,524
	Additional access and operations support			[25,000]		
	Hunt Forward missions			[13,800]		
	Secure the DODIN			[2,900]		
190	US CENTCOM	186,116	186,116	186,116		186,116
200	US SOCOM	9,881	9,881	9,881		9,881
210	US TRANSCOM	1,046	1,046	1,046		1,046

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Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
230	USSPACECOM	249,022	249,022	249,022		249,022
235	CLASSIFIED PROGRAMS	1,289,339	1,289,339	1,289,339		1,289,339
	SUBTOTAL OPERATING FORCES	25,815,885	25,835,597	26,079,540	138,937	25,954,822
MOBILIZATION						
240	AIRLIFT OPERATIONS	1,350,031	1,110,031	1,350,031	-200,000	1,150,031
	Realignment from Base to OCO		[-240,000]		[-200,000]	
250	MOBILIZATION PREPAREDNESS	647,168	647,168	647,168		647,168
	SUBTOTAL MOBILIZATION	1,997,199	1,757,199	1,997,199	-200,000	1,797,199
TRAINING AND RECRUITING						
260	OFFICER ACQUISITION	142,548	142,548	142,548		142,548
270	RECRUIT TRAINING	25,720	25,720	25,720		25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295	128,295		128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335	417,335		417,335
300	FLIGHT TRAINING	615,033	615,033	615,033		615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795	298,795		298,795
320	TRAINING SUPPORT	85,844	85,844	85,844		85,844
330	RECRUITING AND ADVERTISING	155,065	155,065	135,065		155,065
	Ahead of need			[-20,000]		
340	EXAMINING	4,474	4,474	4,474		4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349	219,349		219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	371,570	361,570	-3,000	358,570
	Insufficient justification				[-3,000]	
	Sustainment Workforce Development Program increase		[10,000]			
370	JUNIOR ROTC	72,126	72,126	72,126		72,126
	SUBTOTAL TRAINING AND RECRUITING	2,526,154	2,536,154	2,506,154	-3,000	2,523,154

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ADMIN & SRVWD ACTIVITIES					
380	LOGISTICS OPERATIONS	672,426	672,426	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	103,070	145,130	145,130
	Transfer to DAWDF—reversal of DWR transfers		[-42,060]		
400	ADMINISTRATION	851,251	829,251	851,251	829,251
	Program decrease		[-22,000]	-22,000	
410	SERVICEWIDE COMMUNICATIONS	28,554	23,554	28,554	28,554
	Program decrease		[-5,000]		
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,183,814	1,188,414	1,183,814
	Program decrease		[-4,600]	-4,600	
430	CIVIL AIR PATROL	28,772	43,215	28,772	43,205
	Program increase		[14,443]	14,433	
450	INTERNATIONAL SUPPORT	158,803	158,803	158,803	158,803
455	CLASSIFIED PROGRAMS	1,338,009	1,338,009	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,411,359	4,352,142	4,411,359	4,399,192
UNDISTRIBUTED					
550	UNDISTRIBUTED		-72,700	-205,756	-225,800
	COVID-related ops/training slowdown			[-89,856]	[-110,600]
	COVID-related throughput carryover adjustment			[-75,800]	[-75,800]
	Foreign Currency adjustments		[-39,400]	[-40,100]	[-39,400]
	Historical unobligated balances		[-33,300]		
	SUBTOTAL UNDISTRIBUTED		-72,700	-205,756	-225,800
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	34,750,597	34,408,392	34,788,496	34,448,567
OPERATION & MAINTENANCE, SPACE FORCE					
OPERATING FORCES					
020	GLOBAL C3I & EARLY WARNING	276,109	276,109	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338	475,338	475,338

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
050	EDUCATION & TRAINING	18,660	18,660	18,660		18,660
060	SPECIAL PROGRAMS	137,315	137,315	137,315		137,315
070	DEPOT MAINTENANCE	250,324	250,324	250,324		250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,055,969	1,063,969		1,063,969
	Program decrease		[-8,000]			
	SUBTOTAL OPERATING FORCES	2,398,771	2,390,771	2,398,771		2,398,771
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES					
090	ADMINISTRATION	132,523	132,523	132,523	-9,000	123,523
	Unjustified growth				[-9,000]	
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	132,523	132,523	132,523	-9,000	123,523
	UNDISTRIBUTED					
110	UNDISTRIBUTED		-2,400		-8,000	-8,000
	COVID-related ops/training slowdown				[-8,000]	
	Historical unobligated balances		[-2,400]			
	SUBTOTAL UNDISTRIBUTED		-2,400		-8,000	-8,000
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	2,531,294	2,520,894	2,531,294	-17,000	2,514,294
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	1,782,016	1,782,016	1,782,016	-15,000	1,767,016
	Insufficient justification				[-15,000]	
020	MISSION SUPPORT OPERATIONS	215,209	215,209	215,209	-1,000	214,209
	Insufficient justification				[-1,000]	
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	476,096	509,096		453,896

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	KC-10 tanker divestment reversal			[48,400]		
	KC-135 and KC-10 aircraft retention		[22,200]			
	KC-135 tanker divestment reversal			[3,400]		
	Premature reduction of A-10 squadrons			[3,400]		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	103,414	105,329	107,614	4,200	107,614
	FSRM increase			[4,200]		
	Program increase for additional facility requirements		[1,915]		[4,200]	
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	224,977	224,977	224,977		224,977
060	BASE SUPPORT	452,468	452,468	452,468		452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259	2,259		2,259
	SUBTOTAL OPERATING FORCES	3,234,239	3,258,354	3,293,639	-11,800	3,222,439
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
080	ADMINISTRATION	74,258	74,258	74,258		74,258
090	RECRUITING AND ADVERTISING	23,121	23,121	18,121		23,121
	Ahead of need			[-5,000]		
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006	12,006		12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165	6,165		6,165
120	AUDIOVISUAL	495	495	495		495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	116,045	116,045	111,045		116,045
	UNDISTRIBUTED					
130	UNDISTRIBUTED		-9,100	-10,863	-30,300	-30,300
	COVID-related ops/training slowdown			[-10,863]	[-30,300]	
	Historical unobligated balances		[-9,100]			
	SUBTOTAL UNDISTRIBUTED		-9,100	-10,863	-30,300	-30,300
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,350,284	3,365,299	3,393,821	-42,100	3,308,184
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205	2,476,205		2,476,205

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Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
020	MISSION SUPPORT OPERATIONS	611,325	611,325	611,325		611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,153,919	1,138,919		1,138,919
	KC-135 aircraft retention		[15,000]			
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	323,605	359,598	332,505	38,900	362,505
	FSRM increase			[8,900]		
	Installation recovery		[30,000]		[30,000]	
	Program increase for additional facility requirements		[5,993]		[8,900]	
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,828	1,100,828	1,100,828		1,100,828
060	BASE SUPPORT	962,438	962,438	962,438		962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028	27,028		27,028
080	CYBERSPACE ACTIVITIES	16,380	16,380	19,380		16,380
	Pilot program for National Guard cybersecurity			[3,000]		
	SUBTOTAL OPERATING FORCES	6,656,728	6,707,721	6,668,628	38,900	6,695,628
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES						
090	ADMINISTRATION	48,218	48,218	48,218		48,218
100	RECRUITING AND ADVERTISING	48,696	48,696	33,696	-3,000	45,696
	Ahead of need			[-15,000]		
	Insufficient justification				[-3,000]	
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	96,914	96,914	81,914	-3,000	93,914
UNDISTRIBUTED						
110	UNDISTRIBUTED		-13,300	-15,852	-44,300	-44,300
	COVID-related ops/training slowdown			[-15,852]	[-44,300]	
	Historical unobligated balances		[-13,300]			
	SUBTOTAL UNDISTRIBUTED		-13,300	-15,852	-44,300	-44,300

	TOTAL OPERATION & MAINTENANCE, ANG	6,753,642	6,791,335	6,734,690	-8,400	6,745,242
	OPERATION AND MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF	439,111	439,111	439,111	-15,000	424,111
	Insufficient justification				[-15,000]	
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728	535,728		535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728	24,728		24,728
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,069,971	1,069,971	1,072,971	2,960	1,072,931
	SOCOM Syria exfiltration reconstitution			[3,000]	[2,960]	
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	9,800	9,800	9,800		9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	556,907	561,907	-6,000	555,907
	DOMEX insufficient budget justification				[-6,000]	
	Unjustified growth		[-5,000]			
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	702,097	707,097	20,717	705,814
	Airborne ISR restoration			[22,000]		
	Program decrease		[-5,000]			
	Program increase		[22,000]		[22,000]	
	Unjustified DCS growth				[-1,283]	
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	158,971	158,971	158,971		158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,062,748	1,062,748	1,062,748		1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,598,385	2,598,385	2,599,685	-14,433	2,583,952
	Airborne ISR restoration			[1,300]		
	Flying hours program excess to need				[-12,400]	
	Overestimation of civilian personnel costs				[-2,033]	
	SUBTOTAL OPERATING FORCES	7,146,446	7,158,446	7,172,746	-11,756	7,134,690
	TRAINING AND RECRUITING					
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963	162,963		162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684	95,684		95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301	33,301		33,301
	SUBTOTAL TRAINING AND RECRUITING	291,948	291,948	291,948		291,948

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Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ADMIN & SRVWIDE ACTIVITIES						
160	CIVIL MILITARY PROGRAMS	147,993	167,993	179,893	31,885	179,878
	Innovative Readiness Training			[16,900]	[16,885]	
	Program increase—STARBASE		[20,000]		[15,000]	
	STARBASE			[15,000]		
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	636,565	604,835	19,000	623,835
	Program increase—DWR reductions funding restoration				[19,000]	
	Restoration of DWR reductions		[31,730]			
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282	3,282		3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,445,781	1,427,081	42,000	1,412,681
	Restoration of DWR reductions		[75,100]	[56,400]	[42,000]	
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532	22,532		22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	949,008	949,008	952,008		949,008
	DWR restore: Congressional oversight			[3,000]		
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,577	9,577	9,577		9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	813,356	799,952	404	800,356
	Defense Flagship Language and Project Global Officer program increase		[13,404]		[13,404]	
	Insufficient justification				[−13,000]	
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806	20,806		20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,870,590	1,923,190	−30,000	1,853,190
	JAIC insufficient justification				[−30,000]	
	JRSS program decrease		[−11,600]			
	Program decrease		[−1,000]			
	Secure the DODIN			[40,000]		
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	582,639	582,639	577,939	−4,700	577,939
	JRSS SIPR funding			[−4,700]	[−4,700]	

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330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637	37,637		37,637
340	DEFENSE LOGISTICS AGENCY	382,084	412,084	385,684	33,500	415,584
	DWR restore: blankets for homeless			[3,600]		
	Maternity Uniform Pilot Program		[10,000]		[10,000]	
	Program increase—homeless blankets program				[3,500]	
	Program increase—PTAP		[20,000]		[20,000]	
350	DEFENSE MEDIA ACTIVITY	196,997	205,997	196,997	9,000	205,997
	Stars and Stripes		[9,000]		[9,000]	
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	124,225	129,225		129,225
	Program decrease		[−5,000]			
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	598,559	598,559	−10,000	588,559
	Defense Institute for International Legal Studies			[2,000]		
	Institute for Security Governance			[−2,000]		
	PDI: Maritime Security Initiative INDOPACOM UFR			[163,000]		
	PDI: Transfer from Sec. 333 to Maritime Security Initiative			[−163,000]		
	Unjustified growth for Institute for Security Governance				[−10,000]	
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	38,432	38,432	38,432		38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780	591,780		591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635	24,635		24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	2,991,429	3,012,929	70,000	3,011,429
	DWR restore: maintain student-teacher ratios in DODEA schools			[1,500]		
	Impact Aid		[40,000]		[50,000]	
	Impact Aid for children with disabilities		[10,000]		[20,000]	
	Impact Aid for children with severe disabilities			[20,000]		
	Impact Aid for schools with military dependent students			[50,000]		
450	MISSILE DEFENSE AGENCY	505,858	505,858	505,858		505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	129,272	90,272	94,000	134,272
	Defense Community Infrastructure Program		[50,000]		[50,000]	
	Defense Community Infrastructure Program infusion			[50,000]		
	Guam Public Health Laboratory		[19,000]		[19,000]	
	Military Aircraft Noise Mitigation				[5,000]	
	Restoration of DWR reduction		[20,000]		[20,000]	

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,619,446	1,622,946	48,250	1,588,696
	Additional FTEs, Office of the Deputy Assistant Secretary for Environment		[2,000]		[2,000]	
	Additional FTEs, Office of the Deputy Assistant Secretary for Facilities Manage- ment		[2,000]			
	Basic needs allowance		[50,000]			
	Bien Hoa dioxin cleanup			[15,000]	[15,000]	
	Black Start ERREs			[2,000]		
	CDC PFAS health assessment			[10,000]	[15,000]	
	Commission on Confederate symbols and displays			[2,000]		
	Commission on the Confederacy			[2,000]		
	Cooperative program for Vietnam personnel MIA			[2,000]	[2,000]	
	DOD Congressional reports process modernization			[2,000]	[1,000]	
	DWR restore: Congressional background investigations			[-3,000]		
	Energy performance contracts			[10,000]		
	ESOH personnel in ASD(S)			[2,000]		
	FY20 NDAA Sec. 575 interstate spousal licensing			[4,000]	[2,750]	
	JASON scientific advisory group		[3,000]		[3,000]	
	National Cyber Director independent study			[2,000]		
	National Security Commission on Artificial Intelligence (NSCAI)		[2,500]	[2,500]	[2,500]	
	Pilot program for cyber cooperation			[5,000]	[2,500]	
	Program decrease		[-15,500]			
	Program increase—Readiness and Environmental Protection Initiative		[25,000]		[25,000]	
	REPI			[25,000]		
	Undersecretary of Defense for Intelligence and Security, medical intelligence improvements		[10,000]			
	Unjustified growth				[-22,500]	
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630	51,630		51,630

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510	SPACE DEVELOPMENT AGENCY	48,166	36,166	48,166	-12,000	36,166
	Reduction for studies		[-7,000]		[-7,000]	
	Unjustified growth		[-5,000]		[-5,000]	
530	WASHINGTON HEADQUARTERS SERVICES	340,291	340,291	343,291	-7,000	333,291
	DWR restore: support to commissions			[3,000]		
	Insufficient justification				[-7,000]	
535	CLASSIFIED PROGRAMS	17,348,749	17,348,749	17,348,749		17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	31,210,685	31,578,319	31,547,885	284,339	31,495,024
	UNDISTRIBUTED					
600	UNDISTRIBUTED		-88,000	-158,039	-248,500	-248,500
	COVID-related ops/training slowdown			[-129,339]	[-229,800]	
	Foreign Currency adjustments		[-18,700]	[-28,700]	[-18,700]	
	Historical unobligated balances		[-69,300]			
	SUBTOTAL UNDISTRIBUTED		-88,000	-158,039	-248,500	-248,500
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	38,649,079	38,940,713	38,854,540	24,083	38,673,162
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVITIES					
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,211	15,211	15,211		15,211
	SUBTOTAL ADMINISTRATION AND ASSOCIATED ACTIVITIES	15,211	15,211	15,211		15,211
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	15,211	15,211	15,211		15,211
	DOD ACQUISITION WORKFORCE DEVELOPMENT FUND ACQUISITION WORKFORCE DEVELOPMENT					
010	ACQ WORKFORCE DEV FD	58,181	198,501	156,680	50,000	108,181
	DWR restore OSD-level acquisition workforce activities			[98,499]	[50,000]	
	Transfer from services—reversal of DWR transfers		[140,320]			
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	58,181	198,501	156,680	50,000	108,181

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	58,181	198,501	156,680	50,000	108,181
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID					
	HUMANITARIAN ASSISTANCE					
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900	109,900		109,900
	SUBTOTAL HUMANITARIAN ASSISTANCE	109,900	109,900	109,900		109,900
	TOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	109,900	109,900	109,900		109,900
	COOPERATIVE THREAT REDUCTION ACCOUNT					
	COOPERATIVE THREAT REDUCTION					
010	COOPERATIVE THREAT REDUCTION	238,490	374,690	288,490	121,700	360,190
	DWR restore: Biological Threat Reduction Program			[50,000]		
	Program increase—CTR assessment		[1,000]			
	Restoration of funding		[135,200]		[121,700]	
	SUBTOTAL COOPERATIVE THREAT REDUCTION	238,490	374,690	288,490	121,700	360,190
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	238,490	374,690	288,490	121,700	360,190
	ENVIRONMENTAL RESTORATION					
	DEPARTMENT OF THE ARMY					
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518	207,518		207,518
	SUBTOTAL DEPARTMENT OF THE ARMY	207,518	207,518	207,518		207,518
	DEPARTMENT OF THE NAVY					
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932	335,932		335,932
	SUBTOTAL DEPARTMENT OF THE NAVY	335,932	335,932	335,932		335,932

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DEPARTMENT OF THE AIR FORCE					
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926	303,926	303,926
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	303,926	303,926	303,926	303,926
DEFENSE-WIDE					
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105	9,105	9,105
	SUBTOTAL DEFENSE-WIDE	9,105	9,105	9,105	9,105
DEFENSE-WIDE					
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	266,587	216,587	216,587
	Military Munitions Response Program		[50,000]		
	SUBTOTAL DEFENSE-WIDE	216,587	266,587	216,587	216,587
	TOTAL ENVIRONMENTAL RESTORATION	1,073,068	1,123,068	1,073,068	1,073,068
	TOTAL OPERATION & MAINTENANCE	196,630,496	193,800,571	195,616,280	192,436,494
UNDISTRIBUTED					
010	UNDISTRIBUTED		-1,468,370	-1,479,900	-1,711,780
	Excessive standard price for fuel		[-1,455,870]	[-1,479,900]	[-1,711,780]
	Program decrease		[-12,500]		
	SUBTOTAL UNDISTRIBUTED		-1,468,370	-1,479,900	-1,711,780
	TOTAL UNDISTRIBUTED		-1,468,370	-1,479,900	-1,711,780

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, ARMY						
OPERATING FORCES						
010	MANEUVER UNITS	4,114,001	3,789,001	4,114,001	-251,373	3,862,628
	Drawdown from Operation Freedom's Sentinel		[-75,000]		[-89,500]	
	Unjustified funding for Dynamic Force Employment		[-250,000]		[-161,873]	
030	ECHELONS ABOVE BRIGADE	32,811	32,811	32,811		32,811
040	THEATER LEVEL ASSETS	2,542,760	2,102,760	2,545,410	-490,000	2,052,760
	Drawdown from Operation Freedom's Sentinel		[-440,000]		[-480,000]	
	EDI: Support to deterrent activities			[2,650]		
	Unjustified growth				[-10,000]	
050	LAND FORCES OPERATIONS SUPPORT	162,557	122,557	162,557	-50,000	112,557
	Drawdown from Operation Freedom's Sentinel		[-40,000]		[-50,000]	
060	AVIATION ASSETS	204,396	179,572	204,396	-24,824	179,572
	Drawdown from Operation Freedom's Sentinel		[-24,824]		[-24,824]	
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	4,716,734	5,721,224	-1,580,000	4,136,734
	Drawdown from Operation Freedom's Sentinel		[-1,000,000]		[-1,500,000]	
	EDI: Support to deterrent activities PE 0202218A			[1,490]		
	EDI: Support to deterrent activities PE 1001010A			[3,000]		
	Unjustified growth				[-80,000]	
080	LAND FORCES SYSTEMS READINESS	180,048	140,048	180,048	-100,000	80,048
	Drawdown from Operation Freedom's Sentinel		[-40,000]		[-100,000]	
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125	81,125		81,125
100	BASE OPERATIONS SUPPORT	219,029	219,029	219,029	-32,000	187,029
	Drawdown from Operation Freedom's Sentinel				[-32,000]	
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	301,017	301,017	301,017	-41,000	260,017

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	Drawdown from Operation Freedom's Sentinel				[-41,000]	
130	ADDITIONAL ACTIVITIES	966,649	782,649	966,649	-184,000	782,649
	Drawdown from Operation Freedom's Sentinel		[-184,000]		[-184,000]	
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,500	2,000	-500	2,000
	Excess to need				[-500]	
	Hero payments funded by ASFF			[-500]		
150	RESET	403,796	803,796	403,796	600,000	1,003,796
	Retrograde from Operation Freedom's Sentinel		[400,000]		[600,000]	
160	US AFRICA COMMAND	100,422	100,422	100,422		100,422
170	US EUROPEAN COMMAND	120,043	120,043	144,143		120,043
	EDI: Continuity of operations support			[2,100]		
	EDI: Modernizing Mission Partner Environment (MPE)			[22,000]		
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461	98,461		98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256	21,256		21,256
	SUBTOTAL OPERATING FORCES	15,267,605	13,613,781	15,298,345	-2,153,697	13,113,908
	MOBILIZATION					
230	ARMY PREPOSITIONED STOCKS	103,052	103,052	103,052		103,052
	SUBTOTAL MOBILIZATION	103,052	103,052	103,052		103,052
	TRAINING AND RECRUITING					
290	SPECIALIZED SKILL TRAINING	89,943	89,943	89,943		89,943
320	TRAINING SUPPORT	2,550	2,550	2,550		2,550
	SUBTOTAL TRAINING AND RECRUITING	92,493	92,493	92,493		92,493
	ADMIN & SRVWIDE ACTIVITIES					
390	SERVICEWIDE TRANSPORTATION	521,090	821,090	521,090	400,000	921,090
	Retrograde from Operation Freedom's Sentinel		[300,000]		[400,000]	
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897	43,897		43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423	68,423		68,423
420	AMMUNITION MANAGEMENT	29,162	29,162	29,162		29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447	11,447		11,447

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
470	OTHER SERVICE SUPPORT	5,839	5,839	5,839		5,839
490	REAL ESTATE MANAGEMENT	48,782	48,782	48,782		48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000	50,000		50,000
565	CLASSIFIED PROGRAMS	895,964	895,964	895,964		895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,674,604	1,974,604	1,674,604	400,000	2,074,604
	TOTAL OPERATION & MAINTENANCE, ARMY	17,137,754	15,783,930	17,168,494	-1,753,697	15,384,057
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES					
020	ECHELONS ABOVE BRIGADE	17,193	17,193	17,193		17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440	440		440
090	BASE OPERATIONS SUPPORT	15,766	15,766	15,766		15,766
	SUBTOTAL OPERATING FORCES	33,399	33,399	33,399		33,399
	TOTAL OPERATION & MAINTENANCE, ARMY RES	33,399	33,399	33,399		33,399
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES					
010	MANEUVER UNITS	25,746	25,746	25,746		25,746
020	MODULAR SUPPORT BRIGADES	40	40	40		40
030	ECHELONS ABOVE BRIGADE	983	983	983		983
040	THEATER LEVEL ASSETS	22	22	22		22
060	AVIATION ASSETS	20,624	20,624	20,624		20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914	7,914		7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417	24,417		24,417
	SUBTOTAL OPERATING FORCES	79,746	79,746	79,746		79,746

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ADMIN & SRVWD ACTIVITIES					
170	SERVICEWIDE COMMUNICATIONS	46	46	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	46	46	46	46
	TOTAL OPERATION & MAINTENANCE, ARNG	79,792	79,792	79,792	79,792
AFGHANISTAN SECURITY FORCES FUND					
AFGHAN NATIONAL ARMY					
010	SUSTAINMENT	1,065,932	1,065,932	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	1,235,067	1,235,067	1,235,067	1,235,067
AFGHAN NATIONAL POLICE					
050	SUSTAINMENT	434,500	434,500	434,500	434,500
060	INFRASTRUCTURE	448	448	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231	108,231	108,231
080	TRAINING AND OPERATIONS	58,993	58,993	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	602,172	602,172	602,172	602,172
AFGHAN AIR FORCE					
090	SUSTAINMENT	534,102	534,102	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	835,924	835,924	835,924	835,924
AFGHAN SPECIAL SECURITY FORCES					
UNDISTRIBUTED					
130	SUSTAINMENT	680,024	680,024	680,024	680,024

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
140	INFRASTRUCTURE	2,532	2,532	2,532		2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808	486,808		486,808
160	TRAINING AND OPERATIONS	173,085	173,085	173,085		173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	1,342,449	1,342,449	1,342,449		1,342,449
170	UNDISTRIBUTED		-500,000			
	Insufficient justification		[-500,000]			
	SUBTOTAL UNDISTRIBUTED		-500,000			
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,015,612	3,515,612	4,015,612		4,015,612
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)					
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)					
010	IRAQ	645,000	500,000	322,500	-322,500	322,500
	Program decrease		[-145,000]			
	Transfer for 10 USC 333 Iraq security cooperation activities			[-322,500]	[-322,500]	
020	SYRIA	200,000	200,000	200,000		200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	700,000	522,500	-322,500	522,500
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	700,000	522,500	-322,500	522,500
	OPERATION & MAINTENANCE, NAVY					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	760,856	382,062	300,000	682,062
	Transfer from base		[378,794]		[300,000]	
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832	832		832
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840	17,840		17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692	210,692		210,692

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060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580	170,580		170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854	5,854		5,854
080	AVIATION LOGISTICS	33,707	33,707	33,707		33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,817,696	5,817,696	-100,000	5,717,696
	Insufficient justification				[-100,000]	
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741	20,741		20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470	2,072,470		2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254	59,254		59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000	18,000		18,000
150	WARFARE TACTICS	17,324	17,324	17,324		17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581	22,581		22,581
170	COMBAT SUPPORT FORCES	772,441	1,322,441	772,441	540,000	1,312,441
	Insufficient justification				[-10,000]	
	Transfer from base		[550,000]		[550,000]	
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	5,788	5,788	5,788		5,788
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800	24,800		24,800
220	CYBERSPACE ACTIVITIES	369	369	369		369
240	WEAPONS MAINTENANCE	567,247	567,247	567,247		567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571	12,571		12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041	70,041		70,041
280	BASE OPERATING SUPPORT	218,792	218,792	218,792		218,792
	SUBTOTAL OPERATING FORCES	10,521,682	11,450,476	10,521,682	740,000	11,261,682
	MOBILIZATION					
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589	22,589		22,589
	SUBTOTAL MOBILIZATION	22,589	22,589	22,589		22,589
	TRAINING AND RECRUITING					
370	SPECIALIZED SKILL TRAINING	53,204	53,204	53,204		53,204
	SUBTOTAL TRAINING AND RECRUITING	53,204	53,204	53,204		53,204
	ADMIN & SRVWD ACTIVITIES					

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
440	ADMINISTRATION	9,983	9,983	9,983		9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805	7,805		7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097	72,097		72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354	11,354		11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591	1,591		1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	102,830	102,830	102,830		102,830
	TOTAL OPERATION & MAINTENANCE, NAVY	10,700,305	11,629,099	10,700,305	740,000	11,440,305
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	727,989	1,127,989	745,489	400,000	1,127,989
	EDI: Globally Integrated Exercise 20-4/Austere Challenge 21.3			[10,000]		
	EDI: Marine European training program			[7,500]		
	Transfer from base		[400,000]		[400,000]	
020	FIELD LOGISTICS	195,001	195,001	195,001		195,001
030	DEPOT MAINTENANCE	55,183	55,183	55,183		55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000	10,000		10,000
070	BASE OPERATING SUPPORT	24,569	24,569	24,569		24,569
	SUBTOTAL OPERATING FORCES	1,012,742	1,412,742	1,030,242	400,000	1,412,742
	TRAINING AND RECRUITING					
120	TRAINING SUPPORT	28,458	28,458	28,458		28,458
	SUBTOTAL TRAINING AND RECRUITING	28,458	28,458	28,458		28,458
	ADMIN & SRVWD ACTIVITIES					
160	SERVICEWIDE TRANSPORTATION	61,400	61,400	61,400		61,400

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	SUBTOTAL ADMIN & SRVWD ACTIVITIES	61,400	61,400	61,400		61,400
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,102,600	1,502,600	1,120,100	400,000	1,502,600
	OPERATION & MAINTENANCE, NAVY RES					
	OPERATING FORCES					
020	INTERMEDIATE MAINTENANCE	522	522	522		522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861	11,861		11,861
080	COMBAT SUPPORT FORCES	9,109	9,109	9,109		9,109
	SUBTOTAL OPERATING FORCES	21,492	21,492	21,492		21,492
	TOTAL OPERATION & MAINTENANCE, NAVY RES	21,492	21,492	21,492		21,492
	OPERATION & MAINTENANCE, MC RESERVE					
	OPERATING FORCES					
010	OPERATING FORCES	7,627	7,627	7,627		7,627
040	BASE OPERATING SUPPORT	1,080	1,080	1,080		1,080
	SUBTOTAL OPERATING FORCES	8,707	8,707	8,707		8,707
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	8,707	8,707	8,707		8,707
	OPERATION & MAINTENANCE, AIR FORCE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	125,551	125,551	125,551		125,551
020	COMBAT ENHANCEMENT FORCES	916,538	978,538	916,538	62,000	978,538
	MQ-9 government owned-contractor operated combat line operations in U.S. Central Command		[62,000]		[62,000]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970	93,970		93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059	3,528,059		3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	147,264	147,264	147,264		147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842	10,842		10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,187,100	7,187,100	7,217,545		7,187,100

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Transfer from base			[30,445]		
080	FLYING HOUR PROGRAM	2,031,548	2,031,548	2,031,548		2,031,548
090	BASE SUPPORT	1,540,444	1,478,444	1,540,444	-60,000	1,480,444
	Program decrease		[-62,000]		[-60,000]	
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709	13,709		13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	592,130	345,800	203,579	549,379
	Department requested transfer from SAG 44A				[28,000]	
	Insufficient justification				[-20,000]	
	Realignment from Base to OCO		[246,330]		[195,579]	
120	CYBERSPACE ACTIVITIES	17,936	17,936	17,936		17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820	36,820		36,820
140	LAUNCH FACILITIES	70	70	70		70
150	SPACE CONTROL SYSTEMS	1,450	1,450	1,450		1,450
160	US NORTHCOM/NORAD	725	725	725		725
170	US STRATCOM	856	856	856		856
180	US CYBERCOM	35,189	35,189	35,189		35,189
190	US CENTCOM	126,934	126,934	126,934	44,200	171,134
	Department requested transfer from line 42G				[44,200]	
	SUBTOTAL OPERATING FORCES	16,160,805	16,407,135	16,191,250	249,779	16,410,584
MOBILIZATION						
240	AIRLIFT OPERATIONS	1,271,439	1,511,439	1,271,439	200,000	1,471,439
	Realignment from Base to OCO		[240,000]		[200,000]	
250	MOBILIZATION PREPAREDNESS	120,866	120,866	120,866		120,866
	SUBTOTAL MOBILIZATION	1,392,305	1,632,305	1,392,305	200,000	1,592,305
TRAINING AND RECRUITING						

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260	OFFICER ACQUISITION	200	200	200		200
270	RECRUIT TRAINING	352	352	352		352
290	SPECIALIZED SKILL TRAINING	27,010	27,010	27,010		27,010
300	FLIGHT TRAINING	844	844	844		844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199	1,199		1,199
320	TRAINING SUPPORT	1,320	1,320	1,320		1,320
	SUBTOTAL TRAINING AND RECRUITING	30,925	30,925	30,925		30,925
	ADMIN & SRVWD ACTIVITIES					
380	LOGISTICS OPERATIONS	164,701	164,701	164,701		164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782	11,782		11,782
400	ADMINISTRATION	3,886	3,886	3,886		3,886
410	SERVICEWIDE COMMUNICATIONS	355	355	355		355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	100,831	85,831	-44,200	56,631
	Department requested transfer to line 15F				[-44,200]	
	OSC-I transition to normalized security cooperation			[-15,000]		
450	INTERNATIONAL SUPPORT	29,928	29,928	29,928	-28,000	1,928
	Department requested transfer to line 12C				[-28,000]	
455	CLASSIFIED PROGRAMS	34,502	34,502	34,502		34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	345,985	345,985	330,985	-72,200	273,785
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	17,930,020	18,416,350	17,945,465	377,579	18,307,599
	OPERATION & MAINTENANCE, SPACE FORCE					
	OPERATING FORCES					
020	GLOBAL C3I & EARLY WARNING	227	227	227		227
030	SPACE LAUNCH OPERATIONS	321	321	321		321
040	SPACE OPERATIONS	15,135	15,135	15,135		15,135
070	DEPOT MAINTENANCE	18,268	18,268	18,268		18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164	43,164		43,164
	SUBTOTAL OPERATING FORCES	77,115	77,115	77,115		77,115

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	77,115	77,115	77,115		77,115
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408	24,408		24,408
060	BASE SUPPORT	5,682	5,682	5,682		5,682
	SUBTOTAL OPERATING FORCES	30,090	30,090	30,090		30,090
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	30,090	30,090	30,090		30,090
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
020	MISSION SUPPORT OPERATIONS	3,739	3,739	3,739		3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862	61,862		61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	97,108	97,108	97,108		97,108
060	BASE SUPPORT	12,933	12,933	12,933		12,933
	SUBTOTAL OPERATING FORCES	175,642	175,642	175,642		175,642
	TOTAL OPERATION & MAINTENANCE, ANG	175,642	175,642	175,642		175,642
	OPERATION AND MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF	3,799	3,799	3,799		3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634	6,634		6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	893,024	898,024		898,024
	Maritime Support Vessel		[-5,000]			
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,214,553	1,244,553	-935	1,243,618

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	Program decrease		[-30,000]		[-935]	
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	354,951	381,951		354,951
	Airborne ISR restoration			[27,000]		
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	104,535	104,535	104,535		104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	732,744	757,744	-5,000	752,744
	Unjustified growth		[-25,000]		[-5,000]	
	SUBTOTAL OPERATING FORCES	3,370,240	3,310,240	3,397,240	-5,935	3,364,305
	ADMIN & SRVWIDE ACTIVITIES					
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247	1,247		1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723	21,723		21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256	56,256		56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524	3,524		3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373	156,373		156,373
350	DEFENSE MEDIA ACTIVITY	3,555	9,555	3,555	6,000	9,555
	Stars and Stripes		[6,000]		[6,000]	
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,337,763	1,880,263	72,500	1,630,263
	Program increase—security cooperation		[30,000]			
	Transfer from CTEF for 10 USC 333 Iraq security cooperation activities				[322,500]	
	Transfer from CTEF for Iraq train and equip requirements			[322,500]		
	Transfer to Ukraine Security Assistance		[-250,000]		[-250,000]	
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486	297,486		297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984	16,984		16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997	1,997		1,997
535	CLASSIFIED PROGRAMS	535,106	535,106	535,106		535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	2,652,014	2,438,014	2,974,514	78,500	2,730,514
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	6,022,254	5,748,254	6,371,754	72,565	6,094,819
	UKRAINE SECURITY ASSISTANCE					
	UKRAINE SECURITY ASSISTANCE					
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		250,000		250,000	250,000

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Transfer from Defense Security Cooperation Agency		[250,000]		[250,000]	
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		250,000		250,000	250,000
	TOTAL UKRAINE SECURITY ASSISTANCE		250,000		250,000	250,000
	TOTAL OPERATION & MAINTENANCE	58,179,782	57,972,082	58,270,467	-236,053	57,943,729

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)					
Item	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Personnel Appropriations	150,524,104	149,384,304	147,976,014		149,185,852
Historical unobligated balances		–924,000			–1,168,45
Foreign currency adjustments		–169,800			–169,800
Standardization of payment of hazardous duty incentive pay		50,000			
Program decrease—Marine Corps		–96,000			
Military Personnel historical underexecution			–1,611,690		
COVID related endstrength decreases			–755,000		
Foreign currency adjustments, Air Force			–81,800		
Foreign currency adjustments, Army			–44,400		
Foreign currency adjustments, Marine Corps			–13,900		
Foreign currency adjustments, Navy			–41,300		
Medicare-Eligible Retiree Health Fund Contributions	8,372,741	8,372,741	8,372,741		8,372,741

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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Item	FY 2021 Request	Conference Change	Conference Authorized	
Military Personnel Appropriations	4,602,593	4,602,593	4,602,593	

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
ARMY ARSENALS INITIATIVE	32,551	32,551	5,551		32,551
One-time COVID-related carryover decrease			[−27,000]		
ARMY SUPPLY MANAGEMENT	24,166	24,166	1,166		24,166
One-time COVID-related carryover decrease			[−23,000]		
TOTAL WORKING CAPITAL FUND, ARMY	56,717	56,717	6,717		56,717
WORKING CAPITAL FUND, AIR FORCE					
WORKING CAPITAL FUND					
WORKING CAPITAL FUND	95,712	95,712	5,712		95,712
Air Force cash corpus for energy optimization			[10,000]		
One-time COVID-related carryover decrease			[−100,000]		
TOTAL WORKING CAPITAL FUND, AIR FORCE	95,712	95,712	5,712		95,712
WORKING CAPITAL FUND, DEFENSE-WIDE					
WORKING CAPITAL FUND SUPPORT					
WORKING CAPITAL FUND SUPPORT	49,821	49,821	49,821		49,821
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	49,821	49,821	49,821		49,821
WORKING CAPITAL FUND, DECA					
WORKING CAPITAL FUND SUPPORT	1,146,660	1,146,660	1,146,660		1,146,660

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
TOTAL WORKING CAPITAL FUND, DECA	1,146,660	1,146,660	1,146,660		1,146,660
NATIONAL DEFENSE SEALIFT FUND					
SEALIFT RECAPITALIZATION		170,000		120,000	120,000
Accelerate design of a commercial-based sealift ship		[50,000]			
Transfer from OMN-300 for acquisition of four used sealift vessels		[120,000]		[120,000]	
SHIP PREPOSITIONING AND SURGE		314,193		314,193	314,193
Transfer from OMN-290		[314,193]		[314,193]	
EXPEDITIONARY HEALTH SERVICES		57,212			
Transfer from OMN-320		[57,212]			
TOTAL NATIONAL DEFENSE SEALIFT FUND		541,405		434,193	434,193
CHEM AGENTS & MUNITIONS DESTRUCTION					
CHEM DEMILITARIZATION—O&M	106,691	101,691	106,691		106,691
Program decrease		[-5,000]			
CHEM DEMILITARIZATION—RDT&E	782,193	771,193	782,193		782,193
Program decrease		[-11,000]			
CHEM DEMILITARIZATION—PROC	616	616	616		616
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	889,500	873,500	889,500		889,500
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
COUNTER-NARCOTICS SUPPORT	546,203	546,203	562,003	15,800	562,003
PDI: Joint Interagency Task Force—West Project 3309			[13,000]	[13,000]	
PDI: Joint Interagency Task Force—West Project 9202			[2,800]	[2,800]	
DRUG DEMAND REDUCTION PROGRAM	123,704	123,704	123,704		123,704
NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211	94,211		94,211
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511	5,511		5,511

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TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	769,629	769,629	785,429	15,800	785,429
OFFICE OF THE INSPECTOR GENERAL					
OFFICE OF THE INSPECTOR GENERAL	368,279	384,536	368,279		368,279
Additional oversight of coronavirus relief		[16,257]			
OFFICE OF THE INSPECTOR GENERAL—CYBER					
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204	1,204		1,204
OFFICE OF THE INSPECTOR GENERAL—RDTE	1,098	1,098	1,098		1,098
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	858	858	858		858
TOTAL OFFICE OF THE INSPECTOR GENERAL	371,439	387,696	371,439		371,439
DEFENSE HEALTH PROGRAM					
IN-HOUSE CARE	9,560,564	9,580,564	9,560,564	–289,500	9,271,064
Equipment purchases excess growth				[–29,500]	
Expansion of benefits		[15,000]			
Medical reform implementation—excess funding to replace military medical end strength				[–296,000]	
Program decrease		[–31,000]			
Reverse DWR savings from downsizing MTFs		[36,000]		[36,000]	
PRIVATE SECTOR CARE	15,841,887	15,826,887	15,841,887	–15,000	15,826,887
Program decrease		[–15,000]		[–15,000]	
CONSOLIDATED HEALTH SUPPORT	1,338,269	1,348,269	1,338,269	–24,100	1,314,169
Global Emerging Infectious Surveillance Program		[10,000]			
Historical underexecution				[–24,100]	
INFORMATION MANAGEMENT	2,039,910	2,039,910	2,039,910		2,039,910
MANAGEMENT ACTIVITIES	330,627	330,627	330,627		330,627
EDUCATION AND TRAINING	315,691	341,691	315,691	16,000	331,691
Health Professions Scholarship Program		[10,000]		[6,000]	
Restoring funding for Tri-Service Nursing Research Program within USUHS		[6,000]			
Reverse DWR cuts to USUHS		[10,000]		[10,000]	
BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,922,605	1,927,605		1,922,605
Medical Surge Partnership Pilot		[5,000]			

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
National Disaster Medical System pilot program			[5,000]		
Program decrease		[-5,000]			
R&D RESEARCH	8,913	13,913	8,913	5,000	13,913
Pancreatic cancer research		[5,000]		[5,000]	
R&D EXPLORATORY DEVELOPMENT	73,984	73,984	73,984		73,984
R&D ADVANCED DEVELOPMENT	225,602	225,602	225,602		225,602
R&D DEMONSTRATION/VALIDATION	132,331	132,331	132,331		132,331
R&D ENGINEERING DEVELOPMENT	55,748	70,748	55,748		55,748
Freeze-dried platelets		[15,000]			
R&D MANAGEMENT AND SUPPORT	48,672	48,672	48,672		48,672
R&D CAPABILITIES ENHANCEMENT	17,215	17,215	17,215		17,215
PROC INITIAL OUTFITTING	22,932	22,932	22,932		22,932
PROC REPLACEMENT & MODERNIZATION	215,618	215,618	215,618		215,618
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872	70,872		70,872
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	308,504	308,504	308,504	-62,650	245,854
Excess to need				[-62,650]	
SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	160,428	160,428	160,428		160,428
UNDISTRIBUTED		2,700		200	200
Foreign Currency adjustments		[-9,800]		[-9,800]	
Post-traumatic stress disorder		[2,500]			
Triple negative breast cancer		[10,000]		[10,000]	
TOTAL DEFENSE HEALTH PROGRAM	32,690,372	32,754,072	32,695,372	-370,050	32,320,322
TOTAL OTHER AUTHORIZATIONS	36,069,850	36,675,212	35,950,650	79,943	36,149,793

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)					
Program Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
ARMY ARSENALS INITIATIVE					
ARMY SUPPLY MANAGEMENT	20,090	20,090	20,090		20,090
TOTAL WORKING CAPITAL FUND, ARMY	20,090	20,090	20,090		20,090
OFFICE OF THE INSPECTOR GENERAL					
OFFICE OF THE INSPECTOR GENERAL	24,069	24,069	24,069		24,069
TOTAL OFFICE OF THE INSPECTOR GENERAL	24,069	24,069	24,069		24,069
DEFENSE HEALTH PROGRAM					
IN-HOUSE CARE	65,072	65,072	65,072		65,072
PRIVATE SECTOR CARE	296,828	296,828	296,828		296,828
CONSOLIDATED HEALTH SUPPORT	3,198	3,198	3,198		3,198
TOTAL DEFENSE HEALTH PROGRAM	365,098	365,098	365,098		365,098
TOTAL OTHER AUTHORIZATIONS	409,257	409,257	409,257		409,257

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Construc- tion, Army	ALASKA	Fort Wainwright	CHILD DEVELOPMENT CENTER	0	32,500	55,000	55,000	55,000
Military Construc- tion, Army	ALASKA	Fort Wainwright	UNACCOMPANIED ENLISTED PERSONNEL HOUSING	0	59,000	59,000	59,000	59,000
Military Construc- tion, Army	ARIZONA	Yuma Proving Ground	READY BUILDING	14,000	14,000	14,000		14,000
Military Construc- tion, Army	CALIFORNIA	Military Ocean Terminal Concord	AMMUNITION HOLDING FACILITY	0	0	46,000	46,000	46,000
Military Construc- tion, Army	COLORADO	Fort Carson, Colorado	PHYSICAL FITNESS FACILITY	28,000	28,000	28,000		28,000
Military Construc- tion, Army	FLORIDA	Jiatt-S Operations Center	PLANNING AND DESIGN	0	0	8,000	8,000	8,000
Military Construc- tion, Army	GEORGIA	Fort Gillem	FORENSIC LABORATORY	71,000	71,000	71,000		71,000
Military Construc- tion, Army	GEORGIA	Fort Gordon	ADV INDIVIDUAL TRAINING BARRACKS CPLX, PH3	80,000	80,000	80,000		80,000
Military Construc- tion, Army	HAWAII	Fort Shafter	CHILD DEVELOPMENT CENTER—SCHOOL AGE	0	26,000	71,000	65,000	65,000
Military Construc- tion, Army	HAWAII	Schofield Barracks	CHILD DEVELOPMENT CENTER	0	39,000	39,000	39,000	39,000
Military Construc- tion, Army	HAWAII	Wheeler Army Air Field	AIRCRAFT MAINTENANCE HANGAR	89,000	89,000	89,000		89,000
Military Construc- tion, Army	ITALY	Casmera Renato DAL Din	ACCESS CONTROL POINT	0	0	10,200	10,200	10,200

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Military Construction, Army	LOUISIANA	Fort Polk, Louisiana	INFORMATION SYSTEMS FACILITY	25,000	25,000	25,000		25,000
Military Construction, Army	OKLAHOMA	McAlester AAP	AMMUNITION DEMOLITION SHOP	35,000	35,000	35,000		35,000
Military Construction, Army	PENNSYLVANIA	Carlisle Barracks	GENERAL INSTRUCTION BUILDING, INCR2	38,000	0	8,000	-12,460	25,540
Military Construction, Army	SOUTH CAROLINA	Fort Jackson	TRAINEE BARRACKS COMPLEX 3, PH2	0	7,000	7,000	7,000	7,000
Military Construction, Army	VIRGINIA	Humphreys Engineer Center	TRAINING SUPPORT FACILITY	51,000	51,000	51,000		51,000
Military Construction, Army	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	HOST NATION SUPPORT	39,000	39,000	39,000		39,000
Military Construction, Army	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING AND DESIGN	129,436	69,436	59,436	-65,000	64,436
Military Construction, Army	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	50,900	50,900	74,900	18,000	68,900
Military Construction, Army TOTAL				650,336	715,836	869,536	229,740	880,076
Military Construction, Navy	ARIZONA	Yuma	BACHELOR ENLISTED QUARTERS REPLACEMENT	0	59,600	0		0
Military Construction, Navy	BAHRAIN ISLAND	SW Asia	SHIP TO SHORE UTILITY SERVICES	68,340	68,340	68,340		68,340
Military Construction, Navy	CALIFORNIA	Camp Pendleton	COMBAT WATER SURVIVAL TRAINING FACILITY	0	0	25,200	25,200	25,200
Military Construction, Navy	CALIFORNIA	Camp Pendleton	WAREHOUSE CONSOLIDATION AND MODERNIZATION	0	0	21,800	21,800	21,800
Military Construction, Navy	CALIFORNIA	Camp Pendleton, California	1ST MARDIV OPERATIONS COMPLEX	68,530	68,530	68,530		68,530
Military Construction, Navy	CALIFORNIA	Camp Pendleton, California	I MEF CONSOLIDATED INFORMATION CENTER (INC)	37,000	37,000	37,000		37,000
Military Construction, Navy	CALIFORNIA	Lemoore	F-35C HANGAR 6 PHASE 2 (MOD 3/4)	128,070	98,070	53,000	-75,070	53,000
Military Construction, Navy	CALIFORNIA	Lemoore	F-35C SIMULATOR FACILITY & ELECTRICAL UP-GRADE	59,150	59,150	59,150		59,150

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Construc- tion, Navy	CALIFORNIA	Point Mugu	DIRECTED ENERGY TEST FACILITY	0	0	26,700	26,700	26,700
Military Construc- tion, Navy	CALIFORNIA	Port Hueneme	COMBAT VEHICLE MAINTENANCE FACILITIES	0	0	43,500	43,500	43,500
Military Construc- tion, Navy	CALIFORNIA	San Diego	PIER 6 REPLACEMENT	128,500	98,500	63,500	-65,000	63,500
Military Construc- tion, Navy	CALIFORNIA	Seal Beach	MAGAZINES	0	0	46,800	46,800	46,800
Military Construc- tion, Navy	CALIFORNIA	Twentynine Palms, Cali- fornia	WASTEWATER TREATMENT PLANT	76,500	76,500	76,500		76,500
Military Construc- tion, Navy	EL SALVADOR	Comolapa	LONG RANGE MARITIME PATROL AIRCRAFT HANGAR AND RAMP	0	0	28,000	28,000	28,000
Military Construc- tion, Navy	GREECE	Souda Bay	COMMUNICATION CENTER	50,180	50,180	50,180		50,180
Military Construc- tion, Navy	GUAM	Andersen AFB	ORDNANCE OPERATIONS ADMIN	21,280	21,280	21,280		21,280
Military Construc- tion, Navy	GUAM	Joint Region Marianas	BACHELOR ENLISTED QUARTERS H (INC)	80,000	0	10,000	-11,351	68,649
Military Construc- tion, Navy	GUAM	Joint Region Marianas	BASE WAREHOUSE	55,410	55,410	55,410		55,410
Military Construc- tion, Navy	GUAM	Joint Region Marianas	CENTRAL FUEL STATION	35,950	35,950	17,950		35,950
Military Construc- tion, Navy	GUAM	Joint Region Marianas	CENTRAL ISSUE FACILITY	45,290	45,290	45,290		45,290
Military Construc- tion, Navy	GUAM	Joint Region Marianas	COMBINED EOD FACILITY	37,600	37,600	37,600		37,600
Military Construc- tion, Navy	GUAM	Joint Region Marianas	DAR BRIDGE IMPROVEMENTS	40,180	40,180	40,180		40,180
Military Construc- tion, Navy	GUAM	Joint Region Marianas	DAR ROAD STRENGTHENING	70,760	70,760	70,760		70,760

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Military Construction, Navy	GUAM	Joint Region Marianas	DISTRIBUTION WAREHOUSE	77,930	77,930	77,930		77,930
Military Construction, Navy	GUAM	Joint Region Marianas	INDIVIDUAL COMBAT SKILLS TRAINING	17,430	17,430	17,430		17,430
Military Construction, Navy	GUAM	Joint Region Marianas	JOINT COMMUNICATION UPGRADE	166,000	22,000	26,000	-144,000	22,000
Military Construction, Navy	HAWAII	Joint Base Pearl Harbor-Hickam	WATERFRONT IMPROVE, WHARVES S1,S11-13,S20-21	48,990	48,990	48,990		48,990
Military Construction, Navy	HAWAII	Joint Base Pearl Harbor-Hickam	WATERFRONT IMPROVEMENTS WHARVES S8-S10	65,910	65,910	65,910		65,910
Military Construction, Navy	JAPAN	Yokosuka	PIER 5 (BERTHS 2 AND 3) (INC)	74,692	0	44,692		74,692
Military Construction, Navy	MAINE	Kittery	MULTI-MISSION DRYDOCK #1 EXTEN., PH 1 (INC)	160,000	160,000	160,000		160,000
Military Construction, Navy	MAINE	Nctams Lant Detachment Center	PERIMETER SECURITY	0	0	26,100	26,100	26,100
Military Construction, Navy	NEVADA	Fallon	RANGE TRAINING COMPLEX, PHASE 1	29,040	29,040	29,040		29,040
Military Construction, Navy	NORTH CAROLINA	Camp Lejeune, North Carolina	II MEF OPERATIONS CENTER REPLACEMENT (INC)	20,000	20,000	20,000		20,000
Military Construction, Navy	NORTH CAROLINA	Cherry Point	FITNESS CENTER REPLACEMENT AND TRAINING POOL	0	0	51,900	51,900	51,900
Military Construction, Navy	SPAIN	Rota	MH-60R SQUADRON SUPPORT FACILITIES	60,110	60,110	60,110		60,110
Military Construction, Navy	VIRGINIA	Norfolk	E-2D TRAINING FACILITY	30,400	30,400	30,400		30,400
Military Construction, Navy	VIRGINIA	Norfolk	MH60 & CMV-22B CORROSION CONTROL & PAINT FAC	17,671	17,671	17,671		17,671
Military Construction, Navy	VIRGINIA	Norfolk	SUB LOGISTICS SUPPORT	0	0	9,400	9,400	9,400
Military Construction, Navy	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING & DESIGN	165,710	160,710	165,710	-5,000	160,710
Military Construction, Navy	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PDI: PLANNING & DESIGN—INDO-PACIFIC COMMAND POSTURE INITIATIVES	0	5,000	0	7,500	7,500

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Military Construc- tion, Navy	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	SIOP PLANNING & DESIGN	0	0	0	45,000	45,000
Military Construc- tion, Navy	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UNSPECIFIED MINOR CONSTRUCTION	38,983	38,983	38,983		38,983
Military Construction, Navy TOTAL				1,975,606	1,676,514	1,856,936	31,479	2,007,085
Military Construc- tion, Air Force	CALIFORNIA	Edwards AFB	FLIGHT TEST ENGINEERING LABORATORY COMPLEX	0	40,000	0	40,000	40,000
Military Construc- tion, Air Force	COLORADO	Schriever AFB	CONSOLIDATED SPACE OPERATIONS FACILITY, INC 2	88,000	88,000	88,000		88,000
Military Construc- tion, Air Force	COLORADO	U.S. Air Force Academy	CADET PREPATORY SCHOOL DORMITORY	0	0	49,000		0
Military Construc- tion, Air Force	FLORIDA	Eglin	ADVANCED MUNITIONS TECHNOLOGY COMPLEX	0	35,000	0	35,000	35,000
Military Construc- tion, Air Force	GUAM	Joint Region Marianas	STAND OFF WEAPONS COMPLEX, MSA 2	56,000	56,000	56,000		56,000
Military Construc- tion, Air Force	ILLINOIS	Scott	ADD/ALTER CONSOLIDATED COMMUNICATIONS FA- CILITY	0	3,000	0		0
Military Construc- tion, Air Force	MARIANA ISLANDS	Tinian	AIRFIELD DEVELOPMENT PHASE 1, INC 2	20,000	0	20,000	19,500	39,500
Military Construc- tion, Air Force	MARIANA ISLANDS	Tinian	FUEL TANKS WITH PIPELINE & HYDRANT SYS, INC 2	7,000	0	7,000	-7,000	0
Military Construc- tion, Air Force	MARIANA ISLANDS	Tinian	PARKING APRON, INC 2	15,000	0	15,000	6,500	21,500
Military Construc- tion, Air Force	MARYLAND	Joint Base Andrews	CONSOLIDATED COMMUNICATIONS CENTER	0	13,000	0	13,000	13,000
Military Construc- tion, Air Force	MONTANA	Malmstrom AFB	WEAPONS STORAGE & MAINTENANCE FACILITY, INC 2	25,000	0	25,000	-25,000	0
Military Construc- tion, Air Force	NEW JERSEY	Joint Base McGuire-Dix- Lakehurst	MUNITIONS STORAGE AREA	22,000	22,000	22,000		22,000

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Military Construction, Air Force	QATAR	Al Udeid, Qatar	CARGO MARSHALLING YARD	26,000	26,000	26,000		26,000
Military Construction, Air Force	SOUTH DAKOTA	Ellsworth AFB	B-21 2-BAY LO RESTORATION FACILITY	0	0	10,000	10,000	10,000
Military Construction, Air Force	TEXAS	Joint Base San Antonio	BMT RECRUIT DORMITORY 8, INC 2	36,000	36,000	36,000		36,000
Military Construction, Air Force	TEXAS	Joint Base San Antonio	T-X ADAL GROUND BASED TRNG SYS SIM	19,500	19,500	19,500		19,500
Military Construction, Air Force	UTAH	Hill AFB	GBSD MISSION INTEGRATION FACILITY, INC 2	68,000	68,000	68,000		68,000
Military Construction, Air Force	UTAH	Hill AFB	GBSD ORGANIC SOFTWARE SUSTAINMENT CENTER	0	0	20,000	18,800	18,800
Military Construction, Air Force	VIRGINIA	Joint Base Langley-Eustis	ACCESS CONTROL POINT MAIN GATE WITH LAND ACQ	19,500	19,500	19,500		19,500
Military Construction, Air Force	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	COST TO COMPLETE	0	0	29,422		0
Military Construction, Air Force	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING & DESIGN	296,532	149,649	116,532	-180,000	116,532
Military Construction, Air Force	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PDI: PLANNING & DESIGN—INDO-PACIFIC COMMAND POSTURE INITIATIVES	0	5,000	0	7,500	7,500
Military Construction, Air Force	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	68,600	68,600	68,600		68,600
Military Construction, Air Force	WYOMING	Fe Warren	WEAPONS STORAGE FACILITY	0	12,000	0	12,000	12,000
Military Construction, Air Force TOTAL				767,132	661,249	695,554	-49,700	717,432
Military Construction, Defense-Wide	ALABAMA	Anniston Army Depot	DEMILITARIZATION FACILITY	18,000	18,000	18,000		18,000
Military Construction, Defense-Wide	ALABAMA	Fort Rucker	CONSTRUCT 10MW GENERATION & MICROGRID	0	24,000	24,000	24,000	24,000
Military Construction, Defense-Wide	ALASKA	Fort Greely	COMMUNICATIONS CENTER	48,000	48,000	48,000		48,000

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Military Construc- tion, Defense- Wide	ARIZONA	Fort Huachuca	LABORATORY BUILDING	33,728	33,728	33,728		33,728
Military Construc- tion, Defense- Wide	ARIZONA	Yuma	SOF HANGAR	49,500	49,500	49,500		49,500
Military Construc- tion, Defense- Wide	ARKANSAS	Fort Smith ANG	PV ARRAYS AND BATTERY STORAGE	0	2,600	2,600	2,600	2,600
Military Construc- tion, Defense- Wide	CALIFORNIA	Beale AFB	BULK FUEL TANK	22,800	22,800	22,800		22,800
Military Construc- tion, Defense- Wide	CALIFORNIA	Marine Corps Air Combat Center / Twenty Nine Palms	INSTALL 10 MW BATTERY ENERGY STORAGE FOR VARIOUS BUILDINGS	11,646	11,646	11,646		11,646
Military Construc- tion, Defense- Wide	CALIFORNIA	Military Ocean Terminal Concord	MILITARY OCEAN TERMINAL CONCORD MICRORID	29,000	29,000	29,000		29,000
Military Construc- tion, Defense- Wide	CALIFORNIA	NAWS China Lake	SOLAR ENERGY STORAGE SYSTEM	0	8,950	0		0
Military Construc- tion, Defense- Wide	CALIFORNIA	NSA Monterey	COGENERATION PLANT AT B236	10,540	10,540	10,540	-10,540	0
Military Construc- tion, Defense- Wide	COLORADO	Fort Carson, Colorado	SOF TACTICAL EQUIPMENT MAINTENANCE FACILITY	15,600	15,600	15,600		15,600
Military Construc- tion, Defense- Wide	CONUS UNSPEC- IFIED	Conus Unspecified	TRAINING TARGET STRUCTURE	14,400	14,400	14,400		14,400

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Military Construction, Defense-Wide	DISTRICT OF COLUMBIA	Joint Base Anacostia Bolling	DIA HQ COOLING TOWERSAND COND PUMPS	0	0	1,963	1,963	1,963
Military Construction, Defense-Wide	DISTRICT OF COLUMBIA	Joint Base Anacostia Bolling	INDUSTRIAL CONTROLS SYSTEM MODERNIZATION	10,343	10,343	10,343		10,343
Military Construction, Defense-Wide	DISTRICT OF COLUMBIA	Joint Base Anacostia Bolling	INDUSTRIAL CONTROLS SYSTEM MODERNIZATION	0	8,749	8,749	8,749	8,749
Military Construction, Defense-Wide	DISTRICT OF COLUMBIA	Joint Base Anacostia Bolling	PV CARPORTS	0	25,221	25,221	25,221	25,221
Military Construction, Defense-Wide	FLORIDA	Hurlburt Field	SOF COMBAT AIRCRAFT PARKING APRON-NORTH	38,310	38,310	38,310		38,310
Military Construction, Defense-Wide	FLORIDA	Hurlburt Field	SOF SPECIAL TACTICS OPS FACILITY (23 STS)	44,810	44,810	44,810		44,810
Military Construction, Defense-Wide	GEORGIA	Fort Benning	CONSTRUCT 4.8MW GENERATION & MICROGRID	0	17,000	17,000	17,000	17,000
Military Construction, Defense-Wide	GERMANY	Rhine Ordnance Barracks	MEDICAL CENTER REPLACEMENT INC 9	200,000	200,000	0	-117,567	82,433
Military Construction, Defense-Wide	ITALY	NSA Naples	SMART GRID	3,490	3,490	3,490		3,490
Military Construction, Defense-Wide	JAPAN	Def Fuel Support Point Tsurumi	FUEL WHARF	49,500	49,500	49,500		49,500
Military Construction, Defense-Wide	JAPAN	Yokosuka	KINNICK HIGH SCHOOL INC	30,000	0	0	-30,000	0

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Military Construc- tion, Defense- Wide	KENTUCKY	Fort Knox	VAN VOORHIS ELEMENTARY SCHOOL	69,310	69,310	69,310		69,310
Military Construc- tion, Defense- Wide	MARYLAND	Bethesda Naval Hospital	MEDCEN ADDITION/ALTERATION INCR 4	180,000	100,000	50,000	-130,000	50,000
Military Construc- tion, Defense- Wide	MARYLAND	Fort Meade	NSAW RECAPITALIZE BUILDING #3 INC	250,000	250,000	250,000		250,000
Military Construc- tion, Defense- Wide	MARYLAND	NSA Bethesda	NSAB-16 REPLACE CHILLERS 3 THROUGH 9	0	13,840	0		0
Military Construc- tion, Defense- Wide	MARYLAND	NSA South Potomac	CBIRF / IHEODTD / HOUSING POTABLE WATER	18,460	18,460	18,460		18,460
Military Construc- tion, Defense- Wide	MISSISSIPPI	Camp Shelby	CONSTRUCT 10 MW GENERATION & MICROGRID SYSTEM	0	0	30,000	30,000	30,000
Military Construc- tion, Defense- Wide	MISSOURI	Fort Leonard Wood	HOSPITAL REPLACEMENT INC 3	40,000	40,000	40,000		40,000
Military Construc- tion, Defense- Wide	MISSOURI	St Louis	NEXT NGA WEST (N2W) COMPLEX PHASE 2 INC	119,000	119,000	60,000	-59,000	60,000
Military Construc- tion, Defense- Wide	MISSOURI	Whiteman AFB	INSTALL 10 MW COMBINED HEAT AND POWER PLANT	17,310	17,310	17,310		17,310
Military Construc- tion, Defense- Wide	NEVADA	Creech AFB	CENTRAL STANDBY GENERATORS	32,000	32,000	32,000		32,000

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Military Construction, Defense-Wide	NEW MEXICO	Kirtland AFB	ADMINISTRATIVE BUILDING	46,600	46,600	46,600		46,600
Military Construction, Defense-Wide	NORTH CAROLINA	Fort Bragg	SOF GROUP HEADQUARTERS	53,100	53,100	53,100		53,100
Military Construction, Defense-Wide	NORTH CAROLINA	Fort Bragg	SOF MILITARY WORKING DOG FACILITY	17,700	17,700	17,700		17,700
Military Construction, Defense-Wide	NORTH CAROLINA	Fort Bragg	SOF OPERATIONS FACILITY	43,000	43,000	43,000		43,000
Military Construction, Defense-Wide	NORTH CAROLINA	Fort Bragg	SOTF CHILLED WATER UPGRADE	0	6,100	6,100	6,100	6,100
Military Construction, Defense-Wide	OHIO	Wright-Patterson AFB	CONSTRUCT INTELLIGENCE FACILITY CENTRAL UTILITY PLANT	0	35,000	35,000	35,000	35,000
Military Construction, Defense-Wide	OHIO	Wright-Patterson AFB	HYDRANT FUEL SYSTEM	23,500	23,500	23,500		23,500
Military Construction, Defense-Wide	TENNESSEE	Memphis ANG	PV ARRAYS AND BATTERY STORAGE	0	4,780	4,780	4,780	4,780
Military Construction, Defense-Wide	TEXAS	Fort Hood, Texas	FUEL FACILITIES	32,700	32,700	32,700		32,700
Military Construction, Defense-Wide	VIRGINIA	Joint Expeditionary Base Little Creek—Story	SOF DCS OPERATIONS FAC. AND COMMAND CENTER	54,500	54,500	54,500		54,500
Military Construction, Defense-Wide	VIRGINIA	Joint Expeditionary Base Little Creek—Story	SOF NSWG-2 NSWTG CSS FACILITIES	58,000	58,000	58,000		58,000

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Military Construc- tion, Defense- Wide	VIRGINIA	Nmc Portsmouth	RETRO AIR HANDLING UNITS FROM CONSTANT VOL- UME REHEAT TO VARIABLE AIR VOLUME	611	611	611		611
Military Construc- tion, Defense- Wide	VIRGINIA	Wallops Island	GENERATION AND DISTRIBUTION RESILIENCY IM- PROVEMENTS	9,100	9,100	9,100		9,100
Military Construc- tion, Defense- Wide	WASHINGTON	Joint Base Lewis-McChord	FUEL FACILITIES (LEWIS MAIN)	10,900	10,900	10,900		10,900
Military Construc- tion, Defense- Wide	WASHINGTON	Joint Base Lewis-McChord	FUEL FACILITIES (LEWIS NORTH)	10,900	10,900	10,900		10,900
Military Construc- tion, Defense- Wide	WASHINGTON	Manchester	BULK FUEL STORAGE TANKS PHASE 1	82,000	82,000	82,000		82,000
Military Construc- tion, Defense- Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	ERCIP DESIGN	14,250	24,250	14,250	25,540	39,790
Military Construc- tion, Defense- Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	EXERCISE RELATED MINOR CONSTRUCTION	5,840	5,840	5,840		5,840
Military Construc- tion, Defense- Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING & DESIGN—INDO-PACIFIC COMMAND POSTURE INITIATIVES	0	0	15,000		0
Military Construc- tion, Defense- Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING & DESIGN—MILITARY INSTALLATION RE- SILIENCY	0	0	50,000	25,000	25,000
Military Construc- tion, Defense- Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING AND DESIGN	27,746	27,746	27,746		27,746

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Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING AND DESIGN	10,303	10,303	10,303		10,303
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING AND DESIGN	10,647	10,647	10,647		10,647
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	4,922	4,922	4,922		4,922
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	20,000	20,000	20,000		20,000
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	3,000	3,000	3,000		3,000
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	17,698	17,698	17,698		17,698
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	8,000	8,000	8,000		8,000
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Various Worldwide Locations	PLANNING AND DESIGN	64,406	64,406	64,406		64,406
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Various Worldwide Locations	PLANNING AND DESIGN	32,624	32,624	32,624		32,624
Military Construction, Defense-Wide	WORLDWIDE UNSPECIFIED	Various Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	9,726	9,726	9,726		9,726
Military Construction, Defense-Wide TOTAL				2,027,520	2,073,760	1,828,933	-141,154	1,886,366
NATO Security Investment Program	WORLDWIDE UNSPECIFIED	NATO Security Investment Program	NATO SECURITY INVESTMENT PROGRAM	173,030	173,030	173,030		173,030

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NATO Security Investment Program TOTAL				173,030	173,030	173,030		173,030
Military Construc- tion, Army Na- tional Guard	ARIZONA	Tucson	NATIONAL GUARD READINESS CENTER	18,100	18,100	18,100		18,100
Military Construc- tion, Army Na- tional Guard	ARKANSAS	Fort Chaffee	NATIONAL GUARD READINESS CENTER	0	0	15,000	15,000	15,000
Military Construc- tion, Army Na- tional Guard	CALIFORNIA	Bakersfield	NATIONAL GUARD VEHICLE MAINTENANCE SHOP	0	0	9,300	9,300	9,300
Military Construc- tion, Army Na- tional Guard	COLORADO	Peterson AFB	NATIONAL GUARD READINESS CENTER	15,000	15,000	15,000		15,000
Military Construc- tion, Army Na- tional Guard	INDIANA	Shelbyville	NATIONAL GUARD/RESERVE CENTER BUILDING ADD/ AL	12,000	12,000	12,000		12,000
Military Construc- tion, Army Na- tional Guard	KENTUCKY	Frankfort	NATIONAL GUARD/RESERVE CENTER BUILDING	15,000	15,000	15,000		15,000
Military Construc- tion, Army Na- tional Guard	MISSISSIPPI	Brandon	NATIONAL GUARD VEHICLE MAINTENANCE SHOP	10,400	10,400	10,400		10,400
Military Construc- tion, Army Na- tional Guard	NEBRASKA	North Platte	NATIONAL GUARD VEHICLE MAINTENANCE SHOP	9,300	9,300	9,300		9,300
Military Construc- tion, Army Na- tional Guard	NEW JERSEY	Joint Base McGuire-Dix- Lakehurst	NATIONAL GUARD READINESS CENTER	15,000	15,000	15,000		15,000

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Military Construc- tion, Army Na- tional Guard	OHIO	Columbus	NATIONAL GUARD READINESS CENTER	15,000	15,000	15,000		15,000
Military Construc- tion, Army Na- tional Guard	OKLAHOMA	Ardmore	NATIONAL GUARD VEHICLE MAINTENANCE SHOP	0	0	9,800	9,800	9,800
Military Construc- tion, Army Na- tional Guard	OREGON	Hermiston	ENLISTED BARRACKS, TRANSIENT TRAINING	9,300	9,300	9,300		9,300
Military Construc- tion, Army Na- tional Guard	OREGON	Hermiston	ENLISTED BARRACKS, TRANSIENT TRAINING	0	15,735	15,735	15,735	15,735
Military Construc- tion, Army Na- tional Guard	PUERTO RICO	Fort Allen	NATIONAL GUARD READINESS CENTER	37,000	37,000	37,000		37,000
Military Construc- tion, Army Na- tional Guard	SOUTH CAROLINA	Joint Base Charleston	NATIONAL GUARD READINESS CENTER	15,000	15,000	15,000		15,000
Military Construc- tion, Army Na- tional Guard	TENNESSEE	Mcminnville	NATIONAL GUARD READINESS CENTER	11,200	11,200	11,200		11,200
Military Construc- tion, Army Na- tional Guard	TEXAS	Fort Worth	AIRCRAFT MAINTENANCE HANGAR ADDITION/ALT	6,000	6,000	6,000		6,000
Military Construc- tion, Army Na- tional Guard	TEXAS	Fort Worth	NATIONAL GUARD VEHICLE MAINTENANCE SHOP	7,800	7,800	7,800		7,800
Military Construc- tion, Army Na- tional Guard	UTAH	Nephi	NATIONAL GUARD READINESS CENTER	12,000	12,000	12,000		12,000
Military Construc- tion, Army Na- tional Guard	VIRGIN ISLANDS	St. Croix	ARMY AVIATION SUPPORT FACILITY (AASF)	28,000	28,000	28,000		28,000

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Military Construc- tion, Army Na- tional Guard	VIRGIN ISLANDS	St. Croix	CST READY BUILDING	11,400	11,400	11,400		11,400
Military Construc- tion, Army Na- tional Guard	WISCONSIN	Appleton	NATIONAL GUARD READINESS CENTER ADD/ALT	11,600	11,600	11,600		11,600
Military Construc- tion, Army Na- tional Guard	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING AND DESIGN	29,593	29,593	29,593		29,593
Military Construc- tion, Army Na- tional Guard	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UNSPECIFIED MINOR CONSTRUCTION	32,744	32,744	32,744		32,744
Military Construction, Army National Guard TOTAL				321,437	337,172	371,272	49,835	371,272
Military Construc- tion, Army Re- serve	FLORIDA	Gainesville	ECS TEMF/WAREHOUSE	36,000	36,000	36,000		36,000
Military Construc- tion, Army Re- serve	MASSACHUSETTS	Devens Reserve Forces Training Area	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	8,700	8,700	8,700		8,700
Military Construc- tion, Army Re- serve	NORTH CAROLINA	Asheville	ARMY RESERVE CENTER/LAND	24,000	24,000	24,000		24,000
Military Construc- tion, Army Re- serve	WISCONSIN	Fort McCoy	SCOUT RECONNAISSANCE RANGE	14,600	14,600	14,600		14,600
Military Construc- tion, Army Re- serve	WISCONSIN	Fort McCoy	TRANSIENT TRAINEE BARRACKS	0	2,500	2,500	2,500	2,500

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Military Construction, Army Reserve	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	PLANNING AND DESIGN	1,218	1,218	1,218		1,218
Military Construction, Army Reserve	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	UNSPECIFIED MINOR CONSTRUCTION	3,819	3,819	3,819		3,819
Military Construction, Army Reserve TOTAL				88,337	90,837	90,837	2,500	90,837
Military Construction, Naval Reserve	MARYLAND	Reisterstown	RESERVE TRAINING CENTER, CAMP FRETTERD, MD	39,500	39,500	39,500		39,500
Military Construction, Naval Reserve	MINNESOTA	Minneapolis	JOINT RESERVE INTEL CENTER	0	0	12,800	12,800	12,800
Military Construction, Naval Reserve	UTAH	Hill AFB	NAVAL OPERATIONAL SUPPORT CENTER	25,010	25,010	25,010		25,010
Military Construction, Naval Reserve	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	MCNR MINOR CONSTRUCTION	3,000	3,000	3,000		3,000
Military Construction, Naval Reserve	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	MCNR PLANNING & DESIGN	3,485	3,485	3,485		3,485
Military Construction, Naval Reserve TOTAL				70,995	70,995	83,795	12,800	83,795
Military Construction, Air National Guard	ALABAMA	Montgomery Regional Airport (ANG) Base	BASE SUPPLY COMPLEX	0	0	12,000	12,000	12,000
Military Construction, Air National Guard	ALABAMA	Montgomery Regional Airport (ANG) Base	F-35 SIMULATOR FACILITY	11,600	11,600	11,600		11,600
Military Construction, Air National Guard	GUAM	Joint Region Marianas	SPACE CONTROL FACILITY #5	20,000	20,000	20,000		20,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Construc- tion, Air Na- tional Guard	MARYLAND	Joint Base Andrews	F-16 MISSION TRAINING CENTER	9,400	9,400	9,400		9,400
Military Construc- tion, Air Na- tional Guard	SOUTH DAKOTA	Hector International Air- port	CONSOLIDATED RPA OPERATIONS FACILITY	0	0	17,500	17,500	17,500
Military Construc- tion, Air Na- tional Guard	TEXAS	Joint Base San Antonio	F-16 MISSION TRAINING CENTER	10,800	10,800	10,800		10,800
Military Construc- tion, Air Na- tional Guard	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UNSPECIFIED MINOR CONSTRUCTION	9,000	9,000	9,000		9,000
Military Construc- tion, Air Na- tional Guard	WORLDWIDE UN- SPECIFIED	Various Worldwide Loca- tions	PLANNING AND DESIGN	3,414	3,414	3,414		3,414
Military Construction, Air National Guard TOTAL				64,214	64,214	93,714	29,500	93,714
Military Construc- tion, Air Force Reserve	TEXAS	Fort Worth	F-35 SQUADRON OPS/AIRCRAFT MAINTENANCE UNIT	0	0	25,000	25,000	25,000
Military Construc- tion, Air Force Reserve	TEXAS	Fort Worth	F-35A SIMULATOR FACILITY	14,200	14,200	14,200		14,200
Military Construc- tion, Air Force Reserve	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING & DESIGN	3,270	3,270	3,270		3,270
Military Construc- tion, Air Force Reserve	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UNSPECIFIED MINOR CONSTRUCTION	5,647	5,647	5,647		5,647
Military Construction, Air Force Reserve TOTAL				23,117	23,117	48,117	25,000	48,117

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Family Housing Construction, Army	ITALY	Vicenza	FAMILY HOUSING NEW CONSTRUCTION	84,100	84,100	84,100		84,100
Family Housing Construction, Army	KWAJALEIN	Kwajalein Atoll	FAMILY HOUSING REPLACEMENT CONSTRUCTION	32,000	32,000	32,000		32,000
Family Housing Construction, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	FAMILY HOUSING P & D	3,300	3,300	3,300		3,300
Family Housing Construction, Army TOTAL				119,400	119,400	119,400		119,400
Family Housing Operation And Maintenance, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	FURNISHINGS	18,004	18,004	18,004		18,004
Family Housing Operation And Maintenance, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	HOUSING PRIVITIZATION SUPPORT	37,948	62,948	64,948	26,000	63,948
Family Housing Operation And Maintenance, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	LEASING	123,841	123,841	123,841		123,841
Family Housing Operation And Maintenance, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MAINTENANCE	97,789	97,789	70,789		97,789
Family Housing Operation And Maintenance, Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MANAGEMENT	39,716	39,716	39,716		39,716

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Family Housing Operation And Maintenance, Army	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	MISCELLANEOUS	526	526	526		526
Family Housing Operation And Maintenance, Army	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	SERVICES	8,135	8,135	8,135		8,135
Family Housing Operation And Maintenance, Army	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UTILITIES	41,183	41,183	41,183		41,183
Family Housing Operation And Maintenance, Army TOTAL				367,142	392,142	367,142	26,000	393,142
Family Housing Construction, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	CONSTRUCTION IMPROVEMENTS	37,043	37,043	37,043		37,043
Family Housing Construction, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING & DESIGN	3,128	3,128	3,128		3,128
Family Housing Construction, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	USMC DPRI/GUAM PLANNING AND DESIGN	2,726	2,726	2,726		2,726
Family Housing Construction, Navy And Marine Corps TOTAL				42,897	42,897	42,897	0	42,897

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Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	FURNISHINGS	17,977	17,977	17,977		17,977
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	HOUSING PRIVATIZATION SUPPORT	53,700	78,700	78,700	25,000	78,700
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	LEASING	62,658	62,658	62,658		62,658
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	MAINTENANCE	85,630	110,630	85,630		85,630
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	MANAGEMENT	51,006	51,006	51,006		51,006
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	MISCELLANEOUS	350	350	350		350
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	SERVICES	16,743	16,743	16,743		16,743

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SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Family Housing Operation And Maintenance, Navy And Ma- rine Corps	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UTILITIES	58,429	58,429	58,429		58,429
Family Housing Operation And Maintenance, Navy And Marine Corps TOTAL				346,493	396,493	371,493	25,000	371,493
Family Housing Construction, Air Force	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	CONSTRUCTION IMPROVEMENTS	94,245	94,245	94,245		94,245
Family Housing Construction, Air Force	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	PLANNING & DESIGN	2,969	2,969	2,969		2,969
Family Housing Construction, Air Force TOTAL				97,214	97,214	97,214	0	97,214
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	FURNISHINGS	25,805	25,805	25,805		25,805
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	HOUSING PRIVATIZATION	23,175	23,175	48,175	9,000	32,175
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	LEASING	9,318	9,318	9,318		9,318

Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MAINTENANCE	140,666	165,666	140,666		140,666
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MANAGEMENT	64,732	99,732	64,732		64,732
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MISCELLANEOUS	2,184	2,184	2,184		2,184
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	SERVICES	7,968	7,968	7,968		7,968
Family Housing Operation And Maintenance, Air Force	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	UTILITIES	43,173	43,173	43,173		43,173
Family Housing Operation And Maintenance, Air Force TOTAL				317,021	377,021	342,021	9,000	326,021
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	FURNISHINGS	645	645	645		645
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	FURNISHINGS	82	82	82		82
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	LEASING	36,860	36,860	36,860		36,860

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2021 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	LEASING	12,996	12,996	12,996		12,996
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	MAINTENANCE	32	32	32		32
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UTILITIES	13	13	13		13
Family Housing Operation And Maintenance, Defense-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	UTILITIES	4,100	4,100	4,100		4,100
Family Housing Operation And Maintenance, Defense-Wide TOTAL				54,728	54,728	54,728	0	54,728
DOD Family Hous- ing Improve- ment Fund	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	ADMINISTRATIVE EXPENSES—FHIF	5,897	5,897	5,897		5,897
DOD Family Housing Improvement Fund TOTAL				5,897	5,897	5,897	0	5,897
Unaccompanied Housing Im- provement Fund	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	ADMINISTRATIVE EXPENSES—UHIF	600	600	600		600
Unaccompanied Housing Improvement Fund TOTAL				600	600	600	0	600

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Base Realignment and Closure—Army	WORLDWIDE UNSPECIFIED	Base Realignment & Closure, Army	BASE REALIGNMENT AND CLOSURE	66,060	106,060	66,060		66,060
Base Realignment and Closure—Navy	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	BASE REALIGNMENT & CLOSURE	125,165	225,165	125,165		125,165
Base Realignment and Closure—Air Force	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	DOD BRAC ACTIVITIES—AIR FORCE	109,222	109,222	109,222		109,222
Base Realignment and Closure TOTAL				300,447	440,447	300,447	0	300,447

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Account	State/ Country	Installation	Project Title	FY 2021 Request	Conference Change	Conference Authorized
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	EDI: MINOR CONSTRUCTION	3,970		3,970
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	EDI: PLANNING AND DESIGN	11,903		11,903
Navy	SPAIN	Rota	EDI: EOD BOAT SHOP	31,760		31,760
Navy	SPAIN	Rota	EDI: EXPEDITIONARY MAINTENANCE FACILITY	27,470		27,470
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	PLANNING & DESIGN	10,790		10,790
AF	GERMANY	Ramstein	EDI: RAPID AIRFIELD DAMAGE REPAIR STORAGE	36,345		36,345
AF	GERMANY	Spangdahlem AB	EDI: RAPID AIRFIELD DAMAGE REPAIR STORAGE	25,824		25,824
AF	ROMANIA	Campia Turzii	EDI: DANGEROUS CARGO PAD	11,000		11,000
AF	ROMANIA	Campia Turzii	EDI: ECAOS DABS-FEV STORAGE COMPLEX	68,000		68,000
AF	ROMANIA	Campia Turzii	EDI: PARKING APRON	19,500		19,500
AF	ROMANIA	Campia Turzii	EDI: POL INCREASE CAPACITY	32,000		32,000
AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	EDI: UNSPECIFIED MINOR MILITARY CONSTRUCTION	16,400		16,400
AF	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	EDI: PLANNING & DESIGN	54,800		54,800

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
Discretionary Summary By Appropriation					
Energy And Water Development, And Related Agencies					
Appropriation Summary:					
Energy Programs					
Nuclear Energy	137,800		0	0	137,800
Atomic Energy Defense Activities					
National nuclear security administration:					
Weapons activities	15,602,000	0	0	−51,572	15,550,428
Defense nuclear nonproliferation	2,031,000	80,000	0	10,000	2,041,000
Naval reactors	1,684,000	0	0	0	1,684,000
Federal salaries and expenses	454,000	0	0	0	454,000
Total, National nuclear security administration	19,771,000	80,000	0	−41,572	19,729,428
Environmental and other defense activities:					
Defense environmental cleanup	4,983,608	790,100	100,000	832,159	5,815,767
Other defense activities	1,054,727	−155,438	−150,000	−153,679	901,048
Total, Environmental & other defense activities	6,038,335	634,662	−50,000	678,480	6,716,815
Total, Atomic Energy Defense Activities	25,809,335	714,662	−50,000	636,908	26,446,243

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
Total, Discretionary Funding	25,947,135	714,662	-50,000	636,908	26,584,043
Nuclear Energy					
Idaho sitewide safeguards and security	137,800				137,800
Total, Nuclear Energy	137,800	0	0	0	137,800
Stockpile Management					
Stockpile Major Modernization					
B61-12 Life extension program	815,710				815,710
W76-2 Modification program	0				0
W88 Alt 370	256,922				256,922
W80-4 Life extension program	1,000,314				1,000,314
W87-1 Modification Program	541,000				541,000
W93	53,000				53,000
Total, Stockpile Major Modernization	2,666,946	0	0	0	2,666,946
Stockpile services					
Production Operations	568,941				568,941
Stockpile Sustainment	998,357				998,357
Weapons Dismantlement and Disposition	50,000				50,000
Subtotal, Stockpile Services	1,617,298	0	0	0	1,617,298
Total, Stockpile Management	4,284,244	0	0	0	4,284,244
Weapons Activities					
Production Modernization					
Primary Capability Modernization					
Plutonium Modernization					

Los Alamos Plutonium Modernization					
Los Alamos Plutonium Operations	610,599				610,599
21-D-512 Plutonium Pit Production Project, LANL	226,000				226,000
Subtotal, Los Alamos Plutonium Modernization	836,599	0	0	0	836,599
Savannah River Plutonium Modernization					
Savannah River Plutonium Operations	200,000				200,000
21-D-511 Savannah River Plutonium Processing Facility, SRS	241,896				241,896
Subtotal, Savannah River Plutonium Modernization	441,896	0	0	0	441,896
Enterprise Plutonium Support	90,782				90,782
Total, Plutonium Modernization	1,369,277	0	0	0	1,369,277
High Explosives and Energetics	67,370				67,370
Total, Primary Capability Modernization	1,436,647	0	0	0	1,436,647
Secondary Capability Modernization	457,004				457,004
Tritium and Domestic Uranium Enrichment	457,112				457,112
Non-Nuclear Capability Modernization	107,137				107,137
Total, Production Modernization	2,457,900	0	0	0	2,457,900
Stockpile Research, Technology, and Engineering					
Assessment Science	773,111				773,111
Engineering and Integrated Assessments	337,404				337,404
Inertial Confinement Fusion	554,725				554,725
Advanced Simulation and Computing	732,014				732,014
Weapon Technology and Manufacturing Maturation	297,965				297,965
Academic Programs	86,912				86,912
Total, Stockpile Research, Technology, and Engineering	2,782,131	0	0	0	2,782,131
Infrastructure and Operations					
Operations of facilities	1,014,000				1,014,000
Safety and environmental operations	165,354				165,354
Maintenance and repair of facilities	792,000			-36,572	755,428
Recapitalization:					

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
Infrastructure and safety	670,000				670,000
Capability based investments	149,117				149,117
Planning for Programmatic Construction (Pre-CD-1)	84,787				84,787
Total, Recapitalization	903,904	0	0	0	903,904
Construction:					
21-D-510 HE Synthesis, Formulation, and Production, PX	31,000				31,000
19-D-670 138kV Power Transmission System Replacement, NNSS	59,000				59,000
18-D-690 Lithium Processing Facility, Y-12	109,405				109,405
18-D-620 Exascale Computing Facility Modernization Project, LLNL	29,200				29,200
18-D-650 Tritium Finishing Facility, SRS	27,000				27,000
17-D-640, U1a Complex Enhancements Project, NNSS	160,600				160,600
15-D-612 Emergency Operations Center, LLNL	27,000				27,000
15-D-611 Emergency Operations Center, SNL	36,000				36,000
15-D-302, TA-55 Reinvestments Project, Phase 3, LANL	30,000				30,000
15-D-301, HE Science & Engineering Facility, PX	43,000				43,000
07-D-220-04 Transuranic Liquid Waste Facility, LANL	36,687				36,687
06-D-141 Uranium processing facility Y-12, Oak Ridge, TN	750,000				750,000
04-D-125 Chemistry and Metallurgy Research Replacement Project, LANL	169,427				169,427
Total, Construction	1,508,319	0	0	0	1,508,319
Total, Infrastructure and operations	4,383,577	0	0	-36,572	4,347,005
Secure transportation asset					
Operations and equipment	266,390				266,390
Program direction	123,684				123,684
Total, Secure transportation asset	390,074	0	0	0	390,074

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Defense Nuclear Security					
Operations and maintenance	815,895			-15,000	800,895
Construction:					
17-D-710 West end protected area reduction project, Y-12	11,000				11,000
Total, Defense nuclear security	826,895	0	0	-15,000	800,895
Information technology and cybersecurity	375,511				375,511
Legacy contractor pensions	101,668				101,668
Total, Weapons Activities	15,602,000	0	0	-51,572	15,550,428
 Defense Nuclear Nonproliferation					
Defense Nuclear Nonproliferation Programs					
Global material security					
International nuclear security	66,391				66,391
Domestic radiological security	101,000	30,000		30,000	131,000
Container breach in Seattle, WA		[30,000]		[30,000]	
International radiological security	73,340				73,340
Nuclear smuggling detection and deterrence	159,749				159,749
Total, Global material security	400,480	30,000	0	30,000	430,480
Material management and minimization					
HEU reactor conversion	170,000			-60,000	110,000
Nuclear material removal	40,000				40,000
Material disposition	190,711				190,711
Total, Material management & minimization	400,711	0	0	-60,000	340,711
Nonproliferation and arms control	138,708				138,708
National Technical Nuclear Forensics R&D	40,000				40,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
Defense nuclear nonproliferation R&D					
Proliferation Detection	235,220	30,000		20,000	255,220
Nuclear verification and detection, next-gen technologies		[30,000]		[20,000]	
Nuclear Detonation Detection	236,531				236,531
Nonproliferation Stewardship Program	59,900				59,900
LEU Research and Development	0	20,000		20,000	20,000
LEU R&D for Naval Pressurized Water Reactors		[20,000]		[20,000]	
Total, Defense nuclear nonproliferation R&D	531,651	50,000	0	40,000	571,651
Nonproliferation Construction:					
18-D-150 Surplus Plutonium Disposition Project, SRS	148,589				148,589
Total, Nonproliferation construction	148,589	0	0	0	148,589
Total, Defense Nuclear Nonproliferation Programs	1,660,139	80,000	0	10,000	1,670,139
Legacy contractor pensions	14,348				14,348
Nuclear counterterrorism and incident response program	377,513				377,513
Use of Prior Year Balances	-21,000				-21,000
Total, Defense Nuclear Nonproliferation	2,031,000	80,000	0	10,000	2,041,000
Naval Reactors					
Naval reactors development	590,306				590,306
Columbia-Class reactor systems development	64,700				64,700
S8G Prototype refueling	135,000				135,000
Naval reactors operations and infrastructure	506,294				506,294
Construction:					
21-D-530 KL Steam and Condensate Upgrades	4,000				4,000

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14-D-901 Spent fuel handling recapitalization project, NRF	330,000				330,000
Total, Construction	334,000	0	0	0	334,000
Program direction	53,700				53,700
Total, Naval Reactors	1,684,000	0	0	0	1,684,000
 Federal Salaries And Expenses					
Program direction	454,000				454,000
Total, Office Of The Administrator	454,000	0	0	0	454,000
 Defense Environmental Cleanup					
Closure sites:					
Closure sites administration	4,987				4,987
 Richland:					
River corridor and other cleanup operations	54,949	181,000		181,000	235,949
Program restoration		[181,000]		[180,000]	
Central plateau remediation	498,335	160,000		160,000	658,335
Program restoration		[160,000]		[160,000]	
Richland community and regulatory support	2,500	7,600		7,600	10,100
Program restoration		[7,600]		[7,600]	
Total, Hanford site	555,784	348,600	0	348,600	904,384
 Office of River Protection:					
Waste Treatment Immobilization Plant Commissioning	50,000				50,000
Rad liquid tank waste stabilization and disposition	597,757			177,243	775,000
Tank farm activities	0	180,000			
Program restoration		[180,000]			
Construction:					
18-D-16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	170,000		166,076	776,000
Program restoration		[170,000]		[166,076]	

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SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
01-D-16 D High-Level Waste Facility					
Total, Construction	609,924	170,000	0	166,076	776,000
Total, Office of River Protection	1,257,681	350,000	0	343,319	1,601,000
Idaho National Laboratory:					
Idaho cleanup and waste disposition	257,554				257,554
Idaho community and regulatory support	2,400				2,400
Total, Idaho National Laboratory	259,954	0	0	0	259,954
NNSA sites and Nevada off-sites					
Lawrence Livermore National Laboratory	1,764				1,764
Separations Process Research Unit	15,000				15,000
Nevada	60,737				60,737
Sandia National Laboratories	4,860				4,860
Los Alamos National Laboratory	120,000	45,000	100,000	100,000	220,000
Program increase		[45,000]			
Execute achievable scope of work			[100,000]	[100,000]	
Total, NNSA sites and Nevada off-sites	202,361	45,000	100,000	100,000	302,361
Oak Ridge Reservation:					
OR Nuclear facility D & D	109,077	0			109,077
Total, OR Nuclear facility D & D	109,077	0	0	0	109,077
U233 Disposition Program	45,000				45,000
OR cleanup and disposition	58,000				58,000
Construction:					
17-D-401 On-site waste disposal facility	22,380				22,380

14-D-403 Outfall 200 Mercury Treatment Facility	20,500				20,500
Total, Construction	42,880	0	0	0	42,880
Total, OR cleanup and waste disposition	145,880	0	0	0	145,880
OR community & regulatory support	4,930				4,930
OR technology development and deployment	3,000				3,000
Total, Oak Ridge Reservation	262,887	0	0	0	262,887
Savannah River Sites:					
Savannah River risk management operations					
Savannah River risk management operations	455,122	40,000		40,000	495,122
H-Canyon not placed into stand-by condition		[40,000]		[40,000]	
Total, risk management operations	455,122	40,000	0	40,000	495,122
SR community and regulatory support	4,989	6,500		6,500	11,489
Secure payment in lieu of taxes funding		[6,500]		[6,500]	
Radioactive liquid tank waste stabilization and disposition	970,332			-6,260	964,072
Construction:					
20-D-402 Advanced Manufacturing Collaborative Facility (AMC)	25,000				25,000
18-D-402 Saltstone Disposal Unit #8/9	65,500				65,500
17-D-402 Saltstone Disposal Unit #7	10,716				10,716
Total, Construction	101,216	0	0	0	101,216
Total, Savannah River site	1,531,659	46,500	0	40,240	1,571,899
Waste Isolation Pilot Plant					
Waste Isolation Pilot Plant	323,260				323,260
Construction:					
15-D-412 Utility Shaft	50,000				50,000
21-D-401 Hoisting Capability Project	10,000				10,000
Total, Construction	60,000	0	0	0	60,000
Total, Waste Isolation Pilot Plant	383,260	0	0	0	383,260

December 1, 2020 (11:05 p.m.)

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2021 Request	House Change	Senate Change	Conference Change	Conference Authorized
Program direction	275,285				275,285
Program support	12,979				12,979
Technology development	25,000				25,000
Safeguards and Security					
Safeguards and Security	320,771				320,771
Total, Safeguards and Security	320,771	0	0	0	320,771
Prior year balances credited	-109,000				-109,000
Total, Defense Environmental Cleanup	4,983,608	790,100	100,000	832,159	5,815,767
Other Defense Activities					
Environment, health, safety and security					
Environment, health, safety and security	134,320				134,320
Program direction	75,368				75,368
Total, Environment, Health, safety and security	209,688	0	0	0	209,688
Independent enterprise assessments					
Independent enterprise assessments	26,949				26,949
Program direction	54,635				54,635
Total, Independent enterprise assessments	81,584	0	0	0	81,584
Specialized security activities	258,411				258,411
Office of Legacy Management					
Legacy management	293,873	-155,438	-150,000	-153,679	140,194
Rejection of proposed transfer		[-155,438]		[-153,679]	
Maintain current program administration			[-150,000]		

Program direction	23,120				23,120
Total, Office of Legacy Management	316,993	-155,438	-150,000	-153,679	163,314
Defense related administrative support	183,789				183,789
Office of hearings and appeals	4,262				4,262
Subtotal, Other defense activities	1,054,727	-155,438	-150,000	-153,679	901,048
Total, Other Defense Activities	1,054,727	-155,438	-150,000	-153,679	901,048

DIVISION E—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE ACT OF 2020

National Artificial Intelligence Initiative Act of 2020 (secs. 5001-5501)

The House bill contained Division E that included the National Artificial Intelligence Initiative Act of 2020.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make various modifications to such provisions.

The conferees believe that artificial intelligence systems have the potential to transform every sector of the United States economy, boosting productivity, enhancing scientific research, and increasing U.S. competitiveness and that the United States government should use this Initiative to enable the benefits of trustworthy artificial intelligence while preventing the creation and use of artificial intelligence systems that behave in ways that cause harm. The conferees further believe that such harmful artificial intelligence systems may include high-risk systems that lack sufficient robustness to prevent adversarial attacks; high-risk systems that harm the privacy or security of users or the general public; artificial general intelligence systems that become self-aware or uncontrollable; and artificial intelligence systems that unlawfully discriminate against protected classes of persons, including on the basis of sex, race, age, disability, color, creed, national origin, or religion. Finally, the conferees believe that the United States must take a whole of government approach to leadership in trustworthy artificial intelligence, including through coordination between the Department of Defense, the Intelligence Community, and the civilian agencies.

DIVISION F—ANTI-MONEY LAUNDERING

Anti-Money Laundering Act of 2020 (secs. 6001-6511)

The House bill contained multiple provisions (sections 6001 through 7306 contained in Divisions F and G of the House bill) that would strengthen, modernize, and improve the communication, oversight, and processes of the U.S. Department

of the Treasury's financial intelligence, anti-money laundering, and countering the financing of terrorism programs, and would establish beneficial ownership information reporting requirements. Division F is substantially similar to H.R. 2513, the Corporate Transparency Act of 2019, introduced by Representative Maloney of New York, and Division G is substantially similar to H.R. 2514, the Coordinating Oversight, Upgrading and Innovating Technology, and Examiner Reform Act of 2019 (COUNTER Act), introduced by Representative Cleaver of Missouri.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment in the form of a single division that makes a number of additional changes to the provisions in the House bill to strengthen the provisions relating to anti-money laundering and countering the financing of terrorism programs and to establish an improved reporting system relating to beneficial ownership information, including building in further protections to ensure that sensitive information is properly used and protected. The Senate amendment builds on Divisions F & G in the House bill and draws from related bills pending in the Senate, including S.2563, the Improving Laundering Laws and Increasing Comprehensive Information Tracking of Criminal Activity in Shell Holdings Act (ILLICIT CASH Act), introduced by Senator Warner of Virginia and Senator Cotton of Arkansas; S.1889, the True Incorporation Transparency for Law Enforcement Act (TITLE Act), introduced by Senator Whitehouse of Rhode Island; S.1978, the Corporate Transparency Act, introduced by Senator Wyden of Oregon; and S.1883, Combating Money Laundering, Terrorist Financing, and Counterfeiting Act of 2019, introduced by Senator Graham of South Carolina.

The conference agreement also includes Division L, the STIFLE Act of 2020, included in H.R. 6395 the National Defense Authorization Act for Fiscal Year 2020, as passed by the House of Representatives. This division is substantially similar to H.R. 7592, the Stopping Trafficking, Illicit Flows, Laundering, and Exploitation Act of 2020 (STIFLE Act), introduced by Representative McAdams of Utah and Representative Gonzalez of Ohio, and integrates it into the conference agreement.

The conferees note that the current Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) regulatory framework is an amalgamation of statutes and regulations that are grounded in the Bank Secrecy Act (BSA) (21 U.S.C. 5311 et seq.), which the Congress enacted in 1970. This decades-old regime, which has not seen comprehensive reform and modernization since its inception, is generally built on individual reporting mechanisms (i.e., currency transaction

reports (CTRs) and suspicious activity reports (SARs)) and contemplates aging, decades-old technology, rather than the current, sophisticated AML compliance systems now managed by most financial institutions. The provisions of the House bill, as modified by the Senate amendment, comprehensively update the BSA for the first time in decades and provide for the establishment of a coherent set of risk-based priorities.

One overarching improvement now included in the conference agreement is to broaden the mission of the BSA to specifically safeguard national security as well as the more traditional investigatory pursuits of law enforcement. This change is reflected throughout the conference agreement, including in the priorities that will be established by the Secretary of the Treasury, in consultation with key Federal national security, law enforcement, and regulatory officials.

In particular, the conference agreement requires more routine and systemic coordination, communication, and feedback among financial institutions, regulators, and law enforcement to identify suspicious financial activities, better focusing bank resources to the AML task, which will increase the likelihood for better law enforcement outcomes.

Currently, there is no clear statutory mandate for BSA stakeholders—law enforcement, financial regulators, and financial institutions—to provide routine, standardized feedback to one another for the purpose of improving the effectiveness of BSA anti-money laundering programs. The conference agreement establishes a critical feedback loop and improved routine reporting requirements, to ensure that resources are directed effectively and that law enforcement, regulators, and financial institutions better communicate and coordinate on BSA-AML priorities, collection methods, and outcomes. Because this coordination is essential to identifying those who abuse our financial system, the conferees also examined other domestic and international models for these regulation-guided feedback loops to identify additional lessons-learned that could be adapted for this essential sector.

The conference agreement also opens avenues for more data sharing among financial institutions and within financial institutions and their affiliates, while retaining key security safeguards, so that patterns of suspicious activities will be more easily identified, tracked, and shared appropriately.

The conference agreement also provides a clear mandate for innovation, while providing for regulatory processes for financial institutions to effectively innovate, test, and adopt leading technologies, such as artificial intelligence, to track, identify, and report suspicious financial activity. It also

provides for dedicated staff and multiple fora to support public-private collaboration and advancement of this issue.

This includes two new Bank Secrecy Act Advisory Group (BSAAG) subcommittees. The first focuses on confidentiality and informational security and the second on innovation and technology. A new "tech symposium" is also established whereby the U.S. Department of the Treasury is urged to convene international and domestic regulators, financial institutions, law enforcement, and technology companies to periodically demonstrate and test related innovations, all of which will introduce AML participants to the latest technology and mandate its effective incorporation into comprehensive BSA AML-CFT compliance programs.

The conference agreement further requires that the Secretary of the Treasury must consider, when imposing SAR reporting requirements, the benefits and burdens of specific requirements and whether the reporting is likely to be "highly useful" to law enforcement and national security efforts. It also calls for the potential streamlining of reporting requirements, including automated processes. The Secretary must further report to the Congress on whether to permit financial institutions to provide certain "bulk reporting" to law enforcement of low-level risks, such as Suspicious Activity Reports related to structured transactions, which could allow financial institutions to focus more time and effort on identifying and reporting higher-priority, sophisticated suspicious activity.

The conference agreement provides new whistleblower protections for those reporting BSA violations and establishes an "Anti-Money Laundering and Counter-Terrorism Financing Fund" to pay such rewards. It also establishes tough new penalties on those convicted of serious BSA violations, including additional penalties for repeat BSA violators and a prohibition against financial institution board service for individuals convicted of egregious BSA-related crimes.

The conference agreement closes significant AML-CFT gaps, including by adding the trade in antiquities to coverage under the BSA. In addition, Treasury and its law enforcement partners will further study the risks posed by the facilitation of money laundering through the trade in art.

In addition, the laundering of money through real estate transactions continues to be an issue of concern, and the conferees encourage Treasury to examine whether reporting on certain commercial, as well as certain residential, real estate transactions would be a source of highly useful information to law enforcement and the national security community. The conference agreement also requires U.S. Government-wide

strategies to combat trade-based money laundering, trafficking, and Chinese money laundering activities.

The conference agreement mandates a study and strategy on de-risking to ensure that legitimate customers - whether individuals, entities, or geographic areas - are not unintentionally and unfairly excluded from access to the financial system.

The conference agreement authorizes additional support to the U.S. Department of the Treasury to accomplish these goals, and the conferees expect the Department to insist on strong accountability for results and responsiveness to congressional oversight during implementation of this measure. Recognizing the important role of the Financial Crimes Enforcement Network (FinCEN) and the need to strengthen the Bureau's management and operations, the agreement adds \$10.0 million to the Bureau's authorization. The agreement also allows for special hiring authority for the Office of Terrorism and Financial Intelligence and its component parts. It further establishes a FinCEN Office of Domestic Liaison, FinCEN Foreign Financial Intelligence Unit Liaisons, and expands the number of U.S. Treasury Attachés to allow the Department a broader reach for its AML-CFT activities.

The conference agreement also addresses the critical issue of beneficial ownership. Targeting bad actors who own or control businesses that act as "fronts" or shell companies on behalf of those conducting illicit activities is essential to combating crime and safeguarding our national security.

The conference agreement requires corporations, limited liability companies, and other similar entities formed in the U.S.-or foreign entities registered to do business in the U.S.-to report their beneficial owners to the U.S. Department of the Treasury, as a means to combat the abuse of anonymous companies, which can be used to facilitate money laundering, the financing of terrorism, proliferation finance, tax evasion, human and drug trafficking, sanctions evasion, and other financial crimes.

The conference agreement requires companies to disclose their beneficial owners to the U.S. Department of the Treasury at the time the company is formed and when ownership changes. This beneficial ownership information will be kept confidential and treated as sensitive information, protected under the highest information security standards. It will be made directly available only to: (1) Authorized Government authorities upon request as set out in the measure, subject to effective safeguards, to facilitate relevant national security, intelligence, and law enforcement activities; and (2) Financial institutions, for purposes of complying with their customer due diligence requirements under applicable law and regulation.

For requests made by Federal agencies, the conference agreement requires that only the head of an agency or a designee may certify access to the beneficial ownership database for an investigation, or other authorized national security, intelligence, or law enforcement activity. The conferees expect that the process of delegating authority for designees to make a written certification under section 5403(c)(3)(E) will be consistent with the existing processes to delegate authority to designees to carry out 26 U.S.C. 6103 requests, while taking into account the unique organizational structures of each requesting agency.

Similarly, requests made by State, local, or Tribal law enforcement must be approved by a court of competent jurisdiction. "Court of competent jurisdiction," for purposes of this measure, includes an officer of such a court such as a judge, magistrate, or a Clerk of Courts. This does not include attorneys who are party to a proceeding.

The conferees note that nothing in this conference agreement is designed to undermine the requirement that financial institutions identify and verify the beneficial owners of their legal entity customers pursuant to 31 C.F.R. § 1010.230(a). The conference agreement provides that not later than 1 year after the regulations promulgated to implement the Corporate Transparency Act become effective, the Secretary of the Treasury shall revise the final rule entitled "Customer Due Diligence Requirements for Financial Institutions" (81 Fed. Reg. 29397 (May 11, 2016)) (the "CDD Rule") to, inter alia, bring the CDD rule into conformance with the statute and reduce any burdens on financial institutions and legal entity customers that are unnecessary or duplicative.

The conference agreement further provides that paragraphs (b)-(j) of 31 C.F.R. § 1010.230 will be rescinded upon the effective date of the revised rule promulgated under this subsection. The conferees intend for the revised CDD rule, including those provisions added pursuant to section 5403(a) of this amendment, to replace appropriate provisions of the current 31 C.F.R. § 1010.230.

DIVISION G—ELIJAH E. CUMMINGS COAST GUARD AUTHORIZATION ACT OF 2020

Elijah E. Cummings Coast Guard Authorization Act of 2020 (sec. 8001-8605)

The House bill contained Division H that would authorize certain aspects of the Coast Guard.

The Senate amendment contained no similar provisions.

The Senate recedes with various amendments.

DIVISION H—OTHER MATTERS

TITLE XC—HOMELAND SECURITY MATTERS

Department of Homeland Security CISA Director (sec. 9001)

The House bill contained a provision (sec. 1793) that would modify the position level of the Director of the Cybersecurity and Infrastructure Security Agency (CISA), write into law certain experience requirements for the position, and limit an individual to no more than two 5-year terms as Director.

The Senate amendment contained a similar provision (sec. 5244) that would make the changes to the Executive Schedule status of the Director.

The Senate recedes with an amendment that would strike the term limitation and include several other modifications to other offices within CISA.

Sector risk management agencies (sec. 9002)

The House bill contained a provision (sec. 1784) that would require the Secretary of Homeland Security to review the current framework for securing critical infrastructure and submit a report to the President containing recommendations for revisions. The provision would require the Secretary, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, to evaluate the current list of critical infrastructure sectors and the current designations for sector risk management agencies and provide recommendations for revisions to the President. The provision would also require the President to review such recommendations, revise them, and submit to appropriate congressional committees and offices an explanation for any rejected recommendations. The provision would further require the public designation of critical infrastructure sectors in the Federal Register and would formalize the sector risk management agencies. Finally, the provision would require the Comptroller General of the United States to submit to the appropriate committees a report on the effectiveness of the sector risk management agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the heads of the sector risk management agencies for initial and subsequent reviews by the Secretary, require the submission of the Secretary's initial report to the Congress as well as the President, and modify the requirements for the initial review and presidential report to the Congress. The amendment would also extend the Comptroller General of the United States review and make several modifications to the formalization of the risk management agencies.

Review and analysis of inland waters seaport security (sec. 9003)

The Senate amendment contained a provision (sec. 1065) that would require the Secretary of Homeland Security to submit a report regarding the screening practices for foreign cargo arriving at seaports on the Great Lakes and inland waterways.

The House bill contained no similar provision.

The House recedes with an amendment that would require additional analysis, reviews, and a threat assessment, as well as make technical edits.

Department of Homeland Security reports on digital content forgery technology (sec. 9004)

The House bill contained a provision (sec. 1710D) that would require, not later than 1 year after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology of the Department of Homeland Security and in consultation with the Director of National Intelligence, to research the state of digital content forgery technology and produce a report on such technology.

The Senate amendment contained a similar provision (sec. 5243).

The Senate recedes with an amendment that would make various modifications to the required reports.

GAO study of cybersecurity insurance (sec. 9005)

The House bill contained a provision (sec. 1710A) that would require the Comptroller General of the United States to conduct a study on the state and availability of insurance for cybersecurity risks, detail certain requirements for such a study, and require the Comptroller General to provide to the Congress a report on the findings and conclusions.

The Senate amendment contained no similar provision.
The Senate recesses.

Strategy to secure email (sec. 9006)

The House bill contained a provision (sec. 1780) that would require the Secretary of Homeland Security to develop a strategy to implement a Domain-based Message Authentication, Reporting, and Conformance (DMARC) standard across U.S.-based email providers.

The Senate amendment contained no similar provision.
The Senate recesses.

The conferees note this implements a recommendation made by the Cyberspace Solarium Commission.

Department of Homeland Security large-scale non-intrusive inspection scanning plan (sec. 9007)

The House bill contained a provision (sec. 1805) that would require, not later than 180 days after the enactment of this Act, the Secretary of Homeland Security to submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology to enhance border security.

The Senate amendment contained no similar provision.
The Senate recesses.

TITLE XCI—VETERANS AFFAIRS MATTERS

Modification of licensure requirements for Department of Veterans Affairs health care professionals providing treatment via telemedicine (sec. 9101)

The Senate amendment contained a provision (sec. 1089) that would amend section 1730C(b) of title 38, United States Code, to modify the licensure requirements for health care professionals providing telemedicine treatment by the Department of Veterans Affairs.

The House bill contained no similar provision.
The House recesses.

Additional care for newborn children of veterans (sec. 9102)

The Senate amendment contained a provision (sec. 1090A) that would amend section 1786 of title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide a newborn child more than 7 days of health care services and the transportation necessary to receive such services if the child requires additional medical care.

The House bill contained no similar provision.

The House recedes.

Expansion of eligibility for HUD-VASH (sec. 9103)

The House bill contained a provision (sec. 1790) that would amend section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) and subsection (b) of section 2003 of title 38, United States Code, to expand eligibility for HUD-VASH services.

The Senate amendment contained no similar provision.

The Senate recedes.

Study on unemployment rate of women veterans who served on active duty in the Armed Forces after September 11, 2001 (sec. 9104)

The House bill contained a provision (sec. 1710E) that would require the Secretary of Veterans Affairs to conduct a study on the unemployment rate of post-9/11 women veterans.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Access of veterans to Individual Longitudinal Exposure Record (sec. 9105)

The Senate amendment contained a provision (sec. 753) that would require the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, to provide a veteran with read-only access to the veteran's documents contained in the Individual Longitudinal Exposure Record through a portal accessible on websites of the Department of Veterans Affairs and Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the requirements for: (1) the Secretary of Veterans Affairs to consult with the Secretary of Defense; and (2) the Department of Defense to include such documents on a website of the Department.

Department of Veterans Affairs report on undisbursed funds (sec. 9106)

The House bill contained a provision (sec. 1708) that would require the Secretary of Veterans Affairs to submit a report to Congress, within 180 days of the date of the enactment of this Act, on the unclaimed property in the possession of the Department of Veterans Affairs. The provision would require the Comptroller General of the United States to conduct a review of the Secretary's report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Veterans Affairs to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives, within 120 days of the date of the enactment of this Act, on the undisbursed funds of the Department of Veterans Affairs.

Transfer of Mare Island Naval Cemetery to Secretary of Veterans Affairs for maintenance by National Cemetery Administration (sec. 9107)

The House bill contained a provision (sec. 1764) that would require the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, under which the city of Vallejo shall transfer to the Secretary all right, title, and interest in the Mare Island Naval Cemetery in Vallejo, California, at no cost to the Secretary. This provision would also require the Secretary to submit a report on the feasibility and advisability of exercising such authority.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Comptroller General report on Department of Veterans Affairs handling of disability compensation claims by certain veterans (sec. 9108)

The Senate amendment contained a provision (sec. 6090) that would require the Comptroller General of the United States to submit a report to Congress that evaluates how the Department of Veterans Affairs has handled claims for disability benefits of veterans with type 1 diabetes who have been exposed to a herbicide agent.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to submit the report within 1 year of the date of the enactment of this Act.

Additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam (sec. 9109)

The Senate amendment contained a provision (sec. 1090B) that would amend section 1116(a)(2) of title 38, United States Code, by adding Parkinsonism, bladder cancer, and hypothyroidism to the list of diseases associated with exposure to certain herbicide agents.

The House bill contained no similar provision.

The House recedes.

TITLE XCII—COMMUNICATIONS MATTERS

Reliable emergency alert distribution improvement (sec. 9201)

The Senate amendment contained provisions (secs. 6096, 6096A, 6096B, 6096C, 6096D, 6096E, 6096F, and 6096G) that included the Reliable Emergency Alert Distribution Improvement Act of 2020.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

Wireless supply chain innovation and multilateral security (sec. 9202)

The Senate amendment contained a series of provisions (secs. 1091-1093) that would establish a Public Wireless Supply Chain Innovation Fund and Multilateral Telecommunications Security Fund and direct the Secretary of State, the Secretary of Commerce, and the Chairman of the Federal Communications Commission, or their designees, to consider how to enhance representation of the United States at international forums that set standards for fifth generation (5G) networks and for future generations of wireless communications networks. These provisions would also require a series of reports.

The House bill contained no similar provision.

The House recedes with an amendment that would make edits to the communication technology security funds and the associated requirements.

It is the intent of the conferees that the Secretary of Commerce, when establishing the criteria for grants awarded under the Public Wireless Supply Chain Innovation Fund, shall interpret the word "promoting" in Section 1092 (a)(3)(A),(C),

(F), and (G) as intended to mean furthering the development of new 5G-related technologies.

Spectrum information technology modernization efforts (sec. 9203)

The House bill contained a provision (sec. 223) that would direct an interagency information technology spectrum modernization effort, led by the Assistant Secretary of Commerce for Communications and Infrastructure and the National Telecommunications and Information Administration, to synchronize development and coordination of standards and Federal spectrum management. This section would also require the Secretary of Defense to establish a program to identify and mitigate vulnerabilities in the telecommunications infrastructure of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1084).

The House recedes with an amendment to the dates for the Comptroller General reviews and to remove the telecommunications infrastructure program.

Internet of Things (sec. 9204)

The Senate amendment contained a provision (sec. 5239) that would require the Secretary of Commerce to establish a Federal working group to provide recommendations to Congress on various aspects of the Internet of Things. The provision would detail the membership of the working group, issues to address, and certain reporting requirements.

The House bill contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Commerce to include the Department of Defense and any other appropriate Federal agencies in the Federal working group required in the provision to ensure comprehensive interagency participation.

TITLE XCIII—INTELLIGENCE MATTERS

Requirement for facilitation of establishment of social media data and threat analysis center (sec. 9301)

The House bill contained a provision (sec. 1299L) that would require, not later than September 1, 2021, and biennially thereafter, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of

State, and any other relevant Federal agency, to submit to the appropriate congressional committees a report on foreign influence campaigns targeting United States Federal elections.

The Senate amendment contained a similar provision (sec. 5323) that would amend section 5323 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) to require the establishment of the Social Media Data and Threat Analysis Center.

The Senate recedes with an amendment that would amend section 5323 of the National Defense Authorization Act for Fiscal Year 2020 to require the establishment of the Social Media Data and Threat Analysis Center. The amendment would also require, not later than March 1, 2021, as a review of the 2020 Federal elections and 90 days before the date of each regularly scheduled general election for Federal Office, the Director of the Social Media Data and Threat Analysis Center to submit to specified congressional committees a report on foreign malign influence campaigns on and across social media platforms targeting such election, and a briefing from the Director of National Intelligence regarding the same topic.

Independent study on identifying and addressing threats that individually or collectively affect national security, financial security, or both (sec. 9302)

The House bill contained a provision (sec. 1710H) that would require the Director of National Intelligence to engage a federally funded research and development center to conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove certain elements from the scope of the study, and would make other technical and conforming changes.

TITLE XCIV—SCIENCE, SPACE, AND TECHNOLOGY MATTERS

SUBTITLE A—CYBERSECURITY MATTERS

Improving national initiative for cybersecurity education (sec. 9401)

The Senate amendment contained a provision (sec. 5231) that would put into place a range of measures to improve national cybersecurity education.

The House bill contained no similar provision.

The House recedes with an amendment that would make certain modifications to include additional Federal agencies as appropriate and would alter certain considerations relating to the provision of financial aid.

Development of standards and guidelines for improving cybersecurity workforce of Federal agencies (sec. 9402)

The Senate amendment contained a provision (sec. 5232) that would modify the mission of the National Institute of Standards and Technology to include the identification and development of standards and guidelines for improving the cybersecurity workforce of an agency.

The House bill contained no similar provision.

The House recedes.

Modifications to Federal cyber scholarship-for-service program (sec. 9403)

The Senate amendment contained a provision (sec. 5233) that would modify the Federal cyber scholarship-for-service program by altering the employment placement priorities of the program and seeking to provide awards for various early cybersecurity-related experiences.

The House bill contained no similar provision.

The House recedes.

Additional modifications to Federal cyber scholarship-for-service program (sec. 9404)

The Senate amendment contained a provision (sec. 5234) that would modify the Federal cyber scholarship-for-service program by clarifying certain aspects of the scholarship's employment obligation.

The House bill contained no similar provision.

The House recedes.

Cybersecurity in programs of the National Science Foundation (sec. 9405)

The Senate amendment contained a provision (sec. 5235) that would include cybersecurity in certain existing computer science programs of the National Science Foundation.

The House bill contained no similar provision.

The House recedes with an amendment that would strike a section requiring the Director of the National Science Foundation to ensure that students pursuing graduate degrees in cybersecurity-related fields are considered as applicants for certain fellowship programs of the Foundation.

Cybersecurity in STEM programs of the National Aeronautics and Space Administration (sec. 9406)

The Senate amendment contained a provision (sec. 5236) that would require the Administrator of the National Aeronautics and Space Administration to include, to the maximum extent practicable, cybersecurity education in any science, technology, engineering, and mathematics education program of the Administration.

The House bill contained no similar provision.

The House recedes.

National cybersecurity challenges (sec. 9407)

The Senate amendment contained a provision (sec. 5238) that would require the Secretary of Commerce to establish a range of cybersecurity-related challenges to be pursued by the Department of Commerce, in coordination with certain other offices.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the list of emerging technologies to be pursued in such challenge and include privacy as a consideration in another.

SUBTITLE B—OTHER MATTERS

Established Program to Stimulate Competitive Research (sec. 9411)

The Senate amendment contained a provision (sec. 6087) that would broaden the scope of the Established Program to Stimulate Competitive Research (EPSCoR) at the Department of Energy to include applied energy research and other research topics that align with the mission of the Department.

The House bill contained no similar provision.

The House recedes with an amendment that would state that the Secretary may continue to use the eligibility criteria in use on the date of the agreement's enactment or any successor criteria.

The conferees understand that the Secretary of Energy currently has the discretion to establish their own eligibility criteria or continue to utilize the eligibility criteria developed by the National Science Foundation (NSF) and nothing in this provision modifies that authority or directs the Secretary to change current practice. Furthermore, the conferees are aware that NSF is in the process of implementing new eligibility criteria for fiscal year 2021 and the conferees expect the Secretary to use NSF's new criteria for fiscal year 2021 in order to ensure timely implementation on the new program authorities and to minimize disruption for States that participate in the EPSCoR program.

Industries of the future (sec. 9412)

The Senate amendment contained provisions (secs. 6094A, 6094B, and 6094C) that would increase the capacity of research and development programs of the Federal Government that focus on industries of the future, among other things.

The House bill contained no similar provision.

The House recedes with a technical amendment.

National Institute of Standards and Technology Manufacturing Extension Partnership program supply chain database (sec. 9413)

The House bill contained a provision (sec. 1806) that would direct the Director of the National Institute of Standards and Technology (NIST) to establish a national supply chain database within the Manufacturing Extension Partnership Program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would instead direct the Director of NIST to carry out a study to evaluate the feasibility, advisability, and costs of establishing such a national supply chain database and report to the Congress with its findings within 6 months.

Study on Chinese policies and influence in the development of international standards for emerging technologies (sec. 9414)

The House bill contained a provision (sec. 1705) that would direct the Director of the National Institute of Standards and Technology, to conduct a study and provide recommendations, not later than 180 days after the date of the enactment of this Act, on the impact of the policies of the People's Republic of China and coordination among industrial entities within the People's Republic of China on international bodies engaged in

developing and setting international standards for emerging technologies. The entity that conducts the study must submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 2 years after the date of enactment of this Act, a report containing the findings and recommendations of the study.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

The conferees believe that while U.S. experts have historically been leaders in international standards development activities, the principles of openness, transparency, due process, and consensus supported by the United States in the development of international standards are being eroded in certain bodies. Further, voluntary consensus standards, developed through an industry-led process, serve as the cornerstone of the U.S. standardization system and have become the basis of a sound national economy and the key to global market access. The conferees believe, therefore, that strengthening the unique United States public-private partnerships approach to standards development is critical to United States economic competitiveness. The United States Government should ensure cooperation and coordination across Federal agencies and partner with private sector stakeholders to continue to shape international dialogues in regard to standards development for emerging technologies.

Coordination with Hollings Manufacturing Extension Partnership Centers (sec. 9415)

The House bill contained a provision (sec. 1807) that would require each Manufacturing USA Institute to contract, as appropriate, with a Hollings Manufacturing Extension Partnership Center to provide outreach and assistance to small and medium-sized manufacturers.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XCV—NATURAL RESOURCES MATTERS

Transfer of funds for Oklahoma City national memorial endowment fund (sec. 9501)

The House bill contained a provision (sec. 1710F) that would require the Secretary of the Interior to submit to the Congress, not later than 180 days after the date of the enactment of this Act, a report on the current status of the

Oklahoma City National Memorial and a summary of non-Federal funding that has been raised in accordance with section 7(2) of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-5(2)).

The Senate amendment contained a similar provision (sec. 532) that would amend section 7(1) of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-5(1)) to authorize the Secretary of the Interior to provide funds from the National Park Service's national recreation and preservation account to the Oklahoma City National Memorial endowment fund.

The House recedes.

Workforce issues for military realignments in the Pacific (sec. 9502)

The House bill contained a provision (sec. 1794) that would amend section 1806 of title 48, United States Code, to extend temporary flexibility for approving H-2B workers in the construction industry on Guam for projects both inside and outside the military installation and related to the military buildup on Guam.

The Senate amendment contained no similar provision.

The Senate recedes.

Affirmation of authority for non-oil and gas operations on the outer Continental Shelf (sec. 9503)

The conference agreement includes a provision that would amend the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) to clarify that the Constitution, laws, and jurisdiction of the United States are extended to the Outer Continental Shelf, including with respect to installations and other devices permanently or temporarily attached to the seabed for the purposes of exploring for, developing, or producing non-mineral energy resources.

TITLE XCVI—OVERSIGHT AND REFORM MATTERS

Inventory of program activities of Federal agencies (sec. 9601)

The House bill contained a provision (sec. 1770) that would require Federal agencies to report on their Federal program activities and provide that information to the Director, Office of Management and Budget.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment to conform the provision to the style and clerical requirements of this Act.

Preservation of electronic messages and other records (sec. 9602)

The House bill included a provision (sec. 1711) that would establish the short title for the subsection as the "Electronic Message Preservation Act."

The House bill also included a provision (sec. 1712) that would amend chapter 29 of title 44, United States Code, to require the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages determined to be Federal records, and other electronic records, as practicable. The provision would further require that, not later than 1 year after the date of the enactment of this Act, the head of each Federal agency submit to the Archivist a report on the agency's compliance with the new regulations. Finally, the provision would require that not later than 90 days after receipt of all Federal agency compliance reports, the Archivist submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on Federal agency compliance with the new regulations.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would require that, not later than 1 year after the date of the enactment of this Act, the Archivist propose the regulations required, and that not later than 2 years after the date of the enactment of this Act, the head of each Federal agency submit to the Archivist a report on the agency's compliance with the new regulations.

Continuity of the economy plan (sec. 9603)

The Senate amendment contained a provision (sec. 1086) that would require the President to develop and maintain a plan to ensure the continuity of the economy in the event of a significant disruption. The provision lays out in detail the contents of the plan, as well as the offices that shall be involved in the preparation of such a plan, and requires the President to submit the plan to the Congress no later than 2 years after the enactment of this Act and no less frequently than every 3 years thereafter.

The House bill contained no similar provision.
The House recedes with technical amendments.

TITLE XCVII—FINANCIAL SERVICES MATTERS

SUBTITLE A—KLEPTOCRACY ASSET RECOVERY REWARDS ACT

Kleptocracy Asset Recovery Rewards Act (sec. 9701-9703)

The House bill contained Division K that would amend chapter 97 of title 31, United States Code, to establish the Kleptocracy Asset Recovery Rewards Program in the Department of the Treasury, and to authorize appropriations for the purpose of paying rewards under the program.

The Senate amendment contained no similar division.

The Senate recedes with an amendment that would establish the Kleptocracy Asset Recovery Rewards program as a pilot program terminating 3 years after the date of enactment of this Act and increase the role of the Secretary of State and the Attorney General in the execution of the rewards program.

SUBTITLE B—COMBATING RUSSIAN MONEY LAUNDERING

Combating Russian Money Laundering (secs. 9711-9714)

The House bill contained provisions (secs. 15001-15004) that would require a report if the Secretary of the Treasury determines that certain institutions, transactions, or money laundering activities require domestic financial institutions or domestic financial agencies to take special measures described in section 5318A(b) of title 31, United States Code, and permit implementation of such special measures.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

SUBTITLE C—OTHER MATTERS

Certified notice at completion of an assessment (sec. 9721)

The House bill contained a provision (sec. 1803) that would amend section 721(b)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)).

The Senate amendment contained no similar provision.
The Senate recedes.

Ensuring Chinese debt transparency (sec. 9722)

The House bill contained a provision (sec. 1779) that would direct the Secretary of the Treasury to instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r)) that it is the policy of the United States to use the voice and vote of the United States at the respective institution to seek to secure greater transparency with respect to the terms and conditions of financing provided by the Government of the People's Republic of China to any member state of the respective institution that is a recipient of financing from the institution, consistent with the rules and principles of the Paris Club.

The Senate amendment contained no similar provision.
The Senate recedes.

Accountability for World Bank Loans to China (sec. 9723)

The House bill contained provisions (secs. 1841 to 1845) that would direct the United States Governor of the International Bank for Reconstruction and Development (IBRD) to instruct the United States Executive Director at the IBRD that it is the policy of the United States to: (1) Pursue the expeditious graduation of the People's Republic of China from assistance by the IBRD, consistent with the lending criteria of the IBRD; and (2) Until the graduation of China from IBRD assistance, prioritize projects in China that contribute to global public goods, to the extent practicable. The provision also contained multiple reporting requirements.

The Senate amendment contained no similar provision.
The Senate recedes with a technical amendment.

Fairness for Taiwan nationals regarding employment at international financial institutions (sec. 9724)

The House bill contained provisions (secs. 1851, 1852, and 1853) that would require the Secretary of the Treasury to instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to seek to ensure that Taiwan nationals are not discriminated against in any employment decision by the

institution, including employment through consulting or part-time opportunities.

The Senate amendment contained no similar provision.
The Senate recedes.

TITLE XCIX—CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS FOR AMERICA

*Creating helpful incentives to produce semiconductors for
America (secs. 9901-9908)*

The House bill contained provisions (secs. 1821-1825) that would require the Secretary of Commerce to establish a program that provides grants to covered entities to incentivize investment of semiconductor fabrication facilities, or assembly, testing, advanced packaging, or advanced research and development of semiconductors in the United States.

The Senate amendment contained similar provisions (secs 1094-1099).

The House recedes with an amendment that would make various modifications to the provisions.

TITLE C—OTHER MATTERS

AMBER Alert nationwide (sec. 10001)

The House bill contained provisions (secs. 1731 to 1734) that would require the national coordinator of the AMBER Alert communications network to identify and eliminate gaps in the AMBER Alert network to include airports, maritime ports, border crossings, checkpoints, and other ports of exit from the United States. The provisions would also expand the grants for the expansion of the AMBER Alert system from highways to include airports, maritime ports, border crossing areas and check points, and ports of exit as well as the expansion of the system to notify aircraft passengers, ship passengers, and other travelers. The provisions would also make the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands eligible for AMBER Alert grants. The provisions would also allow the Attorney General to issue a grant waiver to American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, or an Indian Tribe to provide additional funding for educational programs, law enforcement training and equipment, and new technologies related to AMBER Alert systems and communications.

The Senate amendment contained no similar provision.
The Senate recesses.

Improving authority for operation of unmanned aircraft for educational purposes (sec. 10002)

The Senate amendment contained a provision (sec. 1087) that would amend section 350 of the FAA Reauthorization Act of 2018 (Public Law 115-254; 49 U.S.C. 44809 note) in the section heading, by striking "at institutions of higher education" and inserting "for educational purposes".

The House bill contained no similar provision.
The House recesses.

Prohibition on provision of airport improvement grant funds to certain entities that have violated intellectual property rights of United States entities (sec. 10003)

The House bill contained a provision (sec. 1809) that would amend the prohibition on the provision of grant funds to entities that have violated intellectual property rights of United States entities.

The Senate amendment contained no similar provision.
The Senate recesses with a clarifying amendment.

Study and report on the affordability of insulin (sec. 10004)

The Senate amendment contained a provision (sec. 6063) that would require the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, to: (1) Conduct a study on the impact of the affordability of insulin on the health outcomes of insured and uninsured diabetics and on Federal government spending; and (2) Provide a report to Congress within 2 years of the date of the enactment of this Act.

The House bill contained no similar provision.
The House recesses.

Waiver authority with respect to institutions located in an area affected by Hurricane Maria (sec. 10005)

The House bill contained a provision (sec. 1791) that would require the Secretary of Education to waive applicable laws, for each of the fiscal years 2020 through 2022 (and potentially for fiscal years 2023 and 2024), with respect to institutions of higher education receiving assistance under

title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Education to waive applicable laws, for each of the fiscal years 2021 through 2025, with respect to institutions of higher education receiving assistance under title III of the Higher Education Act of 1965 at the time of a covered hurricane disaster.

Farm and ranch mental health (sec. 10006)

The House bill contained a provision (sec. 3601) that would require the Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, to carry out a public service campaign to address the mental health of farmers.

The House bill contained a provision (sec. 3602) that would require the Secretary of Agriculture, within 180 days of the date of the enactment of this Act, to expand the fiscal year 2019 pilot program to train Farm Service Agency, Risk Management Agency, and Natural Resources Conservation Service employees in the management of stress to farmers and ranchers.

The House bill contained a provision (sec. 3603) that would require the Secretary of Agriculture to convene a task force of agricultural and rural stakeholders at the national, State, and local levels to assess the causes of mental stress and to develop best practices for response to such stress.

The Senate amendment contained a provision (sec. 1053) similar to the House provisions.

The Senate recedes with an amendment that would require the Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, to carry out a public service announcement campaign to address the mental health of farmers and ranchers. The provision would authorize the Secretary to conduct the campaign through a third party contractor.

Additionally, the provision would require the Secretary, within 180 days of the date of the enactment of this Act, to expand a pilot program from 2019 that trained certain employees in the management of stress experienced by farmers and ranchers. The Secretary would provide a report on the employee training program, at least once every 2 years, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Finally, the provision would require the Secretary to convene a task force of agricultural and rural stakeholders to assess the causes of stress in farmers and ranchers and to identify best practices for responding to such stress. The task force would submit a

report to the Secretary within 1 year of the date of the enactment of this Act. The authorities of this provision would cease on October 1, 2023.

LEGISLATIVE PROVISIONS NOT ADOPTED

Requirement to post a 100 word summary to regulations.gov

The Senate amendment contained a provision (sec. 1088) that would amend section 553(b) of title 5, United States Code, to require that a notice of proposed rulemaking published in the Federal Register include the publicly accessible Internet address at which a 100-word plain language summary of the proposed rule is posted.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on downloading or using TikTok by Federal employees

The House bill contained a provision (sec. 1112) that would prohibit Federal employees from downloading or using TikTok on any technology device issued by the United States Government.

The Senate amendment contained no similar provision.

The House recedes.

Hong Kong Autonomy Act

The Senate amendment contained provisions (secs. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, and 1711) that would require the Secretary of State, in consultation with the Secretary of the Treasury, to report to the Congress on any determination that a foreign person is materially contributing, has materially contributed, or attempts to materially contribute to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law. The provision would also impose sanctions on these foreign persons, and on foreign financial institutions that conduct significant transactions with them. The provision contained various waivers and exceptions.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Hong Kong Autonomy Act (Public Law 116-149) passed into law on July 14, 2020.

GAO study on the school-to-prison pipeline

The House bill contained a provision (sec. 1707) that would require the Comptroller General of the United States to conduct a study on the school to prison pipeline.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the Comptroller General recently issued a study on school discipline called "Discipline Disparities for Black Students, Boys, and Students with Disabilities" (GAO-18-258). This report addresses many of the items included in the original House provision.

Report regarding veterans who receive benefits under laws administered by the Secretary of Veterans Affairs

The House bill contained a provision (sec. 1709) that would require the Secretary of Veterans Affairs to publish a report, within 180 days of the date of the enactment of this Act, regarding veterans who receive benefits under laws administered by the Secretary, including the Transition Assistance Program.

The Senate amendment contained no similar provision.

The House recedes.

Report on Government police training and equipping programs

The House bill contained a provision (sec. 1710C) that would require the President to provide to the Congress, not later than 1 year after the date of the enactment of this Act, a report on all Federal government police training and equipping programs outside the United States.

The Senate amendment contained no similar provision.

The House recedes.

Government Accountability Office report on Zhongxing Telecommunications Equipment Corporation compliance with settlement

The House bill contained a provision (sec. 1710) that would require the Comptroller General of the United States to submit to the Congress a report on the compliance of Zhongxing Telecommunications Equipment Corporation with the settlement agreement it reached with the United States Department of Commerce on June 8, 2018.

The Senate amendment contained no similar provision.

The House recedes.

Review and Report of experimentation with ticks and insects

The House bill contained a provision (sec. 1710M) that would require the Comptroller General of the United States to conduct a review of whether the Department of Defense experimented with ticks, other insects, airborne releases of tick-borne bacteria, viruses, pathogens, or any other tick-borne agents regarding use as a biological weapon between the years of 1950 and 1977.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of addressing biological threats, both man-made and naturally occurring, and the impact these threats pose to military forces, their dependents, and overall military readiness. The conferees support the Department's research efforts to prevent the occurrence, diagnoses, and treatment of tick-borne illnesses, including through the Tick-Borne Disease Research Program established in fiscal year 2016. The conferees note the importance of continued compliance with the Biological Weapons Convention which bans the development, production, and stockpiling of biological weapons of mass destruction.

Presidential Records

The House bill contained a provision (sec. 1713) that would amend chapter 22 of title 44, United States Code, to prescribe new definitions and additional regulations and certifications applicable to presidential records.

The Senate amendment contained no similar provision.

The House recedes.

Short title

The House bill contained a provision (sec. 1721) that would designate subtitle C of title XVII the Space Technology Advancement Report (STAR) Act of 2020.

The Senate amendment contained no similar provision.

House recedes.

Findings

The House bill contained a provision (sec. 1722) that would make several findings relating to competition between the United States and the People's Republic of China (PRC) in commercial and government space activities. The provision would find that PRC activities threaten current U.S. leadership in space and frequently do so through unfair and anti-competitive practices.

The Senate amendment contained no similar provision.
The House recedes.

*Prohibition of public display of Confederate battle flag on
Department of Defense property*

The House bill contained a provision (sec. 1749) that would require the Secretary of Defense to prohibit the public display of the Confederate battle flag at all Department of Defense property with certain exceptions.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that symbols honoring the Confederate States of America will be further examined by the Commission authorized elsewhere in the conference report.

Nonimmigrant status for certain nationals of Portugal

The House bill contained a provision (sec. 1755) that would identify Portugal as a described foreign state for the purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

The Senate amendment contained no similar provision.
The House recedes.

*Developing crisis capabilities to meet needs for homeland
security-critical supplies*

The House bill contained a provision (sec. 1760) that would require the Secretary of Homeland Security to coordinate with the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal departments and agencies to create a repository of federally approved plans and specifications for critical medical items that could help manufacturers rapidly produce those items in a potential national emergency or disaster.

The Senate amendment contained no similar provision.
The House recedes.

The conferees note that a Government Accountability Office (GAO) report issued in June 2020 cited concerns related to the acquisition, distribution, and adequacy of supplies during the COVID-19 response, including from the Strategic National Stockpile (SNS), for the purpose of increasing the availability of medical supplies. The conferees note that GAO also observed

in a September 2020 report that, since the beginning of the pandemic, the Federal Emergency Management Agency and the Department of Health and Human Services have begun to focus on intermediate goals, such as increasing domestic manufacturing capacity and rebuilding the SNS to better position the United States to respond to continuing COVID-19 outbreaks and future emergencies. States also have been building their own stockpiles of critical supplies.

However, despite the ongoing work to obtain needed medical supplies and expand domestic production of these items, the conferees remain concerned that certain supply shortages remain. The conferees emphasize the need to identify homeland security-critical supplies to address future national emergencies or disasters, develop plans related to the production of such supplies, including by nontraditional manufacturers, and to enter into contingent arrangements to expedite the production of such supplies in the event of a national emergency or disaster. Therefore, the conferees will continue to encourage reviews of stockpiles of critical supplies and conduct rigorous oversight of efforts to ensure viable supply chains are in place to ensure the United States is well prepared to respond to continuing COVID-19 outbreaks and future emergencies.

Foreign state computer intrusions

The House bill contained a provision (sec. 1762) that would end foreign state immunity from the jurisdiction of the courts of the United States or of the States in certain cases in which damages are sought by a national of the United States against a foreign state relating to computer intrusions.

The Senate amendment contained no similar provision.
The House recedes.

Online and distance education classes and nonimmigrant visas

The House bill contained a provision (sec. 1763) that would authorize nonimmigrants described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) to engage in online or distance education classes or programs that are determined necessary by an institute or program for the protection of health and safety and that such classes or programs would count toward the requirement to pursue a full course of study to maintain nonimmigrant status.

The Senate amendment contained no similar provision.
The House recedes.

Establishment of Southern New England Regional Commission

The House bill contained a provision (sec. 1768) that would amend Section 15301(a) of title 40, United States Code, to establish a Southern New England Regional Commission.

The Senate amendment contained no similar provision.

The House recedes.

FedRAMP Authorization Act

The House bill contained a provision (sec. 1769) that would amend chapter 36 of title 44, United States Code, to codify the Federal Risk and Authorization Management Program.

The Senate amendment contained no similar provision.

The House recedes.

Building United States capacity for verification and manufacturing of advanced microelectronics

The House bill contained a provision (sec. 1771) that would require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to carry out research and development to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities to accelerate the underlying research and development for design, development, and manufacturability of next generation microelectronics and ensure the competitiveness and leadership of the United States within the microelectronics sector.

The Senate amendment contained no similar provision.

The House recedes.

Threshold for reporting additions to toxics release inventory

The House bill contained a provision (sec. 1772) that would amend section 7321 of the PFAS Act of 2019 (Public Law 116-92) by prohibiting the Administrator of the Environmental Protection Agency from applying 40 C.F.R. 372.38 to the chemicals identified in sec. 7321 unless the Administrator revises the reporting threshold for the chemicals identified in sec. 7321(b) and (c) to 10,000 pounds per year and sets the reporting threshold for chemicals identified pursuant to sec. 7321(d) at 10,000 pounds per year.

The Senate amendment contained no similar provision.

The House recedes.

Temporary relief for private student loan borrowers

The House bill contained a provision (sec. 1776) that would prohibit any servicer of private education loans from collecting payments or accruing interest on such loans through September 30, 2021.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned about the growing burden of student debt on borrowers, taxpayers, and the U.S. economy. The conferees urge the Administration to use authorities provided to it by the Congress to ensure that all borrowers, particularly those who are in financial distress, are treated fairly and receive any assistance they are eligible for.

Report on threat posed by domestic terrorists

The House bill contained a provision (sec. 1781) that would require the Director of the Federal Bureau of Investigation, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Director of National Intelligence (acting through the National Counterterrorism Center) to jointly submit to the appropriate congressional committees a report that includes an evaluation of the nature and extent of the domestic terror threat and domestic terrorist groups.

The Senate amendment contained no similar provision.

The House recedes.

As articulated by the National Security Strategy, the conferees note that America should reject bigotry and oppression and will deny violent ideologies the space to take root in American communities.

The Director of the Federal Bureau of Investigation (FBI) testified on September 17, 2020, that the greatest domestic terrorist threat is white supremacists. In the October 2020 Homeland Threat Assessment, the acting Secretary of Homeland Security stated that he was "particularly concerned about white supremacist violent extremists who have been exceptionally lethal in their abhorrent, targeted attacks in recent years" and that "[they] seek to force ideological change in the United States through violence, death, and destruction."

The conferees further note that Section 5602 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) sought to better characterize the domestic terrorist threat by requiring the FBI and the Department of Homeland Security (DHS), in consultation with the National Counterterrorism Center (NCTC), to produce a set of

comprehensive reports over 5 years. The recurring annual report on domestic terrorism is to include: a strategic intelligence assessment on the nature and severity of the domestic terror threat internal to the United States; metrics on the number and type of incidents, coupled with resulting investigations, arrests, prosecutions, and analytic products; copies of the FBI's guidelines and policies permitting the initiation and execution of domestic terrorism investigations; detailed explanations of how the FBI, DHS, and NCTC prioritize the allocation and sustainment of personnel and resources against domestic terrorism threats and incidents; and descriptions regarding the type and regularity of training provided by the FBI, DHS, or NCTC to other Federal, State, and local law enforcement. The report is required to be made available to the public in an effort to increase transparency on matters of critical national importance.

The conferees note, however, that this required report has not yet been delivered to the appropriate congressional committees. The conferees, therefore, urge the Director of the FBI to submit this report without further delay.

Department of Defense mechanism for provision of dissenting views

The House bill contained a provision (sec. 1783) that would establish and require a briefing on a mechanism for providing dissenting views regarding Department of Defense and United States national security policy.

The Senate amendment contained no similar provision.
The House recedes.

Policy on conscious and unconscious gender bias

The House bill contained a provision (sec. 1786) that would require the Secretary of Defense to develop a policy that defines conscious and unconscious gender bias and provides guidance to eliminate all such bias.

The Senate amendment contained no similar provision.
The House recedes.

Credit monitoring

The House bill contained a provision (sec. 1792) that would amend the Fair Credit Reporting Act (Public Law 91-508).

The Senate amendment contained no similar provision.
The House recedes.

Study on viability of seawater mining for critical minerals

The House bill contained a provision (sec. 1796) that would require the Secretary of Defense to initiate a study on the viability of seawater mining for critical minerals not later than 60 days of the date of the enactment of this Act. The provision would also require a report on the results of the study not later than 1 year after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in consultation with the head of any other relevant Federal agency and relevant stakeholders, to initiate a study of the viability of extracting minerals, such as uranium, that are critical to the defense industrial base of the United States from seawater not later than 60 days after the date of the enactment of this Act. Additionally, the conferees direct the Secretary of Defense to submit a report on the results of the study not later than 1 year after the date of the enactment of this Act. The report shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives.

Disclosure requirement

The House bill contained a provision (sec. 1798) that would amend section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) to require entities that issue securities to disclose to the Securities and Exchange Commission (SEC) should the issuer retain a public accounting firm that: (1) Is located in a foreign jurisdiction; (2) Performs more than one-third of the audit services for the issuer; and (3) Cannot be inspected because of a prohibition imposed by an authority in the foreign jurisdiction. Should no audit of the issuer or its servicing auditing firm be permitted for 3 consecutive years, the provision would require the SEC to bar trading of the issuer's stock. In addition, with each audit report to the SEC, the issuer would be required to disclose: (1) The percent of its shares owned by governmental entities in the foreign jurisdiction; (2) The name of each official of the Chinese Communist Party who is a member of the board of directors; and (3) Whether the issuer's articles of incorporation contain any part of the charter of the Chinese Communist Party.

The Senate amendment contained no similar provision.

The House recedes.

Establishment of Office of Cyber Engagement of the Department of Veterans Affairs

The House bill contained a provision (sec. 1802) that would establish within the Department of Veterans Affairs an office of cyber engagement to address cyber risks to veterans, share information about such risks, and coordinate with other Federal agencies.

The Senate amendment contained no similar provision.

The House recedes.

Department of Homeland Security acquisition documentation

The House bill contained a provision (sec. 1804) that would amend the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) by establishing additional documentation requirements for Department of Homeland Security major acquisition programs.

The Senate amendment contained no similar provision.

The House recedes.

COVID-19 emergency medical supplies enhancement

The House bill contained a provision (sec. 1808) that would: (1) Specify certain supplies used to fight and reduce the impact of COVID-19 as scarce and critical materials; (2) Direct the Defense Production Act be used to meet the country's most critical needs to combat COVID-19; (3) Require enhanced oversight of pricing levels for critical materials; (4) Require determination of a target level of testing for each state; (5) Require a point person for improved coordination between the private sector and the Federal Government; and (6) Require a strategic plan for production of personal protective equipment and other supplies needed to reduce the impact of COVID-19 currently and moving forward, among other things.

The Senate amendment contained no similar provision.

The House recedes.

Payments for private education loan borrowers, as a result of COVID-19

The House bill contained a provision (sec. 1812) that would require the Secretary of the Treasury to make student loan payments on behalf of a covered borrower in an amount up to \$10,000.

The Senate amendment contained no similar provision.

The House recedes.

Biliteracy Education Seal and Teaching Act

The House bill contained several provisions (sec. 1831-1834) that would require the Secretary of Education to establish a grant program to enable States to establish Seal of Biliteracy programs.

The Senate amendment contained no similar provision.

The House recedes.

Providing information to States regarding undelivered savings bonds

The Senate amendment contained a provision (sec. 6003) that would require the Secretary of the Treasury to provide each State additional information allowing for the identification of the registered owner of certain savings bonds.

The House bill contained no similar provision.

The Senate recedes.

Advanced nuclear reactor research and development goals

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recedes.

Nuclear energy strategic plan

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, and 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recedes.

Versatile, reactor-based fast neutron source

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, and 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recedes.

Advanced nuclear fuel security program

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, and 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recesses.

University Nuclear Leadership Program

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, and 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recesses.

Adjusting strategic petroleum reserve mandated drawdowns

The Senate amendment contained within Title LXVII a series of six provisions (secs. 6701, 6702, 6703, 6704, 6705, and 6706), collectively titled the Nuclear Energy Leadership Act.

The House bill contained no similar provisions.

The Senate recesses.

Intelligence Authorization Act for Fiscal Year 2021

The Senate amendment contained Division F that included the Intelligence Authorization Act for Fiscal Year 2021.

The House bill contained no similar provision.

The Senate recesses.

Department of State Authorities and Activities

The House bill contained provisions (secs. 14001- 14806) that included the Eliot L. Engel Department of State Authorization Act of 2020.

The Senate amendment contained no similar provisions.

The House recesses.

Improving Corporate Governance Through Diversity

The House bill contained Division M, comprising the ``Improving Corporate Governance Through Diversity Act of 2020,`` that would amend section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) and require the Securities and Exchange Commission to establish a Diversity Advisory Group.

The Senate amendment contained no similar division.

The House recesses.

Colorado Outdoor Recreation and Economy Act

The House bill contained Division O that included the Colorado Outdoor Recreation and Economy Act.

The Senate amendment contained no similar provision.

The House recesses.

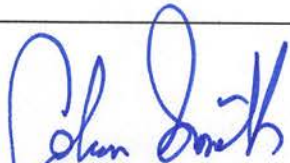




Public Lands

The House bill contained Division O that included the Protecting America's Wilderness Act.

The Senate amendment contained no similar provision.

The House recesses.





H.R. 6395

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and for modifications committed to conference:	
 Mr. Smith of Washington	
 Mrs. Davis of California	
Mr. Langevin	
 Mr. Larsen of Washington	
 Mr. Cooper	
 Mr. Courtney	
Mr. Garabandi	

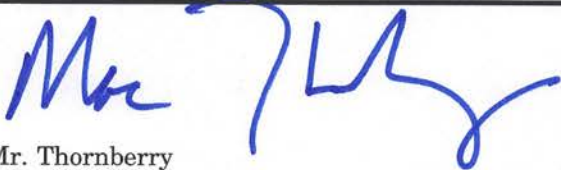







H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
Mr. Speier	
 Mr. Norcross	
 Mr. Gallego	
 Mr. Moulton	
 Mr. Carbajal	
 Mr. Brown of Maryland	
 Mr. Khanna	
 Mr. Keating	

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Vela	
 Mr. Kim	
 Ms. Kendra S. Horn of Oklahoma	
 Mr. Cisneros	




H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Thornberry	
 Mr. Wilson of South Carolina	
 Mr. Turner	
 Mr. Rogers of Alabama	
 Mr. Lamborn	
 Mr. Wittman	
 Mrs. Hartzler	
 Mr. Austin Scott of Georgia	




H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Ms. Stefanik	
 Mr. Kelly of Mississippi	
 Mr. Gallagher	
Mr. Bacon	
 Mr. Banks	

H.R. 6395—Continued

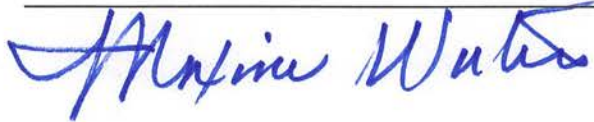
<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Education and Labor, for the consideration of secs. 212, 279, 569, 570, 1110, 1791, 1797, 1833, and 1834 of the House bill, and secs. 516, 561-63, 565, 566, 1090, 5211, 6047, 6091, and 6615 of the Senate amendment, and modifications committed to conference:	
 Mr. Scott of Virginia	
 Mrs. Trahan	
 Mr. Guthrie	

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Energy and Commerce, for consideration of secs. 223, 229, 332, 335, 535, 540H, 601, 705, 736, 1299N-2, 1641, 1760, 1761, 1772, 1793, 1821, 1823, 1824, 2835, 3201, 3511, 3601, 5101-04, 5109, 10306, and 11206 of the House bill, and secs. 311, 319, 703, 1053, 1091, 1092, 1094, 1098, 1099, 2841, 3121, 3125, 3131, 3132, 5239, 6082-84, subtitle I of title LX of division E, secs. 6299F, 6614, 6704, and 6706 of the Senate amendment and modifications committed to conference:	
	
	
 Mr. Walden	

H.R. 6395—Continued**Managers on the part of the
HOUSE****Managers on the part of the
SENATE**

From the Committee on Financial Services, for consideration of secs. 902, 1248, 1249, 1299R-9, 1768, 1776, 1779, 1790, 1792, 1798, 1803, 1808, 1812, subtitles H and I of title XVII of division A, and divisions G, J, K, and M of the House bill, and secs. 1706-10 and 6231 of the Senate amendment, and modifications committed to conference:



Ms. Waters





Mr. Vargas


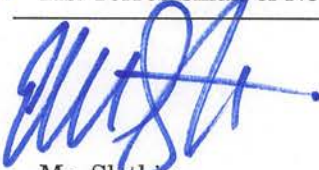



Mr. Luetkemeyer


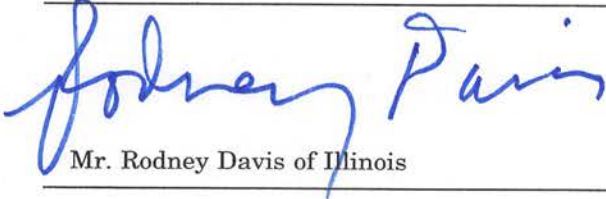
H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Foreign Affairs, for consideration of secs. 213, 843, subtitle C of title XI of division A, secs. 1202, 1203, 1207, 1221-24, 1231-33, 1238, 1248, 1249, 1251, 1260D, 1260E, 1261, 1266, 1272-74, 1276, 1280, 1286, 1290-92, 1294, 1296, 1299, 1299B, 1299G, 1299H, 1299K, subtitles H-K of title XII of division A, secs. 1299Q-1, 1299Q-2, subtitle M of title XII of division A, secs. 1299T-4, 1299T-5, 1521, 1640F, 1659, 1757, 1759, 1823, and division I of the House bill, and secs. 1201-03, 1205-07, 1210, 1213, subtitle C of title XII and division A, secs. 1231-33, 1236, 1240, 1241, 1251, 1253-56, 1263, 1281, 1283, 1286, 1287, subtitle H of title XII of division A, subtitle C of title XV of division A, sec. 1661, title XVII of division A, secs. 6231, 6251, 6284, 6286, 6293-96, 6299, 6299A, 6299B, 6299D, and 6299F of the Senate amendment, and modifications committed to conference:</p>	
<p>Mr. Engel</p>	
	
Mr. Sherman	
	
Mr. McCaul	


H.R. 6395—Continued

<i>Managers on the part of the</i> HOUSE	<i>Managers on the part of the</i> SENATE
From the Committee on Homeland Security, for consideration of secs. 1630, 1631, 1637, 1640A, 1640D, 1640F, 1760, 1784, 1793, 1804, and 9508 of the House bill, and secs. 6088, 6096D, 6613, and 6614 of the Senate amendment, and modifications committed to conference:	
 Ms. Torres Small of New Mexico	
 Ms. Slotkin	
 Mr. Green of Tennessee	

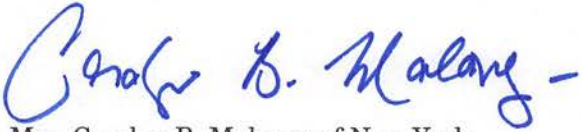

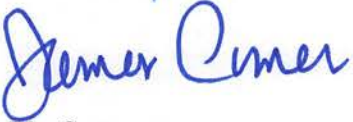
H.R. 6395—Continued



<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on House Administration, for consideration of secs. 536, 1101, and 1751 of the House bill, and modifications committed to conference:	
Ms. Lofgren	
 Ms. Fudge	
 Mr. Rodney Davis of Illinois	

H.R. 6395—Continued




<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Natural Resources, for consideration of secs. 601, 626, 627, 1744, 1794, 1795, 2834-36, subtitle E of title XXVIII of division B, and divisions O and P of the House bill, and secs. 315, 2861-63, 2887, 6081, and 7861 of the Senate amendment, and modifications committed to conference:	
Mr. Grijalva	
Ms. Haaland	
 Mr. Bishop of Utah	

H.R. 6395—Continued

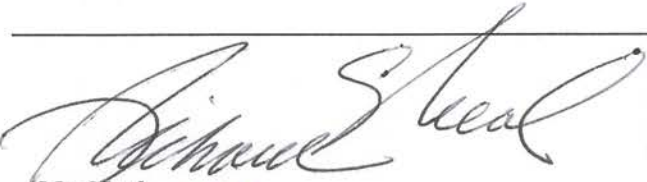
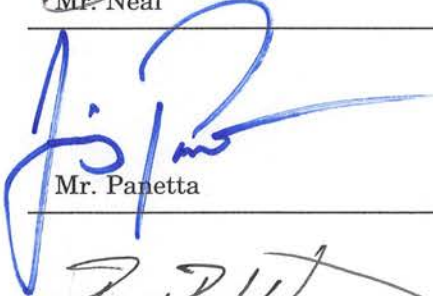

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Oversight and Reform, for consideration of secs. 373, 813, 815, 825, 830B, 833, 848, 1101, 1102, 1104, 1105, 1108, 1111, 1114, 1115, subtitles B and C of title XI of division A, secs. 1635, 1639, 1640C, subtitle B of title XVII of division A, secs. 1744, 1745, 1769, 1770, 1774, 1793, 1808, 9208, and 11410 of the House bill, and secs. 631, 1103-06, 1109-13, 5244, 6047, and 9306 of the Senate amendment, and modifications committed to conference:	
 Mrs. Carolyn B. Maloney of New York	
Mr. Lynch 	
 Mr. Comer	

Managers on the part of the HOUSE	Managers on the part of the SENATE
From the Committee on Small Business, for consideration of secs. 831-33, 835-40, 840A, 841, 844, and 1633 of the House bill, and secs. 871, 872, 1642, 5871-75, and 5877 of the Senate amendment, and modifications committed to conference:	
Ms. Velazquez	
 Mr. Golden	
 Mr. Chabot	





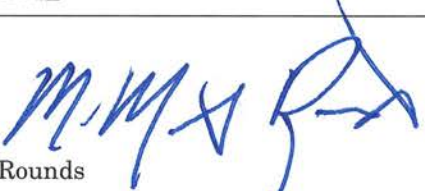
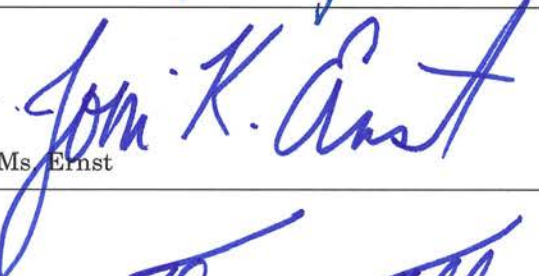


H.R. 6395—Continued

Managers on the part of the HOUSE	Managers on the part of the SENATE
<p>From the Committee on Veterans' Affairs, for consideration of secs. 525, 534, 535, 540A, 540B, 540C, 540E, 540H, 546, 551-53, 560B, 560E, 560F, 560G, 560H, 718, 724, 731, 734, 750H, 752-54, 760, 831, 1101, 1411, 1764, 1790, 1802, and 5502 of the House bill, and secs. 741, 744, 753, 762-64, 935, 1089, 1090A, 1090B, 1421, and 6085 of the Senate amendment, and modifications committed to conference:</p>	
<p> Mr. Takano</p>	
<p></p>	
<p> Mr. Bilirakis</p>	





H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Ways and Means, for consideration of secs. 1276, 7103, and 7104 of the House bill, and sec. 6003 of the Senate amendment, and modifications committed to conference:	
 Mr. Neal	
 Mr. Panetta	
 Mr. Wenstrup	





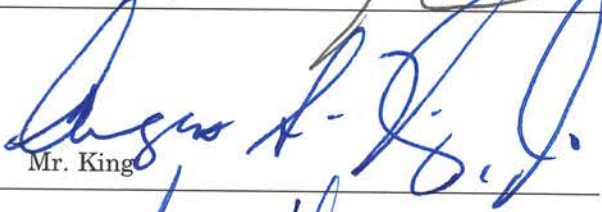
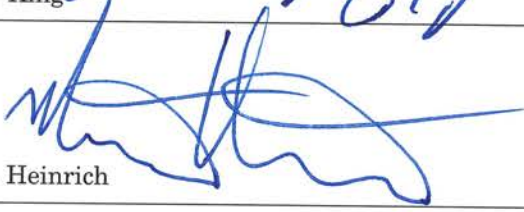

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Inhofe
	 Mr. Wicker
	 Mrs. Fischer
	
	 Mr. Rounds
	 Ms. Ernst
	 Mr. Tillis
	 Mr. Sullivan

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Perdue
	 Mr. Cramer
	 Mr. Scott of Florida
	 Mrs. Blackburn
	
	 Mr. Thune
	 Mr. Reed
	 Mrs. Shaheen

H.R. 6395—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mrs. Gillibrand
	 Mr. Blumenthal
	 Ms. Hirono
	 Mr. Kaine
	 Mr. King
	 Mr. Heinrich
	 Mr. Peters

