S. 1790

AN ACT

To authorize appropriations for fiscal year 2020 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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Au-
 thorization Act for Fiscal Year 2020”.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.
Subtitle B—Army Programs

SEC. 111. SENSE OF SENATE ON ARMY’S APPROACH TO CAPABILITY DROPS 1 AND 2 OF THE DISTRIBUTED COMMON GROUND SYSTEM-ARMY PROGRAM.

It is the sense of the Senate that—

(1) the Senate approves of the approach of the Army to Capability Drops 1 and 2 of the Distributed Common Ground System-Army program, which has been in compliance with section 2377 of title 10, United States Code; and

(2) the Senate encourages the Under Secretary of Defense for Acquisition and Sustainment and other military departments and commands in the Department of Defense to review the efforts of the Army with Capability Drops 1 and 2 to inform future decisions about how to integrate commercial technology into the Distributed Common Ground System Enterprise and other national security systems.
SEC. 112. AUTHORITY OF THE SECRETARY OF THE ARMY
TO WAIVE CERTAIN LIMITATIONS RELATED
TO THE DISTRIBUTED COMMON GROUND
SYSTEM-ARMY INCREMENT 1.

Section 113(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2028) is amended by striking “Secretary of Defense” both places it appears and inserting “Secretary of the Army”.

Subtitle C—Navy Programs

SEC. 121. MODIFICATION OF PROHIBITION ON AVAIL-
ABILITY OF FUNDS FOR NAVY WATERBORNE
SECURITY BARRIERS.

Section 130 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in subsection (a) by striking “for fiscal year 2019 may be obligated or expended to procure legacy waterborne security barriers for Navy ports” and inserting “for fiscal year 2019 or fiscal year 2020 may be obligated or expended to procure legacy waterborne security barriers for Navy ports, including as replacements for legacy barriers”; and

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

“(d) NOTIFICATION.—Not later than 15 days after an exception is made pursuant to subsection (c)(2), the
Secretary of the Navy shall submit a written notification to the congressional defense committees that includes—

“(1) the name and position of the government official who determined exigent circumstances exist;

“(2) a description of the exigent circumstances; and

“(3) a description of how waterborne security will be maintained until new waterborne security barriers are procured and installed.”.

SEC. 122. CAPABILITIES BASED ASSESSMENT FOR NAVAL VESSELS THAT CARRY FIXED-WING AIRCRAFT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall initiate a capabilities based assessment to begin the process of identifying requirements for the naval vessels that will carry fixed-wing aircraft following the ships designated CVN–81 and LHA–9.

(b) ELEMENTS.—The assessment shall—

(1) conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 5123.01H; and

(2) consider options for the vessels described under subsection (a) that would enable greater com-
monality and interoperability of naval aircraft embarked on such naval vessels, including aircraft arresting gear and launch catapults.

(c) Notification Requirement.—Not later than 15 days after initiating the assessment required under subsection (a), the Secretary of the Navy shall notify the congressional defense committees of such action and the associated schedule for completing the assessment and generating an Initial Capabilities Document.

SEC. 123. FORD-CLASS AIRCRAFT CARRIER COST LIMITATION BASELINES.

(a) In General.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8692. Ford-class aircraft carrier cost limitation baselines

“(a) Limitation.—The total amounts obligated or expended from funds authorized to be appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, may not exceed the following amounts for the following aircraft carriers:

“(1) $13,027,000,000 for the construction of the aircraft carrier designated CVN–78.
“(2) $11,398,000,000 for the construction of the aircraft carrier designated CVN–79.

“(3) $12,202,000,000 for the construction of the aircraft carrier designated CVN–80.

“(4) $12,451,000,000 for the construction of the aircraft carrier designated CVN–81.

“(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust an amount set forth in subsection (a) by the following:

“(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2019.

“(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2019.

“(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

“(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined prior to October 1, 2019.

“(5) The amounts of increases or decreases to cost required to correct deficiencies that may affect
the safety of the ship and personnel or otherwise
preclude the ship from safe operations and crew cer-
tification.

“(6) With respect to the aircraft carrier des-
ignated as CVN–78, the amounts of increases or de-
creases in costs of that ship that are attributable
solely to an urgent and unforeseen requirement iden-
tified as a result of the shipboard test program.

“(7) With respect to the aircraft carrier des-
ignated as CVN–79, the amounts of increases not
exceeding $100,000,000 if the Chief of Naval Oper-
ations determines that achieving the amount set
forth in subsection (a)(2) would result in unaccept-
able reductions to the operational capability of the
ship.

“(c) LIMITATION ON TECHNOLOGY INSERTION COST
ADJUSTMENT.—The Secretary of the Navy may use the
authority under paragraph (4) of subsection (b) to adjust
the amount set forth in subsection (a) for a ship referred
to in that subsection with respect to insertion of new tech-
nology into that ship only if—

“(1) the Secretary determines, and certifies to
the congressional defense committees, that insertion
of the new technology would lower the life-cycle cost
of the ship; or
“(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

“(d) LIMITATION ON SHIPBOARD TEST PROGRAM COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (6) of subsection (b) to adjust the amount set forth in subsection (a) for the aircraft carrier designated CVN–78 for reasons relating to an urgent and unforeseen requirement identified as a result of the shipboard test program only if—

“(1) the Secretary determines, and certifies to the congressional defense committees, that such requirement was not known before the date of the submittal to Congress of the budget for fiscal year 2020 (as submitted pursuant to section 1105 of title 31, United States Code);

“(2) the Secretary determines, and certifies to the congressional defense committees, that waiting on an action by Congress to raise the cost cap specified in subsection (a)(1) to account for such requirement will result in a delay in the date of initial operating capability of that ship; and
“(3) the Secretary submits to the congressional defense committees a report setting forth a description of such requirement before the obligation of additional funds pursuant to such authority.

“(e) EXCLUSION OF BATTLE AND INTERIM SPARES FROM COST LIMITATION.—The Secretary of the Navy shall exclude from the determination of the amounts set forth in subsection (a), the costs of the following items:

“(1) CVN–78 class battle spares.

“(2) Interim spares.

“(f) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall submit to the congressional defense committees written notice of any change in the amount set forth in subsection (a) determined to be associated with a cost covered in subsection (b) not less than 30 days prior to making such change.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8691 the following new item:

“§ 8692. Ford-class aircraft carrier cost limitation baselines.”.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is repealed.
SEC. 124. DESIGN AND CONSTRUCTION OF AMPHIBIOUS

(a) IN GENERAL.—The Secretary of the Navy may enter into a contract for the design and construction of the amphibious transport dock designated LPD–31 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) USE OF INCREMENTAL FUNDING.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract with amounts authorized to be appropriated in fiscal years 2019, 2020, and 2021.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 125. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA replacement ship designated LHA 9 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be ap-
appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2019 through 2025.

(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) Repeal of Obsolete Authority.—Section 125 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2106) is repealed.

SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR THE LITTORAL COMBAT SHIP.

(a) Limitation.—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used to exceed the total procurement quantity listed in revision five of the Littoral Combat Ship acquisition strategy unless the Under Secretary of Defense for Acquisition and Sustainment submits to the congressional defense committees the certification described in subsection (b).

(b) Certification.—The certification described in this subsection is a certification by the Under Secretary
that awarding a contract for the procurement of a Littoral Combat Ship that exceeds the total procurement quantity listed in revision five of the Littoral Combat Ship acquisition strategy—

(1) is in the national security interests of the United States;

(2) will not result in exceeding the low-rate initial production quantity approved in the Littoral Combat Ship acquisition strategy in effect as of the date of the certification; and

(3) is necessary to maintain a full and open competition for the Guided Missile Frigate (FFG(X)) with a single source award in fiscal year 2020.

(c) DEFINITION.—The term “revision five of the Littoral Combat Ship acquisition strategy” means the fifth revision of the Littoral Combat Ship acquisition strategy approved by the Under Secretary of Defense for Acquisition and Sustainment on March 26, 2018.

SEC. 127. LIMITATION ON THE NEXT NEW CLASS OF NAVY LARGE SURFACE COMBATANTS.

(a) IN GENERAL.—Milestone B approval may not be granted for the next new class of Navy large surface combatants unless the class of Navy large surface combatants incorporates prior to such approval—
(1) design changes identified during the full duration of the combat system ship qualification trials and operational test periods of the first Arleigh Burke-class destroyer in the Flight III configuration to complete such events; and

(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority pursuant to section 8669b of title 10, United States Code, as added by section 1017 of this Act, in their final form, fit, and function and in a realistic environment, which shall include a land-based engineering site if the propulsion system will utilize integrated electric power technology, including electric drive propulsion.

(b) LIMITATION.—The Secretary of the Navy may not release a detail design or construction request for proposals or obligate funds from the Shipbuilding and Conversion, Navy account for the next new class of Navy large surface combatants until the class of Navy large surface combatants receives Milestone B approval and the milestone decision authority notifies the congressional defense committees, in writing, of the actions taken to comply with the requirements under subsection (a).

(c) DEFINITIONS.—In this section:
(1) The term “Milestone B approval” has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(2) The term “milestone decision authority” means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.

(3) The term “large surface combatants” means Navy surface ships that are designed primarily to engage in attacks against airborne, surface, subsurface, and shore targets, excluding frigates and littoral combat ships.


(a) REFUELING AND COMPLEX OVERHAUL.—The Secretary of the Navy shall carry out the nuclear refueling and complex overhaul of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman (CVN–75).

(b) USE OF INCREMENTAL FUNDING.—With respect to any contract entered into under subsection (a) for the nuclear refueling and complex overhauls of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman
(CVN–75), the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 129. REPORT ON CARRIER WING COMPOSITION.

(a) IN GENERAL.—Not later than May 1, 2020, the Secretary of the Navy shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing in 2030 and 2040, including alternative force design concepts.

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

(1) Analysis and justification for the Navy’s stated goal of a 50/50 mix of 4th and 5th generation aircraft for 2030.

(2) Analysis and justification for an optimal mix of carrier aircraft for 2040.
(3) A plan for incorporating unmanned aerial vehicles and associated communication capabilities to effectively implement the future force design.

(c) BRIEFING.—Not later than March 1, 2020, the Secretary of the Navy shall provide the congressional defense committees a briefing on the report required under subsection (a).

Subtitle D—Air Force Programs

SEC. 141. REQUIREMENT TO ALIGN AIR FORCE FIGHTER FORCE STRUCTURE WITH NATIONAL DEFENSE STRATEGY AND REPORTS.

(a) Required Submission of Strategy.—Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a fighter force structure acquisition strategy that is aligned with the results of the reports submitted under subtitle D of title I of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) and the Air Force’s stated requirements to meet the National Defense Strategy.

(b) Alignment With Strategy.—The Secretary of the Air Force may not deviate from the strategy submitted under subsection (a) until—

(1) the Secretary receives a waiver and justification from the Secretary of Defense; and
(2) 30 days after notifying the congressional defense committees of the proposed deviation.

SEC. 142. REQUIREMENT TO ESTABLISH THE USE OF AN AGILE DEVOPS SOFTWARE DEVELOPMENT SOLUTION AS AN ALTERNATIVE FOR JOINT STRIKE FIGHTER AUTONOMIC LOGISTICS INFORMATION SYSTEM.

(a) Establishment of an Alternative Agile DevOps Software Development Program.—The Secretary of Defense shall establish a software development activity using Agile DevOps to create an alternative solution for the Joint Strike Fighter Autonomic Logistics Information System (ALIS).

(b) Competitive Analysis.—The Secretary of Defense shall carry out a competitive analysis of the efforts between Autonomic Logistics Information System, Autonomic Logistics Information System–Next, and Madhatter, including with respect to transition opportunities and timelines.

(c) Briefing.—Not later than September 30, 2020, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall provide the congressional defense committees a briefing on the findings of the Secretary of Defense with respect to the competitive analysis carried out under subsection (b).
SEC. 143. REPORT ON FEASIBILITY OF MULTIYEAR CONTRACT FOR PROCUREMENT OF JASSM–ER MISSILES.

(a) In General.—Not later than March 31, 2020, the Secretary of the Air Force shall submit a report to the congressional defense committees assessing the feasibility of entering into a multiyear contract for procurement of JASSM–ER missiles starting in fiscal year 2022.

(b) Elements.—The report required under subsection (a) shall include the following elements:

(1) An initial assessment of cost savings to the Air Force from a multiyear contract.

(2) An analysis of at least two different multiyear contract options that vary in either duration or quantity, at least one of which assumes a maximum procurement of 550 missiles per year for 5 years.

(3) An assessment of how a multiyear contract will impact the industrial base.

(4) An assessment of how a multiyear contract will impact the Long Range Anti-Ship Missile.

(5) An assessment of how a multiyear contract will impact the ability of the Air Force to develop additional capabilities for the JASSM–ER missile.
SEC. 144. AIR FORCE AGGRESSOR SQUADRON MODERNIZATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is critical that the Air Force has the capability to train against an advanced air adversary in order to be prepared for conflicts against a modern enemy force, and that in order to have this capability, the Air Force must have access to an advanced adversary force prior to United States adversaries fielding a 5th-generation operational capability; and

(2) the Air Force’s plan to use low-rate initial production F–35As as aggressor aircraft reflects a recognition of the need to field a modernized aggressor fleet.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of the Air Force may not transfer any low-rate initial production F–35 aircraft for use as aggressor aircraft until the Chief of Staff of the Air Force submits to the congressional defense committees a comprehensive plan and report on the strategy for modernizing its organic aggressor fleet.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:
(A) Potential locations for F–35A aggressor aircraft, including an analysis of installations that—

(i) have the size and availability of airspace necessary to meet flying operations requirements;

(ii) have sufficient capacity and availability of range space;

(iii) are capable of hosting advanced-threat training exercises; and

(iv) meet or require minimal addition to the environmental requirements associated with the basing action.

(B) An analysis of the potential cost and benefits of expanding aggressor squadrons currently operating 18 Primary Assigned Aircraft (PAA) to a level of 24 PAA each.

(C) An analysis of the cost and timelines associated with modernizing the current Air Force aggressor squadrons to include upgrading aircraft radar, infrared search-and-track systems, radar warning receiver, tactical datalink, threat-representative jamming pods, and other upgrades necessary to provide a realistic advanced adversary threat.
SEC. 145. AIR FORCE PLAN FOR COMBAT RESCUE HELICOPTER FIELDING.

(a) Sense of Congress.—It is the sense of Congress that, given delays to Operational Loss Replacement (OLR) program fielding and the on-time fielding of Combat Rescue Helicopter (CRH), the Air National Guard should retain additional HH–60G helicopters at Air National Guard locations to meet their recommended primary aircraft authorized (PAA) per the Air Force’s June 2018 report on Air National Guard HH–60 requirements.

(b) Report on Fielding Plan.—

(1) In general.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on its fielding plan for the CRH program.

(2) Elements.—The report required under paragraph (1) shall include the following elements:

(A) A description of the differences in capabilities between the HH–60G, OLR, and CRH helicopters.

(B) A description of the costs and risks associated with changing the CRH fielding plan to reduce or eliminate inventory shortfalls.
(C) A description of the measures for accelerating the program available within the current contract.

(D) A description of the operational risks and benefits associated with fielding the CRH to the active component first, including—

(i) how the differing fielding plan may affect deployment schedules;

(ii) what capabilities active-component units deploying with the CRH will have that reserve component units deploying with OLR will not; and

(iii) an analysis of the potential costs and benefits that could result from accelerating CRH fielding to all units through additional funding in the future years defense program.

(c) REPORT ON TRAINING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the plan to sustain training for initial-entry reserve component HH–60G pilots once the active component of the Air Force has received all of its CRH helicopters.
(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Projected reserve component aircrew initial HH–60G/OLR qualification training requirements, by year.

(B) The number of legacy HH–60G/OLR helicopters required to continue providing initial HH–60G qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.

(C) The number of personnel required to continue providing initial HH–60G/OLR qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.

(D) The number of flying hours required per pilot to perform “differences training” at home station for initial entry HH–60 pilots receiving CRH training at Kirtland Air Force Base to become qualified in the HH–60G/OLR at their home station.

(E) The projected effect of using local flying training hours at reserve component units on overall unit training readiness and ability to meet Ready Aircrew Program requirements.
SEC. 146. MILITARY TYPE CERTIFICATION FOR AT–6 AND A–29 LIGHT ATTACK EXPERIMENTATION AIRCRAFT.

The Secretary of the Air Force shall conduct a military type certification for the AT–6 and A–29 light attack experimentation aircraft pursuant to the DoD Directive on Military Type Certificates, 5030.61.

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

SEC. 151. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMUNICATIONS SYSTEMS LACKING CERTAIN RESILIENCY FEATURES.

(a) In General.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used for the procurement of a current or future Department of Defense communication program of record unless the communications equipment—

(1) provides the ability to deny geolocation of a transmission that would allow enemy targeting of the force;

(2) provides the ability to securely communicate classified information in a jamming environment of like-echelon forces; and
(3) utilizes a waveform that is made available in the Department of Defense Waveform Information Repository.

(b) WAIVER.—The Secretary of a military department may waive the requirement under subsection (a) with respect to a communications system upon certifying to the congressional defense committees that the system will not require resiliency due to its expected use.

SEC. 152. F–35 SUSTAINMENT COST.

(a) QUARTERLY REPORT.—The Under Secretary of Defense for Acquisition and Sustainment shall include in the quarterly report required under section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232)—

(1) sustainment cost data related to the F–35 program, including a comparison in itemized format of the cost of legacy aircraft and the cost of the F–35 program, based on a standardized set of criteria; and

(2) a progress report on the extent to which the goals developed pursuant to subsection (b) are being achieved.

(b) COST REDUCTION PLAN.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall develop
a plan for achieving significant reductions in the
cost to operate and maintain the F–35 aircraft.

(2) ELEMENTS.—The plan required under
paragraph (1) shall include the following elements:

(A) Specific changes in the management of
operation and support (O&S) cost to engender
continuous process improvement.

(B) Specific actions the Department will
implement in the near term to reduce O&S cost.

(C) Concrete timelines for implementing
the specific actions and process changes.

(3) REPORT.—Not later than 180 days after
the date of the enactment of this Act, the Under
Secretary shall submit to the congressional defense
committees a report on the baseline plan for achiev-
ing operation and support cost savings.

SEC. 153. ECONOMIC ORDER QUANTITY CONTRACTING AU-
THORITY FOR F–35 JOINT STRIKE FIGHTER

PROGRAM.

The Secretary of Defense is authorized to award
multiyear contracts for the procurement of F–35 aircraft
in economic order quantities for fiscal year 2021 (Lot 15)
through fiscal year 2023 (Lot 17).
SEC. 154. REPEAL OF TACTICAL UNMANNED VEHICLE COMMUNICATIONS LINK REQUIREMENT.


TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.

(a) STRATEGY REQUIRED.—Not later than March 1, 2020, the Chief of Staff of the Air Force and Chief of Naval Operations shall jointly submit to the congressional defense committees a joint development and acquisition strategy to procure a secure, low probability of detection
data link network capability, with the ability to effectively operate in hostile jamming environments while preserving the low observability characteristics of the relevant platforms, including both existing and planned platforms.

(b) **NETWORK CHARACTERISTICS.**—The data link network capability to be procured pursuant to the development and acquisition strategy submitted under subsection (a) shall—

1. ensure that any network made with such capability will be low risk and affordable, with minimal impact or change to existing host platforms and minimal overall integration costs;

2. use a non-proprietary and open systems approach compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy; and

3. provide for an architecture to connect, with operationally relevant throughput and latency—

   A. fifth-generation combat aircraft;

   B. fifth-generation and fourth-generation combat aircraft;

   C. fifth-generation and fourth-generation combat aircraft and appropriate support aircraft and other network nodes for command,
control, communications, intelligence, surveillance, and reconnaissance purposes; and

(D) fifth-generation and fourth-generation combat aircraft and their associated network-enabled precision weapons.

(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for operation and maintenance for the Office of the Secretary of the Air Force and for operations and maintenance for the Office of the Secretary of the Navy, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force and Chief of Naval Operations submit the development and acquisition strategy required by subsection (a).

SEC. 212. ESTABLISHMENT OF SECURE NEXT-GENERATION WIRELESS NETWORK (5G) INFRASTRUCTURE FOR THE NEVADA TEST AND TRAINING RANGE AND BASE INFRASTRUCTURE.

(a) ESTABLISHMENT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish secure fifth-generation wireless network components and capabilities at no fewer than two Department of Defense installations in accordance with this section.
(b) **First Installation.**—

(1) **Location.**—The Secretary shall establish components and capabilities under subsection (a) at the Nevada Test and Training Range, which shall serve as the Department’s Major Range and Test Facility Base (MRTFB) for fifth-generation wireless networking.

(2) **Objective.**—The Secretary shall ensure that the establishment of components and capabilities under subsection (a) at the range described in paragraph (1) of this subsection will allow the Department to explore and demonstrate the utility of using fifth-generation wireless networking technology to enhance combat operations.

(3) **Purpose.**—The purpose of the establishment of components and capabilities under subsection (a) at the range described in paragraph (1) of this subsection is to demonstrate the following:

   (A) The potential military utility of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

   (B) Advanced security technology that is applicable to fifth-generation networks as well as legacy Department command and control networks.
(C) Secure interoperability with fixed and wireless systems (legacy and future systems).

(D) Enhancements such as spectrum and waveform diversity, frequency hopping and spreading, and beam forming for military requirements.

(E) Technology for dynamic network slicing for specific use cases and applications requiring varying levels of latency, scale, and throughput.

(F) Technology for dynamic spectrum sharing and network isolation.

(c) SECOND AND ADDITIONAL INSTALLATIONS.—

(1) LOCATION.—The location of the second and any additional installations for establishment of components and capabilities under subsection (a) shall be at such Department installation or installations as the Secretary considers appropriate for the purpose set forth in paragraph (2) of this subsection.

(2) PURPOSES.—The purpose of the second and any additional installations for establishment of components and capabilities under subsection (a) is to explore and demonstrate infrastructure implementations of the following:
(A) Base infrastructure installation of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

(B) Applications for secure fifth-generation wireless network capabilities for the Department, such as the following:

(i) Interactive augmented reality or synthetic training environments.

(ii) Internet of things devices.

(iii) Autonomous systems.

(iv) Advanced manufacturing through the following:

(I) Department-sponsored centers for manufacturing innovation (as defined in section 34(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(c))).

(II) Department research and development organizations.

(III) Manufacturers in the defense industrial base of the United States.
SEC. 213. LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2 ENDURING CAPABILITY.

(a) LIMITATION AND REPORT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Army may be obligated or expended for research, development, test, and evaluation for the Indirect Fire Protection Capability Increment 2 enduring capability until the Secretary of the Army submits to the congressional defense committees a report on the Indirect Fire Protection Capability Increment 2 program that contains the following:

(1) An assessment of whether the requirements previously established for the program meet the anticipated threat at the time of planned initial operating capability and fully operating capability.

(2) A list of candidate systems considered to meet the Indirect Fire Protection Capability Increment 2 requirement, including those fielded or in development by the Army, the Missile Defense Agency, and other elements of the Department of Defense.

(3) An assessment of each candidate system’s capability against representative threats.

(4) An assessment of other relevant specifications of each candidate system, including cost of de-
velopment, cost per round if applicable, technological maturity, and logistics and sustainment.

(5) A plan for how the Army will integrate the chosen system or systems into the Integrated Air and Missile Defense Battle Command System.

(b) CERTIFICATION REQUIRED.—Not later than 10 days after the date on which the President submits the annual budget request of the President for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Secretary of the Army shall, without delegation, submit to the congressional defense committees a certification that identifies a program of record contained within that budget request that will meet the requirement in Department of Defense Directive 5100.01 to conduct air and missile defense to support joint campaigns as it applies to defense against supersonic cruise missiles.

SEC. 214. ELECTROMAGNETIC SPECTRUM SHARING RESEARCH AND DEVELOPMENT PROGRAM.

(a) Program Establishment.—The Secretary of Defense, in consultation with the Administrator of the National Telecommunications and Information Administration, and the Federal Communications Commission shall jointly establish an electromagnetic spectrum sharing research and development program to promote the establishment of innovative technologies and techniques to facili-
state electromagnetic spectrum sharing between fifth-generation wireless networking technologies, Federal systems, and other non-Federal incumbent systems.

(b) Establishment of Test Beds.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator and the Commission, shall, as part of the program established under subsection (a), establish at least two test beds to demonstrate the potential for cohabitation between fifth-generation wireless networking technologies, other incumbent non-Federal systems, and Federal systems.

(2) Co-location of Test Beds.—The test beds established under paragraph (1) may be co-located, if a single geographic location can provide a sufficient diversity of Federal systems. If not, test beds established under this subsection shall coordinate to share results and best practices identified in each location.

(c) Development of Department of Defense Integrated Spectrum Automation Enterprise Strategy.—

(1) In general.—Not later than May 1, 2020, the Secretary and the Administrator of the National
Telecommunications and Information Administration, in consultation with the Federal Communications Commission, shall jointly propose an integrated spectrum automation enterprise strategy for the Department of Defense to address management of electromagnetic spectrum, including both Federal and non-Federal spectrum that is shared by the Department of Defense or could be used for national security missions in the future, including on a shared basis.

(2) MATTERS ENCOMPASSED.—The strategy developed under subparagraph (A) shall encompass cloud-based databases, artificial intelligence, system certification processes, public facing application programming interfaces and online tools, and electromagnetic spectrum compatibility analyses for sharing of electromagnetic spectrum.

(d) PERIODIC BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 180 days thereafter until the Secretary submits the report required by subsection (e), the Secretary, in consultation with the Administrator and the Commission, shall brief the appropriate committees of Congress on the progress of the test beds established under subsection (b).
(e) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2022, the Secretary, in consultation with the Administrator and the Commission, shall submit to the appropriate committees of Congress a report on the results of the test beds established under subsection (b).

(2) RECOMMENDATIONS.—The report submitted under paragraph (1) shall include recommendations to facilitate sharing frameworks in the bands of electromagnetic spectrum that are the subject of the test beds.

(f) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

SEC. 215. SENSE OF THE SENATE ON THE ADVANCED BATTLE MANAGEMENT SYSTEM.

It is the sense of the Senate that—
(1) the Senate supports the vision of the Air Force for the Advanced Battle Management System (ABMS) as a system of systems that can integrate air, space, and other systems to detect, track, target, and direct effects against threats in all domains;

(2) such a capability will be essential to the ability of the Air Force to operate effectively as part, and in support, of the Joint Force, especially in the highly-contested operating environments established by near-peer competitors;

(3) the Senate is concerned that the Air Force has not moved quickly enough over the past year to begin defining the requirements and maturing the technologies that will be essential for the Advanced Battle Management System, especially in light of the pending retirement of the Joint Surveillance and Target Attack Radar System (JSTARS) aircraft that the Advanced Battle Management System is conceived, in part, to replace;

(4) the Senate understands that the Air Force is moving deliberately to analyze alternative concepts for the Advanced Battle Management System and adopt an architectural approach to its design;

(5) the Advanced Battle Management System, as a multidomain system of systems, must have a
central command and control capability that can integrate these systems into a unified warfighting capability;

(6) emerging technologies, such as artificial intelligence and automated sensor fusion, should be built into the command and control capability for the Advanced Battle Management System from the start;

(7) such technologies would improve the ability of the Advanced Battle Management System to support human operators with—

(A) the rapid processing and fusion of multidomain sensor data;

(B) the highly-automated identification, classification, tracking, and targeting of threats in all domains;

(C) the creation of a real-time common operating picture from multidomain intelligence; and

(8) for an effort as ambitious and complex as the Advanced Battle Management System, the Senate encourages the Air Force to use existing acquisi-
tion authorities to begin a rapid prototyping effort to refine the requirements and software-intensive technologies that will be integral to the command and control capability of the Advanced Battle Management System.

SEC. 216. MODIFICATION OF PROOF OF CONCEPT COMMERCIALIZATION PROGRAM.

(a) MAKING THE PROGRAM PERMANENT.—

(1) IN GENERAL.—Section 1603 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2359 note) is amended by striking subsection (g).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in the section heading, by striking “PILOT”;

(B) in subsection (a)—

(i) by striking “PILOT”; and

(ii) by striking “Pilot”; and

(C) by striking “pilot” each place it appears.

(b) ADDITIONAL IMPROVEMENTS.—Such section, as amended by subsection (a), is further amended—
(1) in the section heading, by inserting “OF DUAL-USE TECHNOLOGY” after “COMMERCIALIZATION”;

(2) in subsection (a)—

(A) by inserting “of Dual-Use Technology” before “Program”; and

(B) by inserting “with a focus on priority defense technology areas that attract public and private sector funding, as well as private sector investment capital, including from venture capital firms in the United States,” before “in accordance”;

(3) in subsection (c)(4)(A)(iv), by inserting “, which may include access to venture capital” after “award”;

(4) by striking subsection (d);

(5) by redesignating subsection (e) as subsection (d);

(6) by striking subsection (f); and

(7) by adding at the end the following new subsection (e):

“(e) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:
“(1) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

“(2) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

“(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

“(4) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

“(5) Section 2521 of such title, relating to the Manufacturing Technology Program.


“(7) Section 1711 of such Act (Public Law 115–91; 10 U.S.C. 2505 note), relating to a pilot program on strengthening manufacturing in the defense industrial base.

“(8) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.”.
SEC. 217. MODIFICATION OF DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “and international” after “interagency”; and

(ii) by striking “private sector” inserting “private-sector and international”; and

(B) in paragraph (6), by inserting “, workforce,” after “including facilities”; 

(2) in subsection (e)—

(A) in paragraph (2), by striking “sciences;” and inserting the following:

“sciences, including through coordination with—

“(A) the National Quantum Coordination Office;

“(B) the National Science and Technology Council Quantum Information Science Subcommittee;

“(C) other Federal agencies;
“(D) other elements and offices of the Department of Defense; and

“(E) appropriate private-sector organizations;”;

(B) in paragraph (3), by striking “and” at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph (4):

“(4) develop, in coordination with appropriate Federal entities, a taxonomy for quantum science activities and requirements for relevant technology and standards; and”; and

(3) in subsection (d)(2)(D), by inserting “a roadmap and” after “including”.

SEC. 218. TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP.

(a) Fellowship Program.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall establish a civilian fellowship program designed to place eligible individuals within the Department of
Defense and Congress to increase the number of national security professionals with science, technology, engineering, and mathematics credentials employed by the Department and Congress.

(2) DESIGNATION.—The fellowship program established under paragraph (1) shall be known as the “Technology and National Security Fellowship” (in this section referred to as the “fellows program”).

(3) ASSIGNMENTS.—Each individual selected for participation in the fellows program shall be assigned to a one year position within—

(A) the Department of Defense; or

(B) a congressional office with emphasis on Armed Forces and national security matters.

(4) PAY AND BENEFITS.—Each individual assigned to a position under paragraph (3)—

(A) shall be compensated at a rate of basic pay that is equivalent to the rate of basic pay payable for a position at level 10 of the General Schedule; and

(B) shall be treated as an employee of the United States during the assignment.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, and subject to subsection (e), an eligible individual is any individual who—
(1) is a citizen of the United States; and

(2) either—

(A) expects to be awarded an undergraduate or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work not later than 180 days after the date on which the individual submits an application for participation in the fellows program; or

(B) possesses an undergraduate or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work that was awarded not earlier than one year before the date on which the individual submits an application for participation in the fellows program.

(c) APPLICATION.—Each individual seeking to participate in the fellows program shall submit to the Secretary an application therefor at such time and in such manner as the Secretary shall specify.

(d) COORDINATION.—In carrying out this section, the Secretary may consider working through the following entities:

(1) The National Security Innovation Network.
(2) Other Department of Defense or public and private sector organizations, as determined appropriate by the Secretary.

(e) MODIFICATIONS TO FELLOWS PROGRAM.—The Secretary may modify the terms and procedures of the fellows program in order to better achieve the goals of the program and to support workforce needs of the Department of Defense.

(f) CONSULTATION.—The Secretary may consult with the heads of the agencies, components, and other elements of the Department of Defense, Members and committees of Congress, and such institutions of higher education and private entities engaged in work on national security and emerging technologies as the Secretary considers appropriate for purposes of the fellows program, including with respect to assignments in the fellows program.

SEC. 219. DIRECT AIR CAPTURE AND BLUE CARBON REMOVAL TECHNOLOGY PROGRAM.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, the Secretary of Energy, and the heads of such other Federal agencies as the Secretary of Defense considers appropriate, shall carry out a program on research, development, testing, evaluation, study,
and demonstration of technologies related to blue
carbon capture and direct air capture.

(2) Program Goals.—The goals of the pro-
gram established under paragraph (1) are as follows:

(A) To develop technologies that capture
carbon dioxide from seawater and the air to
turn such carbon dioxide into clean fuels to en-
hance fuel and energy security.

(B) To develop and demonstrate tech-
ologies that capture carbon dioxide from sea-
water and the air to reuse such carbon dioxide
to create products for military uses.

(C) To develop direct air capture tech-
nologies for use—

(i) at military installations or facilities

of the Department of Defense; or

(ii) in modes of transportation by the

Navy or the Coast Guard.

(3) Phases.—The program established under
paragraph (1) shall be carried out in two phases as
follows:

(A) The first phase shall consist of re-
search and development and shall be carried out
as described in subsection (b).
(B) The second phase shall consist of testing and evaluation and shall be carried out as described in subsection (c), if the Secretary determines that the results of the research and development phase justify implementing the testing and evaluation phase.

(4) DESIGNATION.—The program established under paragraph (1) shall be known as the “Direct Air Capture and Blue Carbon Removal Technology Program” (in this section referred to as the “Program”).

(b) RESEARCH AND DEVELOPMENT PHASE.—

(1) IN GENERAL.—During the research and development phase of the Program, the Secretary of Defense shall conduct research and development in pursuit of the goals set forth in subsection (a)(2).

(2) DIRECT AIR CAPTURE.—The research and development phase of the Program may include, with respect to direct air capture, a front end engineering and design study that includes an evaluation of direct air capture designs to produce fuel for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.
(3) **Duration.**—The Secretary shall carry out the research and development phase of the Program during a four-year period commencing not later than 90 days after the date of the enactment of this Act.

(4) **Grants Authorized.**—The Secretary may carry out the research and development phase of the Program through the award of grants to private persons and eligible laboratories.

(5) **Report Required.**—Not later than 180 days after the date of the completion of the research and development phase of the Program, the Secretary shall submit to Congress a report on the research and development carried out under the Program.

(6) **Funding for Fiscal Year 2020.**—(A) The amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation is hereby increased by $8,000,000, with the amount of the increase to be available for the research and development phase of the Program.

(B) The amount authorized to be appropriated for fiscal year 2020 by section 301 for operation and maintenance is hereby decreased by $8,000,000, with the amount of the decrease to be taken from amounts available for printing.
(7) Authorization of Appropriations for Future Fiscal Years.—There is authorized to be appropriated to carry out the research and development phase of the Program $10,000,000 for each of fiscal years 2021 through 2023.

(c) Testing and Evaluation Phase.—

(1) In general.—During the testing and evaluation phase of the Program, the Secretary shall, in pursuit of the goals set forth in subsection (a)(2), conduct tests and evaluations of the technologies researched and developed during the research and development phase of the Program.

(2) Direct Air Capture.—The testing and evaluation phase of the Program may include demonstration projects for direct air capture to produce fuels for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.

(3) Duration.—The Secretary shall carry out the testing and evaluation phase of the Program during the three-year period commencing on the date of the completion of the research and development phase described in subsection (b), except that
the testing and evaluation phase of the Program
with respect to direct air capture may commence at
such time after a front end engineering and design
study demonstrates to the Secretary that commence-
ment of such phase is appropriate.

(4) GRANTS AUTHORIZED.—The Secretary may
carry out the testing and evaluation phase of the
Program through the award of grants to private per-
sons and eligible laboratories.

(5) LOCATIONS.—The Secretary shall carry out
the testing and evaluation phase of the Program at
military installations or facilities of the Department
of Defense.

(6) REPORT REQUIRED.—Not later than Sep-
tember 30, 2026, the Secretary shall submit to Con-
gress a report on the findings of the Secretary with
respect to the effectiveness of the technologies tested
and evaluated under the Program.

(7) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out
the testing and evaluation phase of the Program
$15,000,000 for each of fiscal years 2024 through
2026.

(d) DEFINITIONS.—In this section:
(1) The term “blue carbon capture” means the removal of dissolved carbon dioxide from seawater through engineered or inorganic processes, including filters, membranes, or phase change systems.

(2)(A) The term “direct air capture”, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

(B) The term “direct air capture” does not include any facility, technology, or system that captures carbon dioxide—

(i) that is deliberately released from a naturally occurring subsurface spring; or

(ii) using natural photosynthesis.

(3) The term “eligible laboratory” means—

(A) a National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a laboratory of the Department of Defense.
Subtitle C—Reports and Other Matters

SEC. 231. NATIONAL SECURITY EMERGING BIOTECHNOLOGIES RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a research and development program on applications of emerging biotechnologies for the national security purposes set forth in subsection (b).

(b) NATIONAL SECURITY PURPOSES.—The national security purposes set forth in this subsection are as follows:

(1) To ensure military understanding and relevancy of applications of emerging biotechnologies in meeting national security requirements.

(2) To coordinate all research and development relating to emerging biotechnologies within the Department of Defense and to provide for interagency cooperation and collaboration on research and development relating to emerging biotechnologies between the Department and other departments and agencies of the United States and appropriate private sector entities that are involved in research and development relating to emerging biotechnologies.
(3) To develop and manage a portfolio of fundamental and applied emerging biotechnologies research initiatives that is stable, consistent, and balanced across scientific disciplines.

(4) To collect, synthesize, and disseminate critical information on research and development relating to emerging biotechnologies within the national security establishment.

(5) To establish and support appropriate research, innovation, and the industrial base, including facilities and infrastructure, to support the needs of Department missions and scientific workforce relating to emerging biotechnologies.

(6) To develop a technical basis to inform the intelligence community on the analysis needs of the Department with respect to emerging biotechnologies.

(c) ADMINISTRATION.—In carrying out the program required by subsection (a), the Secretary shall act through the Under Secretary of Defense for Research and Engineering, who shall supervise the planning, management, and coordination of the program. The Under Secretary, in consultation with the Secretaries of the military departments and the heads of participating Defense Agencies
and other departments and agencies of the United States, shall—

(1) prescribe a set of long-term challenges and a set of broad technical goals for the program;

(2) develop a coordinated and integrated research and investment plan for meeting near-, mid-, and long-term challenges for achieving broad technical goals that build upon the Department’s investment in emerging biotechnologies research and development, commercial sector and global investments, and other United States Government investments in emerging biotechnologies fields;

(3) not later than 180 days after the date of the enactment of this Act, develop and continuously update guidance, including classification guidance for defense-related emerging biotechnologies activities, and policies for restricting access to research to minimize the effects of loss of intellectual property in basic and applied emerging biotechnologies and information considered sensitive to the leadership of the United States in the field of emerging biotechnologies; and

(4) develop memoranda of agreement, joint funding agreements, and other cooperative arrange-
ments necessary for meeting long-term challenges
and achieving specific technical goals.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall submit to the congres-
sional defense committees a report on the program
carried out under subsection (a).

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

(A) An assessment of the potential na-
tional security risks of emerging biotechnologies.

(B) An assessment of the efforts of foreign
powers to use emerging biotechnologies for mili-
tary applications and other purposes.

(C) A description of the knowledge-base of
the Department with respect to emerging bio-
technologies, plans to defend against potential
national security threats posed by emerging bio-
technologies, and any plans of the Secretary to
enhance such knowledge-base.

(D) A plan that describes how the Sec-
retary intends to use emerging biotechnologies
for military applications and to meet other
needs of the Department.
(E) A description of activities undertaken consistent with this section, including funding for activities consistent with the section.

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

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITION OF EMERGING BIOTECHNOLOGIES.—In this section, the term “emerging biotechnologies” includes the following:

(1) Engineered biology, which is the application of engineering design principles and practices to biological, genetic, molecular, and cellular systems to enable novel functions and capabilities.

(2) Neurotechnology, which refers to central and peripheral nervous system interfaces that leverage structural, computational, and mathematical modeling to develop devices that decode neural activity (identify how it corresponds to a particular behavior or cognitive state, such as sensorimotor function, memory, or neuropsychiatric function) and use this information to deliver targeted interventions or therapies to facilitate performance.
(3) Performance enhancement, namely technologies that augment human physiology at the cellular, molecular, and physiological levels giving the end user novel or enhanced physical and psychological capabilities.

(4) Gene editing, including tools that facilitate deoxyribonucleic acid (DNA) sequence deletion, replacement, or insertion into cellular or organismal genetic material, thereby modulating genetic function for applications that include treating and preventing disease, and improving function of biological systems.

(5) Biomolecular sequencing and synthesis, namely the processes by which biomolecular components (such as deoxyribonucleic acid and ribonucleic acid) can be measured (sequencing) or generated (synthesis) for uses in engineering biology, biomanufacturing, and other medical and nonmedical applications.

SEC. 232. CYBER SCIENCE AND TECHNOLOGY ACTIVITIES
ROADMAP AND REPORTS.

(a) Roadmap for Science and Technology Activities to Support Development of Cyber Capabilities.—
(1) **ROADMAP REQUIRED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a roadmap for science and technology activities of the Department of Defense to support development of cyber capabilities to meet Department needs and missions.

(2) **GOAL OF CONSISTENCY.**—The Secretary shall develop the roadmap required by paragraph (1) to ensure consistency with appropriate Federal inter-agency, industry, and academic activities.

(3) **SCOPE.**—The roadmap required by paragraph (1) shall—

(A) cover the development of capabilities that will likely see operational use within the next 25 years or earlier; and

(B) address cyber operations and cybersecurity.

(4) **CONSULTATION.**—The Secretary shall develop the roadmap required by paragraph (1) in consultation with the following:

(A) The Chief Information Officer of the Department.

(B) The secretaries and chiefs of the military departments.
(C) The Director of Operational Test and Evaluation.

(D) The Commander of the United States Cyber Command.

(E) The Director of the National Security Agency.

(F) The Director of the Defense Information Systems Agency.

(G) The Director of the Defense Advanced Research Projects Agency.

(H) The Director of the Defense Digital Service.

(5) FORM.—The Secretary shall develop the roadmap required by paragraph (1) in unclassified form, but may include a classified annex.

(6) PUBLICATION.—The Secretary shall make available to the public the unclassified form of the roadmap developed pursuant to paragraph (1).

(b) ANNUAL REPORT ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES.—

(1) ANNUAL REPORTS REQUIRED.—In fiscal years 2021, 2022, and 2023, the Under Secretary of Defense for Research and Engineering submit to the Congressional Defense Committees a report on the science and technology activities within the Depart-
ment of Defense relating to cyber matters during the
previous fiscal year, the current fiscal year, and the
following fiscal year.

(2) CONTENTS.—Each report submitted pursu-
ant to paragraph (1) shall include, for the period
covered by the report, a description and listing of
the science and technology activities of the Depart-
ment relating to cyber matters, including the fol-
lowing:

(A) Extramural science and technology ac-
tivities.

(B) Intramural science and technology ac-
tivities.

(C) Major and minor military construction
activities.

(D) Major prototyping and demonstration
programs.

(E) A list of agreements and activities
transition capabilities to acquisition activities,
including—

(i) national security systems;

(ii) business systems; and

(iii) enterprise and network systems.

(F) Efforts to enhance the national tech-
nical cybersecurity workforce, including specific
programs to support education, training, internships, and hiring.

(G) Efforts to perform cooperative activities with international partners.

(H) Efforts under the Small Business Innovation Research and the Small Business Technology Transfer Program, including estimated amounts in the request for the following fiscal year.

(I) Efforts to encourage partnerships between the Department of Defense and universities participating in the National Centers of Academic Excellence in Cyber Operations and Cyber Defense.

(3) TIMING.—Each report submitted pursuant to paragraph (1) shall be submitted concurrently with the annual budget request of the President submitted pursuant to section 1105 of title 31, United States Code.

(4) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
SEC. 233. REQUIRING CERTAIN MICROELECTRONICS PRODUCTS AND SERVICES MEET TRUSTED SUPPLY CHAIN AND OPERATIONAL SECURITY STANDARDS.

(a) PURCHASES.—

(1) IN GENERAL.—To protect the United States from intellectual property theft and to ensure national security and public safety in the application of new generations of wireless network technology and microelectronics, beginning on January 1, 2022, the Secretary of Defense shall—

(A) ensure that each critical microelectronics product and service that the Department of Defense purchases on or after such date meets the trusted supply chain and operational security standards established pursuant to subsection (b), except in a case in which the Department seeks to purchase a critical microelectronics product or service, but—

(i) no such product or service is available for purchase that meets such standards; or

(ii) no such product or service is available for purchase that—

(I) meets such standards; and
(II) is available at a price that
the Secretary does not consider pro-
hibitively expensive; and

(B) to the maximum extent practicable, en-
sure that each microelectronics product and
service, other than a critical microelectronics
product and service, that is purchased by the
Department of Defense on or after such date
meets the trusted supply chain and operational
security standards established pursuant to sub-
section (b).

(2) CRITICAL MICROELECTRONICS PRODUCTS
AND SERVICES.—For purposes of this section, a crit-
ical microelectronics product or service is a micro-
electronics product, or a service based on such a
product, that is designated by the Secretary as crit-
ical to meeting national security needs.

(b) TRUSTED SUPPLY CHAIN AND OPERATIONAL SE-
CURITY STANDARDS.—

(1) STANDARDS REQUIRED.—Not later than
January 1, 2021, the Secretary shall establish trust-
ed supply chain and operational security standards
for the purchase of microelectronics products and
services by the Department.
(2) Consultation Required.—In developing standards under paragraph (1), the Secretary shall consult with the following:

(A) The Secretary of Homeland Security, the Secretary of State, the Secretary of Commerce, and the Director of the National Institute of Standards and Technology.

(B) Suppliers of microelectronics products and services from the United States and allies and partners of the United States.

(C) Representatives of major United States industry sectors that rely on a trusted supply chain and the operational security of microelectronics products and services.

(D) Representatives of the United States insurance industry.

(3) Tiers of Trust and Security Authorized.—In carrying out paragraph (1), the Secretary may establish tiers of trust and security within the supply chain and operational security standards for microelectronics products and services.

(4) General Applicability.—The standards established pursuant to paragraph (1) shall be, to the greatest extent practicable, generally applicable to the trusted supply chain and operational security
needs and use cases of the United States Government and commercial industry, such that the standards could be widely adopted by government and commercial industry.

(5) **Annual Review.**—Not later than October 1 of each year, the Secretary shall review the standards established pursuant to paragraph (1) and issue updates or modifications as the Secretary considers necessary or appropriate.

(c) **Ensuring Ability to Sell Commercially.**—

(1) **In General.**—The Secretary shall, to the greatest extent practicable, ensure that suppliers of microelectronics products for the Federal Government who meet the standards established under subsection (b) are able and incentivized to sell products commercially that are produced on the same production lines as the microelectronics products supplied to the Federal Government.

(2) **Effect of Requirements and Acquisitions.**—The Secretary shall, to the greatest extent practicable, ensure that the requirements of the Department and the acquisition by the Department of microelectronics enable the success of a dual-use microelectronics industry.
(d) MAINTAINING COMPETITION AND INNOVATION.—

The Secretary shall take such actions as the Secretary considers necessary and appropriate, within the Secretary’s authorized activities to maintain the health of the defense industrial base, to ensure that—

(1) providers of microelectronics products and services that meet the standards established under subsection (b) are exposed to competitive market pressures to achieve competitive pricing and sustained innovation; and

(2) the industrial base of microelectronics products and services that meet the standards established under subsection (b) includes providers producing in or belonging to countries that are allies or partners of the United States.

SEC. 234. TECHNICAL CORRECTION TO GLOBAL RESEARCH WATCH PROGRAM.

Section 2365 of title 10, United States Code, is amended—

(1) in subsections (a) and (d)(2), by striking “Assistant Secretary of Defense for Research and Engineering” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”;
(2) in subsections (d)(3) and (e), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”; and

(3) in subsection (d), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary”.

SEC. 235. ADDITIONAL TECHNOLOGY AREAS FOR EXPEDITED ACCESS TO TECHNICAL TALENT.

Section 217(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

(1) by redesignating paragraph (27) as paragraph (29); and

(2) by inserting after paragraph (26) the following new paragraph (27):

“(27) Rapid prototyping.
“(28) Infrastructure resilience.”.

SEC. 236. SENSE OF THE SENATE AND PERIODIC BRIEFINGS ON THE SECURITY AND AVAILABILITY OF FIFTH-GENERATION (5G) WIRELESS NETWORK TECHNOLOGY AND PRODUCTION.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) use of fifth-generation (5G) wireless networks and associated technology will be a foundation for future warfighting applications for the Department of Defense;

(2) the commercial implementation of fifth-generation wireless networks will provide the high speed and capacity necessary for the Internet of Things, advanced manufacturing, autonomous machines, the application of artificial intelligence, and smart cities, and it is critical that the Department of Defense utilize these new capabilities;

(3) protecting the innovation and technology that enables these revolutionary developments is essential for security of the Department of Defense mission, and will require improved security of the microelectronics supply chain and of the design and operation of networks based on fifth-generation wireless network technology;

(4) securing fifth-generation wireless networks and associated technology is required due to the increased effects of military processes that will be enabled on fifth-generation wireless networks;

(5) the Department of Defense can no longer rely on fabricationless business models in which microelectronics manufacturing is located in coun-
tries with vulnerable supply chains or adversarial nations known for predatory industrial espionage and posing a military threat to the United States or on small-scale manufacturing of trusted microelectronics in dedicated facilities;

(6) the Department of Defense should leverage its large procurement budget, sophisticated understanding of the threats to microelectronics supply chains, as well as experience establishing requirements for the secure production of microelectronics and working with trusted foundries to create a secure, competitive, and innovative manufacturing base in cooperation with industry; and

(7) the Secretary of Defense should act expeditiously to achieve the goals enumerated in this subsection using resources and authorities available to the Department, while encouraging interagency planning for a whole-of-government strategy.

(b) Periodic Briefings.—

(1) In general.—Not later than March 15, 2020, and not less frequently than once every three months thereafter until March 15, 2022, the Secretary of Defense shall brief the congressional defense committees on how the Department of Defense—
(A) is using secure fifth-generation wireless network technology;

(B) is reshaping the Department’s policy for producing and procuring secure microelectronics; and

(C) working in the interagency and internationally to develop common policies and approaches.

(2) ELEMENTS.—Each briefing under paragraph (1) shall contain information on—

(A) efforts to ensure a secure supply chain for fifth-generation wireless network equipment and microelectronics;

(B) the continued availability of electromagnetic spectrum for warfighting needs;

(C) planned implementation of fifth-generation wireless network infrastructure in warfighting networks, base infrastructure, defense-related manufacturing, and logistics;

(D) steps taken to work with allied and partner countries to protect critical networks and supply chains; and

(E) such other topics as the Secretary considers relevant.
SEC. 237. TRANSFER OF COMBATING TERRORISM TECHNICAL SUPPORT OFFICE.

(a) Transfer Required.—Not later than March 1, 2020, the Secretary of Defense shall transfer responsibilities for the authority, direction, and control of the Combating Terrorism Technical Support Office from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the Under Secretary of Defense for Research and Engineering.

(b) Report Required.—

(1) In general.—Not later than the date that is 30 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such transfer.

(2) Contents.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the relevance of the roles, responsibilities, and objectives of the Combating Terrorism Technical Support Office to supporting implementation of the National Defense Strategy and recommendations, if any, for changes to the roles, responsibilities, and objectives of the Combating Terrorism Technical Support Office for the purpose of sup-
porting implementation of the National Defense Strategy.

(B) An articulation of any anticipated efficiencies resulting from the transfer of responsibilities as described in subsection (a).

(C) Such other matters as the Secretary considers relevant.

SEC. 238. BRIEFING ON COOPERATIVE DEFENSE TECHNOLOGY PROGRAMS AND RISKS OF TECHNOLOGY TRANSFER TO CHINA OR RUSSIA.

(a) BRIEFING REQUIRED.—Not later than March 1, 2020, the Secretary of Defense, in consultation with the Director of National Intelligence, shall provide the congressional defense committees a briefing, and documents as appropriate, on current cooperative defense technology programs of the Department of Defense with any country the Secretary assesses to be engaged in significant defense or other advanced technology cooperation with the People’s Republic of China or the Russian Federation.

(b) MATTERS TO BE ADDRESSED.—The briefing required by subsection (a) shall address the following matters:

(1) Whether any current cooperative defense technology programs of the Department of Defense
increase the risk of technology transfer to the People’s Republic of China or the Russian Federation.

(2) What actions the Department of Defense has taken to mitigate the risk of technology transfer to the People’s Republic of China or the Russian Federation with respect to current cooperative defense technology programs.

(3) Such recommendations as the Secretary may have for legislative or administrative action to prevent technology transfer to the People’s Republic of China or the Russian Federation with respect to cooperative defense technology programs, especially as it relates to capabilities the Secretary assesses to be critical to maintain or restore the comparative military advantage of the United States.

(e) NOTIFICATION REQUIRED.—The Secretary shall provide the congressional committees a written notification not later than 15 days after any decision to suspend or terminate a cooperative defense technology program due to the risk or occurrence of technology transfer to the People’s Republic of China or the Russian Federation.

SEC. 239. MODIFICATION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(a) of title 10, United States Code, is amended by striking “Assistant Secretary of Defense for
115
1 Research and Engineering” and inserting “Under Sec-
2 retary of Defense for Research and Engineering, the
3 Under Secretary of Defense for Acquisition and
4 Sustainment,”.
5 SEC. 240. USE OF FUNDS FOR STRATEGIC ENVIRONMENTAL
6 RESEARCH PROGRAM, ENVIRONMENTAL SE-
7 CURITY TECHNICAL CERTIFICATION PRO-
8 GRAM, AND OPERATIONAL ENERGY CAPA-
9 BILITY IMPROVEMENT.
10 Of the funds authorized to be appropriated for fiscal
11 year 2020 for the use of the Department of Defense for
12 research, development, test, and evaluation, as specified
13 in the funding table in section 4201 for the Strategic En-
14 vironmental Research Program, Operational Energy Ca-
15 pability Improvement, and the Environmental Security
16 Technical Certification Program, the Secretary of Defense
17 shall expend amounts as follows:
18 (1) Not less than $10,000,000 on the develop-
19 ment and demonstration of long duration on-site en-
20 ergy battery storage for distributed energy assets.
21 (2) Not less than $10,000,000 on the develop-
22 ment, demonstration, and validation of non-fluorine
23 based firefighting foams.
24 (3) Not less than $10,000,000 on the develop-
25 ment, demonstration, and validation of secure
microgrids for both installations and forward operating bases.

(4) Not less than $5,000,000 on the development, demonstration, and validation of technologies that can harvest potable water from air.

SEC. 241. FUNDING FOR THE SEA-LAUNCHED CRUISE MISSILE–NUCLEAR ANALYSIS OF ALTERNATIVES.

(a) Availability of Funding.—Of the amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation, at least $5,000,000 shall be available for the analysis of alternatives for the Sea-Launched Cruise Missile–Nuclear.

(b) Program of Record.—The Secretary of Defense shall make the Sea-Launched Cruise Missile–Nuclear a program of record.

SEC. 242. REVIEW AND ASSESSMENT PERTAINING TO TRANSITION OF DEPARTMENT OF DEFENSE-ORIGINATED DUAL-USE TECHNOLOGY.

(a) In General.—The Under Secretary of Defense for Research and Engineering shall—

(1) conduct a review of the Department of Defense science and technology enterprise’s intellectual property and strategy for awarding exclusive commercial rights to industry partners; and
(2) assess whether its practices are encouraging or constraining technology diffusion where desirable.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include consideration of the following:

(1) The retention or relinquishment by the Department of intellectual property rights and the effect thereof.

(2) The granting by the Department of exclusive commercial rights and the effect thereof.

(3) The potential of research prizes, vice payment and exclusive commercial rights, on contract as remuneration for science and technology activities.

(4) The potential of science and technology programs with intellectual property strategies that do not include commercialization monopolies.

(5) The potential of establishing price ceilings for licenses and commercial sale mandates to discourage selective commercial hoarding.

(6) The activities of the Department in effect on the day before the date of the enactment of this Act to promulgate to approved users in the commercial sector the intellectual property that the Department retains and their potential applications.
(7) Such other major factors as may inhibit the diffusion of Department-funded technology in the commercial sector where desirable.

(c) UNIVERSITY PARTNERSHIP.—In carrying out subsection (a), the Under Secretary shall partner with a business school or law school of a university with resident economics and intellectual property expertise.

(d) REPORT.—

(1) IN GENERAL.—Not later than May 1, 2020, the Under Secretary shall submit to the congressional defense committees a report on the findings of the Under Secretary with respect to the review and assessment required by subsection (a).

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include such recommendations as the Under Secretary may have for legislative or administrative action to improve the diffusion of the intellectual property and technology of the science and technology enterprise of the Department.
TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 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. USE OF OPERATIONAL ENERGY COST SAVINGS OF DEPARTMENT OF DEFENSE.

Section 2912 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (b) or (c), as the case may be,”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “The Secretary of Defense” and inserting “Except as provided in subsection (c) with respect to operational energy cost savings, the Secretary of Defense”;
(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection (c):

“(c) USE OF OPERATIONAL ENERGY COST SAVINGS.—The amount that remains available for obligation under subsection (a) that relates to operational energy cost savings realized by the Department shall be used for the implementation of additional operational energy resilience, efficiencies, mission assurance, energy conservation, or energy security within the department, agency, or instrumentality that realized that savings.”.

SEC. 312. USE OF PROCEEDS FROM SALES OF ELECTRICAL ENERGY GENERATED FROM GEOTHERMAL RESOURCES.

Section 2916(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (3), proceeds” and inserting “Proceeds”; and

(2) by striking paragraph (3).
(a) Modification of Annual Energy Management and Resilience Report.—Section 2925(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND READINESS” after “MISSION ASSURANCE”;

(2) in the matter preceding paragraph (1), by inserting “The Secretary shall ensure that mission operators of critical facilities provide to personnel of military installations any information necessary for the completion of such report.” after “by the Secretary.”;

(3) in paragraph (4), in the matter preceding subparagraph (A), by striking “megawatts” and inserting “electric and thermal loads”; and

(4) in paragraph (5), by striking “megawatts” and inserting “electric and thermal loads”.

(b) Funding for Energy Program Offices.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the congressional defense committees a report stating whether the program offices specified in paragraph (2) are funded—
(A) at proper levels to ensure that the energy resilience requirements of the Department of Defense are met; and

(B) at levels that are not less than in any previous fiscal year.

(2) PROGRAM OFFICES SPECIFIED.—The program offices specified in this paragraph are the following:

(A) The Power Reliability Enhancement Program of the Army.

(B) The Office of Energy Initiatives of the Army.

(C) The Office of Energy Assurance of the Air Force.

(D) The Resilient Energy Program Office of the Navy.

(3) FUNDING PLAN.—

(A) IN GENERAL.—The Secretaries of the military departments shall include in the report submitted under paragraph (1) a funding plan for the next five fiscal years beginning after the date of the enactment of this Act to ensure that funding levels are, at a minimum, maintained during that period.
(B) ELEMENTS.—The funding plan under subparagraph (A) shall include, for each fiscal year covered by the plan, an identification of the amounts to be used for the accomplishment of energy resilience goals and objectives.

(c) ESTABLISHMENT OF TARGETS FOR WATER USE.—The Secretary of Defense shall, where life-cycle cost-effective, improve water use efficiency and management by the Department of Defense, including storm water management, by—

(1) installing water meters and collecting and using water balance data of buildings and facilities to improve water conservation and management;

(2) reducing industrial, landscaping, and agricultural water consumption in gallons by two percent annually through fiscal year 2030 relative to a baseline of such consumption by the Department in fiscal year 2010; and

(3) installing appropriate sustainable infrastructure features on installations of the Department to help with storm water and wastewater management.
SEC. 314. NATIVE AMERICAN INDIAN LANDS ENVIRONMENTAL MITIGATION PROGRAM.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2712. Native American lands environmental mitigation program

“(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to mitigate the environmental effects of actions by the Department of Defense on Indian lands and culturally connected locations.

“(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

“(1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.

“(2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.

“(3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.
“(4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.

“(5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.

“(6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

“(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection (a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

“(3) A cooperative agreement under this section for the procurement of severable services may begin in one
fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Indian land’ includes—

“(A) any land located within the boundaries and a part of an Indian reservation, pueblo, or rancheria;

“(B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;

“(C) Alaska Native village and regional corporation lands; and

“(D) lands and waters upon which any Federally recognized Indian tribe has rights reserved by treaty, act of Congress, or action by the President.

“(2) The term ‘Indian tribe’ has the meaning given such term in section 2701(d)(4)(A) of this title.

“(3) The term ‘culturally connected location’ means a location or place that has demonstrable significance to Indians or Alaska Natives based on its association with the traditional beliefs, customs, and practices of a living community, including locations or places where religious, ceremonial, subsistence,
medicinal, economic, or other lifeways practices have historically taken place.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 160 of such title is amended by inserting after the item relating to section 2711 the following new item:

“2712. Native American lands environmental mitigation program.”.

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) Transfer Amount.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Administrator of the Environmental Protection Agency—

(1) in fiscal year 2020, not more than $890,790; and

(2) in each of fiscal years 2021 through 2026, not more than $150,000.

(b) Purpose of Reimbursement.—The amount authorized to be transferred under subsection (a) is to reimburse the Environmental Protection Agency for costs the Agency has incurred and will incur relating to the response actions performed at the Twin Cities Army Ammunition Plant, Minnesota, through September 30, 2025.
(c) INTERAGENCY AGREEMENT.—The reimbursement described in subsection (b) is intended to satisfy certain terms of the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987 and that provided for the recovery of expenses by the Agency from the Department of the Army.

SEC. 316. PROHIBITION ON USE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES FOR LAND-BASED APPLICATIONS OF FIREFIGHTING FOAM.

(a) LIMITATION.—After October 1, 2022, no funds of the Department of Defense may be obligated or expended to procure firefighting foam that contains in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances.

(b) PROHIBITION ON USE AND DISPOSAL OF EXISTING STOCKS.—Not later than October 1, 2023, the Secretary of Defense shall—

(1) cease the use of firefighting foam containing in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances; and
(2) dispose of all existing stocks of such fire-
fighting foam in accordance with the Solid Waste
Disposal Act (42 U.S.C. 6901 et seq.).

(c) EXEMPTION FOR SHIPBOARD USE.—Subsections
(a) and (b) shall not apply to firefighting foam for use
solely onboard ocean-going vessels.

(d) DEFINITIONS.—In this section:

(1) PERFLUOROALKYL SUBSTANCES.—The
term “perfluoroalkyl substances” means aliphatic
substances for which all of the H atoms attached to
C atoms in the nonfluorinated substance from which
they are notionally derived have been replaced by F
atoms, except those H atoms whose substitution
would modify the nature of any functional groups
present.

(2) POLYFLUOROALKYL SUBSTANCES.—The
term “polyfluoroalkyl substances” means aliphatic
substances for which all H atoms attached to at
least one (but not all) C atoms have been replaced
by F atoms, in such a manner that they contain the
perfluoroalkyl moiety $C_nF_{2n+1}$ (for example,
$C_8F_{17}CH_2CH_2OH$).
SEC. 317. TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.


SEC. 318. COOPERATIVE AGREEMENTS WITH STATES TO ADDRESS CONTAMINATION BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Upon request from the Governor or chief executive of a State, the Secretary of Defense shall work expeditiously, pursuant to section 2701(d) of title 10, United States Code, to finalize a cooperative agreement, or amend an existing cooperative agreement to address testing, monitoring, removal, and remedial actions relating to the contamination or suspected contamination of drinking, sur-
face, or ground water from PFAS originating from activities of the Department of Defense by providing the mechanism and funding for the expedited review and approval of documents of the Department related to PFAS investigations and remedial actions from an active or decommissioned military installation, including a facility of the National Guard.

(2) **MINIMUM STANDARDS.**—A cooperative agreement finalized or amended under paragraph (1) shall meet or exceed the most stringent of the following standards for PFAS in any environmental media:

(A) An enforceable State standard, in effect in that State, for drinking, surface, or ground water, as described in section 121(d)(2)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).

(B) An enforceable Federal standard for drinking, surface, or ground water, as described in section 121(d)(2)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(i)).
(b) REPORT.—Beginning on February 1, 2020, if a cooperative agreement is not finalized or amended under subsection (a) within one year after the request from the Governor or chief executive under that subsection, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees and Members of Congress a report—

(1) explaining why the agreement has not been finalized or amended, as the case may be; and

(2) setting forth a projected timeline for finalizing or amending the agreement.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES AND MEMBERS OF CONGRESS.—The term “appropriate committees and Members of Congress” means—

(A) the congressional defense committees;

(B) the Senators who represent a State impacted by PFAS contamination described in subsection (a)(1); and

(C) the Members of the House of Representatives who represent a district impacted by such contamination.

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a car-
bon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PFAS.—The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom.

(4) STATE.—The term “State” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 319. MODIFICATION OF DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION AUTHORITIES TO INCLUDE FEDERAL GOVERNMENT FACILITIES USED BY NATIONAL GUARD.

(a) Definition of Facility.—Section 2700(2) of title 10, United States Code, is amended—

(1) by striking “The terms” and inserting “(A) The terms”; and

(2) by adding at the end the following new sub-paragraph:

“(B) The term ‘facility’ includes real property that is owned by, leased to, or otherwise possessed by the United States at locations at which military activities are conducted under this title or title 32 (including real property owned or leased by the Fed-
eral Government that is licensed to and operated by a State for training for the National Guard).”.

(b) INCLUSION OF POLLUTANTS AND CONTAMINANTS IN ENVIRONMENTAL RESPONSE ACTIONS.—Section 2701(c) of such title is amended by inserting “or pollutants or contaminants” after “hazardous substances” each place it appears.

(c) ESTABLISHMENT OF ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703(a) of such title is amended by adding at the end the following new paragraphs:

“(6) An account to be known as the ‘Environmental Restoration Account, Army National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Army National Guard).

“(7) An account to be known as the ‘Environmental Restoration Account, Air National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Air National Guard).”.

SEC. 320. BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER.

(a) IN GENERAL.—The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code—
(1) a dedicated budget line item for adaptation to, and mitigation of, effects of extreme weather on military networks, systems, installations, facilities, and other assets and capabilities of the Department of Defense; and

(2) an estimate of the anticipated adverse impacts to the readiness of the Department and the financial costs to the Department during the year covered by the budget of the loss of, or damage to, military networks, systems, installations, facilities, and other assets and capabilities of the Department, including loss of or obstructed access to training ranges, as a result extreme weather events.

(b) Disaggregation of Impacts and Costs.—The estimate under subsection (a)(2) shall set forth the adverse readiness impacts and financial costs under that subsection by military department, Defense Agency, and other component or element of the Department.

(c) Extreme Weather Defined.—In this section, the term “extreme weather” means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.
SEC. 321. PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR INCREASED COMBAT CAPABILITY THROUGH ENERGY OPTIMIZATION.

(a) In General.—Notwithstanding section 2208 of title 10, United States Code, the Secretary of Defense and the military departments may use a working capital fund established pursuant to that section for expenses directly related to conducting a pilot program for energy optimization initiatives described in subsection (b).

(b) Energy Optimization Initiatives.—Energy optimization initiatives covered by the pilot program include the research, development, procurement, installation, and sustainment of technologies or weapons system platforms, and the manpower required to do so, that would improve the efficiency and maintainability, extend the useful life, lower maintenance costs, or provide performance enhancement of the weapon system platform or major end item.

(c) Limitation on Certain Projects.—Funds may not be used pursuant to subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or

(2) any single component with an estimated total cost in excess of $10,000,000.
(d) Limitation in Fiscal Year Pending Timely Report.—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (2) of that subsection, funds may not be used pursuant to subsection (a) during the period—

(1) beginning on the date specified in such paragraph (2); and

(2) ending on the date of the submittal of the report.

(e) Annual Report.—

(1) In General.—The Secretary of Defense shall submit an annual report to the congressional defense committees on the use of the authority under subsection (a) during the preceding fiscal year.

(2) Deadline for Submittal.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(3) Recommendation.—In the case of the report required to be submitted under paragraph (1) during fiscal year 2020, the report shall include the
recommendation of the Secretary of Defense and the
military departments regarding whether the author-
ity under subsection (a) should be made permanent.

(f) SUNSET.—The authority under subsection (a)
shall expire on October 1, 2024.

SEC. 322. REPORT ON EFFORTS TO REDUCE HIGH ENERGY
INTENSITY AT MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than Sep-
tember 1, 2020, the Under Secretary of Defense for
Acquisition and Sustainment, in conjunction with
the assistant secretaries responsible for installations
and environment for the military departments and
the Defense Logistics Agency, shall submit to the
congressional defense committees a report detailing
the efforts to achieve cost savings at military instal-
lations with high energy intensity.

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

(A) A comprehensive, installation-specific
assessment of feasible and mission-appropriate
energy initiatives supporting energy production
and consumption at military installations with
high energy intensity.
(B) An assessment of current sources of energy in areas with high energy intensity and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with priorities of the Department of Defense.

(D) An explanation on how the military departments are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program of the Department of Energy could be used to assist with the implementation strategy under subparagraph (C).

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.
(3) Coordination with State, Local, and Other Entities.—In preparing the report required under paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment may work in conjunction and coordinate with the States containing areas of high energy intensity, local communities, and other Federal agencies.

(b) Definition.—In this section, the term “high energy intensity” means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 323. TECHNICAL AND GRAMMATICAL CORRECTIONS AND REPEAL OF OBSOLETE PROVISIONS RELATING TO ENERGY.

(a) Technical and Grammatical Corrections.—

(1) Technical corrections.—Title 10, United States Code, is amended—

(A) in section 2913(c), by striking “government” and inserting “government or”; and

(B) in section 2926(d)(1), in the second sentence, by striking “Defense Agencies” and inserting “the Defense Agencies”.

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(2) Grammatical corrections.—Such title is further amended—

(A) in section 2922a(d), by striking “resilience are prioritized and included” and inserting “energy resilience are included as critical factors”; and

(B) in section 2925(a)(3), by striking “impacting energy” and all that follows through the period at the end and inserting “degrading energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number of outages and their locations, the duration of each outage, the financial effect of each outage, whether or not the mission was affected, the downtimes (in minutes or hours) the mission can afford based on mission requirements and risk tolerances, the responsible authority managing the utility, and measures taken to mitigate the outage by the responsible authority.”.

(b) Clarification of applicability of conflicting amendments made by 2018 Defense Authorization Act.—Section 2911(e) of such title is amended—
(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) Opportunities to reduce the current rate of consumption of energy, the future demand for energy, and the requirement for the use of energy.

“(2) Opportunities to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that affect mission assurance on military installations.”; and

(2) by striking the second paragraph (13).

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 2926 of such title is amended to read as follows:

“§ 2926. Operational energy”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2926 and inserting the following new item:

“2926. Operational energy.”.
Subtitle C—Logistics and Sustainment

SEC. 331. REQUIREMENT FOR MEMORANDA OF UNDERSTANDING BETWEEN THE AIR FORCE AND THE NAVY REGARDING DEPOT MAINTENANCE.

Before the Secretary of the Navy transfers any maintenance action on a platform to a depot under the jurisdiction of the Secretary of the Air Force or the Secretary of the Air Force transfers any maintenance action on a platform to a depot under the jurisdiction of the Secretary of the Navy, the Air Logistics Complex Commander and the Commander of Naval Air Systems Command shall enter into a joint memorandum of understanding that lists out responsibilities for work and technical oversight responsibilities for such maintenance.

SEC. 332. MODIFICATION TO LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.

Section 323 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) by redesignating subsection (e) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) EXTENSION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT FOR U.S.S. SHILOH (CG–67).—Notwithstanding subsection (b), the Secretary of the Navy shall ensure that the U.S.S. Shiloh (CG–67) is assigned a homeport in the United States by not later than September 30, 2023.”.

Subtitle D—Reports

SEC. 341. REPORT ON MODERNIZATION OF JOINT PACIFIC ALASKA RANGE COMPLEX.

(a) REPORT REQUIRED.—Not later than May 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a report on the long-term modernization of the Joint Pacific Alaska Range Complex (in this section referred to as the “JPARC”).

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

(1) An assessment of the requirement for the JPARC to provide realistic training against modern adversaries, including 5th generation adversary aircraft and ground threats, and any current limitations compared to those requirements.

(2) An assessment of the requirement for JPARC to provide a realistic anti-access area denial
training environment and any current limitations compared to those requirements.

(3) An assessment of the requirement to modernize the JPARC to provide realistic threats in a large-scale, combined-arms near-peer environment and any current limitations in meeting that requirement. The assessment should include—

(A) target sets;

(B) early warning and surveillance systems;

(C) threat systems;

(D) real-time communications capacity and security;

(E) instrumentation and enabling mission data fusion capabilities; and

(F) such other range deficiencies as the Secretary of the Air Force considers appropriate to identify.

(4) A plan for balancing coalition training against training only for members of the Armed Forces of the United States at the JPARC.
Subtitle E—Other Matters

SEC. 351. STRATEGY TO IMPROVE INFRASTRUCTURE OF CERTAIN DEPOTS OF THE DEPARTMENT OF DEFENSE.

(a) Strategy Required.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving the depot infrastructure of the military departments with the objective of ensuring that all covered depots have the capacity and capability to support the readiness and material availability goals of current and future weapon systems of the Department of Defense.

(b) Elements.—The strategy under subsection (a) shall include the following:

(1) A comprehensive review of the conditions and performance at each covered depot, including the following:

(A) An assessment of the current status of the following elements:

(i) Cost and schedule performance of the depot.

(ii) Material availability of weapon systems supported at the depot and the impact of the performance of the depot on that availability.
(iii) Work in progress and non-operational items awaiting depot maintenance.

(iv) The condition of the depot.

(v) The backlog of restoration and modernization projects at the depot.

(vi) The condition of equipment at the depot.

(B) An identification of analytically based goals relating to the elements identified in subparagraph (A).

(2) A business-case analysis that assesses investment alternatives comparing cost, performance, risk, and readiness outcomes and recommends an optimal investment approach across the Department of Defense to ensure covered depots efficiently and effectively meet the readiness goals of the Department, including an assessment of the following alternatives:

(A) The minimum investment necessary to meet investment requirements under section 2476 of title 10, United States Code.

(B) The investment necessary to ensure the current inventory of facilities at covered depots can meet the mission-capable, readiness,
and contingency goals of the Secretary of De-
fense.

(C) The investment necessary to execute
the depot infrastructure optimization plans of
each military department.

(D) Any other strategies for investment in
covered depots, as identified by the Secretary.

(3) A plan to improve conditions and perform-
ance of covered depots that identifies the following:

(A) The approach of the Secretary of De-
fense for achieving the goals outlined in para-
graph (1)(B).

(B) The resources and investments re-
quired to implement the plan.

(C) The activities and milestones required
to implement the plan.

(D) A results-oriented approach to as-

(i) the progress of each military de-
partment in achieving such goals; and

(ii) the progress of the Department in
implementing the plan.

(E) Organizational roles and responsibil-
ities for implementing the plan.
(F) A process for conducting regular management review and coordination of the progress of each military department in implementing the plan and achieving such goals.

(G) The extent to which the Secretary has addressed recommendations made by the Comptroller General of the United States relating to depot operations during the five-year period preceding the date of submittal of the strategy under this section.

(H) Risks to implementing the plan and mitigation strategies to address those risks.

(c) ANNUAL REPORT ON PROGRESS.—As part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in—

(1) implementing the strategy under subsection (a); and

(2) achieving the goals outlined in subsection (b)(1)(B).

(d) COMPTROLLER GENERAL REPORTS.—

(1) ASSESSMENT OF STRATEGY.—Not later than January 1, 2021, the Comptroller General of the United States shall submit to the congressional
defense committees a report assessing the extent to which the strategy under subsection (a) meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than April 1, 2022, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strategy under subsection (a) has been effectively implemented by each military department and the Secretary of Defense.

(e) COVERED DEPOT DEFINED.—In this section, the term “covered depot” has the meaning given that term in section 2476(e) of title 10, United States Code.

SEC. 352. LIMITATION ON USE OF FUNDS REGARDING THE BASING OF KC–46A AIRCRAFT OUTSIDE THE CONTINENTAL UNITED STATES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the projected plan and timeline for strategic basing of the KC–46A aircraft outside the continental United States.

(2) ELEMENTS.—In considering basing options in the report required by paragraph (1), the Sec-
Secretary of the Air Force shall consider locations that—

(A) support day-to-day air refueling operations, operations plans of the combatant commands, and flexibility for contingency operations, and have—

(i) a strategic location that is essential to the defense of the United States and its interests;

(ii) receivers for boom or probe-and-drogue combat training opportunities with joint and international partners; and

(iii) sufficient airfield and airspace availability and capacity to meet requirements; and

(B) possess facilities that—

(i) take full advantage of existing infrastructure to provide—

(I) runways, hangars, and aircrew and maintenance operations; and

(II) sufficient fuel receipt, storage, and distribution for a five-day peacetime operating stock; and

(ii) minimize overall construction and operational costs.
(b) LIMITATION ON USE OF FUNDS.—Not more than 85 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force for operation and maintenance for the Management Headquarters Program (Program Element 92398F) may be obligated or expended until the Secretary of the Air Force submits the report required by subsection (a) unless the Secretary of the Air Force certifies to Congress that the use of additional funds is mission essential.

SEC. 353. PREVENTION OF ENCROACHMENT ON MILITARY TRAINING ROUTES AND MILITARY OPERATIONS AREAS.

Section 183a of title 10, United States Code, is amended—

(1) in subsection (c)(6)—

(A) by striking “radar or airport surveillance radar operated” and inserting “radar, airport surveillance radar, or wide area surveillance over-the-horizon radar operated”; and

(B) by inserting “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute
of Technology or any successor entity.” after "mitigation options.”;
(2) in subsection (d)—
   (A) in paragraph (2)(E), by striking “to a Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense” and inserting “to the Deputy Secretary of Defense, an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;
   (B) by redesignating paragraph (3) as paragraph (4); and
   (C) by inserting after paragraph (2) the following new paragraph (3):
      “(3) The governor of a State may recommend to the Secretary of Defense additional geographical areas of concern within that State. Any such recommendation shall be submitted for notice and comment pursuant to paragraph (2)(C).”;
(3) in subsection (e)(3), by striking “an under secretary of defense, or a deputy under secretary of defense” and inserting “an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;
(4) in subsection (f), by striking “from an applicant for a project filed with the Secretary of
Transportation pursuant to section 44718 of title 49" and inserting "from an entity requesting a re-
view by the Clearinghouse under this section"; and

(5) in subsection (h)—

(A) by redesignating paragraphs (3), (4),
(5), (6), and (7) as paragraphs (4), (5), (6),
(7), and (9), respectively;

(B) by inserting after paragraph (2) the
following new paragraph (3):

"(3) The term ‘governor’, with respect to a
State, means the chief executive officer of the
State.”;

(C) in paragraph (7), as redesignated by
subparagraph (A), by striking "by the Federal
Aviation Administration" and inserting "by the
Administrator of the Federal Aviation Adminis-
tration"; and

(D) by inserting after paragraph (7), as
redesignated by subparagraph (A), the following
new paragraph:

“(8) The term ‘State’ means the several States,
the District of Columbia, the Commonwealth of
Puerto Rico, the Commonwealth of the Northern
Mariana Islands, Guam, the United States Virgin
Islands, and American Samoa.”.
SEC. 354. EXPANSION AND ENHANCEMENT OF AUTHORITY ON TRANSFER AND ADOPTION OF MILITARY ANIMALS.

(a) TRANSFER AND ADOPTION GENERALLY.—Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) by striking “adoption” each place it appears and inserting “transfer or adoption”;

(2) in subsection (b)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) in the first sentence, by striking “adoption” and inserting “transfer or adoption”; and

(C) in the second sentence, striking “adoptability” and inserting “transferability or adoptability”;

(3) in subsection (c)(1)—

(A) in the matter preceding subparagraph

(i) by inserting “transfer or” before “adoption”; and

(ii) by inserting “, by” after “recommended priority”;
(B) in subparagraphs (A) and (B), by inserting “adoption” before “by”; (C) in subparagraph (B), by inserting “or organizations” after “persons”; and (D) in subparagraph (C), by striking “by” and inserting “transfer to”; and (4) in subsection (e)— (A) in the subsection heading, by inserting “OR ADOPTED” after “TRANSFERRED”; (B) in paragraphs (1) and (2), by striking “transferred” each place it appears and inserting “transferred or adopted”; and (C) in paragraph (2), by striking “transfer” each place it appears and inserting “transfer or adoption”.

(b) VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.—Such section is further amended— (1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and (2) by inserting after subsection (e) the following new subsection (f):

“(f) VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.—(1)(A) If the Secretary of the military department concerned deter-
mines that a military working dog should be retired, such
Secretary shall transport the dog to the Veterinary Treat-
ment Facility at Lackland Air Force Base, Texas.

“(B) In the case of a contract working dog to be re-
tired, transportation required by subparagraph (A) is sat-
isfied by the transfer of the dog to the 341st Training
Squadron at the end of the dog’s service life as required
by section 2410r of this title and assignment of the dog
to the Veterinary Treatment Facility referred to in that
subparagraph.

“(2)(A) The Secretary of Defense shall ensure that
each dog transported as described in paragraph (1) to the
Veterinary Treatment Facility referred to in that para-
graph is provided with a full veterinary screening, and nec-
essary veterinary care (including surgery for any mental,
dental, or stress-related illness), before transportation of
the dog in accordance with subsection (g).

“(B) For purposes of this paragraph, stress-related
illness includes illness in connection with post-traumatic
stress, anxiety that manifests in a physical ailment, obses-
sive compulsive behavior, and any other stress-related ail-
ment.

“(3) Transportation is not required under paragraph
(1), and screening and care is not required under para-
graph (2), for a military working dog located outside the
United States if the Secretary of the military department concerned determines that transportation of the dog to the United States would not be in the best interests of the dog for medical reasons.”.

(c) Coordination of Screening and Care Requirements With Transportation Requirements.—

Subsection (g) of such section, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(g) Transportation of Retiring Military Working Dogs.—Upon completion of veterinary screening and care for a military working dog to be retired pursuant to subsection (f), the Secretary of the military department concerned shall—

“(1) if the dog was at a location outside the United States immediately prior to transportation for such screening and care and a United States citizen or member of the armed forces living abroad agrees to adopt the dog, transport the dog to such location for adoption; or

“(2) for any other dog, transport the dog—

“(A) to the 341st Training Squadron;

“(B) to another location within the United States for transfer or adoption under this section.”.
(d) **Preservation of Policy on Transfer of**

**Military Working Dogs to Law Enforcement**

Agencies.—Subsection (h) of such section, as so redesignated, is amended in paragraph (3) by striking “adoption of military working dogs” and all that follows through the period at the end and inserting “transfer of military working dogs to law enforcement agencies before the end of the dogs’ useful working lives.”.

(e) **Clarification of Horses Treatable as Military Animals.**—Subsection (i) of such section, as so redesignated, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) An equid (horse, mule, or donkey) owned by the Department of Defense.”.

(f) **Contract Term for Contract Working Dogs.**—Section 2410r(a) of title 10, United States Code, is amended—

(1) by inserting “, and shall contain a contract term,” after “shall require”; (2) by inserting “and assigned for veterinary screening and care in accordance with section 2583 of this title” after “341st Training Squadron”; and (3) by striking “section 2583 of this title” and inserting “such section”.

*S 1790 ES1S*
SEC. 355. LIMITATION ON CONTRACTING RELATING TO DEFENSE PERSONAL PROPERTY PROGRAM.

(a) Contracting Prohibition.—The Secretary of Defense may not enter into or award any single or multiple-award contract to a single-source or multiple-vendor commercial provider for the management of the Defense Personal Property Program during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which the Comptroller General of the United States submits to the congressional defense committees a report on the administration of the Defense Personal Property Program, which was requested by the Committee on Armed Services of the Senate to be submitted to the congressional defense committees not later than February 15, 2020.

(b) Review of Proposals.—Nothing in this section shall be construed as preventing the Secretary of Defense from reviewing or evaluating any solicited or unsolicited proposals to improve the Defense Personal Property Program.

SEC. 356. PROHIBITION ON SUBJECTIVE UPGRADES BY COMMANDERS OF UNIT RATINGS IN MONTHLY READINESS REPORTING ON MILITARY UNITS.

(a) In General.—The Chairman of the Joint Chiefs of Staff shall modify Chairman of the Joint Chiefs of Staff
Instruction (CJCSI) 3401.02B, on Force Readiness Reporting, to prohibit the commander of a military unit who is responsible for monthly reporting of the readiness of the unit under the instruction from making any upgrade of the overall rating of the unit (commonly referred to as the “C-rating”) for such reporting purposes based in whole or in part on subjective factors.

(b) WAIVER.—

(1) IN GENERAL.—The modification required by subsection (a) shall authorize an officer in a general or flag officer grade in the chain of command of a commander described in that subsection to waive the prohibition described in that subsection in connection with readiness reporting on the unit concerned if the officer considers the waiver appropriate in the circumstances.

(2) REPORTING ON WAIVERS.—Each report on personnel and unit readiness submitted to Congress for a calendar year quarter pursuant to section 482 of title 10, United States Code, shall include information on each waiver, if any, issued pursuant to paragraph (1) during such calendar year quarter.
SEC. 357. EXTENSION OF TEMPORARY INSTALLATION RE-
UTILIZATION AUTHORITY FOR ARSENALS,
DEPOTS, AND PLANTS.
Section 345(d) of the National Defense Authorization
Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
2667 note) is amended by striking “September 30, 2020”
and inserting “September 30, 2025”.
SEC. 358. CLARIFICATION OF FOOD INGREDIENT REQUIRE-
MENTS FOR FOOD OR BEVERAGES PROVIDED
BY THE DEPARTMENT OF DEFENSE.
(a) In General.—Before making any final rule,
statement, or determination regarding the limitation or
prohibition of any food or beverage ingredient in military
food service, military medical foods, commissary food, or
commissary food service, the Secretary of Defense shall
publish in the Federal Register a notice of a preliminary
rule, statement, or determination (in this section referred
to as a “proposed action”) and provide opportunity for
public comment.
(b) Matters To Be Included.—The Secretary
shall include in any notice published under subsection (a)
the following:
(1) The date and contact information for the
appropriate office at the Department of Defense.
(2) A summary of the notice.
(3) A date for comments to be submitted and
specific methods for submitting comments.

(4) A description of the substance of the pro-
posed action.

(5) Findings and a statement of reason sup-
porting the proposed action.

SEC. 359. TECHNICAL CORRECTION TO DEADLINE FOR
TRANSITION TO DEFENSE READINESS RE-
PORTING SYSTEM STRATEGIC.

Section 358(c) of the John S. McCain National De-
defense Authorization Act for Fiscal Year 2019 (Public Law
115–232) is amended by striking “October 1, 2019” and
inserting “October 1, 2020”.

TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2020, as follows:

(1) The Army, 480,000.

(2) The Navy, 340,500.

(3) The Marine Corps, 186,200.

(4) The Air Force, 332,800.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2020, as follows:

1. The Army National Guard of the United States, 336,000.
2. The Army Reserve, 189,500.
3. The Navy Reserve, 59,000.
5. The Air National Guard of the United States, 107,700.
6. The Air Force Reserve, 70,100.
7. The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

1. the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
2. the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty
(other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2020, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

   (1) The Army National Guard of the United States, 30,595.

   (2) The Army Reserve, 16,511.

   (3) The Navy Reserve, 10,155.

   (4) The Marine Corps Reserve, 2,386.
The Air National Guard of the United States, 22,637.


SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS

(DUAL STATUS).

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of the last day of fiscal year 2020 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 13,569.

(4) For the Air Force Reserve, 8,938.

(b) VARIANCE.—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased—

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that
such action would enhance manning and readiness in essential units or in critical specialties or ratings.

(e) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual’s position.

(d) ADJUSTMENT OF AUTHORIZED STRENGTH.—

(1) IN GENERAL.—If, at the end of fiscal year 2019, the Air National Guard of the United States does not meet its full-time support realignment goals for such fiscal year (as presented in the justification materials of the Department of Defense in support of the budget of the President for such fiscal year under section 1105 of title 31, United States Code), the authorized number of military technicians (dual status) of the Air National Guard of the United States under subsection (a)(3) shall be increased by the number equal to difference between—

(A) 3,190, which is the number of military technicians (dual status) positions in the Air
National Guard of the United States sought to be converted to the Active, Guard, and Reserve program of the Air National Guard during fiscal year 2019; and

(B) the number of realigned positions achieved in the Air National Guard by the end of fiscal year 2019.

(2) LIMITATION.—The increase under paragraph (1) in the authorized number of military technician (dual status) positions described in that paragraph may not exceed 2,292.

(3) DECREASE IN AUTHORIZED NUMBER OF ANGUS RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.—In the event of an adjustment to the authorized number military technicians (dual status) of the Air National Guard of the United States under this subsection, the number of members of the Air National Guard of the United States authorized by section 412(5) to be on active duty as of September 30, 2020, shall be decreased by the number equal to the number of such adjustment.

(e) CERTIFICATION.—Not later than January 1, 2020, the Chief of the National Guard Bureau shall certify to the Committees on Armed Services of the Senate and House of Representatives the number of positions re-
aligned from a military technician (dual status) position to a position in the Active, Guard, and Reserve program of a reserve component in fiscal year 2019.

(f) DEFINITIONS.—In subsections (e), (d), and (e):

(1) The term “realigned position” means any military technician (dual status) position which has been converted or realigned to a position in an Active, Guard, and Reserve program of a reserve component under the full time support rebalancing plan of the Armed Force concerned, regardless of whether such position is encumbered.

(2) The term “Active, Guard, and Reserve program”, in the case of a reserve component, means the program of the reserve component under which Reserves serve on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training such reserve component.

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

During fiscal year 2020, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational
support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVES ON ACTIVE DUTY.

(a) OFFICERS.—Section 12011(a)(1) of title 10, United States Code, is amended by striking that part of the table pertaining to the Marine Corps Reserve and inserting the following:

```
Marine Corps Reserve:

<table>
<thead>
<tr>
<th>Strength</th>
<th>143</th>
<th>105</th>
<th>34</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,400</td>
<td>149</td>
<td>109</td>
<td>35</td>
</tr>
<tr>
<td>2,600</td>
<td>155</td>
<td>113</td>
<td>36</td>
</tr>
<tr>
<td>2,700</td>
<td>161</td>
<td>118</td>
<td>37</td>
</tr>
<tr>
<td>2,800</td>
<td>167</td>
<td>122</td>
<td>39</td>
</tr>
<tr>
<td>2,900</td>
<td>173</td>
<td>126</td>
<td>41</td>
</tr>
<tr>
<td>3,000</td>
<td>179</td>
<td>130</td>
<td>42</td>
</tr>
</tbody>
</table>
```

(b) SENIOR ENLISTED MEMBERS.—Section 12012(a) of title 10, United States Code, is amended by striking that part of the table pertaining to the Marine Corps Reserve and inserting the following:

```
Marine Corps Reserve:

<table>
<thead>
<tr>
<th>Strength</th>
<th>143</th>
<th>105</th>
<th>34</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,400</td>
<td>149</td>
<td>109</td>
<td>35</td>
</tr>
<tr>
<td>2,600</td>
<td>155</td>
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<td>36</td>
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<tr>
<td>2,700</td>
<td>161</td>
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<tr>
<td>2,800</td>
<td>167</td>
<td>122</td>
<td>39</td>
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<tr>
<td>2,900</td>
<td>173</td>
<td>126</td>
<td>41</td>
</tr>
<tr>
<td>3,000</td>
<td>179</td>
<td>130</td>
<td>42</td>
</tr>
</tbody>
</table>
```
<table>
<thead>
<tr>
<th>Amount</th>
<th>106</th>
<th>24</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500</td>
<td>112</td>
<td>25</td>
</tr>
<tr>
<td>2,600</td>
<td>116</td>
<td>26</td>
</tr>
<tr>
<td>2,700</td>
<td>121</td>
<td>27</td>
</tr>
<tr>
<td>2,800</td>
<td>125</td>
<td>28</td>
</tr>
<tr>
<td>2,900</td>
<td>130</td>
<td>29</td>
</tr>
<tr>
<td>3,000</td>
<td>134</td>
<td>30</td>
</tr>
</tbody>
</table>

(c) **Effective Date.**—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

**Subtitle C—Authorization of Appropriations**

**SEC. 421. MILITARY PERSONNEL.**

(a) **Authorization of Appropriations.**—Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **Construction of Authorization.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2020.
TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF CODIFIED SPECIFICATION OF AUTHORIZED STRENGTHS OF CERTAIN COMMISSIONED OFFICERS ON ACTIVE DUTY.

Effective as of October 1, 2020, the text of section 523 of title 10, United States Code, is amended to read as follows:

“The total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps in each of the grades of major, lieutenant colonel, or colonel, or in the Navy in each of the grades of lieutenant commander, commander, or captain, at the end of any fiscal year shall be as specifically authorized by Act of Congress for such fiscal year.”

SEC. 502. MAKER OF ORIGINAL APPOINTMENTS IN A REGULAR OR RESERVE COMPONENT OF COMMISSIONED OFFICERS PREVIOUSLY SUBJECT TO ORIGINAL APPOINTMENT IN OTHER TYPE OF COMPONENT.

(a) MAKER OF REGULAR APPOINTMENTS IN TRANSFER FROM RESERVE ACTIVE-STATUS LIST TO ACTIVE-DUTY LIST.—Section 531(e) of title 10, United States
Code, is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(b) MAKER OF RESERVE APPOINTMENTS IN TRANSFER FROM ACTIVE-DUTY LIST TO RESERVE ACTIVE-STATUS LIST.—Subsection (b) of section 12203 of such title is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(c) TREATMENT OF REGULAR APPOINTMENT AS CONSTRUCTIVE RESERVE APPOINTMENT TO FACILITATE TRANSFER FROM ACTIVE DUTY LIST TO RESERVE ACTIVE-STATUS LIST.—Such section 12203 is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) For purposes of appointments under this section, an officer who receives an original appointment as a regular commissioned officer in a grade under section 531 of this title that is made on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 shall be deemed also to have received an original appointment as a reserve commissioned officer in such grade.”.
SEC. 503. FURNISHING OF ADVERSE INFORMATION ON OF-
FICERS TO PROMOTION SELECTION BOARDS.

(a) EXPANSION OF GRADES OF OFFICERS FOR
WHICH INFORMATION IS FURNISHED.—Section 615(a)(3)
of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”;
(2) in subparagraph (A), as designated by para-
graph (1), by striking “a grade above colonel or, in
the case of the Navy, captain,” and inserting “a
grade specified in subparagraph (B)”); and
(3) by adding at the end the following new sub-
paragraph:

“(B) A grade specified in this subparagraph is as fol-

“(i) In the case of a regular officer, a grade
above captain or, in the case of the Navy, lieutenant.
“(ii) In the case of a reserve officer, a grade
above lieutenant colonel or, in the case of the Navy,
commander.”.

(b) FURNISHING AT EVERY PHASE OF CONSIDER-
ATION.—Such section is further amended by adding at the
end the following new subparagraph:

“(C) The standards and procedures referred to in
subparagraph (A) shall require the furnishing to the selec-
tion board, and to each individual member of the board,
the information described in that paragraph with regard
to an officer in a grade specified in subparagraph (B) at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

SEC. 504. LIMITATION ON NUMBER OF OFFICERS RECOMMENDABLE FOR PROMOTION BY PROMOTION SELECTION BOARDS.

(a) IN GENERAL.—Section 616 of title 10, United States Code is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) The number of officers recommended for promotion by a selection board convened under section 611(a) of this title may not exceed the number equal to 95 percent of the number of officers included in the promotion
zone established under section 623 of this title for consider-
eration by the board.”.

(b) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act, and shall apply with respect to consideration
by promotion selection boards convened under section
611(a) of title 10, United States Code, of promotion zones
that are established under section 623 of that title on or
after that date.

SEC. 505. EXPANSION OF AUTHORITY FOR CONTINUATION
ON ACTIVE DUTY OF OFFICERS IN CERTAIN
MILITARY SPECIALTIES AND CAREER
TRACKS.

Section 637a(a) of title 10, United States Code, is
amended by inserting “separation or” after “provided for
the”.

SEC. 506. HIGHER GRADE IN RETIREMENT FOR OFFICERS
FOLLOWING REOPENING OF DETERMINA-
TION OR CERTIFICATION OF RETIRED
GRADE.

(a) ADVICE AND CONSENT OF SENATE REQUIRED
FOR HIGHER GRADE.—Section 1370(f) of title 10, United
States Code, is amended—

(1) by redesignating paragraph (5) as para-
graph (6); and
(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) If the retired grade of an officer is proposed to be increased through the reopening of the determination or certification of officer’s retired grade, the increase in the retired grade shall be made by the Secretary of Defense, by and with the advice and consent of the Senate.”.

(b) Recalculation of Retired Pay.—Paragraph (6) of such section, as redesignated by subsection (a)(1), is amended—

(1) by inserting “or increased” after “reduced”;

(2) by inserting “as a result of the reduction or increase” after “any modification of the retired pay of the officer”;

(3) by inserting “or increase” after “the reduction”; and

(4) by adding at the end the following new sentence: “An officer whose retired grade is increased as described in the preceding sentence shall not be entitled to an increase in retired pay for any period before the effective date of the increase.”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to an increase in the retired grade of an officer that occurs through a reopening of the
determination or certification of the officer’s retired grade
of officer on or after that date, regardless of when the
officer retired.

SEC. 507. AVAILABILITY ON THE INTERNET OF CERTAIN IN-
FORMATION ABOUT OFFICERS SERVING IN
GENERAL OR FLAG OFFICER GRADES.

(a) Availability Required.—

(1) In General.—The Secretary of each mili-
tary department shall make available on an Internet
website of such department available to the public
information specified in paragraph (2) on each offi-
cer in a general or flag officer grade under the juris-
diction of such Secretary, including any such officer
on the reserve active-status list.

(2) Information.—The information on an offi-
cer specified by this paragraph to be made avail-
able pursuant to paragraph (1) is the information as
follows:

(A) The officer’s name.

(B) The officer’s current grade, duty posi-
tion, command or organization, and location of
assignment.

(C) A summary list of the officer’s past
duty assignments while serving in a general or
flag officer grade.
(b) Additional Public Notice on Certain Officers.—Whenever an officer in a grade of O–7 or above is assigned to a new billet or reassigned from a current billet, the Secretary of the military department having jurisdiction of such officer shall make available on an Internet website of such department available to the public a notice of such assignment or reassignment.

(c) Limitation on Withholding of Certain Information or Notice.—

(1) Limitation.—The Secretary of a military department may not withhold the information or notice specified in subsections (a) and (b) from public availability pursuant to subsection (a), unless and until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the information or notice that will be so withheld, together with justification for withholding the information or notice from public availability.

(2) Limited Duration of Withholding.—The Secretary concerned may withhold from the public under paragraph (1) information or notice on an officer only on the bases of individual risk to the officer or in the interest of national security, and may continue to withhold such information or notice
only for so long as the basis for withholding remains in force.

**Subtitle B—Reserve Component Management**

**SEC. 511. REPEAL OF REQUIREMENT FOR REVIEW OF CERTAIN ARMY RESERVE OFFICER UNIT VACANCY PROMOTIONS BY COMMANDERS OF ASSOCIATED ACTIVE DUTY UNITS.**

Section 1113 of the Army National Guard Combat Readiness Reform Act of 1992 (10 U.S.C. 10105 note) is repealed.

**Subtitle C—General Service Authorities**

**SEC. 515. MODIFICATION OF AUTHORITIES ON MANAGEMENT OF DEPLOYMENTS OF MEMBERS OF THE ARMED FORCES AND RELATED UNIT OPERATING AND PERSONNEL TEMPO MATTERS.**

(a) **LIMITATION ON SCOPE OF DELEGATIONS OF APPROVAL OF EXCEPTIONS TO DEPLOYMENT THRESHOLDS.**—Paragraph (3) of subsection (a) of section 991 of title 10, United States Code, is amended by striking “be delegated to—” and all that follows and inserting “be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.”.
(b) SEPARATE POLICIES ON DWELL TIME FOR REGULAR AND RESERVE MEMBERS.—Paragraph (4) of such subsection is amended—

(1) by striking “addresses the amount” and inserting “addresses each of the following:

“(1) The amount”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting “regular” before “member”; and

(3) by adding at the end the following new paragraph:

“(2) The amount of dwell time a reserve member of the armed forces remains at the member’s permanent duty station after completing a deployment of 30 days or more in length.”.

(c) REPEAL OF AUTHORITY TO PRESCRIBE ALTERNATIVE DEFINITION OF “DEPLOYMENT”.—Subsection (b) of such section is amended by striking paragraph (4).

SEC. 516. REPEAL OF REQUIREMENT THAT PARENTAL LEAVE BE TAKEN IN ONE INCREMENT.

(a) IN GENERAL.—Subsection (i) of section 701 of title 10, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.
(b) Conforming Amendments.—Subsection (j)(4) of such section is amended—

(1) by striking “paragraphs (6) through (10)” and inserting “paragraphs (5) through (9)”; and

(2) by striking “paragraph (9)(B)” and inserting “paragraph (8)(B)’’.

SEC. 517. DIGITAL ENGINEERING AS A CORE COMPETENCY OF THE ARMED FORCES.

(a) Policy.—

(1) In General.—It shall be a policy of the Department of Defense to promote and maintain digital engineering as a core competency of the civilian and military workforces of the Department, which policy shall be achieved by—

(A) the recruitment, development, and retention of civilian employees and members of the Armed Forces with aptitude, experience, proficient expertise, or a combination thereof in digital engineering in and to the Department;

(B) at the discretion of the Secretaries of the military departments, the development and maintenance of civilian and military career tracks on digital engineering, and related digital competencies (including data science, machine learning, software engineering, software product
management, and artificial intelligence product management) for civilian employees of the Department and members of the Armed Forces, including the development and maintenance of training, education, talent management, incentives, and promotion policies in support of members at all levels of such career tracks; and

(C) the development and application of appropriate readiness standards and metrics to measure and report on the overall capability, capacity, use, and readiness of digital engineering civilian and military workforces to develop and deliver operational capabilities, leverage modern digital engineering technologies, develop advanced capabilities to support military missions, and employ modern business practices.

(2) Digital Engineering.—For purposes of this section, digital engineering is the discipline and set of skills involved in the creation, processing, transmission, integration, and storage of digital data.

(b) Responsibility.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall appoint a civilian official of the Department of Defense, at a level no lower than Assistant Secretary
of Defense, for the development and discharge of the policy set forth in subsection (a). The official so designated shall be known as the “Chief Digital Engineering Recruitment and Management Officer of the Department of Defense” (in this section referred to as the “Officer”).

(c) DUTIES.—In developing and providing for the discharge of the policy set forth in subsection (a), the Officer shall, in consultation with the Secretaries of the military departments, do the following:

(1) Develop recruitment programs with various core initiatives, programs, activities, and mechanisms to identify and recruit civilians employees of the Department of Defense and members of the Armed Forces with demonstrated aptitude, interest, proficient expertise, or a combination thereof, in digital engineering particularly, and in science, technology, engineering, and mathematics (STEM) generally, including initiatives, programs, activities, and mechanisms to target populations of individuals not typically aware of opportunities in the Armed Forces for a digital engineering career.

(2) Develop and maintain education, training, doctrine, and professional development activities to support digital engineering skills of civilian employ-
ees of the Department and members of the Armed Forces.

(3) Coordinate and synchronize digital force management activities throughout the Department, advise the Secretary of Defense on all matters pertaining to the health and readiness of digital forces, convene a Department-wide executive steering group, and submit to Congress an annual report on the readiness of digital forces and progress toward achieving the policy.

(4) Create a Department-wide mechanism to track digital expertise in the workforce, develop and maintain organizational policies, strategies, and plans sufficient to build, maintain, and refresh internal capacity at scale, and report to the Secretary quarterly on the health and readiness of digital forces.

(5) Assist the military departments in designing, developing, and executing programs and incentives to retain, track, and oversee digital expertise among civilian employees of the Department and members of the Armed Forces on active duty.

(6) At the request of the Chief of Staff of an Armed Force, or the head of another component or element of the Department, undertake an executive
search for key leadership positions in digital engineering in such Armed Force, component, or element, and develop and deploy agile hiring and competitive compensation processes to fill such positions.

(7) Identify necessary changes in authorities, policies, resources, or a combination thereof to further the policy.

(8) Develop a definition for digital engineering consistent with and aligned to Department needs and processes.

(d) PLAN.—Not later than June 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to meet the requirements of this section. The plan shall set forth the following:

(1) An identification of the Officer.

(2) A timeline for full implementation of the requirements of this section.

(3) A description of the career tracks authorized by this section for both the civilian and military workforces of the Department of Defense.

(4) Recommendations for such legislative or administrative action as the Secretary considers appropriate in connection with implementation of such requirements.
SEC. 518. MODIFICATION OF NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES.

(a) Timing of Notification.—Subsection (a) of section 525 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in the matter preceding paragraph (1), by striking “not later than 15 days after any of the following conditions are met:” and inserting “not later than 30 days after the end of each fiscal year quarter, of each covered ship (if any) that, as of the last day of such fiscal year quarter, met either condition as follows:”; and

(2) in paragraphs (1) and (2), by striking “is less” and inserting “was less”.

(b) Definitions of Manning Fit and Manning Fill.—Subsection (d) of such section is amended in paragraphs (1) and (2) by striking “the billets authorized” and inserting “the ship manpower document requirement.”.

SEC. 519. REPORT ON EXPANSION OF THE CLOSE AIRMAN SUPPORT TEAM APPROACH OF THE AIR FORCE TO THE OTHER ARMED FORCES.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall jointly submit to the Committees on Armed Services of the Senate and the
House of Representatives a report setting forth an assessment of the Secretaries of the feasibility and advisability of expanding the Close Airman Support (CAS) team approach of the Air Force to the other Armed Forces under the jurisdiction of such Secretaries.

(b) Close Airman Support Team Approach.—The Close Airman Support team approach of the Air Force referred to in subsection (a) is an approach by which personnel associated with an Air Force squadron, and led by a senior enlisted member of the squadron, take actions to improve relationships and communication among members of the squadron in order to promote positive social behaviors among such members as a squadron, including an embrace of proactive pursuit of needed assistance.

(c) Scope of Report.—If the Secretaries determine that expansion of the Close Airman Support team approach to the other Armed Forces is feasible and advisable, the report under subsection (a) shall include a description of the manner in which the approach will be carried out in the other Armed Forces, including the manner, if any, in which the approach will be modified in the other Armed Forces to take into account the unique circumstances of such Armed Forces.
Subtitle D—Military Justice and Related Matters

PART I—MATTERS RELATING TO INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT GENERALLY

SEC. 521. DEPARTMENT OF DEFENSE-WIDE POLICY AND MILITARY DEPARTMENT-SPECIFIC PROGRAMS ON REINVIGORATION OF THE PREVENTION OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) Policy Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and issue a comprehensive policy for the Department to reinvigorate the prevention of sexual assault involving members of the Armed Forces.

(b) Policy Elements.—

(1) In general.—The policy required by subsection (a) shall include the following:

(A) Education and training for members of the Armed Forces on the prevention of sexual assault.

(B) Elements for programs designed to encourage and promote healthy relationships among members of the Armed Forces.
(C) Elements for programs designed to empower and enhance the role of non-commissoned officers in the prevention of sexual assault.

(D) Elements for programs to foster social courage among members of the Armed Forces to encourage and promote intervention in situations in order to prevent sexual assault.

(E) Processes and mechanisms designed to address behaviors among members of the Armed Forces that are included in the continuum of harm that frequently results in sexual assault.

(F) Elements for programs designed to address alcohol abuse, including binge drinking, among members of the Armed Forces.

(G) Such other elements, processes, mechanisms, and other matters as the Secretary of Defense considers appropriate.

(2) CONTINUUM OF HARM RESULTING IN SEXUAL ASSAULT.—For purposes of paragraph (1)(E), the continuum of harm that frequently results in sexual assault includes hazing, sexual harassment, and related behaviors (including language choices, off-hand statements, jokes, and unconscious atti-
tudes or biases) that create a permissive climate for sexual assault.

(c) PROGRAMS REQUIRED.—Not later than 180 days after the issuance of the policy required by subsection (a), each Secretary of a military department shall develop and implement for each Armed Force under the jurisdiction of such Secretary a program to reinvigorate the prevention of sexual assaults involving members of the Armed Forces. Each program shall include the elements, processes, mechanisms, and other matters developed by the Secretary of Defense pursuant to subsection (a) tailored to the requirements and circumstances of the Armed Force or Armed Forces concerned.

SEC. 522. ENACTMENT AND EXPANSION OF POLICY ON WITHHOLDING OF INITIAL DISPOSITION AUTHORITY FOR CERTAIN OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) INITIAL DISPOSITION AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the proper authority for a determination of disposition of reported offenses with respect to any offense specified in subsection (b) shall be an officer in a grade not below the grade of O–6 in the chain of command of the subject who is authorized
by chapter 47 of such title (the Uniform Code of Military Justice) to convene special courts-martial.

(2) **Authority when subject and victim are in different chains of command.**—If the victim of an offense specified in subsection (b) is in a different chain of command than the subject, the proper authority under paragraph (1), for any reported offenses in connection with misconduct of the victim arising out of the incident in which the offense is alleged to have occurred, shall be an officer described in that paragraph in the chain of command of the victim.

(3) **Construction.**—Nothing in this subsection shall be construed—

(A) to prohibit the preferral of charges by an authorized person under section 830(a)(1) of title 10, United States Code (article 30(a)(1) of the Uniform code of Military Justice), with respect to the offenses specified in subsection (b), and the forwarding of such charges as so preferred to the proper authority under paragraph (1) with a recommendation as disposition; or

(B) to prohibit an officer in a grade below the grade of O–6 from advising an officer described in paragraph (1) who is making a deter-
mination described in that paragraph with re-
respect to the disposition of the offenses involved.

(b) COVERED OFFENSES.—An offense specified in
this subsection is any offense as follows:

(1) An offense under section 893 of title 10,
United States Code (article 93 of the Uniform Code
of Military Justice), relating to cruelty and maltreat-
ment, if the offense constitutes sexual harassment.

(2) An offense under section 893a of title 10,
United States Code (article 93a of the Uniform
Code of Military Justice), relating to prohibited ac-
tivity with a military recruit or trainee by a person
in a position of special trust.

(3) An offense under section 918 of title 10,
United States Code (article 118 of the Uniform
Code of Military Justice), relating to murder, if the
offense is committed in connection with family abuse
or other domestic violence.

(4) An offense under section 919 of title 10,
United States Code (article 119 of the Uniform
Code of Military Justice), relating to manslaughter,
if the offense is committed in connection with family
abuse or other domestic violence.

(5) An offense under section 919a of title 10,
United States Code (article 119a of the Uniform
Code of Military Justice), relating to death or injury of an unborn child, if the offense is committed in connection with family abuse or other domestic violence.

(6) An offense under section 919b of title 10, United States Code (article 119b of the Uniform Code of Military Justice), relating to child endangerment, if the offense is committed in connection with family abuse or other domestic violence.

(7) An offense under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), relating to rape and sexual assault generally.

(8) An offense under section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), relating to rape and sexual assault of a child.

(9) An offense under section 920c of title 10, United States Code (article 120c of the Uniform Code of Military Justice), relating to other sexual misconduct.

(10) An offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), relating to kidnapping, if
the offense is committed in connection with family abuse or other domestic violence.

(11) An offense under section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), relating to aggravated assault, if the offense is committed in connection with family abuse or other domestic violence.

(12) An offense under section 928a of title 10, United States Code (article 128a of the Uniform Code of Military Justice), relating to maiming, if the offense is committed in connection with family abuse or other domestic violence.

(13) An offense under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice), relating to domestic violence.

(14) An offense under section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), relating to stalking, if the offense is committed in connection with family abuse or other domestic violence.

(15) An offense under section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), relating to retaliation.
(16) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense relates to child pornography.

(17) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense—

(A) relates to animal abuse; and

(B) is committed in connection with family abuse or other domestic violence,

(18) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense—

(A) relates to negligent homicide; and

(B) is committed in connection with family abuse or other domestic violence.

(19) An attempt to commit an offense specified in a paragraph (1) through (18) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) Scope of Disposition Authority With Respect to Particular Offenses.—The authority in subsection (a) of an officer to make a disposition determination described in that subsection with respect to any offense specified in subsection (b) extends to a determina-
tion of disposition with respect to any other offenses
gainst the subject arising out of the incident in which
the offense is alleged to have occurred.

(d) Scope of Disposition Determinations.—Except for an offense specified in section 818(c) of title 10, United States Code (article 18(c) of the Uniform Code of Military Justice), of which only general courts-martial have jurisdiction, the disposition determinations permissible in the exercise of the authority under this section with respect to charges and specifications are as follows:

(1) No action.
(2) Administrative action.
(3) Imposition of non-judicial punishment.
(4) Preferral of charges.
(5) If such charges and specifications were preferred from a subordinate, dismissal of charges or referral to court-martial for trial.
(6) Forwarding to a superior or subordinate authority for further disposition.

(e) Review of Certain Disposition Determinations.—

(1) Initial review and recommendation.—If a disposition determination under this section with respect to an offense is for a disposition specified in paragraph (1), (2), or (3) of subsection (d)
and the legal advisor to the officer making the disposition determination has recommended a disposition specified in paragraph (4), (5), or (6) of that subsection, a Special Victim Prosecutor (SVP), Senior Trial Counsel (STC), or Regional Trial Counsel (RTC) not in the chain of command of the officer making the disposition determination shall—

(A) review the disposition determination;

and

(B) recommend to the staff judge advocate in the chain of command whether to endorse or supersede the disposition determination.

(2) SJA REVIEW AND ADVICE.—Upon completion of a review of a recommendation under paragraph (1)(B), the staff judge advocate concerned shall advise the next superior commander in the chain of command of the officer making the original disposition determination whether such disposition determination should be endorsed or superseded.

(3) FINAL DISPOSITION DETERMINATION.—

After considering advice under paragraph (2) with respect to an original disposition determination, the superior commander concerned shall—

(A) make a new disposition determination with respect to the offenses concerned; or
(B) endorse the original disposition determination for appropriate further action.

(f) Training.—

(1) In General.—The training provided to commissioned officers of the Armed Forces in grades O–6 and above on the exercise of authority pursuant to this section for determinations of the disposition of an offense specified in subsection (b) shall include specific training on such matters in connection with sexual harassment, sexual assault, and family abuse and domestic violence as the Secretary of Defense considers appropriate to make informed disposition determinations under such authority.

(2) Construction.—Nothing in this subsection shall be construed to deprive a court-martial of jurisdiction based on the level or amount of training received by the disposition authority pursuant to this section.

(g) Manual for Courts-Martial.—The President shall implement the requirement of this section into the Manual for Courts-Martial in accordance with section 836 of title 10, United States Code (article 36 of the Uniform Code of Military Justice).
SEC. 523. TRAINING FOR SEXUAL ASSAULT INITIAL DISPOSITION AUTHORITIES ON EXERCISE OF DISPOSITION AUTHORITY FOR SEXUAL ASSAULT AND COLLATERAL OFFENSES.

(a) IN GENERAL.—The training for Sexual Assault Initial Disposition Authorities (SAIDAs) on the exercise of disposition authority under chapter 47, United States Code (the Uniform Code of Military Justice), with respect to cases for which disposition authority is withheld to such Authorities by the April 20, 2012, memorandum of the Secretary of Defense, or any successor memorandum, shall include comprehensive training on the exercise by such Authorities of such authority with respect to such cases in order to enhance the capabilities of such Authorities in the exercise of such authority and thereby promote confidence and trust in the military justice process with respect to such cases.

(b) MEMORANDUM OF SECRETARY OF DEFENSE.—The April 20, 2012, memorandum of the Secretary of Defense referred to in subsection (a) is the memorandum of the Secretary of Defense entitled “Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases” and dated April 20, 2012.
SEC. 524. EXPANSION OF RESPONSIBILITIES OF COMMANDERS FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY ANOTHER MEMBER OF THE ARMED FORCES.

(a) Notification of Victims of Events in Military Justice Process.—

(1) Notification required.—Except as provided in paragraph (2), the commander of a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces (whether or not such other member is in the command of such commander) shall provide notification to such victim of every key or other significant event in the military justice process in connection with the investigation, prosecution, and confinement of such other member for alleged sexual assault.

(2) Election of victim not to receive.—A commander is not required by paragraph (1) to provide notifications to a victim as described in that paragraph if the victim elects not to be provided such notifications.

(3) Documentation.—Each commander described in paragraph (1) shall create and maintain appropriate documentation on the following:
(A) Any notification provided as described in paragraph (1).

(B) Any election made pursuant to paragraph (2).

(b) DOCUMENTATION OF VICTIM’S PREFERENCE ON JURISDICTION IN PROSECUTION.—In the case of a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces who is subject to prosecution for such alleged offense both by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and by a civilian court under Federal or State law, the commander of such victim shall create and maintain appropriate documentation of the expressed preference, if any, of such victim for prosecution of such alleged offense by court-martial or by a civilian court as provided for by Rule 306(e) of the Rules for Court-Martial.

(c) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the requirements applicable to each of the following:

(1) Notifications under subsection (a)(1).

(2) Elections under subsection (a)(2).

(3) Documentation under subsection (a)(3).

(4) Documentation under subsection (b).
SEC. 525. TRAINING FOR COMMANDERS IN THE ARMED FORCES ON THEIR ROLE IN ALL STAGES OF MILITARY JUSTICE IN CONNECTION WITH SEXUAL ASSAULT.

(a) In General.—The training provided commanders in the Armed Forces shall include comprehensive training on the role of commanders in all stages of military justice in connection with sexual assaults by members of the Armed Forces.

(b) Elements To Be Covered.—The training provided pursuant to subsection (a) shall include training on the following:

(1) The role of commanders in each stage of the military justice process in connection with sexual assault committed by a member of the Armed Forces, including investigation and prosecution.

(2) The role of commanders in assuring that victims in sexual assault described in paragraph (1) are informed of, and have the opportunity to obtain, assistance available for victims of sexual assault by law.

(3) The role of commanders in assuring that victims in sexual assault described in paragraph (1) are afforded the due process rights and protections available to victims by law.
(4) The role of commanders in preventing retaliation against victims, their family members, witnesses, first responders, and bystanders for their complaints, statements, testimony, and status in connection with sexual assault described in paragraph (1), including the role of commanders in ensuring that subordinates in the command are aware of their responsibilities in preventing such retaliation.

(5) The role of commanders in establishing and maintaining a healthy command climate in connection with reporting on sexual assault described in paragraph (1) and in the response of the commander, subordinates in the command, and other personnel in the command to such sexual assault, such reporting, and the military justice process in connection with such sexual assault.

(6) Any other matters on the role of commanders in connection with sexual assault described in paragraph (1) that the Secretary of Defense considers appropriate for purposes of this section.

(c) INCORPORATION OF BEST PRACTICES.—

(1) In general.—The training provided pursuant to subsection (a) shall incorporate best practices on all matters covered by the training.
(2) IDENTIFICATION OF BEST PRACTICES.—The Secretaries of the military departments shall, acting through the training and doctrine commands of the Armed Forces, undertake from time to time surveys and other reviews of the matters covered by the training provided pursuant to subsection (a) in order to identify and incorporate into such training the most current practicable best practices on such matters.

(d) UNIFORMITY.—The Secretary of Defense shall ensure that the training provided pursuant to subsection (a) is, to the extent practicable, uniform across the Armed Forces.

SEC. 526. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT OF PENDENCY OF FURTHER ADMINISTRATIVE ACTION FOLLOWING A DETERMINATION NOT TO REFER TO TRIAL BY COURT-MARTIAL.

Under regulations prescribed by the Secretary of Defense, upon a determination not to refer a case of alleged sexual assault for trial by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the commander making such determination shall periodically notify the victim of the status of a final determination on further action on such case, whether
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1 non-judicial punishment under section 815 of such title
2 (article 15 of the Uniform Code of Military Justice), other
3 administrative action, or no further action. Such notifica-
4 tions shall continue not less frequently than monthly until
5 such final determination.

SEC. 527. SAFE TO REPORT POLICY APPLICABLE ACROSS

THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall,
(b) SAFE TO REPORT POLICY.—The safe to report
policy described in this subsection is a policy under which
a member of the Armed Forces who is the victim of an
alleged sexual assault, but who may have committed minor
collateral misconduct at or about the time of such alleged
sexual assault, or whose minor collateral misconduct is
discovered only as a result of the investigation into such
alleged sexual assault, may report such alleged sexual ass-
sault to proper authorities without fear or receipt of dis-
cipline in connection with such minor collateral mis-
conduct absent aggravating circumstances that increase the gravity of the minor collateral misconduct or its impact on good order and discipline.

(c) MINOR COLLATERAL MISCONDUCT.—For purposes of the safe to report policy, minor collateral misconduct shall include any of the following:

(1) Improper use or possession of alcohol.

(2) Consensual intimate behavior (including adultery) or fraternization.

(3) Presence in an off-limits area.

(4) Such other misconduct as the Secretary of Defense shall specify in the regulations under subsection (a).

(d) AGGRAVATING CIRCUMSTANCES.—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral misconduct or its impact on good order and discipline for purposes of the safe to report policy.

SEC. 528. REPORT ON EXPANSION OF AIR FORCE SAFE TO REPORT POLICY ACROSS THE ARMED FORCES.

(a) REPORT.—Not late than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, 
section 529. proposal for separate punitive article in

the uniform code of military justice

on sexual harassment.

not later than 180 days after the date of the enactment of this act, the joint service committee on military justice shall submit to the committees on armed services...
of the Senate and the House of Representatives a report setting forth recommendations for legislative and administrative action required to establish a separate punitive article in chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), on sexual harassment.

SEC. 530. TREATMENT OF INFORMATION IN CATCH A SERIAL OFFENDER PROGRAM FOR CERTAIN PURPOSES.

(a) Exclusion from FOIA.—Section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), shall not apply to any report for purposes of the Catch a Serial Offender (CATCH) Program.

(b) Preservation of Restricted Report.—The transmittal or receipt in connection with the Catch a Serial Offender Program of a report on a sexual assault that is treated as a restricted report shall not operate to terminate its treatment or status as a restricted report.

SEC. 531. REPORT ON PRESERVATION OF RE COURSE TO RESTRICTED REPORT ON SEXUAL ASSAULT FOR VICTIMS OF SEXUAL ASSAULT FOLLOWING CERTAIN VICTIM OR THIRD-PARTY COMMUNICATIONS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary
of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report making findings and recommendations on the feasibility and advisability of a policy for the Department of Defense that would permit a victim of a sexual assault, that is or may be investigated as a result of a communication described in subsection (b), which victim is a member of the Armed Forces or an adult dependent of a member of the Armed Forces, to have the reporting on the sexual assault be treated as a restricted report without regard to the party initiating or receiving such communication.

(b) COMMUNICATIONS.—A communication described in this subsection is a communication reporting a sexual assault as follows:

(1) By the victim to a member of the Armed Forces, whether a commissioned officer or a non-commissioned officer, in the chain of command of the victim or the victim’s military sponsor.

(2) By the victim to military law enforcement personnel or personnel of a military criminal investigative organization (MCIO).

(3) By any individual other than victim.

(c) SCOPE OF FINDINGS AND RECOMMENDATIONS.—The report required by subsection (a) may include recommendations for new provisions of statute or regulations,
or modification of current statute or regulations, that may be required to put into effect the findings and recommendations described in subsection (a).

(d) CONSULTATION.—In preparing the report required by subsection (a), the Secretary shall consult with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC–IPAD) under section 546 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note).

SEC. 532. AUTHORITY FOR RETURN OF PERSONAL PROPERTY TO VICTIMS OF SEXUAL ASSAULT WHO FILE A RESTRICTED REPORT BEFORE CONCLUSION OF RELATED PROCEEDINGS.

Section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) is amended—

(1) by redesignating subsection (f) as subsection (e);

(2) in subsection (e), as so redesignated, in the subsection heading, by inserting “in unrestricted reporting cases” after “proceedings”; and

(3) by adding at the end the following new subsection:
“(f) Return of Personal Property in Restricted Reporting Cases.—(1) The Secretary of Defense shall prescribe procedures under which a victim who files a restricted report on an incident of sexual assault may request, at any time, the return of any personal property of the victim obtained as part of the sexual assault forensic examination.

“(2) The procedures shall ensure that—

“(A) a request of a victim under paragraph (1) may be made on a confidential basis and without affecting the restricted nature of the restricted report;

and

“(B) at the time of the filing of the restricted report, a Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate—

“(i) informs the victim that the victim may request the return of personal property as described in paragraph (1); and

“(ii) advises the victim that such a request for the return of personal property may negatively impact a subsequent case adjudication, if the victim later decides to convert the restricted report to an unrestricted report.
“(3) Except with respect to personal property returned to a victim under this subsection, nothing in this subsection shall affect the requirement to retain a sexual assault forensic examination (SAFE) kit for the period specified in subsection (e)(4)(A).”.

SEC. 533. EXTENSION OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.


SEC. 534. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

(a) Establishment Required.—

(1) In general.—The Secretary of Defense shall establish and maintain within the Department of Defense an advisory committee to be known as the “Defense Advisory Committee for the Prevention of Sexual Misconduct” (in this section referred to as the “Advisory Committee”).

(2) Deadline for establishment.—The Secretary shall establish the Advisory Committee not
later than 180 days after the date of the enactment of this Act.

(b) Membership.—

(1) In general.—The Advisory Committee shall consist of not more than 20 members, appointed by the Secretary from among individuals who have an expertise appropriate for the work of the Advisory Committee, including at least one individual with each expertise as follows:

(A) Expertise in the prevention of sexual assault and behaviors on the sexual assault continuum of harm.

(B) Expertise in the prevention of suicide.

(C) Expertise in the change of culture of large organizations.

(D) Expertise in implementation science.

(2) Background of Individuals.—Individuals appointed to the Advisory Committee may include individuals with expertise in sexual assault prevention efforts of institutions of higher education, public health officials, and such other individuals as the Secretary considers appropriate.

(3) Prohibition on Membership of Members of Armed Forces on Active Duty.—A member of the Armed Forces serving on active duty
may not serve as a member of the Advisory Com-
mittee.
(e) DUTIES.—
(1) IN GENERAL.—The Advisory Committee
shall advise the Secretary on the following:

(A) The prevention of sexual assault (in-
cluding rape, forcible sodomy, other sexual as-
sault, and other sexual misconduct (including
behaviors on the sexual assault continuum of
harm)) involving members of the Armed Forces.

(B) The policies, programs, and practices
of each military department, each Armed Force,
and each military service academy for the pre-
vention of sexual assault as described in sub-
paragraph (A).

(2) BASIS FOR PROVISION OF ADVICE.—For
purposes of providing advice to the Secretary pursu-
ant to this subsection, the Advisory Committee shall
review, on an ongoing basis, the following:

(A) Cases involving allegations of sexual
assault described in paragraph (1).

(B) Efforts of institutions of higher edu-
cation to prevent sexual assault among stu-
dents.
(C) Any other information or matters that
the Advisory Committee or the Secretary con-
siders appropriate.

(3) COORDINATION OF EFFORTS.—In addition
to the reviews required by paragraph (2), for pur-
poses of providing advice to the Secretary the Advi-
sory Committee shall also consult and coordinate
with the Defense Advisory Committee on Investiga-
tion, Prosecution, and Defense of Sexual Assault in
the Armed Forces (DAC-IPAD) on matters of joint
interest to the two Advisory Committees.

(d) ANNUAL REPORT.—Not later than March 30
each year, the Advisory Committee shall submit to the
Secretary and the Committees on Armed Services of the
Senate and the House of Representatives a report on the
activities of the Advisory Committee pursuant to this sec-
tion during the preceding year.

(e) SEXUAL ASSAULT CONTINUUM OF HARM.—In
this section, the term “sexual assault continuum of harm”
includes—

(1) inappropriate actions (such as sexist jokes),
sexual harassment, gender discrimination, hazing,
cyber bullying, or other behavior that contributes to
a culture that is tolerant of, or increases risk for,
sexual assault; and
(2) maltreatment or ostracism of a victim for a report of sexual misconduct.

SEC. 535. INDEPENDENT REVIEWS AND ASSESSMENTS ON RACE AND ETHNICITY IN THE INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) Reviews and Assessments by DAC-IPAD.—The independent committee established by the Secretary of Defense under section 546 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3374), commonly known as the “DAC-IPAD”, shall conduct each of the following:

(1) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces accused of a penetrative sexual assault offense or contact sexual assault offense in an unrestricted report made pursuant to Department of Defense Instruction 6495.02, including an unrestricted report involving a spouse or intimate partner, in all cases completed in each fiscal year assessed.

(2) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces against whom charges were preferred pursuant to Rule for Courts-Martial 307 for a penetrative
sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed.

(3) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces who were convicted of a penetrative sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request by the chair of the committee, a department or agency of the Federal Government shall provide information that the committees considers necessary to conduct reviews and assessments required by subsection (a), including military criminal investigation files, charge sheets, records of trial, and personnel records.

(2) HANDLING, STORAGE, AND RETURN.—The committee shall handle and store all records received and reviewed under this section in accordance with applicable privacy laws and Department of Defense policy, and shall return all records so received in a timely manner.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the committee shall submit to the Secretary of Defense, and to the Committees on
Armed Services of the Senate and the House of Representatives, a report setting forth the results of the reviews and assessments required by subsection (a). The report shall include such recommendations for legislative or administrative action as the committee considers appropriate in light of such results.

(d) **DEFINITIONS.**—In this section:

(1) The term “case” means an unrestricted report of any penetrative sexual assault offense or contact sexual assault offense made against a member of the Armed Forces pursuant to Department of Defense Instruction 6495.02, including any unrestricted report involving a spouses or intimate partner for which an investigation has been opened by a criminal investigative organization.

(2) The term “completed”, with respect to a case, means that the case was tried to verdict, dismissed without further action, or dismissed and then resolved by non-judicial or administrative proceedings.

(3) The term “contact sexual assault offense” means aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit such offenses under the Uniform Code of Military Justice.
(4) The term “penetrative sexual assault offense” means rape, aggravated sexual assault, sexual assault, forcible sodomy, and attempts to commit such offenses under the Uniform Code of Military Justice.

SEC. 536. REPORT ON MECHANISMS TO ENHANCE THE INTEGRATION AND SYNCHRONIZATION OF ACTIVITIES OF SPECIAL VICTIM INVESTIGATION AND PROSECUTION PERSONNEL WITH ACTIVITIES OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth proposals for various mechanisms to enhance the integration and synchronization of activities of Special Victim Investigation and Prosecution (SVIP) personnel with activities of military criminal investigative organizations (MCIOs) in investigations in which both such personnel are or may be involved. If the proposed mechanisms require legislative or administration action for implementation, the report shall set forth such recommendations for
such action as the Secretary of Defense considers appropriate.

SEC. 537. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT STATUTORY REQUIREMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE MILITARY.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of statutory requirements on sexual assault prevention and response in the military in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) and each succeeding national defense authorization Act through the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

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

(1) A list and citation of each statutory requirement (whether codified or uncodified) on sexual assault prevention and response in the military in each
national defense authorization Act specified in paragraph (1), including—

(A) whether such statutory requirement is still in force; and

(B) if such statutory requirement is no longer in force, the date of the repeal or expiration of such requirement.

(2) For each statutory requirement listed pursuant to paragraph (1), the following:

(A) An assessment of the extent to which such requirement was implemented, or is currently being implemented, as applicable, by each Armed Force to which such requirement applied or applies.

(B) A description and assessment of the actions taken by each of the Department of Defense, the military department concerned, and the Armed Force concerned to assess and determine the effectiveness of actions taken pursuant to such requirement in meeting its intended objective.

(3) Any other matters in connection with the statutory requirements specified in subsection (a), and the implementation of such requirements by the
Armed Forces, that the Comptroller General considers appropriate.

(e) Briefings.—Not later than May 1, 2020, the Comptroller General shall provide to the committees referred to in subsection (a) one or more briefings on the status of the study required by subsection (a), including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.

PART II—SPECIAL VICTIMS’ COUNSEL MATTERS

SEC. 541. LEGAL ASSISTANCE BY SPECIAL VICTIMS’ COUNSEL FOR VICTIMS OF ALLEGED DOMESTIC VIOLENCE OFFENSES.

(a) Conditional Expansion of Eligibility to Victims of Alleged Domestic Violence Offenses.—Subsection (a) of section 1044e of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Legal counsel designated as described in paragraph (1) may also provide legal assistance to any individual described in paragraph (2)(B) or (2)(C) who is the victim of an alleged domestic violence offense, and to any civilian individual not otherwise covered by paragraph (2)(C) who is the victim of an alleged sex-related offense or alleged domestic violence offense, if the Secretary of
the military department concerned determines (on a case-
by-case basis) that resources are available for the provi-
sion of such assistance to such individual without impair-
ing the capacity to provide assistance under paragraph (1)
to victims of alleged sex-related offenses described in para-
graph (2).”.

(b) DEFINITIONS.—Subsection (g) of such section is
amended to read as follows:

“(g) DEFINITIONS.—In this section:

“(1) The term ‘alleged covered offense’ means
any of the following:

“(A) An alleged sex-related offense.

“(B) An alleged domestic violence offense.

“(2) The term ‘alleged sex-related offense’
means any allegation of—

“(A) a violation of section 920, 920b,
920e, or 930 of this title (article 120, 120b,
120e, or 130 of the Uniform Code of Military
Justice); or

“(B) an attempt to commit an offense
specified in a subparagraph (A) as punishable
under section 880 of this title (article 80 of the
Uniform Code of Military Justice).

“(3) The term ‘alleged domestic violence of-
fense’ means any allegation of—
“(A) a violation of section 928, 928b(1),
928b(5), or 930 of this title (article 128,
128b(1), 128b(5), or 130 of the Uniform Code
of Military Justice), when committed against a
spouse, intimate partner, or immediate family
member;

“(B) a violation of any other provision of
subchapter X of chapter 47 of this title (the
Uniform Code of Military Justice), when com-
mitted against a spouse, intimate partner, or
immediate family member, as specified by the
Secretary concerned for purposes of eligibility
for legal consultation and assistance by Special
Victims’ Counsel under the jurisdiction of such
Secretary under this section; or

“(C) an attempt to commit an offense
specified in a subparagraph (A) or (B) as pun-
ishable under section 880 of this title (article
80 of the Uniform Code of Military Justice).”.

(c) CONFORMING AMENDMENTS.—Such section is
further amended—

(1) in subsections (b) and (f), by striking “al-
leged sex-related offense” each place it appears
(other than subsection (f)(1)) and inserting “alleged
covered offense concerned”; and
(2) in subsection (f)—

(A) by striking “subsection (a)(2)” each place it appears and inserting “paragraph (2) or (3) of subsection (a)”;

(B) in paragraph (1), by striking “an alleged sex-related offense” and inserting “an alleged covered offense”.

(d) Clerical Amendments.—

(1) Heading Amendment.—The heading of such section is amended to read as follows:

“§ 1044e. Special Victims’ Counsel: victims of sex-related offenses; victims of domestic violence offenses”.

(2) Table of Sections.—the table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1044e and inserting the following new item:

“1044e. Special Victims’ Counsel: victims of sex-related offenses; victims of domestic violence offenses.”.

SEC. 542. OTHER SPECIAL VICTIMS’ COUNSEL MATTERS.

(a) Enhancement of Legal Consultation and Assistance in Connection With Potential Victim Benefits.—Paragraph (8)(D) of subsection (b) of section 1044e of title 10, United States Code, is amended by striking “and other” and inserting “, section 1408(h) of this title, and other”.

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(b) **Expansion of Legal Assistance Authorized**

to **Include Consultation and Assistance for Retaliation.**—Subsection (b) of such section is amended further—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) Legal consultation and assistance in connection with an incident of retaliation, whether such incident occurs before, during, or after the conclusion of any criminal proceedings, including—

“(A) in understanding the rights and protections afforded to victims of retaliation;

“(B) in the filing of complaints; and

“(C) in any resulting military justice proceedings.”.

(c) **Codification of Duty to Determine Victim’s Preference for Prosecution of Alleged Sex-related Offense by Court-martial or Civilian Court.**—

(1) **In General.**—Such section is further amended—
(A) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and
(B) by inserting after subsection (c) the following new subsection (d):

“(d) DUTY TO DETERMINE VICTIM’S PREFERENCE FOR PROSECUTION OF AN ALLEGED SEX-RELATED OFFENSE BY COURT-MARTIAL OR CIVILIAN COURT.—(1) In providing legal consultation and representation to a victim under this section in connection with an alleged sex-related offense that occurs in the United States, a Special Victims’ Counsel shall have the duty—

“(A) to solicit the victim’s preference regarding whether the offense should be prosecuted by court-martial or in a civilian court with jurisdiction over the offense; and

“(B) to make the victim’s preference, if offered, known to appropriate military prosecutors.

“(2) Any consultation by a Special Victims’ Counsel pursuant to paragraph (1) shall occur in accordance with the process for such consultation established pursuant to section 534(b) of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1044e note) or such other process
as the Secretary of Defense shall establish for that pur-
pose.”.

(2) CONFORMING AMENDMENT.—Paragraph
(11) of subsection (b) of such section, as redesig-
nated by subsection (b)(1) of this section, is amend-
ed by striking “subsection (h)” and inserting “sub-
section (i)”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date that is 180 days
after the date of the enactment of this Act.

(e) REPORT ON EXPANSION OF ELIGIBILITY FOR
SVC SERVICES FOR VICTIMS OF ALLEGED DOMESTIC VI-
OLENCE OFFENSES AND RELATED MATTERS.—

(1) IN GENERAL.—Not later than 120 days
after the date of the enactment of this Act, the Sec-
cretary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives a report setting forth a description and
assessment of the manner in which the Department
of Defense would implement amendments to section
1044e of title 10, United States Code, that would
provide for the following:

(A) An expansion of eligibility for Special
Victims’ Counsel services for victims of alleged
domestic violence offenses.
(B) An expansion of eligibility for Special Victim’s Counsel services to any civilians who are the victim of an alleged sex-related offense or an alleged domestic violence offense, in cases in which the Secretary concerned waives the condition in section 1044(a)(7) of title 10, United States Code, for purposes of such eligibility.

(2) ELEMENTS.—The report required by paragraph (1) shall include a comprehensive description of the additional personnel (including the specific number of additional billets), resources, and training required to implement the amendments described in that paragraph such that such amendments are fully implemented by not later than September 30, 2025.

(3) DEFINITIONS.—In this subsection:

(A) The term “alleged sex-related offense” has the meaning given that term in section 1044e(g) of title 10, United States Code.

(B) The term “alleged domestic violence offense” means any allegation of—

(i) a violation of section 928(b), 928b(1), 928b(5), or 930 of title 10, United States Code (article 128(b), 128b(1), 128b(5), or 130 of the Uniform
Code of Military Justice), when committed
against a spouse, intimate partner, or im-
mediate family member;

(ii) a violation of any other provision
of subchapter X of chapter 47 of such title
(the Uniform Code of Military Justice),
when committed against a spouse, intimate
partner, or immediate family member, if
specified by any Secretary concerned for
purposes of eligibility for legal consultation
and assistance by Special Victims’ Counsel
under the amendments described in para-
graph (1); and

(iii) an attempt to commit an offense
specified in clause (i) or (ii) as punishable
under section 880 of such title (article 80
of the Uniform Code of Military Justice).

(C) The term “Secretary concerned” has
the meaning given that term in section
101(a)(9) of title 10, United States Code.

SEC. 543. AVAILABILITY OF SPECIAL VICTIMS’ COUNSEL AT
MILITARY INSTALLATIONS.

(a) DEADLINE FOR AVAILABILITY.—If a Special Vic-
tims’ Counsel is not available at a military installation for
access by a member of the Armed Forces who requests
access to such a Counsel, such a Counsel shall be made
available at such installation for access by such member
by not later than 72 hours after such request.

(b) Report on Civilian Support of SVCs.—Not
later than 180 days after the date of the enactment of
this Act, each Secretary of a military department shall
submit to the Committees on Armed Services of the Sen-
ate and the House of Representatives a report setting
forth the assessment of such Secretary of the feasibility
and advisability of establishing and maintaining for each
Special Victims’ Counsel under the jurisdiction of such
Secretary one or more civilian positions for the purpose
of—

(1) providing support to such Special Victims’
Counsel; and

(2) ensuring continuity and the preservation of
institutional knowledge in transitions between the
service of individuals as such Special Victims’ Coun-
sel.

SEC. 544. TRAINING FOR SPECIAL VICTIMS’ COUNSEL ON
CIVILIAN CRIMINAL JUSTICE MATTERS IN
THE STATES OF THE MILITARY INSTALLA-
TIONS TO WHICH ASSIGNED.

(a) Training.—Upon the assignment of a Special
 Victims’ Counsel (including a Victim Legal Counsel of the
Navy) to a military installation in the United States, such Counsel shall be provided appropriate training on the law and policies of the State or States in which such military installation is located with respect to the criminal justice matters specified in subsection (b).

(b) CRIMINAL JUSTICE MATTERS.—The criminal justice matters specified in this subsection, with respect to a State, are the following:

(1) Victim rights.
(2) Protective orders.
(3) Prosecution of criminal offenses.
(4) Sentencing for conviction of criminal offenses.

PART III—BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS

SEC. 546. REPEAL OF 15-YEAR STATUTE OF LIMITATIONS ON MOTIONS OR REQUESTS FOR REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES.

(a) REPEAL.—Section 1553(a) of title 10, United States Code, is amended by striking the second sentence.
(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2020.
SEC. 547. REDUCTION IN REQUIRED NUMBER OF MEMBERS OF DISCHARGE REVIEW BOARDS.

Section 1553(a) of title 10, United States Code, is amended by striking “five” and inserting “not fewer than three”.

SEC. 548. ENHANCEMENT OF PERSONNEL ON BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 1552 of title 10, United States Code, is amended—

(1) in subsection (g), by inserting “, or a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma,” after “psychiatrist”; and

(2) in subsection (h)(2)(A), by inserting “including a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma)” after “a civilian health care provider”.

(b) DISCHARGE REVIEW BOARDS.—Section 1553 of such title is amended—

(1) in subsection (d)(1), by inserting “, or a social worker with training on mental health issues connected with post-traumatic stress disorder or
traumatic brain injury or other trauma,’’ after ‘‘psy-
chiatrist’’ both places it appears; and

(2) in subsection (e), by inserting ‘‘a social
worker with training on mental health issues con-
ected with post-traumatic stress disorder or trau-
matic brain injury or other trauma,’’ after ‘‘or psy-
chiatrist,’’.

SEC. 549. INCLUSION OF INTIMATE PARTNER VIOLENCE
AND SPOUSAL ABUSE AMONG SUPPORTING
RATIONALES FOR CERTAIN CLAIMS FOR COR-
RECTIONS OF MILITARY RECORDS AND DIS-
CHARGE REVIEW.

(a) CORRECTION OF MILITARY RECORDS.—Section
1552(h)(1) of title 10, United States Code, is amended
by striking ‘‘or military sexual trauma’’ and inserting ‘‘,
sexual trauma, intimate partner violence, or spousal
abuse’’.

(b) DISCHARGE REVIEW.—Section 1553(d)(3)(B) of
such title is amended by striking ‘‘or military sexual trau-
ma’’ and inserting ‘‘, sexual trauma, intimate partner vio-
ience, or spousal abuse’’.
SEC. 550. ADVICE AND COUNSEL OF TRAUMA EXPERTS IN REVIEW BY BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS OF CERTAIN CLAIMS.

(a) Boards for Correction of Military Records.—Section 1552(g) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(g)” ; and

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

“(2) If a board established under subsection (a)(1) is reviewing a claim described in subsection (h), the board shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

“(3) If a board established under subsection (a)(1) is reviewing a claim in which sexual trauma, intimate partner violence, or spousal abuse is claimed, the board shall seek advice and counsel in the review from an expert in trauma specific to sexual assault, intimate partner violence, or spousal abuse, as applicable.”.
(b) DISCHARGE REVIEW BOARDS.—Section 1553(d)(1) of such title is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph;

“(B) In the case of a former member described in paragraph (3)(B) who claims that the former member’s post-traumatic stress disorder or traumatic brain injury as described in that paragraph in based in whole or in part on sexual trauma, intimate partner violence, or spousal abuse, a board established under this section to review the former member’s discharge or dismissal shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.”.
SEC. 551. TRAINING OF MEMBERS OF BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS ON SEXUAL TRAUMA, INTIMATE PARTNER VIOLENCE, SPOUSAL ABUSE, AND RELATED MATTERS.

(a) BOARDS FOR CORRECTION OF MILITARY RECORDS.—The curriculum of training for members of boards for the correction of military records under section 534(c) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1552 note) shall include training on each of the following:

1. Sexual trauma.
2. Intimate partner violence.
4. The various responses of individuals to trauma.

(b) DISCHARGE REVIEW BOARDS.—

1. IN GENERAL.—Each Secretary concerned shall develop and provide training for members of discharge review boards under section 1553 of title 10, United States Code, that are under the jurisdiction of such Secretary on each of the following:

A. Sexual trauma.
B. Intimate partner violence.
C. Spousal abuse.
The various responses of individuals to trauma.

(2) Uniformity of Training.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the training developed and provided pursuant to this subsection is, to the extent practicable, uniform.

(3) Secretary Concerned Defined.—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 552. LIMITATIONS AND REQUIREMENTS IN CONNECTION WITH SEPARATIONS FOR MEMBERS OF THE ARMED FORCES WHO SUFFER FROM MENTAL HEALTH CONDITIONS IN CONNECTION WITH A SEX-RELATED, INTIMATE PARTNER VIOLENCE-RELATED, OR SPOUSAL-ABUSE OFFENSE.

(a) Confirmation of Diagnosis of Condition Required Before Separation.—Before a member of the Armed Forces who was the victim of a sex-related offense, an intimate partner violence-related offense, or a spousal-abuse offense during service in the Armed Forces (whether or not such offense was committed by another member of the Armed Forces), and who has a mental
health condition not amounting to a physical disability, is
separated, discharged, or released from the Armed Forces
based solely on such condition, the diagnosis of such condi-
tion must be—

(1) corroborated by a competent mental health
care professional at the peer level or a higher level
of the health care professional making the diagnosis;
and

(2) endorsed by the Surgeon General of the
military department concerned.

(b) NARRATIVE REASON FOR SEPARATION IF MEN-
TAL HEALTH CONDITION PRESENT.—If the narrative rea-
son for discharge, separation, or release from the Armed
Forces of a member of the Armed Forces is a mental
health condition that is not a disability, the appropriate
narrative reason for the discharge, separation, or release
shall be condition, not a disability, or Secretarial author-
ity.

(c) DEFINITION.—In this section:

(1) The term “intimate partner violence-related
offense” means the following:

(A) An offense under section 928 or 930
of title 10, United States Code (article 128 or
130 of the Uniform Code of Military Justice).
(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(2) The term “sex-related offense” means the following:

(A) An offense under section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(3) The term “spousal-abuse offense” means the following:

(A) An offense under section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to separations, discharges, and releases from the Armed Forces that occur on or after that effective date.
SEC. 553. LIBERAL CONSIDERATION OF EVIDENCE IN CERTAIN CLAIMS BY BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS.

(a) Boards for the Correction of Military Records.—

(1) In general.—Section 1552(h) of title 10, United States Code, is amended—

(A) by striking paragraph (1);

(B) by striking “(2) In the case of a claimant described in paragraph (1), a board” and inserting “A board”;

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in paragraph (1), as redesignated by subparagraph (C), by inserting “all evidence presented by the claimant, including lay evidence and information and” after “review”; and

(E) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) if a claim alleges error or injustice in the claimant’s discharge or dismissal, or the characterization of such discharge or dismissal, review such claim with liberal consideration of all evidence and
information submitted by, or pertaining to, the
claimant.”.

(2) **Effective Date.**—The amendments made
by paragraph (1) shall take effect on the date of the
enactment of this Act, and shall apply with respect
to claims submitted to boards for the correction of
military records under section 1552 of title 10,
United States Code, on or after that date.

(b) **Discharge Review Boards.**—

(1) **In General.**—Section 1553 of title 10,
United States Code, is amended—

(A) in subsection (c)—

(i) by inserting “(1)” after “(c)”;

(ii) by adding at the end the following
new paragraph:

“(2) A board established under this section shall—

“(A) review all evidence and information pro-
vided by the former member, including lay evidence
and information and medical evidence of the Sec-
retary of Veterans Affairs or a civilian health care
provider that is provided by the former member; and

“(B) review the claim with liberal consideration
of all evidence and information submitted by, or per-
taining to, the former member.”; and
(B) in subsection (d), by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to motions or requests for review submitted to discharge review boards under section 1553 of title 10, United States Code, on or after that date.

PART IV—OTHER MILITARY JUSTICE MATTERS

SEC. 555. EXPANSION OF PRE-REFERRAL MATTERS REVIEWABLE BY MILITARY JUDGES AND MILITARY MAGISTRATES IN THE INTEREST OF EFFICIENCY IN MILITARY JUSTICE.

(a) IN GENERAL.—Subsection (a) of section 830a of title 10, United States Code (article 30a of the Uniform Code of Military Justice), is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) The President shall prescribe regulations for matters relating to proceedings conducted before referral of charges and specifications to court-martial for trial, including the following:

“(A) Pre-referral investigative subpoenas.

“(B) Pre-referral warrants or orders for electronic communications.
“(C) Pre-referral matters referred by an appellate court.

“(D) Pre-referral matters under subsection (c) or (e) of section 806b of this title (article 6b).

“(E) Pre-referral matters relating to the following:

“(i) Pre-trial confinement of an accused.

“(ii) The mental capacity or responsibility of an accused.

“(iii) A request for an individual military counsel.

“(2) In addition to the matters specified in paragraph (1), the regulations prescribed under that paragraph shall—

“(A) set forth the matters that a military judge may rule upon in such proceedings;

“(B) include procedures for the review of such rulings;

“(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial;

“(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate; and
“(E) provide for treatment of such other pre-referral matters as the President may prescribe.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 830a. Art 30a. Proceedings conducted before referral”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by striking the item relating to section 830a (article 30a) and inserting the following new item:

“§830a. 30a. Proceedings conducted before referral.”.

SEC. 556. POLICIES AND PROCEDURES ON REGISTRATION AT MILITARY INSTALLATIONS OF CIVILIAN PROTECTIVE ORDERS APPLICABLE TO MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH INSTALLATIONS AND CERTAIN OTHER INDIVIDUALS.

(a) POLICIES AND PROCEDURES REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish policies and procedures for the registration at military installations of any civilian protective orders described in sub-
section (b), including the duties and responsibilities of commanders of installations in the registration process.

(b) CIVILIAN PROTECTIVE ORDERS.—A civilian protective order described in this subsection is any civilian protective order as follows:

(1) A civilian protective order against a member of the Armed Forces assigned to the installation concerned.

(2) A civilian protective order against a civilian employee employed at the installation concerned.

(3) A civilian protective order against the civilian spouse or intimate partner of a member of the Armed Forces on active duty and assigned to the installation concerned, or of a civilian employee described in paragraph (2), which order provides for the protection of such member or employee.

(c) PARTICULAR ELEMENTS.—The policies and procedures required by subsection (a) shall include the following:

(1) A requirement for notice between and among the commander, military law enforcement elements, and military criminal investigative elements of an installation when a member of the Armed Forces assigned to such installation, a civilian employee employed at such installation, a civilian
spouse or intimate partner of a member assigned to such installation, or a civilian spouse or intimate partner of a civilian employee employed at such installation becomes subject to a civilian protective order.

(2) A statement of policy that failure to register a civilian protective order may not be a justification for the lack of enforcement of such order by military law enforcement and other applicable personnel who have knowledge of such order.

(d) LETTER.—As soon as practicable after establishing the policies and procedures required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a letter that includes the following:

(1) A detailed description of the policies and procedures.

(2) A certification by the Secretary that the policies and procedures have been implemented on each military installation.

SEC. 557. INCREASE IN NUMBER OF DIGITAL FORENSIC EXAMINERS FOR THE MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to increase the
number of digital forensic examiners in each military
criminal investigative organization (MCIO) under the ju-
risdiction of such Secretary by not fewer than 10 from
the authorized number of such examiners for such organi-
ization as of September 30, 2019.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-
TIONS.—For purposes of this section, the military criminal
investigative organizations are the following:

   (1) The Army Criminal Investigation Com-
mand.

   (2) The Naval Criminal Investigative Service.

   (3) The Air Force Office of Special Investiga-
tions.

   (4) The Marine Corps Criminal Investigation
Division.

(c) FUNDING.—Funds for additional digital forensic
examiners as required by subsection (a) for fiscal year
2020, including for compensation, initial training, and
equipment, shall be derived from amounts authorized to
be appropriated for that fiscal year for the Armed Force
concerned for operation and maintenance.
SEC. 558. SURVEY OF MEMBERS OF THE ARMED FORCES ON THEIR EXPERIENCES WITH MILITARY INVESTIGATIONS AND MILITARY JUSTICE.

(a) In General.—Chapter 23 of title 10, United States Code, is amended by inserting after section 481a the following new section:

“§ 481b. Military investigation and justice experiences: survey of members of the armed forces

“(a) SURVEYS REQUIRED.—(1) The Secretary of Defense shall conduct from time to time a survey on the experiences of members of the armed forces with military investigations and military justice in accordance with this section and guidance issued by the Secretary for purposes of this section.

“(2) The survey under this section shall be known as the ‘Military Investigation and Justice Experience Survey’.

“(b) MATTERS COVERED BY SURVEY.—The guidance issued by the Secretary under this section on the survey shall include specification of the following:

“(1) The individuals to be surveyed, including any member of the armed forces serving on active duty who is a victim of an alleged sex-related offense and who made an unrestricted report of that offense.
“(2) The matters to be covered in the survey, including—

“(A) the experience of the individuals surveyed with the military criminal investigative organization that investigated the alleged offense, and with the Special Victims’ Counsel in the case of a member who was the victim of an alleged sex-related offense; and

“(B) if the individual’s report resulted in a charge or charges that were referred to a court-martial, the experience of the individual with the prosecutor and the court-martial in general.

“(3) The timing of the administration of the survey, including when the investigation or case is closed or otherwise complete.

“(c) FREQUENCY OF SURVEY.—The survey required by this section shall be conducted at least once every four years, but not more frequently than once every two years.

“(d) DEFINITIONS.—In this section:

“(1) ALLEGED SEX-RELATED OFFENSE.—The term ‘alleged sex-related offense’ has the meaning provided in section 1044e(g) of this title.

“(2) UNRESTRICTED REPORT.—The term ‘unrestricted report’ means a report that is not a restricted report.
“(3) **RESTRICTED REPORT.**—The term ‘restricted report’ means a report concerning a sexual assault that is treated as a restricted report under section 1565b(b) of this title.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of such title is amended by inserting after the item relating to section 481a the following new item:

“481b. Military investigation and justice experiences: survey of members of the armed forces.”.

SEC. 559. PUBLIC ACCESS TO DOCKETS, FILINGS, AND COURT RECORDS OF COURTS-MARTIAL OR OTHER RECORDS OF TRIAL OF THE MILITARY JUSTICE SYSTEM.

(a) **IN GENERAL.**—Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended—

(1) by striking “The Secretary of Defense” and inserting “(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of Homeland Security,”;

(2) in subsection (a), as designated by paragraph (1)—

(A) in the matter preceding paragraph (1), by inserting “(including with respect to the
Coast Guard)” after “military justice system”; and

(B) in paragraph (4), by inserting “public” before “access to docket information”; and

(3) by adding at the end the following new subsections:

“(b) INAPPLICABILITY OF PRIVACY ACT.—Section 552a of title 5 shall not apply to records of trial produced or distributed within the military justice system or docket information, filings, and records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a).

“(c) PROTECTION OF CERTAIN PERSONALLY IDENTIFIABLE INFORMATION.—Records of trial, docket information, filings, and other records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a) shall restrict access to personally identifiable information of minors and victims of crime (including victims of sexual assault and domestic violence), as practicable to the extent such information is restricted in electronic filing systems of Federal and State courts.

“(d) INAPPLICABILITY TO CERTAIN DOCKETS AND RECORDS.—Nothing in this section shall be construed to provide public access to docket information, filings, or
records that are classified, subject to a judicial protective
order, or ordered sealed.”.

(b) EXISTING STANDARDS AND CRITERIA.—The Sec-
retary of Homeland Security shall apply to the Coast
Guard the standards and criteria for conduct established
by the Secretary of Defense under section 940a of title
10, United States Code (article 140a of the Uniform Code
of Military Justice), as in effect on the day before the date
of the enactment of this Act, until such time as the Sec-
retary of Defense, in consultation with the Secretary of
Homeland Security, prescribes revised standards and cri-
teria for conduct under such section that implement the
amendments made by subsection (a) of this section.

SEC. 560. PILOT PROGRAMS ON DEFENSE INVESTIGATORS
IN THE MILITARY JUSTICE SYSTEM.

(a) IN GENERAL.—Each Secretary of a military de-
partment shall carry out a pilot program on defense inves-
tigators within the military justice system under the juris-
diction of such Secretary in order to do the following:

(1) Determine whether the presence of defense
investigators within such military justice system
will—

(A) make such military justice system
more effective in determining the truth; and
(B) make such military justice system
more fair and efficient.

(2) Otherwise assess the feasibility and advis-
ability of defense investigators as an element of such
military justice system.

(b) Elements.—

(1) Model of similar civilian criminal
justice systems.—Defense investigators under
each pilot program under subsection (a) shall consist
of personnel, and participate in the military justice
system concerned, in a manner similar to that of de-
fense investigators in civilian criminal justice sys-
tems that are similar to the military justice systems
of the military departments.

(2) Interview of victim.—A defense investi-
gator may question a victim under a pilot program
only upon a request made through the Special Vic-
tims’ Counsel or other counsel of the victim, or trial
counsel if the victim does not have such counsel.

(3) Uniformity across military justice
systems.—The Secretary of Defense shall ensure
that the personnel and activities of defense investi-
gators under the pilot programs are, to the extent
practicable, uniform across the military justice sys-
tems of the military departments.
(c) Report.—

(1) In general.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs under subsection (a).

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

(A) A description of each pilot program, including the personnel and activities of defense investigators under such pilot program.

(B) An assessment of the feasibility and advisability of establishing and maintaining defense investigators as an element of the military justice systems of the military departments.

(C) If the assessment under subparagraph (B) is that the establishment and maintenance of defense investigators as an element of the military justice systems of the military departments is feasible and advisable, such recommendations for legislative and administrative action as the Secretary of Defense considers appropriate to establish and maintain defense in-
vestigators as an element of the military justice systems.

(D) Any other matters the Secretary of Defense considers appropriate.

SEC. 561. REPORT ON MILITARY JUSTICE SYSTEM INVOLVING ALTERNATIVE AUTHORITY FOR DETERMINING WHETHER TO PREFER OR REFER CHANGES FOR FELONY OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Report Required.—

(1) In general.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted for purposes of the report, on the feasibility and advisability of an alternative military justice system in which determinations as to whether to prefer or refer charges for trial by court-martial for any offense specified in paragraph (2) is made by a judge advocate in grade O–6 or higher who has significant experience in criminal litigation and is outside of the chain of command of the member subject to the charges rather than by a commanding of-
ficer of the member who is in the chain of command
of the member.

(2) Specified offense.—An offense specified
in this paragraph is any offense under chapter 47 of
title 10, United States Code (the Uniform Code of
Military Justice), for which the maximum punish-
ment authorized includes confinement for more than
one year.

(b) Elements.—The study required for purposes of
the report under subsection (a) shall address the following:

(1) Relevant procedural, legal, and policy impli-
cations and considerations of the alternative military
justice system described in subsection (a).

(2) An analysis of the following in connection
with the implementation and maintenance of the al-
ternative military justice system:

(A) Legal personnel requirements.

(B) Changes in force structure.

(C) Amendments to law.

(D) Impacts on the timeliness and effi-
ciency of legal processes and court-martial adju-
dications.

(E) Potential legal challenges to the sys-
tem.
(F) Potential changes in prosecution and
conviction rates.

(G) Potential impacts on the preservation
of good order and discipline, including the abil-
ity of a commander to carry out nonjudicial
punishment and other administrative actions.

(H) Such other considerations as the Sec-
retary considers appropriate.

(3) A comparative analysis of the military jus-
tice systems of relevant foreign allies with the cur-
rent military justice system of the United States and
the alternative military justice system, including
whether or not approaches of the military justice
systems of such allies to determinations described in
subsection (a) are appropriate for the military jus-
tice system of the United States.

(4) An assessment of the feasibility and advis-
ability of conducting a pilot program to assess the
feasibility and advisability of the alternative military
justice system, and, if the pilot program is deter-
mined to be feasible and advisable—

(A) an analysis of potential legal issues in
connection with the pilot program, including po-
tential issues for appeals; and

(B) recommendations on the following:
(i) The populations to be subject to
the pilot program.

(ii) The duration of the pilot program.

(iii) Metrics to measure the effectiveness of the pilot program.

(iv) The resources to be used to conduct the pilot program.

SEC. 562. REPORT ON STANDARDIZATION AMONG THE MILITARY DEPARTMENTS IN COLLECTION AND PRESENTATION OF INFORMATION ON MATTERS WITHIN THE MILITARY JUSTICE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A plan for actions to provide for standardization, to the extent practicable, among the military departments in the collection and presentation of information on matters within their military justice systems, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform
Code of Military Justice), and such other information as the Secretary considers appropriate.

(2) An assessment of the feasibility and advisability of establishing and maintaining a single, Department of Defense-wide data management system for the standardized collection and presentation of information described in paragraph (1).

SEC. 563. REPORT ON ESTABLISHMENT OF GUARDIAN AD LITEM PROGRAM FOR CERTAIN MILITARY DEPENDENTS WHO ARE A VICTIM OR WITNESS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE INVOLVING ABUSE OR EXPLOITATION.

(a) Report Required.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents described in paragraph (2) who are a victim or witness of an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that involves an element of abuse or exploi-
tation in order to protect the best interests of such
dependents in a court-martial of such offense.

(2) COVERED DEPENDENTS.—The military de-
pendents described in this paragraph are as follows:

(A) Military dependents under 12 years of
age.

(B) Military dependents who lack mental
or other capacity.

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

(1) An assessment of the feasibility and advis-
ability of establishing a guardian ad litem program
as described in subsection (a).

(2) If establishment of the guardian ad litem
program is considered feasible and advisable, the fol-
lowing:

(A) A description of administrative re-
quirements in connection with the program, in-
cluding the following:

(i) Any memoranda of understanding
between the Department of Defense and
State and local authorities required for
purposes of the program.
(ii) The personnel, funding, and other
resources required for purposes of the pro-
gram.

(B) Best practices for the program (as de-
termined in consultation with appropriate civil-
ian experts on child advocacy).

(C) Such recommendations for legislative
and administration action to implement the pro-
gram as the Secretary considers appropriate.

Subtitle E—Member Education,
Training, Transition, and Resil-
ience

SEC. 566. CONSECUTIVE SERVICE OF SERVICE OBLIGATION
IN CONNECTION WITH PAYMENT OF TUITION
FOR OFF-DUTY TRAINING OR EDUCATION
FOR COMMISSIONED OFFICERS OF THE
ARMED FORCES WITH ANY OTHER SERVICE
OBLIGATIONS.

(a) In General.—Section 2007(b) of title 10,
United States Code, is amended by adding at the end the
following new paragraph:

“(3) Any active duty service obligation of a com-
missioned officer under this subsection shall be served con-
secutively with any other service obligation of the officer
(whether active duty or otherwise) under any other provi-
sion of law.”.

(b) EFFECTIVE DATE.—The amendment made by
this section shall take effect on the date of the enactment
of this Act, and shall apply with respect to agreements
for the payment of tuition for off-duty training or edu-
cation that are entered into on or after that date.

SEC. 567. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED
MEMBERS OF THE ARMED FORCES AS STU-
DENTS AT LAW SCHOOLS.

(a) IN GENERAL.—Section 2004 of title 10, United
States Code, is amended—

(1) in subsection (a)—

(A) by inserting “and enlisted members”
after “commissioned officers”;

(B) by striking “bachelor of laws or”; and

(C) by inserting “and enlisted members”
after “twenty-five officers”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1),
by inserting “or enlisted member” after “offi-
cer”; 

(B) by striking paragraph (1) and insert-
ing the following new paragraph (1):

“(1) either—
“(A) have served on active duty for a period of not less than two years nor more than six years and be an officer in the pay grade O–3 or below as of the time the training is to begin; or

“(B) have served on active duty for a period of not less than four years nor more than eight years and be an enlisted member in the pay grade E–5, E–6, or E–7 as of the time the training is to begin;”;

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1), as amended by subparagraph (B), the following new paragraph (2):

“(2) in the case of an enlisted member, meet all requirements for acceptance of a commission as a commissioned officer in the armed forces; and”;

(E) in subparagraph (B) of paragraph (3), as redesignated by subparagraph (C) of this paragraph, by striking “or law specialist”;

(3) in subsection (c)—

(A) in the first sentence, by inserting “and enlisted members” after “Officers”; and
(B) in the second sentence, by inserting “or enlisted member” after “officer” each place it appears;

(4) in subsection (d), by inserting “and enlisted members” after “officers”;

(5) in subsection (e), by inserting “or enlisted member” after “officer”; and

(6) in subsection (f), by inserting “or enlisted member” after “officer”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 2004. Detail as students at law schools; commissioned officers; certain enlisted members”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by striking the item relating to section 2004 and inserting the following new item:

“2004. Detail as students at law schools; commissioned officers; certain enlisted members.”.
SEC. 568. CONNECTIONS OF MEMBERS RETIRING OR SEPARATING FROM THE ARMED FORCES WITH COMMUNITY-BASED ORGANIZATIONS AND RELATED ENTITIES.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly seek to enter into memoranda of understanding (MOUs) or other agreements with State veterans agencies under which information from Department of Defense Form DD–2648 on individuals undergoing retirement, discharge, or release from the Armed Forces is transmitted to one or more State veterans agencies, as elected by such individuals, to provide or connect veterans to benefits or services as follows:

(1) Assistance in preparation of resumes.

(2) Training for employment interviews.

(3) Employment recruitment training.

(4) Other services leading directly to a successful transition from military life to civilian life.

(5) Healthcare, including care for mental health.

(6) Transportation or transportation-related services.

(7) Housing.

(8) Such other benefits or services as the Secretaries jointly consider appropriate for purposes of this section.
(b) INFORMATION TRANSMITTED.—The information transmitted on individuals as described in subsection (a) shall be such information on Form DD–2648 as the Secretaries jointly consider appropriate to facilitate community-based organizations and related entities in providing or connecting such individuals to benefits and services as described in subsection (a).

(c) MODIFICATION OF FORM DD–2648.—The Secretary of Defense shall make such modifications to Form DD–2648 as the Secretary considers appropriate to allow an individual filling out the form to indicate an email address at which the individual may be contacted to receive or be connected to benefits or services described in subsection (a).

(d) VOLUNTARY PARTICIPATION.—Information on an individual may be transmitted to and through a State veterans agency as described in subsection (a) only with the consent of the individual. In giving such consent, an individual shall specify the following:

(1) The State veterans agency or agencies elected by the individual to transmit such information as described in subsection (a).

(2) The benefits and services for which contact information shall be so transmitted.
(3) Such other information on the individual as
the individual considers appropriate in connection
with the transmittal.

Subtitle F—Defense Dependents’
Education and Military Family
Readiness Matters

PART I—DEFENSE DEPENDENTS’ EDUCATION

MATTERS

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL
EDUCATIONAL AGENCIES THAT BENEFIT DE-
PENDENTS OF MEMBERS OF THE ARMED
FORCES AND DEPARTMENT OF DEFENSE CI-
VILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
amount authorized to be appropriated for fiscal year 2020
by section 301 and available for operation and mainte-
nance for Defense-wide activities as specified in the fund-
ing table in section 4301, $40,000,000 shall be available
only for the purpose of providing assistance to local edu-
cational agencies under subsection (a) of section 572 of
the National Defense Authorization Act for Fiscal Year

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
this section, the term “local educational agency” has the
meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2020 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(b) USE OF CERTAIN AMOUNT.—Of the amount available under subsection (a) for payments as described in that subsection, $5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.
SEC. 573. Ri’Katak Guest Student Program at United States Army Garrison–Kwajalein Atoll.

(a) Program Authorized.—The Secretary of the Army may conduct an assistance program to educate up to five local national students per grade, per academic year, on a space-available basis at the contractor-operated schools on United States Army Garrison–Kwajalein Atoll. The program shall be known as the “Ri’katak Guest Student Program”.

(b) Student Assistance.—Assistance that may be provided to students participating in the program carried out pursuant to subsection (a) includes the following:

(1) Classroom instruction.

(2) Extracurricular activities.

(3) Student meals.

(4) Transportation.
PART II—MILITARY FAMILY READINESS

MATTERS

SEC. 576. TWO-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT FOR STATE LICENSURE AND CERTIFICATION COSTS OF SPOUSES OF MEMBERS OF THE ARMED FORCES ARISING FROM RELOCATION TO ANOTHER STATE.

Section 476(p)(4) of title 37, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

SEC. 577. IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY FOR MILITARY SPOUSES THROUGH INTERSTATE COMPACTS.

Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY THROUGH INTERSTATE COMPACTS.—

“(1) IN GENERAL.—The Secretary of Defense shall seek to enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations in order to alleviate the burden associated with relicensing in such an occupation by spouse of a member of the armed forces in
connection with a permanent change of duty station
of members to another State.

“(2) LIMITATION ON ASSISTANCE PER COM-
PACT.—The amount provided under paragraph (1)
as assistance for the development of any particular
interstate compact may not exceed $1,000,000.

“(3) LIMITATION ON TOTAL AMOUNT OF AS-
SISTANCE.—The total amount of assistance provided
under paragraph (1) in any fiscal year may not ex-
ceed $4,000,000.

“(4) ANNUAL REPORT.—Not later than Feb-
uary 28 each year, the Secretary shall submit to
the Committees on Armed Services of the Senate
and the House of Representatives a report on inter-
state compacts described in paragraph (1) developed
through assistance provided under that paragraph.
Each report shall set forth the following:

“(A) Any interstate compact developed
during the preceding calendar year, including
the occupational licenses covered by such com-
pact and the States agreeing to enter into such
compact.

“(B) Any interstate compact developed
during a prior calendar year into which one or
more additional States agreed to enter during
the preceding calendar year.

“(5) Expiration.—The authority to enter into
a cooperative agreement under paragraph (1), and
to provide assistance described in that paragraph
pursuant to such cooperative agreement, shall expire
on September 30, 2024.”.

SEC. 578. MODIFICATION OF RESPONSIBILITY OF THE OFFICE OF SPECIAL NEEDS FOR INDIVIDUALIZED SERVICE PLANS FOR MEMBERS OF MILITARY FAMILIES WITH SPECIAL NEEDS.

Subparagraph (F) of section 1781c(d)(4) of title 10,
United States Code, is amended to read as follows:

“(F) Requirements regarding the development
of an individualized services plan for each military
family member with special needs when requested in
connection with the completion of a family needs as-
essment for the military family concerned.”.

SEC. 579. CLARIFYING TECHNICAL AMENDMENT ON DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS.

Section 559(e) of the National Defense Authorization
Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
1406; 10 U.S.C. 1792 note) is amended by inserting “(in-
cluding family childcare coordinator services and school
age childcare coordinator services)” after “childcare serv-
ices”.

SEC. 580. PILOT PROGRAM ON INFORMATION SHARING BE-
TWEEN DEPARTMENT OF DEFENSE AND DES-
IGNATED RELATIVES AND FRIENDS OF MEM-
BERS OF THE ARMED FORCES REGARDING
THE EXPERIENCES AND CHALLENGES OF
MILITARY SERVICE.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year
after the date of the enactment of this Act, the Sec-
retary of Defense shall seek to enter into an agree-
ment with the American Red Cross to carry out a
pilot program under which the American Red
Cross—

(A) encourages a member of the Armed
Forces, upon the enlistment or appointment of
such member, to designate up to 10 persons to
whom information regarding the military serv-
vice of such member shall be disseminated using
contact information obtained under paragraph
(6); and
(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information regarding military service.

(2) DISSEMINATION.—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program on a regular basis.

(3) TYPES OF INFORMATION.—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding—

(A) aspects of daily life and routine experienced by members of the Armed Forces;

(B) the challenges and stresses of military service, particularly during and after deployment as part of a contingency operation;

(C) the services available to members of the Armed Forces and the dependents of such members to cope with the experiences and challenges of military service;

(D) benefits administered by the Department of Defense for members of the Armed Forces and the dependents of such members;
(E) a toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program; and

(F) such other information as the Secretary determines to be appropriate.

(4) Privacy of Information.—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (3) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(5) Notice and Modifications.—In carrying out the pilot program, the Secretary shall, with respect to a member of the Armed Forces—

(A) ensure that such member is notified of the ability to modify designations made by such member under paragraph (1)(B); and
(B) upon the request of a member, authorize such member to modify such designations at any time.

(6) CONTACT INFORMATION.—In making a designation under the pilot program, a member of the Armed Forces shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the military service of the member.

(7) OPT-IN AND OPT-OUT OF PROGRAM.—

(A) OPT-IN BY MEMBERS.—A member may participate in the pilot program only if the member voluntarily elects to participate in the program. A member seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary and the Red Cross shall jointly specify for purposes of the pilot program.

(B) OPT-IN BY DESIGNATED RECIPIENTS.—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) OPT-OUT.—In carrying out the pilot program, the Secretary shall, with respect to a
person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) SURVEY AND REPORT ON PILOT PROGRAM.—

(1) SURVEY.—Not later than two years after the date on which the pilot program commences, the Secretary, in consultation with the American Red Cross, shall administer a survey to persons who elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section, including whether such information appropriately reflects the military career progression of members of the Armed Forces.

(2) REPORT.—Not later than three years after the date on which the pilot program commences, the Secretary shall submit to the congressional defense committees a final report on the pilot program which includes—

(A) the results of the survey administered under paragraph (1);

(B) a determination as to whether the pilot program should be made permanent; and
(C) recommendations as to modifications necessary to improve the program if made permanent.

(e) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate upon submission of the report required by subsection (b)(2).

SEC. 581. BRIEFING ON USE OF FAMILY ADVOCACY PROGRAMS TO ADDRESS DOMESTIC VIOLENCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on various mechanisms by which the Family Advocacy Programs (FAPs) of the military departments may be used and enhanced in order to end domestic violence among members of the Armed Forces and support survivors of such violence and their dependents.

Subtitle G—Decorations and Awards

SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JOHN J. DUFFY FOR ACTS OF VALOR IN VIETNAM.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation.
with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to John J. Duffy for the acts of valor in Vietnam described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of John J. Duffy on April 14 and 15, 1972, in Vietnam for which he was previously awarded the Distinguished-Service Cross.

SEC. 586. STANDARDIZATION OF HONORABLE SERVICE REQUIREMENT FOR AWARD OF MILITARY DECORATIONS.

(a) HONORABLE SERVICE REQUIREMENT.—

(1) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section

“§ 1136. Honorable service requirement for award of military decorations

“No military decoration, including a medal, cross, or bar, or an associated emblem or insignia, may be awarded or presented to any person, or to a representative of the person, if the service of the person after the person distinguished himself or herself has not been honorable.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following:

“1136. Honorable service requirement for award of military decorations.”.

(b) CONFORMING AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(1) In section 7274—

(A) in subsection (b) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

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

(2)(A) Section 8299 is repealed.

(B) The table of sections at the beginning of chapter 837 is amended by striking the item relating to section 8299.

(3) In section 9274—

(A) in subsection (b) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

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

(4) In section 9279, by striking subsection (c).
SEC. 587. AUTHORITY TO AWARD OR PRESENT A DECORATION NOT PREVIOUSLY RECOMMENDED IN A TIMELY FASHION FOLLOWING A REVIEW REQUESTED BY CONGRESS.

(a) Authority To Award or Present.—Section 1130 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d)(1) A decoration may be awarded or presented following the submittal of a recommendation under subsection (b) approving the award or presentation.

“(2) The authority to make an award or presentation under this subsection shall apply notwithstanding any limitation described in subsection (a).”.

(b) Conforming and Clerical Amendments.—

(1) Heading Amendment.—The heading of such section is amended to read as follows:

“§1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 57 of such title is
amended by striking the item relating to section 1130 and inserting the following new item:

“1130. Consideration of proposals for decorations not previously submitted in a timely fashion: procedures for review and award or presentation.”

SEC. 588. AUTHORITY TO MAKE POSTHUMOUS AND HONORARY PROMOTIONS AND APPOINTMENTS FOLLOWING A REVIEW REQUESTED BY CONGRESS.

(a) Authority To Make.—Section 1563 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

“(c) Authority To Make.—(1) Under regulations prescribed by the Secretary of Defense, a posthumous or honorary promotion or appointment may be made following the submittal of a determination under subsection (b) if the determination is to approve the making of such promotion of appointment.

“(2) The authority to make a promotion or appointment under this subsection shall apply notwithstanding that such promotion or appointment is not otherwise authorized by law.

“(d) Additional Benefits Not To Accrue.—The promotion or appointment of individual pursuant to sub-
section (c) shall not affect the retired pay or other benefits from the United States to which the individual would have been entitled based upon the individual’s military service, if any, or affect any benefits to which any other person may become entitled based on the individual’s military service, if any.”.

(b) Conforming and Clerical Amendments.—

(1) Heading Amendment.—The heading of such section is amended to read as follows:

“§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and promotion or appointment”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1563 and inserting the following new item:

“1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and promotion or appointment.”.

Subtitle H—Other Matters

SEC. 591. MILITARY FUNERAL HONORS MATTERS.

(a) Full Military Honors Ceremony for Certain Veterans.—Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:
“(3) The Secretary concerned shall provide full military honors (as determined by the Secretary concerned) for the funeral of a veteran who—

“(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020;

“(B) was awarded the medal of honor or the prisoner-of-war medal; and

“(C) is not entitled to full military honors by the grade of that veteran.”.

(b) Full Military Funeral Honors for Veterans at Military Installations.—

(1) Installation plans for honors required.—The commander of each military installation at or through which a funeral honors detail for a veteran is provided pursuant to section 1491 of title 10, United States Code (as amended by subsection (a)), shall maintain and carry out a plan for the provision, upon request, of full military funeral honors at funerals of veterans for whom a funeral honors detail is authorized in that section.

(2) Elements.—Each plan of an installation under paragraph (1) shall include the following:
(A) Mechanisms to ensure compliance with the requirements applicable to the composition of funeral honors details in section 1491(b) of title 10, United States Code (as so amended).

(B) Mechanisms to ensure compliance with the requirements for ceremonies for funerals in section 1491(c) of such title.

(C) In addition to the ceremonies required pursuant to subparagraph (B), the provision of a gun salute for each funeral by appropriate personnel, including personnel of the installation, members of the reserve components of the Armed Forces residing in the vicinity of the installation who are ordered to funeral honors duty, and members of veterans organizations or other organizations referred to in section 1491(b)(2) of such title.

(D) Mechanisms for the provision of support authorized by section 1491(d) of such title.

(E) Such other mechanisms and activities as the Secretary concerned considers appropriate in order to assure that full military funeral honors are provided upon request at funerals of veterans.

(3) Definitions.—In this subsection:
(A) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(B) The term “veteran” has the meaning given that term in section 1491(h) of title 10, United States Code.

SEC. 592. INCLUSION OF HOMESCHOoled STUDENTS IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to homeschooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution).

“(2) A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement in subsection (b)(1) relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.”.
It is the sense of the Senate that—

(1) the Junior Reserve Officers’ Training Corps (JROTC) is a valuable program that instill the values of citizenship, service to the community, personal responsibility and a sense of accomplishment in high school students;

(2) the Junior Reserve Officers’ Training Corps is supported by all the Armed Forces, and there are Junior Reserve Officers’ Training Corps units in all 50 States, 4 United States territories, and the District of Columbia;

(3) the Junior Reserve Officers’ Training Corps consistently improves student outcomes across a wide variety of academic and nonacademic data points, including grade point average, high school graduation and college acceptance rates, standardized test scores, drop-out rates, discipline problems, and leadership skills;

(4) the Department of Defense should view the Junior Reserve Officers’ Training Corps as a unique program to help close the divide between the military and the greater civilian community in the United States;
(5) given the increased funding and more flexible policy authorized in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), the Department should take every possible action to increase the number of Junior Reserve Officers’ Training Corps units at schools around the United States; and

(6) the desired number of Junior Reserve Officers’ Training Corps units should be at least 3,700 in order to relieve a significant backlog in requests to establish such units.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. EXPANSION OF ELIGIBILITY FOR EXCEPTIONAL TRANSITIONAL COMPENSATION FOR DEPENDENTS TO DEPENDENTS OF CURRENT MEMBERS.

Section 1059(m) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “MEMBERS OR” after “DEPENDENTS OF”;

(2) by inserting “member or” before “former member” each place it appears;
(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) For purposes of the provision of benefits under this section pursuant to this subsection, a member shall be considered separated from active duty upon the earliest of—

“(A) the date an administrative separation is initiated by a commander of the member;

“(B) the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

“(C) the date the member’s term of service expires.”.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITY.

(a) Authorities Relating to Reserve Forces.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking
“December 31, 2019” and inserting “December 31, 2020”.

(b) Title 10 Authorities Relating to Health Care Professionals.—The following sections of title 10, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) Authorities Relating to Nuclear Officers.—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(d) Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities.—The following sections of title 37, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.
(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) Authority to Provide Temporary Increase in Rates of Basic Allowance for Housing.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

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Subtitle C—Travel and Transportation Allowances

SEC. 621. EXTENSION OF PILOT PROGRAM ON A GOVERNMENT LODGING PROGRAM.


SEC. 622. REINVESTMENT OF TRAVEL REFUNDS BY THE DEPARTMENT OF DEFENSE.

(a) Refunds for Official Travel.—Subchapter I of chapter 8 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 456. Managed travel program refunds

“(a) Credit of Refunds.—The Secretary of Defense may credit refunds attributable to Department of Defense managed travel programs as a direct result of official travel to such operation and maintenance or research, development, test, and evaluation accounts of the Department as designated by the Secretary that are available for obligation for the fiscal year in which the refund or amount is collected.

“(b) Use of Refunds.—Refunds credited under subsection (a) may only be used for official travel or oper-
ations and efficiency improvements for improved financial
management of official travel.

“(c) DEFINITIONS.—In this section:

“(1) MANAGED TRAVEL PROGRAM.—The term
‘managed travel program’ includes air, rental car,
train, bus, dining, lodging, and travel management,
but does not include rebates or refunds attributable
to the use of the Government travel card, the Gov-
ernment Purchase Card, or Government travel ar-
anged by Government Contracted Travel Manage-
ment Centers.

“(2) REFUND.—The term ‘refund’ includes
miscellaneous receipts credited to the Department
identified as a refund, rebate, repayment, or other
similar amounts collected.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 8 of such title is amended by
inserting after the item relating to section 455 the fol-
lowing new item:

“456. Managed travel program refunds.”.

(c) CLARIFICATION ON RETENTION OF TRAVEL PRO-
MOTIONAL ITEMS.—Section 1116(a) of the National De-
fense Authorization Act for Fiscal Year 2002 (Public Law
107–107; 5 U.S.C. 5702 note) is amended—
(1) by striking “DEFINITION.—In this section, the term” and inserting the following: “DEFINITIONS.—In this section:

“(1) The term”; and

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

“(2) The term ‘general public’ includes the Federal Government or an agency.”.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

SEC. 631. CONTRIBUTIONS TO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND BASED ON PAY COSTS PER ARMED FORCE RATHER THAN ON ARMED FORCES-WIDE BASIS.

(a) DETERMINATION OF CONTRIBUTIONS GENERALLY.—Section 1465(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “single level percentage of basic pay for active duty (other than the Coast Guard) and for full-time National Guard duty” and inserting “percentage of basic pay for each armed force (other than the Coast Guard) and for any full-time National Guard duty”;

†S 1790 ES1S
(B) in subparagraph (B)—

(i) by striking “single level”; and

(ii) by striking “members of the Selected Reserve of the armed forces (other than the Coast Guard)” and inserting “each armed force (other than the Coast Guard) for members of the Selected Reserve”; and

(C) in the flush matter following subparagraph (B), by striking “single level”; and

(2) in paragraph (4)—

(A) by striking “a single level percentage determined” both places it appears and inserting “percentages”; and

(B) in the flush matter following subparagraph (B), by striking “single level”.

(b) CONFORMING AMENDMENTS.—

(1) DETERMINATION OF CONTRIBUTIONS.—

Section 1465(b) of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “product” and inserting “aggregate of the products”;
(II) in clause (i), by striking
“single level percentage of basic pay”
and inserting “percentage of basic pay
for each armed force (other than the
Coast Guard)”;
and

(III) in clause (ii), by striking
“for active duty (other than the Coast
Guard) and for full-time National
Guard duty” and inserting “for such
armed force for active duty and for
any full-time National Guard duty”;
and
(ii) in subparagraph (B)—

(I) in the matter preceding clause
(i), by striking “product” and insert-
ing “aggregate of the products”;

(II) in clause (i), by striking
“single level percentage of basic pay
and of compensation (paid pursuant
to section 206 of title 37)” and insert-
ing “percentage of basic pay and of
compensation (paid pursuant to sec-
tion 206 of title 37) for each armed
force (other than the Coast Guard)”;
and
(III) in clause (ii), by striking “the armed forces (other than the Coast Guard)” and inserting “such armed force”; and

(B) in paragraph (3), by striking “single level”.

(2) PAYMENTS OF CONTRIBUTIONS.—Section 1466(a) of such title is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “product” and inserting “aggregate of the products”;  

(ii) in subparagraph (A), by striking “level percentage of basic pay” and inserting “percentage of basic pay for each armed force (other than the Coast Guard)”; and

(iii) in subparagraph (B), by striking “for active duty (other than for the Coast Guard) and for full-time National Guard duty” and inserting “for such armed force for active duty and for any full-time National Guard duty”; and

(B) in paragraph (2)—
(i) in the matter preceding subparagraph (A), by striking “product” and inserting “aggregate of the products”;

(ii) in subparagraph (A), by striking “level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37)” and inserting “percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for each armed force (other than the Coast Guard)”;

(iii) in subparagraph (B), by striking “the armed forces (other than the Coast Guard)” and inserting “such armed force”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to determinations of contributions to the Department of Defense Military Retirement Fund, and payments into the Fund, beginning with fiscal year 2021.
SEC. 632. MODIFICATION OF AUTHORITIES ON ELIGIBILITY FOR AND REPLACEMENT OF GOLD STAR LAPEL BUTTONS.

(a) Expansion of Authority To Determine Next of Kin for Issuance.—Section 1126 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “widows, parents, and” in the matter preceding paragraph (1);

(2) in subsection (b), by striking “the widow and to each parent and” and inserting “each”; and

(3) in subsection (d)—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraph (1):

“(1) The term ‘next of kin’ means individuals standing in such relationship to members of the armed forces described in subsection (a) as the Secretaries concerned shall jointly specify in regulations for purposes of this section.”; and

(B) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (2), (3), (4), and (5), respectively.

(b) Replacement.—Subsection (c) of such section is amended by striking “and payment” and all that follows and inserting “and without cost.”.
Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

SEC. 641. DEFENSE RESALE SYSTEM MATTERS.

(a) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Chief Management Officer of the Department of Defense, maintain oversight of business transformation efforts of the defense commissary system and the exchange store system in order to ensure the following:

(1) Development of an intercomponent business strategy that maximizes efficiencies and results in a viable defense resale system in the future.

(2) Preservation of patron savings and satisfaction from and in the defense commissary system and exchange stores system.

(3) Sustainment of financial support of the defense commissary and exchange systems for morale, welfare, and recreation (MWR) services of the Armed Forces.

(b) EXECUTIVE RESALE BOARD ADVICE ON OPERATIONS OF SYSTEMS.—The Executive Resale Board of the Department of Defense shall advise the Under Secretary on the implementation of sustainable, complementary op-
erations of the defense commissary system and the ex-
change stores system.

(c) PRACTICES AND SERVICES.—

(1) IN GENERAL.—The Secretary of Defense
shall, acting through the Under Secretary and with
advice from the Executive Resale Board, require the
Defense Commissary Agency and the Military Ex-
change Service to identify and implement practices
and services described in paragraph (2) across the
defense resale system.

(2) PRACTICES AND SERVICES.—Practices and
services described in this paragraph shall include the
following:

(A) Best commercial business practices.

(B) Shared-services systems that increase
efficiencies across the defense resale system, in-
cluding in transportation of goods, application-
based marketing initiatives and other mobile
electronic-commerce programs, facilities con-
struction, back-office information technology
systems, human resource management, legal
services, financial services, and advertising.

(C) Integration of services provided by the
exchange stores system within commissary sys-
tem facilities, as appropriate, including services
such as dry cleaning, health and wellness activities, pharmacies, urgent care centers, food, and other retail services.

(d) INFORMATION TECHNOLOGY MODERNIZATION.—The Secretary shall, acting through the Under Secretary and with advice from the Executive Resale Board, require the Defense Commissary Agency and the Military Exchange Service to do as follows:

(1) Field new technologies and best business practices for information technology for the defense resale system.

(2) Implement cutting-edge marketing opportunities across the defense resale system.

(e) INCLUSION OF ADVERTISING IN OPERATING EXPENSES OF COMMISSARY STORES.—Section 2483(b) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(7) Advertising of commissary sales on materials available within commissary stores and at other on-base locations.”.
SEC. 642. TREATMENT OF FEES ON SERVICES PROVIDED AS SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.

Section 2483(c) of title 10, United States Code, is amended by inserting “fees on services provided,” after “handling fees for tobacco products,”.

SEC. 643. PROCUREMENT BY COMMISSARY STORES OF CERTAIN LOCALLY SOURCED PRODUCTS.

The Secretary of Defense shall ensure that the dairy products and fruits and vegetables procured for commissary stores under the defense commissary system are, to the extent practicable, locally sourced in order to ensure the availability of the freshest possible dairy products and fruits and vegetables for patrons of the stores.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1074d(b)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “(including all methods of contraception approved by the Food and Drug Administration, contraceptive care (including with respect to insertion, removal, and follow up), sterilization procedures, and
patient education and counseling in connection there-
with)’’.

(b) **Prohibition on Cost-sharing for Certain Services.**—

(1) **TRICARE Select.**—Section 1075(c) of such title is amended by adding at the end the fol-
lowing new paragraph:

‘‘(4) For all beneficiaries under this section, there is no cost-sharing for any method of contra-
ception provided by a network provider.’’.

(2) **TRICARE Prime.**—Section 1075a(b) of such title is amended by adding at the end the fol-
lowing new paragraph:

‘‘(5) For all beneficiaries under this section, there is no cost-sharing for any method of contraception provided under TRICARE Prime.’’.

(3) **Pharmacy Benefits Program.**—Section 1074g(a)(6) of such title is amended by adding at the end the following new subparagraph:

‘‘(D) Notwithstanding subparagraphs (A), (B), and (C), there is no cost-sharing for any prescription contra-
ceptive on the uniform formulary provided by a retail pharmacy described in subsection (a)(2)(E)(ii) or the na-
tional mail-order pharmacy program.’’.
(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2020.

SEC. 702. TRICARE PAYMENT OPTIONS FOR RETIREES AND THEIR DEPENDENTS.

(a) In General.—Section 1099 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

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(d) Payment Options.—(1) A member or former member of the uniformed services, or a dependent thereof, eligible for medical care and dental care under section 1074(b) or 1076 of this title shall pay a premium for coverage under this chapter.

(2) To the maximum extent practicable, a premium owed by a member, former member, or dependent under paragraph (1) shall be withheld from the retired, retainer, or equivalent pay of the member, former member, or dependent. In all other cases, a premium shall be paid in a frequency and method determined by the Secretary.''
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(b) Conforming and Clerical Amendments.—

(1) Conforming Amendments.—Section 1097a of title 10, United States Code, is amended—

(A) by striking subsection (c); and
(B) by redesignating subsections (d), (e), and (f) as subsections (e), (d), and (c), respectively.

(2) Heading Amendments.—

(A) Automatic Enrollments.—The heading for section 1097a of such title is amended to read as follows:

“§ 1097a. TRICARE Prime: automatic enrollments”.

(B) Enrollment System and Payment Options.—The heading for section 1099 of such title is amended to read as follows:

“§ 1099. Health care enrollment system and payment options”.

(3) Clerical Amendments.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollments.”; and

(B) by striking the item relating to section 1099 and inserting the following new item:

“1099. Health care enrollment system and payment options.”.

(c) Effective Date.—The amendments made by this section shall apply to health care coverage beginning on or after January 1, 2021.
SEC. 703. LEAD LEVEL SCREENING AND TESTING FOR CHILDREN.

(a) COMPREHENSIVE SCREENING, TESTING, AND REPORTING GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall establish clinical practice guidelines for health care providers employed by the Department of Defense on screening, testing and reporting of blood lead levels in children.

(2) USE OF CDC RECOMMENDATIONS.—Guidelines established under paragraph (1) shall reflect recommendations made by the Centers for Disease Control and Prevention with respect to the screening, testing, and reporting of blood lead levels in children.

(3) DISSEMINATION OF GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall disseminate the clinical practice guidelines established under paragraph (1) to health care providers of the Department of Defense.

(b) CARE PROVIDED IN ACCORDANCE WITH CDC GUIDANCE.—The Secretary shall ensure that any care provided by the Department of Defense to a child for lead poisoning shall be carried out in accordance with applica-
ble guidance issued by the Centers for Disease Control and Prevention.

(c) Sharing of Results of Testing.—

(1) In general.—With respect to a child who receives from the Department of Defense a test for lead poisoning—

(A) the Secretary shall provide the results of the test to the parent or guardian of the child; and

(B) notwithstanding any requirements for the confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), the Secretary shall provide the results of the test and the address at which the child resides to—

(i) the relevant health department of the State in which the child resides if the child resides in the United States; or

(ii) if the child resides outside the United States—

(I) the Centers for Disease Control and Prevention; and

(II) the appropriate authority of the country in which the child resides.
STATE DEFINED.—In this subsection, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report detailing, with respect to the period beginning on the date of the enactment of this Act and ending on the date of the report, the following:

(A) The number of children who were tested by the Department of Defense for the level of lead in the blood of the child, and of such number, the number who were found to have elevated blood lead levels.

(B) The number of children who were screened by the Department of Defense for an elevated risk of lead exposure.

(C) The treatment provided to children pursuant to chapter 55 of title 10, United States Code, for lead poisoning.

(2) ELEVATED BLOOD LEAD LEVEL DEFINED.—In this paragraph, the term "elevated blood
lead level” has the meaning given that term by the Centers for Disease Control and Prevention.

SEC. 704. PROVISION OF BLOOD TESTING FOR FIRE-FIGHTERS OF DEPARTMENT OF DEFENSE TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—Beginning on October 1, 2020, the Secretary of Defense shall provide blood testing to determine and document potential exposure to perfluoroalkyl and polyfluoroalkyl substances (commonly known as “PFAS”) for each firefighter of the Department of Defense during the annual physical exam conducted by the Department for each such firefighter.

(b) FIREFIGHTER DEFINED.—In this section, the term “firefighter” means someone whose primary job or military occupational specialty is being a firefighter.

Subtitle B—Health Care Administration

SEC. 711. MODIFICATION OF ORGANIZATION OF MILITARY HEALTH SYSTEM.

(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—Subsection (a) of section 1073c of title 10, United States Code, is amended—

(1) in paragraph (1)—
(A) by redesignating subparagraphs (A),
(B), (C), (D), (E), and (F) as subparagraphs
(C), (D), (E), (G), (H), and (I), respectively;
(B) by inserting before subparagraph (C),
as redesignated by subparagraph (A) of this
paragraph, the following new subparagraphs:
“(A) provision and delivery of health care
within each such facility;
“(B) management of privileging, scope of
practice, and quality of health care provided
within each such facility;”; and
(C) inserting the following new subpara-
graph:
“(F) supply and equipment;”;
(2) in paragraph (2)—
(A) by redesignating subparagraphs (D)
through (G) as subparagraphs (E) through (H),
respectively;
(B) by inserting after subparagraph (C)
the following new subparagraph (D):
“(D) to identify the capacity of each mili-
tary medical treatment facility to support clin-
ical readiness standards of health care providers
established by the Secretary of a military de-
partment or the Assistant Secretary of Defense for Health Affairs;” and

(C) by amending subparagraph (F), as re-designated by subparagraph (A) of this para-graph, to read as follows:

“(F) to determine, in coordination with each Secretary of a military department, man-
nning, including joint manning, assigned to mili-
tary medical treatment facilities and inter-
mediary organizations;” and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “on behalf of the mili-
tary departments,” before “ensuring”; and

(ii) by striking “and civilian employ-
ees”; and

(B) in subparagraph (B), by inserting “on behalf of the Defense Health Agency,” before “furnishing”.

(b) DHA ASSISTANT DIRECTOR.—Subsection (b)(2) of such section is amended by striking “equivalent edu-
cation and experience” and all that follows and inserting “the education and experience to perform the responsibil-
ities of the position.”.
(c) DHA DEPUTY ASSISTANT DIRECTORS.—Subsection (c) of such section is amended—

(1) in paragraph (2)(B), by striking “across the military health system” and inserting “at military medical treatment facilities”; and

(2) in paragraph (4)(B), by inserting “at military medical treatment facilities” before the period at the end.

(d) MILITARY MEDICAL TREATMENT FACILITY.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(3) The term ‘military medical treatment facility’ means—

“(A) any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care; and

“(B) any other location used for purposes of providing health care services as designated by the Secretary of Defense.”.

(e) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (5)”;

(4)” and inserting “paragraph (5)”;
(2) by redesignating paragraph (5) as paragraph (6); 

(3) by redesignating the first paragraph (4) as paragraph (5); and

(4) by moving the second paragraph (4) so as to appear before paragraph (5), as redesignated by paragraph (3) of this subsection.

SEC. 712. SUPPORT BY MILITARY HEALTH SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.

(a) IN GENERAL.—Section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary of Defense shall, acting through the Secretaries of the military departments, the Defense Health Agency, and the Joint Staff, implement an organizational framework of the military health system that effectively implements chapter 55 of title 10, United States Code, to maximize the readiness of the medical force, promote interoperability, and integrate medical capabilities of the Armed Forces in order to enhance joint military
medical operations in support of requirements of the combatant commands.”;

(2) in subsection (e), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by moving such paragraphs so as to appear at the end of subsection (d);

(3) by striking subsection (e), as amended by paragraph (2) of this subsection;

(4) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(5) by inserting after subsection (a) the following new subsection (b):

“(b) ADDITIONAL DUTIES OF SURGEONS GENERAL OF THE ARMED FORCES.—The Surgeons General of the Armed Forces shall have the following duties:

“(1) To ensure the readiness for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(2) To meet medical readiness standards, subject to standards and metrics established by the Assistant Secretary of Defense for Health Affairs.

“(3) With respect to uniformed medical and dental personnel of the military department concerned—
“(A) to assign such personnel to military medical treatment facilities, under the operational control of the commander or director of the facility, or to partnerships with civilian or other medical facilities for training activities specific to such military department; and

“(B) to maintain readiness of such personnel for operational deployment.

“(4) To provide logistical support for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(5) To oversee mobilization and demobilization in connection with the operational deployment of medical and dental personnel of the Armed Force or Armed Forces concerned.

“(6) To develop operational medical capabilities required to support the warfighter, and to develop policy relating to such capabilities.

“(7) To provide health professionals to serve in leadership positions across the military healthcare system.

“(8) To deliver operational clinical services under the operational control of the combatant commands—
“(A) on ships and planes; and
“(B) on installations outside of military medical treatment facilities.
“(9) To manage privileging, scope of practice, and quality of health care in the settings described in paragraph (8).”;

(6) in subsection (c), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”; and

(B) in paragraph (1)—

(i) in the paragraph heading, by inserting “AGENCY” before “REGIONS”; and

(ii) by striking “defense health” and inserting “Defense Health Agency”;

(7) in subsection (d), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”; and

(B) in the matter preceding paragraph (1), by striking “defense health” and inserting “Defense Health Agency”; and

(C) in paragraph (3), by striking “subsection (b)” and inserting “subsection (c)”; and
(8) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (2)—

(ii) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The Secretaries of the military departments shall coordinate with the Chairman of the Joint Chiefs of Staff and the Defense Health Agency to direct resources allocated to the military departments to support requirements related to readiness and operational medicine support that are established by the combatant commands and validated by the Joint Staff.”; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking “Based on” and all that follows through “shall—” and inserting “The Director of the Defense Health Agency, in coordination with the Assistant Secretary of Defense for Health Affairs, shall—”;

(B) in paragraph (3), as moved and redesignated by paragraph (2) of this subsection, in the second sentence—
(i) by inserting “primarily” before “through”; and
(ii) by inserting“, in coordination with the Secretaries of the military departments,” after “the Defense Health Agency”; and
(C) by adding at the end the following:
“(5) MANPOWER.—
“(A) ADMINISTRATIVE CONTROL OF MILITARY PERSONNEL.—Each Secretary of a military department shall exercise administrative control of members of the Armed Forces assigned to military medical treatment facilities, including personnel assignment and issuance of military orders.
“(B) OVERSIGHT OF CERTAIN PERSONNEL BY THE DIRECTOR OF THE DEFENSE HEALTH AGENCY.—In situations in which members of the Armed Forces provide health care services at a military medical treatment facility, the Director of the Defense Health Agency shall maintain oversight for the provision of care delivered by those individuals through policies, procedures, and privileging responsibilities of the military medical treatment facility.”.
(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading for section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended to read as follows:

"SEC. 712. SUPPORT BY MILITARY HEALTHCARE SYSTEM OF MEDICAL REQUIREMENTS OF COMBAT-ANT COMMANDS."

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 712 and inserting the following new item:

"See. 712. Support by military healthcare system of medical requirements of combatant commands."

SEC. 713. TOURS OF DUTY OF COMMANDERS OR DIRECTORS OF MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense shall establish a minimum length for the tour of duty of an individual as a commander or director of a military treatment facility.

(b) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander or director of a military treatment facility of any individual assigned to such position after Janu-
ary 1, 2021, may not be shorter than the longer
of—

(A) the length established pursuant to sub-
section (a); or

(B) four years.

(2) WAIVER.—

(A) IN GENERAL.—The Secretary of the
military department concerned, in coordination
with the Director of the Defense Health Agen-
cy, may authorize a tour of duty of an indi-
vidual as a commander or director of a military
treatment facility of a shorter length than is
otherwise provided for in paragraph (1) if the
Secretary determines, in the discretion of the
Secretary, that there is good cause for a tour
of duty in such position of shorter length.

(B) CASE-BY-CASE BASIS.—Any deter-
mination under subparagraph (A) shall be made
on a case-by-case basis.

SEC. 714. EXPANSION OF STRATEGY TO IMPROVE ACQUISI-
TION OF MANAGED CARE SUPPORT CON-
TRACTS UNDER TRICARE PROGRAM.

Section 705(c)(1) of the National Defense Authoriza-
tion Act for Fiscal Year 2017 (Public Law 114–328; 10
U.S.C. 1073a note) is amended, in the matter preceding
subparagraph (A), by striking “, other than overseas med-
ical support contracts”.

SEC. 715. ESTABLISHMENT OF REGIONAL MEDICAL HUBS
TO SUPPORT COMBATANT COMMANDS.

(a) In general.—The Secretary of Defense shall es-
tablish not more than four regional medical hubs, con-
sistent with the defense health regions established under
section 712 of the John S. McCain National Defense Au-
thorization Act for Fiscal Year 2019 (Public Law 115–
232), to support operational medical requirements of the
combatant commands.

(b) Timing.—Establishment of regional medical hubs
under subsection (a) shall commence not later than Octo-
ber 1, 2020, and shall be completed not later than October
1, 2022.

(c) Leadership.—Each regional medical hub estab-
lished under subsection (a) shall be led by a commander
or director who is a member of the Armed Forces serving
in a grade not higher than major general or rear admiral
and who shall be—

(1) selected by the Director of the Defense
Health Agency from among members of the Armed
Forces recommended by the military departments
for service in such position; and
(2) under the authority, direction, and control of the Director while serving in such position.

(d) DESIGNATION OF PRIMARY CENTER.—

(1) IN GENERAL.—Each regional medical hub established under subsection (a) shall include a major military medical center designated by the Secretary to serve as the primary center for the provision of specialized medical services in that region.

(2) CAPABILITIES.—A major military medical center may not be designated under paragraph (1) unless the center—

(A) includes one or more large graduate medical education training platforms; and

(B) provides, at a minimum, role 4 medical care.

(3) LOCATION.—

(A) IN GENERAL.—Any major military medical center designated under paragraph (1) shall be geographically located so as to maximize the support provided by uniformed medical resources to the combatant commands.

(B) COLLOCATION WITH MAJOR AERIAL DEBARKATION POINTS.—In designating major military medical centers under paragraph (1), the Secretary shall give consideration to the col-
location of such centers with major aerial de-
 barkation points of patients in the medical evacuation system of the United States Trans-
 portation Command.

(4) MAJOR HEALTH CARE DELIVERY PLAT-
 FORM.—A major military medical center designated under paragraph (1) shall serve as the major health care delivery platform for the provision of complex specialized medical care in the region, whether through patient referrals from other military medical treatment facilities or through referrals from either civilian medical facilities or healthcare facilities of the Department of Veterans Affairs.

(e) ADDITIONAL MILITARY MEDICAL CENTERS.— Consistent with section 1073d of title 10, United States Code, the Secretary, in establishing regional medical hubs under subsection (a), may establish additional military medical centers in the following locations:

(1) Locations with large beneficiary popu-
 lations.

(2) Locations that serve as the primary readi-
 ness platforms of the Armed Forces.

(f) PATIENT REFERRALS AND COORDINATION.—In implementing the regional medical hubs established under subsection (a), the Director of the Defense Health Agency
shall ensure effective and efficient medical care referrals and coordination among military medical treatment facilities and among local or regional high-performing health systems through local or regional partnerships with institutional or individual civilian providers.

SEC. 716. MONITORING OF ADVERSE EVENT DATA ON DETERMINATION OF USE OF THE ARMED FORCES.

(a) In General.—The Secretary of Defense shall modify the electronic health record system of the military health system to include data regarding the use by members of the Armed Forces of dietary supplements and adverse events with respect to dietary supplements.

(b) Requirements.—The modifications required by subsection (a) shall ensure that the electronic health record system of the military health system—

(1) records adverse event report data regarding dietary supplement use by members of the Armed Forces;

(2) generates standard reports on adverse event data that can be aggregated for analysis;

(3) issues automated alerts to signal a significant change in adverse event reporting or to signal a risk of interaction with a medication or other treatment; and
(4) provides for reporting of adverse event report data regarding dietary supplement use by members of the Armed Forces to the Food and Drug Administration.

(c) Outreach.—The Secretary shall conduct outreach to health care providers in the military health system to educate such providers on the importance of entering adverse event report data regarding dietary supplement use by members of the Armed Forces into the electronic health record system of the military health system and reporting such data to the Food and Drug Administration.

(d) Definitions.—In this section:

(1) Adverse event.—The term “adverse event” has the meaning given that term in section 761(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa–1(a)).

(2) Dietary supplement.—The term “dietary supplement” has the meaning given that term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).
SEC. 717. ENHANCEMENT OF RECORDKEEPING WITH RESPECT TO EXPOSURE BY MEMBERS OF THE ARMED FORCES TO CERTAIN OCCUPATIONAL AND ENVIRONMENTAL HAZARDS WHILE DEPLOYED OVERSEAS.

(a) INCLUSION IN MEDICAL TRACKING SYSTEM OF OCCUPATIONAL AND ENVIRONMENTAL HEALTH RISKS IN DEPLOYMENT AREA.—

(1) ELEMENTS OF MEDICAL TRACKING SYSTEM.—Subsection (b)(1)(A) of section 1074f of title 10, United States Code, is amended—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”;

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

“(iv) accurately record any exposure to occupational and environmental health risks during the course of their deployment.”.

(2) RECORDKEEPING.—Subsection (c) of such section is amended by inserting after “deployment area” the following: “(including the results of any assessment performed by the Secretary of occupational and environmental health risks for such area)”.
(b) POSTDEPLOYMENT MEDICAL EXAMINATION AND REASSESSMENTS.—Section 1074f of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(g) ADDITIONAL REQUIREMENTS FOR POSTDEPLOYMENT MEDICAL EXAMINATIONS AND HEALTH REASSESSMENTS.—(1) The Secretary of Defense shall standardize and make available to a provider that conducts a postdeployment medical examination or reassessment under the system described in subsection (a) questions relating to occupational and environmental health exposure.

“(2) The Secretary, to the extent practicable, shall ensure that the medical record of a member includes information on the external cause relating to a diagnosis of the member, including by associating an external cause code (as issued under the International Statistical Classification of Diseases and Related Health Problems, 10th Revision (or any successor revision)).”.

(c) ACCESS TO INFORMATION IN BURN PIT REGISTRY.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that all medical personnel of the De-
partment of Defense have access to the information
contained in the burn pit registry.

(2) **BURN PIT REGISTRY DEFINED.**—In this
subsection, the term “burn pit registry” means the
registry established under section 201 of the Digni-
fied Burial and Other Veterans’ Benefits Improve-
ment Act of 2012 (Public Law 112–260; 38 U.S.C.
527 note).

**Subtitle C—Reports and Other
Matters**

**SEC. 721. EXTENSION AND CLARIFICATION OF AUTHORITY
FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.**

Title XVII of the National Defense Authorization Act
for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
2567) is amended—

(1) in section 1701(a)—

(A) by striking “Subject to subsection (b),
the” and inserting “The”;

(B) by striking subsection (b); and

(C) by redesignating subsections (c)
through (f) as subsections (b) through (e), re-
spectively;
(2) in section 1702(a)(1), by striking “hereafter in this title” and inserting “in this section”;

(3) in section 1703, in subsections (a) and (c), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”;

(4) in section 1704—

(A) in subsections (a)(3), (a)(4)(A), and (b)(1), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”; and

(B) in subsection (e), as most recently amended by section 731 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), by striking “September 30, 2020” and inserting “September 30, 2021”;

(5) in section 1705—

(A) in subsection (a), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center (in this section referred to as the ‘JALFHCC’)”; 

(B) in subsection (b), in the matter preceding paragraph (1), by striking “the facility” and inserting “the JALFHCC”; and

(C) in subsection (c)—
(i) by striking “the facility” each place it appears and inserting “the JALFHCC”; and

(ii) by adding at the end the following new paragraph:

“(4) To permit the JALFHCC to enter into personal services contracts to carry out health care responsibilities in the JALFHCC to the same extent and subject to the same conditions and limitations as apply under section 1091 of title 10, United States Code, to the Secretary of Defense with respect to health care responsibilities in medical treatment facilities of the Department of Defense.”.

SEC. 722. APPOINTMENT OF NON-EX OFFICIO MEMBERS OF THE HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

(a) APPOINTMENT BY NON-EX OFFICIO MEMBERS.—Subparagraph (C) of paragraph (1) of section 178(c) of title 10, United States Code, is amended to read as follows:

“(C) six members, each of whom shall be appointed at the expiration of the term of a member appointed under this subparagraph, as provided for in paragraph (2), by the members currently serving on the Council pursuant to this subparagraph and
paragraph (2), including the member whose expiring
term is so being filled by such appointment.”.

(b) **REPEAL OF OBSOLETE AUTHORITY ESTABLISHING STAGGERED TERMS.**—Paragraph (2) of such sec-
tion is amended—

(1) by striking “except that—” and all that fol-
lows through “any person” and inserting “except
that any person”;  

(2) by striking “; and” and inserting a period;

(3) by striking subparagraph (B).

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by
this section shall take effect on the date of the en-
actment of this Act.

(2) **CONSTRUCTION FOR CURRENT MEMBERS.**—
Nothing in the amendments made by this section
shall be construed to terminate or otherwise alter
the appointment or term of service of members of
the Henry M. Jackson Foundation for the Advance-
ment of Military Medicine who are so serving on the
date of the enactment of this Act pursuant to an ap-
pointment under paragraph (1)(C) or (2) of section
178(c) of title 10, United States Code, made before
that date.
SEC. 723. OFFICERS AUTHORIZED TO COMMAND ARMY DENTAL UNITS.

Section 7081(d) of title 10, United States Code, is amended by striking “Dental Corps Officer” and inserting “Army Medical Department Officer”.

SEC. 724. ESTABLISHMENT OF ACADEMIC HEALTH SYSTEM IN NATIONAL CAPITAL REGION.

(a) In General.—Chapter 104 of title 10, United States Code, is amended by inserting after section 2113a the following new section:

“§ 2113b. Academic Health System

“(a) In General.—The Secretary of Defense may establish an Academic Health System to integrate the health care, health professions education, and health research activities of the military health system, including under this chapter, in the National Capital Region.

“(b) Leadership.—(1) The Secretary may appoint employees of the Department of Defense to leadership positions in the Academic Health System established under subsection (a).

“(2) Such positions may include responsibilities for management of the health care, health professions education, and health research activities described in subsection (a) and are in addition to similar leadership positions for members of the armed forces.
“(c) Administration.—The Secretary may use such authorities under this chapter relating to the health care, health professions education, and health research activities of the military health system as the Secretary considers appropriate for the administration of the Academic Health System established under subsection (a).

“(d) National Capital Region Defined.—In this section, the term ‘National Capital Region’ means the area, or portion thereof, as determined by the Secretary, in the vicinity of the District of Columbia.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 104 of such title is amended by inserting after the item relating to section 2113a the following new item:

“2113b. Academic Health System.”.

SEC. 725. PROVISION OF VETERINARY SERVICES BY VETERINARY PROFESSIONALS OF THE DEPARTMENT OF DEFENSE IN EMERGENCIES.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1060c. Provision of veterinary services in emergencies

“(a) In General.—A veterinary professional described in subsection (b) may provide veterinary services for the purposes described in subsection (c) in any State,
the District of Columbia, or a territory or possession of
the United States, without regard to where such veteri-
nary professional or the patient animal are located, if the
provision of such services is within the scope of the author-
ized duties of such veterinary professional for the Depart-
ment of Defense.

“(b) VETERINARY PROFESSIONAL DESCRIBED.—A
veterinary professional described in this subsection is an
individual who is—

“(1)(A) a member of the armed forces, a civil-
ian employee of the Department of Defense, or oth-
erwise credentialed and privileged at a Federal vet-
ery institution or location designated by the Sec-
retary of Defense for purposes of this section; or

“(B) a member of the National Guard per-
forming training or duty under section 502(f) of title
32;

“(2) certified as a veterinary professional by a
certification recognized by the Secretary of Defense;
and

“(3) currently licensed by a State, the District
of Columbia, or a territory or possession of the
United States to provide veterinary services.
“(c) Purposes Described.—The purposes described in this subsection are veterinary services in response to any of the following:

“(1) A national emergency declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

“(2) A major disaster or an emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(3) 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).

“(4) An extraordinary emergency, as determined by the Secretary of Agriculture under section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1060b the following new item:

“1060c. Provision of veterinary services in emergencies.”.
SEC. 726. FIVE-YEAR EXTENSION OF AUTHORITY TO CONTINUE THE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2020” and inserting, “September 30, 2025”.

SEC. 727. PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM.

(a) In General.—The Secretary of Defense may carry out a pilot program to establish partnerships with public, private, and nonprofit health care organizations, institutions, and entities in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation to enhance the interoperability and medical surge capability and capacity of the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) in the vicinity of major aeromedical transport hubs of the Department of Defense.

(b) Duration.—The Secretary of Defense may carry out the pilot program under subsection (a) for a period of not more than five years.
(c) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a) at not fewer than five aeromedical transport hub regions in the United States.

(d) REQUIREMENTS.—In establishing partnerships under the pilot program under subsection (a), the Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall establish requirements under such partnerships for staffing, specialized training, medical logistics, telemedicine, patient regulating, movement, situational status reporting, tracking, and surveillance.

(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot program under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the commencement of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:
(i) A description of the pilot program.

(ii) The requirements established under subsection (d).

(iii) The evaluation metrics established under subsection (e).

(iv) Such other matters relating to the pilot program as the Secretary considers appropriate.

(2) Final report.—

(A) In general.—Not later than 180 days after completion of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) Elements.—The report required by subparagraph (A) shall include the following:

(i) A description of the pilot program, including the partnerships established under the pilot program as described in subsection (a).

(ii) An assessment of the effectiveness of the pilot program.

(iii) Such recommendations for legislative or administrative action as the Sec-
retary considers appropriate in light of the pilot program, including recommendations for extending or making permanent the authority for the pilot program.

SEC. 728. MODIFICATION OF REQUIREMENTS FOR LONGITUDINAL MEDICAL STUDY ON BLAST PERSSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.

Section 734 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1444) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "; and"

and inserting a semicolon;

(B) in paragraph (3), by striking the pe-

period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

“(4) assess the feasibility and advisability of—

“(A) uploading the data gathered from the study into the Defense Occupational and Environ-

mental Health Readiness System – Industrial Hygiene (DOEHRS-IH) or similar system; and
“(B) allowing personnel of the Department
of Defense and the Department of Veterans Af-
fairs to have access to such system.”; and
(2) in subsection (c)—
(A) by redesignating paragraph (2) as
paragraph (3); and
(B) by inserting after paragraph (1) the
following new paragraph (2):
“(2) ANNUAL STATUS REPORT.—Not later than
January 1 of each year during the period beginning
on the date of the enactment of the National De-
fense Authorization Act for Fiscal Year 2020 and
ending on the completion of the study under sub-
section (a), the Secretary shall submit to the Com-
mittees on Armed Services of the Senate and the
House of Representatives a status report on the
study.”.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Contracting and Acquisition Provisions

SEC. 801. PILOT PROGRAM ON INTELLECTUAL PROPERTY EVALUATION FOR ACQUISITION PROGRAMS.

(a) Pilot Program.—Not later than 180 days after the date of the enactment of this act, the Secretary of Defense and the Secretaries of the military departments may jointly carry out a pilot program to assess mechanisms to evaluate intellectual property, such as technical data deliverables and associated license rights, including commercially available intellectual property valuation analysis and techniques, in acquisition programs for which they are responsible to better understand the benefits associated with these techniques on—

(1) the development of cost-effective intellectual property strategies, and

(2) assessment and management of the value and costs of intellectual property during acquisition and sustainment activities (including source selection evaluation factors) throughout the acquisition
lifecycle for any acquisition program selected by the Secretary concerned.

(b) ACTIVITIES.—Activities carried out under the pilot program may include the following:

(1) Establishing a team of Department of Defense and private sector subject matter experts to identify, to the maximum extent practicable at each milestone for a selected acquisition programs, intellectual property evaluation techniques to obtain quantitative and qualitative analysis related to the value of intellectual property during the procurement, production and deployment, and operations and support phases of the acquisition of the systems under the program.

(2) Assessment of commercial valuation techniques for intellectual property for use by the Department of Defense.

(3) Assessment of the feasibility of agency-level oversight to standardize intellectual property evaluation practices and procedures.

(4) Assessment of contracting mechanisms to speed delivery of intellectual property to the Armed Forces or reduce sustainment costs.

(5) Assessment of agency acquisition planning to ensure procurement of intellectual property
deliverables and intellectual property rights necessary for Government-planned sustainment activities.

(6) Engagement with the commercial industry to—

(A) support the development of strategies and program requirements to aid in acquisition and transition planning for intellectual property;

(B) support the development and improvement of intellectual property strategies as part of life-cycle sustainment plans; and

(C) propose and implement alternative and innovative methods of intellectual property valuation, prioritization, and evaluation techniques for intellectual property.

(7) Recommending to the cognizant program manager for an acquisition program evaluation techniques and contracting mechanisms for implementation into the acquisition and sustainment activities of that acquisition program.

(c) ACQUISITION OF COMMERCIAL AND NON-DEVELOPMENTAL ITEMS, PRODUCTS, AND SERVICES.—The pilot program shall provide criteria to ensure the appropriate consideration of commercial items and non-de-
developmental items as alternatives to items to be specifically developed for the acquisition program, including evaluation of the benefits of reduced risk regarding cost, schedule, and performance associated with commercial and non-developmental items, products, and services.

(d) Assessments.—Not later than November 1, 2020, and annually thereafter through 2023, the Secretary of Defense, in coordination with the Secretaries concerned, shall submit to the congressional defense committees a joint report on the pilot program conducted under this section. The report shall, at a minimum, include—

(1) a description of the acquisition programs selected by the Secretary concerned;

(2) a description of the specific activities in paragraph (b) that were performed under each program;

(3) an assessment of the effectiveness of the activities;

(4) an assessment of improvements to acquisition or sustainment activities related to the pilot program; and

(5) an assessment of cost-savings from the activities related to the pilot program, including any
improvement to mission success during the operations and support phase of the program.

SEC. 802. PILOT PROGRAM TO USE ALPHA CONTRACTING TEAMS FOR COMPLEX REQUIREMENTS.

(a) In General.—(1) The Secretary of Defense shall select at least 2, and up to 5, initiatives to participate in a pilot to use teams that, with the advice of expert third parties, focus on the development of complex contract technical requirements for services, with each team focusing on developing achievable technical requirements that are appropriately valued and identifying the most effective acquisition strategy to achieve those requirements.

(2) The Secretary shall develop metrics for tracking progress of the program at improving quality and acquisition cycle time.

(b) Development of Criteria and Initiatives.—

(1) Not later than February 1, 2020, the Secretary of Defense shall establish the pilot program and notify the congressional defense committees of the criteria used to select initiatives and the metrics used to track progress.

(2) Not later than May 1, 2020, the Secretary shall notify the congressional defense committees of the initiatives selected for the program.

(3) Not later than December 1, 2020, the Secretary shall brief the congressional defense committees on the
progress of the selected initiatives, including the progress of the initiatives at improving quality and acquisition cycle time according to the metrics developed under subsection (a)(2).

SEC. 803. MODIFICATION OF WRITTEN APPROVAL REQUIREMENT FOR TASK AND DELIVERY ORDER SINGLE CONTRACT AWARDS.

Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) by striking “No task or delivery order contract” and inserting “(A) Except as provided under subparagraph (B), no task or delivery order contract”; and

(4) by adding at the end the following new subparagraph:

“(B) A task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single source without the written determination otherwise required under subparagraph (A)
if the head of the agency has made a written determination pursuant to section 2304(c) of this title that other than competitive procedures may be used for the awarding of such contract.”.

SEC. 804. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.


SEC. 805. MODIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION REPORT.

Section 139(h)(5) of title 10, United States Code, is amended to read as follows:

“(5) The Director shall solicit comments from the Secretaries of the military departments on each report of the Director to Congress under this section and summarize the comments in the report. The Director shall determine the amount of time available for the Secretaries to comment on the draft report on a case by case basis, and
consider the extent to which substantive discussions have
already been held between the Director and the military
department. The Director shall reserve the right to issue
the report without comment from a military department
if the department’s comments are not received within the
time provided, and shall indicate any such omission in the
report.”.

SEC. 806. DEPARTMENT OF DEFENSE USE OF FIXED-PRICE
CONTRACTS.

(a) Department of Defense Review.—

(1) In general.—The Under Secretary of De-
defense for Acquisition and Sustainment shall review
how the Department of Defense informs decisions to
use fixed-price contracts to support broader acquisi-
tion objectives, to ensure that such decisions are
made strategically and consistently. The review
should include decisions on the use of the various
types of fixed price contracts, including fixed-price
incentive contracts.

(2) Briefing.—Not later than February 1,
2020, the Under Secretary shall brief the congres-
sional defense committees on the findings of the re-
view required under paragraph (1).

(b) Comptroller General Report.—
(1) IN GENERAL.—Not later than February 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report on the Department of Defense’s use of fixed-price contracts, including different types of fixed-price contracts.

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

(A) A description of the extent to which fixed-price contracts have been used over time and the conditions in which they are used.

(B) An assessment of the effects of the decisions to use of fixed-price contract types, such as any additional costs or savings or efficiencies in contract administration.

(C) An assessment of how decisions to use various types of fixed-price contracts affects the contract closeout process.

(c) DELAYED IMPLEMENTATION OF REGULATIONS REQUIRING THE USE OF FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.—The regulations prescribed pursuant to section 830(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2762 note) shall not take effect until December 31, 2020. The regulations as so prescribed shall
take into account the findings of the review conducted
under subsection (a)(1).

SEC. 807. PILOT PROGRAM TO ACCELERATE CONTRACTING
AND PRICING PROCESSES.

Section 890 of the John S. McCain National Defense
Authorization Act for Fiscal Year 2019 (Public Law 115–
232) is amended—

(1) by striking subsection (b);
(2) by redesignating subsections (c) and (d) as
sections (b) and (c), respectively;
(3) in subsection (b), as redesignated by para-
graph (2), by striking “and an assessment of wheth-
er the program should be continued or expanded”;
and
(4) in subsection (c), as so redesignated, by
striking “January 2, 2021” and inserting “January
2, 2023”.

SEC. 808. PILOT PROGRAM TO STREAMLINE DECISION-MAK-
ING PROCESSES FOR WEAPON SYSTEMS.

(a) CANDIDATE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than February 1,
2020, each Service Acquisition Executive shall rec-
ommend to the Secretary of Defense at least one
major defense acquisition program for a pilot pro-
gram to include tailored measures to streamline the
entire milestone decision process, with the results
evaluated and reported for potential wider use.

(2) ELEMENTS.—Each pilot program selected
pursuant to paragraph (1) shall include the fol-
lowing elements:

(A) Delineating the appropriate informa-
tion needed to support milestone decisions, as-
suring program accountability and oversight,
which should be based on the business case
principles needed for well-informed milestone
decisions, including user-defined requirements,
reasonable acquisition and life-cycle cost esti-
mates, and a knowledge-based acquisition plan
for maturing technologies, stabilizing the pro-
gram design, and ensuring key manufacturing
processes are in control.

(B) Developing an efficient process for
providing this information to the milestone deci-
sion authority by—

(i) minimizing any reviews between
the program office and the different func-
tional staff offices within each chain of
command level; and

(ii) establishing frequent, regular
interaction between the program office and
milestone decision makers, in lieu of documentation reviews, to help expedite the process.

(b) BRIEFING.—Not later than May 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the congressional defense committees an informal briefing detailing—

(1) the acquisition programs selected pursuant to subsection (a);

(2) the associated action plans, including timelines, for each program; and

(3) the manner in which each program conforms to the requirements set forth in subsection (a)(2).

SEC. 809. DOCUMENTATION OF MARKET RESEARCH RELATED TO COMMERCIAL ITEM DETERMINATIONS.

(a) In General.—Section 2377(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:
“(4) The head of an agency shall document the results of market research in a manner appropriate to the size and complexity of the acquisition.”.

(b) Conforming Amendment Related to Prospective Amendment.—Section 836(d)(3)(C)(ii) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “in paragraph (4)” and inserting “in paragraph (5)”.

SEC. 810. MODIFICATION TO SMALL PURCHASE THRESHOLD EXCEPTION TO SOURCING REQUIREMENTS FOR CERTAIN ARTICLES.

Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

“(h) Exception for Small Purchases.—Subsection (a) does not apply to purchases for amounts not greater than $150,000. A proposed purchase or contract for an amount greater than $150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception. On October 1 of each year evenly divisible by 5, the Secretary of Defense may adjust the dollar threshold in this subsection based on changes in the Consumer Price Index. The Secretary shall publish notice of any such adjustment in the Federal Reg-
ister, and the new price threshold shall take effect on the date of publication.”.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 821. NAVAL VESSEL CERTIFICATION REQUIRED BEFORE MILESTONE B APPROVAL.

Section 2366(b)(a) of title 10, United States Code, is amended—

(1) in paragraph (3)(O), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) in the case of a naval vessel program, certifies compliance with the requirements of section 8669b of this title.”.

Subtitle C—Industrial Base Matters

Sec. 831. MODERNIZATION OF ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

(a) DIGITIZATION AND MODERNIZATION.—The Secretary of Defense shall streamline and digitize the existing
Department of Defense approach for identifying and mitigating risks to the defense industrial base across the acquisition process, creating a continuous model that uses digital tools, technologies, and approaches designed to ensure the accessibility of data to key decision-makers in the Department.

(b) ANALYTICAL FRAMEWORK.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Defense Security Service (or successor entity) and other organizations as appropriate, shall develop an analytical framework for risk mitigation across the acquisition process.

(2) ELEMENTS.—The analytical framework required under paragraph (1) shall include the following elements:

(A) Characterization and monitoring of supply chain risks, including—

(i) material sources and fragility;

(ii) counterfeit parts;

(iii) cybersecurity of contractors;

(iv) vendor vetting in contingency or operational environments; and

(v) other risk areas as determined appropriate.
(B) Characterization and monitoring of risks posed by contractor behavior that constitute violations of laws or regulations, including those relating to—

(i) fraud;

(ii) ownership structures;

(iii) trafficking in persons;

(iv) workers’ health and safety;

(v) affiliation with the enemy; and

(vi) other risk areas as deemed appropriate.

(C) Characterization of the Department’s acquisition processes and procedures, including—

(i) market research;

(ii) responsibility determinations, including consideration of the need for special standards of responsibility to address the risks described in subparagraphs (A) and (B);

(iii) facilities clearances;

(iv) contract requirements definition and technical evaluation;

(v) contract awards and contractor mobilization;
(vi) contractor mobilization to include hiring, training, and establishing facilities;
(vii) contract administration, contract management, and oversight;
(viii) contract audit for closeout;
(ix) contractor business system reviews; and
(x) other relevant processes and procedures.

(D) Characterization and monitoring of the health and activities of the defense industrial base, including those relating to—

(i) balance sheets, revenues, profitability, and debt;

(ii) investment, innovation, and technological and manufacturing sophistication;

(iii) finances, access to capital markets, and cost of raising capital within those markets;

(iv) corporate governance, leadership, and culture of performance; and

(v) history of performance on past Department of Defense and government contracts.
(c) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall designate the roles and responsibilities of organizations and individuals to execute activities under this section, including—

(1) the Under Secretary of Defense for Acquisition and Sustainment, including the Office of Defense Pricing and Contracting and the Office of Industrial Policy;

(2) Service Acquisition Executives;

(3) program offices and procuring contracting officers;

(4) administrative contracting officers within the Defense Contract Management Agency and the Supervisor of Shipbuilding;

(5) the Defense Security Service and the Defense Counterintelligence Security Agency;

(6) the Defense Contract Audit Agency;

(7) departments, agencies, or activities which own or operate systems containing data relevant to Department of Defense contractors;

(8) the Under Secretary for Research and Engineering; and

(9) other relevant organizations and individuals.

(d) ENABLING DATA, TOOLS, AND SYSTEMS.—
(1) ASSESSMENT OF EXISTING DATA SOURCES, SYSTEMS, AND TOOLS.—

(A) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chief Data Officer of the Department of Defense, and the Defense Security Service (or successor entity), shall assess the extent to which existing systems of record relevant to risk assessments and contracting are producing, exposing, and timely maintaining valid and reliable data for the purposes of the Department’s continuous assessment and mitigation of risks in the defense industrial base.

(B) ELEMENTS.—The assessment required under subparagraph (A) shall include the following elements:

(i) Identification of the necessary source data, to include data from contractors, intelligence and security activities, program offices, and commercial research entities.

(ii) A description of the modern data infrastructure, tools, and applications and what changes would improve the effective-
ness and efficiency of mitigating the risks described in subsection (b)(2).

(iii) An assessment of the following systems owned or operated outside of the Department of Defense:

(I) The Federal Awardee Performance and Integrity Information System (FAPIIS).

(II) The System for Award Management (SAM).

(III) The Federal Procurement Data System–Next Generation (FPDS-NG).

(iv) An assessment of systems owned or operated by the Department of Defense, including the Defense Security Service (or successor entity) and other defense agencies and field activities used to capture and analyze the performance of vendors and contractors.

(2) MODERNIZATION OF DATA COLLECTION, EXPOSURE, AND ANALYSIS METHODS.—Based on the findings pursuant to paragraph (1), the Secretary of Defense shall develop a unified set of activities to modernize the systems of record, data sources and
collection methods, and data exposure mechanisms.

The unified set of activities should feature—

(A) the ability to continuously collect data
on, assess, and mitigate risks;

(B) data analytics and business intelligence
tools and methods; and

(C) continuous development and continuous
delivery of secure software to implement
the activities.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than November 15, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section, including recommendations for any further authorities or legislation.

(2) SECOND REPORT.—Not later than April 15, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section, including recommendations for any further legislation.

(f) COMPTROLLER GENERAL REVIEWS.—

(1) BRIEFING.—Not later than February 15, 2020, the Comptroller General of the United States shall brief the congressional defense committees on
Department of Defense efforts over the previous 5 years to continuously assess and mitigate risks to the defense industrial base across the acquisition process, and a summary of current and planned efforts.

(2) **ANNUAL ASSESSMENTS.**—Not later than June 15, 2020, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of Department of Defense progress in implementing the framework required under subsection (b).

**SEC. 832. ASSESSMENT OF PRECISION-GUIDED MISSILES FOR RELIANCE ON FOREIGN-MADE MICRO-ELECTRONIC COMPONENTS.**

(a) **IN GENERAL.**—Not later than August 31, 2020, the Secretary of the Air Force shall brief the congressional defense committees on the findings of an assessment of the Air Force’s precision-guided missiles for reliance on foreign-made microelectronic components.

(b) **ELEMENTS.**—The assessment required under subsection (a) shall—

(1) consider certain risks such as—

(A) where microelectronic components for all of the Air Force’s precision-guided missiles currently in production were made;
(B) the contract tier level of the microelectronic components supplier; and

(C) which of the microelectronic components are cyber security concerns; and

(2) identify mitigation strategies.

SEC. 833. MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS OR SUBCONTRACTORS.

(a) DEFINITIONS.—In this section:

(1) BENEFICIAL OWNER; BENEFICIAL OWNERSHIP.—The terms “beneficial owner” and “beneficial ownership” shall be determined in the manner set forth in section 240.13d–3 of title 17, Code of Federal Regulations.

(2) COMPANY.—The term “company” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

(3) COVERED CONTRACTOR OR SUBCONTRACTOR.—The term “covered contractor or subcontractor” means a company that is an existing or prospective contractor or subcontractor of the Department of Defense on a contract or subcontract with
a value in excess of $5,000,000, except as provided in subsection (c).

(4) FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE; FOCI.—The terms “foreign ownership, control, or influence” and “FOCI” have the meanings given those terms under the policy, factors, and procedures of the National Industrial Security Program Operating Manual, DOD 5220.22-M, or a successor document.

(b) IMPROVED ASSESSMENT AND MITIGATION OF RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE.—

(1) IN GENERAL.—In developing and implementing the analytical framework for mitigating risk relating to ownership structures, as required by section 831(b)(2)(B)(ii), the Secretary of Defense shall improve the process and procedures for the assessment and mitigation of risks related to foreign ownership, control, or influence (FOCI) of contractors and subcontractors doing business with the Department of Defense.

(2) ELEMENTS.—The process and procedures for the assessment and mitigation of risk relating to ownership structures referred to in paragraph (1) shall include the following elements:
(A) **ASSESSMENT OF FOCI.**—(i) A requirement for covered contractors and subcontractors to disclose to the Defense Security Service, or its successor organization, their beneficial ownership and whether they are under FOCI.

(ii) A requirement to update such disclosures when significant changes occur to information previously provided, consistent with or similar to the procedures for updating FOCI information under the National Industrial Security Program.

(iii) A requirement for covered contractors and subcontractors determined to be under FOCI to disclose contact information for each of its foreign owners that is a beneficial owner.

(iv) A requirement that, at a minimum, the disclosures required by this paragraph be provided at the time the contract or subcontract is awarded, amended, or renewed, but in no case later than one year after the Secretary prescribes regulations to carry out this subsection.

(B) **RESPONSIBILITY DETERMINATION.**—Consistent with section 831(b)(2)(C)(ii), consid-
eration of FOCI risks as part of responsibility determinations, including—

(i) whether to establish a special standard of responsibility relating to FOCI risks for covered contractors or subcontractors, and the extent to which the policies and procedures consistent with or similar to those relating to FOCI under the National Industrial Security Program shall be applied to covered contractors or subcontractors;

(ii) procedures for contracting officers making responsibility determinations regarding whether covered contractors and subcontractors may be under foreign ownership, control, or influence and for determining whether there is reason to believe that such foreign ownership, control, or influence would pose a risk to national security or potential risk of compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems involved with the contract or subcontract; and
(iii) modification of policies, directives, and practices to provide that an assessment that a covered contractor or subcontractor is under FOCI may be a sufficient basis for a contracting officer to determine that a contractor or subcontractor is not responsible.

(C) CONTRACT REQUIREMENTS, ADMINISTRATION, AND OVERSIGHT RELATING TO FOCI.—

(i) Requirements for contract clauses providing for and enforcing disclosures related to changes in FOCI during performance of the contract, consistent with subparagraph (A), and necessitating the effective mitigation of risks related to FOCI throughout the duration of the contract or subcontract.

(ii) Pursuant to section 831(c), designation of the appropriate Department of Defense official responsible to approve and to take actions relating to award, modification, termination of a contract, or direction to modify or terminate a subcontract due to an assessment by the Defense Security
Service, or its successor organization, that a covered contractor or subcontractor under FOCI poses a risk to national security or potential risk of compromise.

(iii) A requirement for the provision of additional information regarding beneficial ownership and control of any covered contractor or subcontractor on the contract or subcontract.

(iv) Other measures as necessary to be consistent with other relevant practices, policies, regulations, and actions, including those under the National Industrial Security Program.

(c) Applicability to Contracts and Subcontracts for Commercial Products and Services and Other Forms of Acquisition Agreements.—

(1) Commercial products and services.— The disclosure requirements under subsection (b) shall not apply to a contract or subcontract for commercial products or services, unless a designated senior official specifically requires the disclosures described in such subparagraphs with respect to the contract or subcontract based on a determination by the designated senior official that the contract or
subcontract involves a risk to national security or potential risk of compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems.

(2) Research and Development and Procurement Activities.—The Secretary of Defense shall ensure that the requirements of this section are applied to research and development and procurement activities, including for the delivery of services, established through any means including those under section 2358(b) of title 10, United States Code.

(d) Availability of Resources.—The Secretary shall ensure that sufficient resources, including subject matter expertise, are allocated to execute the functions necessary to carry out this section, including the assessment, mitigation, contract administration, and oversight functions.

(e) Reporting Requirements and Limited Availability of Beneficial Ownership Data.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process to update systems of record to improve the assessment and
mitigation of risks associated with FOCI through the inclusion and updating of all appropriate associated uniquely identifying information about the contracts and contractors and subcontracts and subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS), administered by the General Services Administration, and the Commercial and Government Entity (CAGE) database, administered by the Defense Logistics Agency.

(2) LIMITED AVAILABILITY OF INFORMATION.—

The Secretary of Defense shall ensure that the information required to be disclosed pursuant to this subsection is—

(A) not made public;

(B) made available via the FAPIIS and CAGE databases; and

(C) made available to appropriate government departments or agencies.

SEC. 834. EXTENSION AND REVISIONS TO NEVER CONTRACT WITH THE ENEMY.

(a) EXTENSION.—Section 841(n) of the National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2302 note) is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

†S 1790 ES18
(b) **Expansion of Program.**—Section 841(a) of such Act is amended—

(1) in the heading, by striking “IDENTIFICATION OF PERSONS AND ENTITIES” and inserting “PROGRAM”;

(2) in the matter preceding paragraph (1), by striking “establish in” and all that follows and inserting “establish a program to mitigate threats posed by vendors supporting operations outside the United States. The program shall use available intelligence to identify persons and entities that—”;

(3) in paragraph (1), by striking “; or” and inserting a semicolon;

(4) in paragraph (2), by striking the period and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

“(3) directly or indirectly support a covered person or entity or otherwise pose a force protection risk to personnel of the United States or coalition forces; or

“(4) pose an unacceptable national security risk.”.

(c) **Inclusion of All Contracts.**—Sections 841 and 842 of such Act are further amended by striking “cov-
"covered contract" each place it appears and inserting "contract".

(d) Inclusion of All Combatant Commands.—Sections 841 and 842 of such Act are further amended by striking "covered combatant command" each place it appears and inserting "combatant command".

(e) Covered Person or Entity.—Section 843(6) of such Act is amended to read as follows:

"(6) Covered person or entity.—The term ‘covered person or entity’ means a person that is—

"(A) engaging in acts of violence against personnel of the United States or coalition forces;

"(B) providing financing, logistics, training, or intelligence to a person described in subparagraph (A);

"(C) engaging in foreign intelligence activities against the United States or against coalition forces;

"(D) engaging in transnational organized crime or criminal activities; or

"(E) engaging in other activities that present a direct or indirect risk to the national security of the United States or coalition forces.”. 
(f) Delegation Authority of Combatant Commander.—

(1) Use of Designees.—Sections 841 and 842 of such Act are further amended by striking “specified deputies” each place it appears and inserting “designee”.

(2) Removal of Limitations on Delegation.—Section 841 of such Act is further amended by striking subsection (g).

(g) Authorities to Terminate, Void, and Restrict.—Section 841(c) of such Act is further amended—

(1) in paragraph (1)—

(A) by inserting “to a person or entity” after “concerned”; and

(B) by striking “the contract” and all that follows through the period at the end and inserting “the person or entity has been identified under the program established under subsection (a).”;

(2) in paragraph (2), by striking “has failed” and all that follows and inserting “has been identified under the program established under subsection (a).”; and

(3) in paragraph (3), by striking “the contract” and all that follows through the period at the end.
and inserting “the contractor, or the recipient of the
grant or cooperative agreement, has been identified
under the program established under subsection
(a).”.

(h) CONTRACT CLAUSE.—Section 841(d)(2)(B) of
such Act is amended by inserting “and restrict future
award to any contractor, or recipient of a grant or cooper-
ative agreement, that has been identified under the pro-
gram established under subsection (a)” after “subsection
(e)”.

(i) PARTICIPATION OF SECRETARY OF STATE.—Sec-
tion 841 of such Act is further amended—

(1) in subsection (a) in the matter preceding
paragraph (1), by striking “in consultation with”;
and

(2) in subsection (f)(1), by striking “in con-
sultation with”.

(j) SHARING OF INFORMATION ON SUPPORTERS OF
THE ENEMY.—Section 841(h)(1) of such Act is further
amended by striking “may be providing” and all that fol-
lows through “or entity” and inserting “have been identi-
fied under the program established under subsection (a)”.

(k) INAPPLICABILITY TO CERTAIN CONTRACTS,
GRANTS, AND COOPERATIVE AGREEMENTS.—Section
841(j) of such Act is amended by striking “contracts,
grants, and cooperative agreements’’ and all that follows through the period at the end and inserting “a contract, grant, or cooperative agreement that is performed entirely inside the United States unless the recipient of such contract, grant, or cooperative agreement is a foreign entity.”.

(l) **CONSTRUCTION WITH OTHER AUTHORITIES.—**

Section 841 of such Act is further amended—

(1) in subsection (l), by striking “Except as provided in subsection (m), the” and inserting “The”; and

(2) by striking subsection (m).

(m) **ADDITIONAL ACCESS TO RECORDS.—** Section 842 of such Act is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “, except as provided under subsection (c)(1),”;

(B) in paragraph (2), by striking “ensure that funds” and all that follows through the period at the end and inserting “support the program established under section 841(a).”;

(C) in paragraph (3), by striking “that funds” and all that follows through the period at the end and inserting “that the examination of such records will support the program established under section 841(a).”; and
(D) by striking paragraph (4); and

(2) by striking subsection (e).

(n) REPORTS.—Subtitle E of title VIII of such Act (10 U.S.C. 2302 note) is further amended—

(1) in section 841(i)(1), in the matter preceding subparagraph (A), by striking “2016, 2017, and 2018” and inserting “2016 through 2023”; and

(2) in section 842(b)(1), by striking “2016, 2017, and 2018” and inserting “2016 through 2023”.

(o) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 841 of such Act is amended by striking “PROVIDING FUNDS TO” and inserting “SUPPORTING”.

(2) REDENOMINATIONS.—Section 841 of such Act is further amended by redesignating subsections (h) through (l) and (n) (as amended by subsections (a) through (n) of this section) as subsections (g) through (l), respectively.

(3) DEFINITIONS.—Section 843 of such Act is amended by striking paragraphs (2) through (5) and redesignating paragraphs (6) through (9) as paragraphs (2) through (5), respectively.
Subtitle D—Small Business Matters

SEC. 841. REAUTHORIZATION AND IMPROVEMENT OF DEPARTMENT OF DEFENSE MENTOR-PROTÉGÉ PROGRAM.


(b) OFFICE OF SMALL BUSINESS PROGRAMS OVERSIGHT.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

“(n) ESTABLISHMENT OF PERFORMANCE GOALS AND PERIODIC REVIEWS.—The Office of Small Business Programs of the Department of Defense shall—

“(1) establish performance goals consistent with the stated purpose of the Mentor-Protégé Program and outcome-based metrics to measure progress in meeting those goals; and

“(2) submit to the congressional defense committees, not later than February 1, 2020, a report
on progress made toward implementing these perfor-
ance goals and metrics, based on periodic re-
views of the procedures used to approve mentor-
protégé agreements.”.

(c) Modification of Disadvantaged Small
Business Concern Definition.—Subsection (o)(2) of
the National Defense Authorization Act for Fiscal Year
1991 (Public Law 101–510; 10 U.S.C. 2302 note), as re-
designated by subsection (b)(1) of this section, is amended
by striking “has less than half the size standard cor-
responding to its primary North American Industry Class-
ification System code” and inserting “is not more than
the size standard corresponding to its primary North
American Industry Classification System code”.

(d) Removal of Pilot Program References.—
Section 831 of the National Defense Authorization Act for
Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302
note) is amended—

(1) in the subsection heading for subsection (a),
by striking “PILOT”; and

(2) by striking “pilot” each place it appears.

(e) Independent Report on Program Effec-
tiveness.—

(1) In General.—The Secretary of Defense
shall direct the Defense Business Board to submit to
the congressional defense committees a report evaluating the effectiveness of the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), including recommendations for improving the program in terms of performance metrics, forms of assistance, and overall program effectiveness not later than March 31, 2022.

(2) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 842. MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.**

(a) **MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT.**—Notwithstanding section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405)—

(1) no justification and approval is required under such section for a sole-source contract awarded by the Department of Defense in a covered pro-
curement for an amount not exceeding $100,000,000; and

(2) for purposes of subsections (a)(2) and (c)(3)(A) of such section, the appropriate official designated to approve the justification for a sole-source contract awarded by the Department of Defense in a covered procurement exceeding $100,000,000 is the official designated in section 2304(f)(1)(B)(ii) of title 10, United States Code.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the authority under subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—

(1) DATA TRACKING AND COLLECTION.—The Department of Defense shall track the use of the authority provided pursuant to subsection (a) and make the data available to the Comptroller General for purposes of the report required under paragraph (2).

(2) REPORT.—Not later than February 1, 2022, the Comptroller General of the United States shall submit a report to the congressional defense committees on the use of the authority provided pur-
suant to subsection (a) through the end of fiscal year 2021.

Subtitle E—Provisions Related to Software-Driven Capabilities

SEC. 851. IMPROVED MANAGEMENT OF INFORMATION TECHNOLOGY AND CYBERSPACE INVESTMENTS.

(a) IMPROVED MANAGEMENT.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense shall work with the Chief Data Officer of the Department of Defense to optimize the Department’s process for accounting for, managing, and reporting its information technology and cyberspace investments. The optimization should include alternative methods of presenting budget justification materials to the public and congressional staff to more accurately communicate when, how, and with what frequency capability is delivered to end users, in accordance with best practices for managing and reporting on information technology investments.

(2) BRIEFING.—Not later than February 3, 2020, the Chief Information Officer of the Department of Defense shall brief the congressional defense committees on the process optimization undertaken
pursuant to paragraph (1), including any recommendations for legislation.

(b) DELIVERY OF INFORMATION TECHNOLOGY BUDGET.—The Secretary of Defense shall submit to the congressional defense committees the Department of Defense budget request for information technology not later than 15 days after the submittal to Congress of the budget of the President for a fiscal year pursuant to section 1105 of title 31, United States Code.

SEC. 852. SPECIAL PATHWAYS FOR RAPID ACQUISITION OF SOFTWARE APPLICATIONS AND UPGRADES.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish guidance authorizing the use of special pathways for the rapid acquisition of software applications and upgrades that are intended to be fielded within one year.

(b) SOFTWARE ACQUISITION PATHWAYS.—

(1) USE OF PROVEN TECHNOLOGIES AND SOLUTIONS.—The guidance required by subsection (a) shall provide for the use of proven technologies and solutions to continuously engineer and deliver capabilities in software.

(2) OBJECTIVES.—The objectives of using the acquisition authority under this section shall be to
begin the engineering of new capabilities quickly, to
demonstrate viability and effectiveness of those capa-
bilities in operation, and to continue updating and
delivering new capabilities iteratively afterwards.

(3) TREATMENT NOT AS ACQUISITION PRO-
GRAM.—An acquisition using the authority under
this section shall not be treated as an acquisition
program for the purpose of section 2430 of title 10,
United States Code, or Department of Defense Di-
rective 5000.01 without the specific direction of the
Under Secretary of Defense for Acquisition and
Sustainment or a Senior Acquisition Executive.

(4) PATHWAYS.—The guidance shall provide for
the following two rapid acquisition pathways:

(A) APPLICATIONS.—The applications soft-
ware acquisition pathway shall provide for the
use of rapid development and implementation of
applications and other software and software
improvements running on commercial com-
modity hardware (including modified hardware)
operated by the Department of Defense.

(B) EMBEDDED SYSTEMS.—The embedded
systems software acquisition pathway shall pro-
vide for the rapid development and insertion of
upgrades and improvements for software em-
bedded in weapon systems and other military-unique hardware systems.

(c) **EXPEDITED PROCESS.**—

(1) **IN GENERAL.**—The guidance required by subsection (a) shall provide for a streamlined and coordinated requirements, budget, and acquisition process that results in the rapid fielding of software applications and software upgrades to embedded systems in a period of not more than one year from the time that the process is initiated. It shall also require the collection of data on the version fielded and continuous engagement with the users of that software, so as to enable engineering and delivery of additional versions in periods of not more than one year each.

(2) **EXPEDITED SOFTWARE REQUIREMENTS PROCESS.**—

(A) **INAPPLICABILITY OF EXISTING GUIDANCE.**—Software acquisitions conducted under the authority of this provision shall not be subject to the Joint Capabilities Integration and Development System (JCIDS) Manual and Department of Defense Directive 5000.01, except to the extent specifically provided in the guidance required under subsection (a) or by the
Under Secretary of Defense for Acquisition and Sustainment or a Senior Acquisition Executive.

(B) REQUIREMENTS.—The guidance required by subsection (a) shall provide the following with respect to requirements:

(i) Requirements for covered acquisitions are developed on an iterative basis through engagement with the user community, and the use of user feedback in order to regularly define and set priorities for software requirements and evaluate the software capabilities acquired.

(ii) The requirements process begins with the identification of the warfighter or user need, including the rationale for how these software capabilities will support increased lethality and efficiency, and the identification of a relevant user community.

(iii) Initial contract requirements are stated in the form of a summary-level list of problems and shortcomings in existing software systems and desired features or capabilities of new or upgraded software systems.
(iv) Contract requirements are continuously refined and set in priority order in an evolutionary process through discussions with users that may continue throughout the development and implementation period.

(v) Issues related to lifecycle costs and systems interoperability are continuously considered.

(vi) Issues of logistics support in cases where the software developer may stop supporting the software system are addressed.

(vii) Rapid contracting procedures, to include timeframes for award, contract types, teaming, and options.

(viii) Execution processes, including supporting development and test infrastructure, automation and tools, data collection and sharing, the role of developmental and operational testing activities, and key decisionmaking and oversight events, and supporting processes and activities such as independent costing activ-
ity, operational demonstration, and performance metrics.

(ix) Administrative procedures, including procedures related to the roles and responsibilities of the implementing project or product teams and supporting activities, team selection and staffing process, oversight roles and responsibilities, and appropriate independent technology assessments, testing, and cost estimation, including relevant thresholds or designation criteria.

(x) Mechanisms and waivers designed to ensure flexibility in the implementation of the authority, including the use of other transaction authority, broad agency announcements, and other procedures.

Subtitle F—Other Matters

SEC. 861. NOTIFICATION OF NAVY PROCUREMENT PRODUCTION DISRUPTIONS.

(a) In General.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:
§ 2339b. Notification of Navy procurement production disruptions

(a) REQUIREMENT FOR CONTRACTOR TO PROVIDE NOTICE OF DELAYS.—The Secretary of the Navy shall require prime contractors of any Navy procurement program to report within 15 calendar days any stop work order or other manufacturing disruption of 15 calendar days or more, by the prime contractor or any sub-contractor, to the respective program manager and Navy technical authority.

(b) QUARTERLY REPORTS.—The Secretary of the Navy shall submit to the congressional defense committees not later than 15 calendar days after the end of each quarter of a fiscal year a report listing all notifications made pursuant to subsection (a) during the preceding quarter.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339a the following new item:

“2339b. Notification of Navy procurement production disruptions.”.

SEC. 862. MODIFICATION TO ACQUISITION AUTHORITY OF THE COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended by inserting “on new contract ef-
forts,” after “may not obligate or expend more than $75,000,000”.

SEC. 863. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) Prohibition on Agency Operation or Procurement.—The Secretary of Defense may not operate or enter into or renew a contract for the procurement of—

(1) a covered unmanned aircraft system that—

(A) is manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in or administered by an entity domiciled in a covered foreign country; or

(2) a system manufactured in a covered foreign country or by an entity domiciled in a covered for-
eign country for the detection or identification of
covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Defense is ex-
empt from the restriction under subsection (a) if the oper-
ation or procurement is for the purposes of—

(1) Counter-UAS surrogate testing and train-
ing; or

(2) intelligence, electronic warfare, and infor-
mation warfare operations, testing, analysis, and
training.

(c) WAIVER.—The Secretary of Defense may waive
the restriction under subsection (a) on a case by case basis
by certifying in writing to the congressional defense com-
mittees that the operation or procurement is required in
the national interest of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term
“covered foreign country” means the People’s Re-
public of China.

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—
The term “covered unmanned aircraft system”
means an unmanned aircraft system and any related
services and equipment.
SEC. 864. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH THE MADURO REGIME.

(a) PROHIBITION.—Except as provided under subsections (c), (d), and (e), the Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with an authority of the Government of Venezuela that is not recognized as the legitimate Government of Venezuela by the United States Government.

(b) DEFINITIONS.—In this section:

(1) BUSINESS OPERATIONS.—The term “business operations” means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(2) GOVERNMENT OF VENEZUELA.—(A) The term “Government of Venezuela” includes the government of any political subdivision of Venezuela, and any agency or instrumentality of the Government of Venezuela.

(B) For purposes of subparagraph (A), the term “agency or instrumentality of the Government of Venezuela” means an agency or instrumentality
of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to “a foreign state” deemed to be a reference to “Venezuela”.

(3) PERSON.—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(c) EXCEPTIONS.—

(1) IN GENERAL.—The prohibition under subsection (a) does not apply to a contract that the Secretary of Defense determines—

(A) is necessary—
(i) for purposes of providing humanitarian assistance to the people of Venezuela;

(ii) for purposes of providing disaster relief and other urgent life-saving measures;

(iii) to carry out noncombatant evacuations; or

(iv) to carry out stabilization activities; or

(B) is vital to the national security interests of the United States.

(2) Notification Requirement.—The Secretary of Defense shall notify the congressional defense committees of any contract entered into on the basis of an exception provided for under paragraph (1).

(d) Office of Foreign Assets Control Licenses.—The prohibition in subsection (a) shall not apply to a person that has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control.

(e) American Diplomatic Mission in Venezuela.—The prohibition in subsection (a) shall not apply to contracts related to the operation and mainte-
nance of the United States Government’s consular offices and diplomatic posts in Venezuela.

(f) APPLICABILITY.—This section shall apply with respect to any contract entered into on or after the date of the enactment of this section.

SEC. 865. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO COMBAT HUMAN TRAFFICKING THROUGH PROCUREMENT PRACTICES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Department of Defense efforts to combat human trafficking.

(b) ELEMENTS.—The report required under subsection (a) shall evaluate—

(1) the efforts of the Department of Defense to combat human trafficking in its contracting and supply chain policy, regulation, and practices, to include implementation of title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2092) and Executive Order 13627 (77 Fed. Reg. 60029), as well as the nature and extent of training for Department of
Defense contract officers on how to evaluate compliance plans, monitor contractor adherence to the plans, and respond to reports of noncompliance;

   (2) the role of the current trafficking in person’s office within the Department of Defense in helping the Department address all forms of human trafficking, and what, if any, improvements should be made to the office;

   (3) the process used by contract officers to evaluate compliance plans with regards to preventing human trafficking; and

   (4) how many instances of human trafficking have been reported to the Inspector General of the Department of Defense and the outcome of those cases.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

   (1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

   (2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

SEC. 901. HEADQUARTERS ACTIVITIES OF THE DEPARTMENT OF DEFENSE MATTERS.

(a) ASSESSMENT AND REFORM OF ENTERPRISE BUSINESS OPERATIONS.—Subsection (b) of section 921 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2222 note) is amended to read as follows:

“(b) ASSESSMENT AND REFORM OF ENTERPRISE BUSINESS OPERATIONS.—

“(1) PERIODIC ASSESSMENTS AND ACTIONS.—

Not later than January 1, 2020, and not less frequently than once every five years thereafter, the Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense—

“(A) assess enterprise business operations of the Department of Defense across all organizations and elements of the Department; and

“(B) take or direct the taking of such actions as will minimize the duplication of efforts
and maximize efficiency and effectiveness in mission execution.

“(2) CMO REPORTS.—Not later than January 1 of every fifth calendar year beginning with January 1, 2025, the Chief Management Officer shall submit to the congressional defense committees a report that describes the assessments carried out and the actions taken by the Chief Management Officer, and by other officers or employees of the Department at the direction of the Chief Management Office, under this subsection during the preceding five years, including the following:

“(A) A description of the metrics for performance relating to minimization of duplication of efforts and maximization of efficiency and effectiveness in mission execution established for applicable organizations and elements of the Department.

“(B) A certification of any costs avoided or cost savings achieved as a result of such assessments and actions.”.

(b) REPORT ON MILITARY AND CIVILIAN PERSONNEL FOR THE NGB AND NATIONAL GUARD JOINT STAFF.—Not later than January 1, 2020, the Secretary
of Defense shall submit to the congressional defense com-
mittees a report setting forth the following:

(1) The total number of members of the Armed
Forces and civilian employees of the Department of
Defense assigned to the Office of the Chief of the
National Guard Bureau and the National Guard
Joint Staff.

(2) A recommendation for the total number of
members and employees required for the Office of
the Chief of the National Guard Bureau and the Na-
tional Guard Joint Staff to execute the missions and
functions of the National Guard Bureau and the Na-
tional Guard Joint Staff.

(c) Repeal of Superseded Limitations.—The
following provisions are repealed:

(1) Section 601 of the Goldwater-Nichols De-
partment of Defense Reorganization Act of 1986 (10

(2) Section 1111 of the Duncan Hunter Na-
tional Defense Authorization Act for Fiscal Year

(d) Modification of Limitations on Number of
Personnel in OSD and Other DoD Head-
quarters.—
(1) OSD.—Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “3,767” and inserting “4,000”; and

(B) in subsection (b), by striking “, civilian, and detailed personnel” and inserting “and civilian personnel”.

(2) JOINT STAFF.—

(A) IN GENERAL.—Section 155(h) of such title is amended—

(i) in paragraph (1), by striking “2,069” and inserting “2,250”; and

(ii) in paragraph (2), by striking “1,500” and inserting “1,600”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on December 31, 2019, immediately after the coming into effect of the amendment made by section 903(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2344), to which such amendments relate

(3) OFFICE OF SECRETARY OF THE ARMY.—

Section 7014(f) of title 10, United States Code, is amended—
(A) in paragraph (1), by striking “3,105” and inserting “3,250”; and
(B) in paragraph (2), by striking “1,865” and inserting “1,900”.

(4) Office of Secretary of the Navy.—Section 8014(f) of such title is amended—
(A) in paragraph (1), by striking “2,866” and inserting “3,000”; and
(B) in paragraph (2), by striking “1,720” and inserting “1,800”.

(5) Office of Secretary of the Air
(A) in paragraph (1), by striking “2,639” and inserting “2,750”; and
(B) in paragraph (2), by striking “1,585” and inserting “1,650”.

(e) Sunset of Reduction in Funding for DoD
Headquarters, Administrative, and Support Activities.—Section 346 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 111 note) is amended by adding at the end the following new sub-
section:
“(e) Sunset.—No action is required under this sec-
tion with respect to any fiscal year after fiscal year 2019.”.
SEC. 902. RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT FOR PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) In General.—Section 2411(3) of title 10, United States Code, is amended by striking “Secretary of Defense acting through the Director of the Defense Logistics Agency” and inserting “Secretary of Defense acting through the Under Secretary of Defense for Acquisition and Sustainment”.

(b) Authority to Pay Administrative and Other Costs.—Section 2417 of title 10, United States Code, is amended by striking “Director of the Defense Logistics Agency” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

SEC. 903. RETURN TO CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE OF RESPONSIBILITY FOR BUSINESS SYSTEMS AND RELATED MATTERS.

(a) Return of Responsibility.—

(1) In General.—Section 142(b)(1) of title 10, United States Code, is amended by striking “systems and” each place it appears in subparagraphs (A), (B), and (C).
(2) Conforming amendments to CMO authorities.—Section 132a(b) of such title is amended—

(A) in paragraph (2), by striking “performance measurement and management, and business information technology management and improvement activities and programs” and inserting “and performance measurement and management activities and programs”;

(B) by striking paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) Chief Data Officer Responsibility for DoD Data Sets.—

(1) In general.—In addition to any other functions and responsibilities specified in section 3520(c) of title 44, United States, Code, the Chief Data Officer of the Department of Defense shall also be the official in the Department of Defense with principal responsibility for providing for the availability of common, usable, Defense-wide data sets.

(2) Access to all DoD data.—In order to carry out the responsibility specified in paragraph
(1), the Chief Data Officer shall have access to all Department of Defense data, including data in connection with warfighting missions and back-office data.

(3) RESPONSIBLE TO CIO.—The Chief Data Officer shall report directly to the Chief Information Officer of the Department of Defense in the performance of the responsibility specified in paragraph (1).

(4) REPORT.—Not later than December 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such recommendations for legislative or administrative action as the Secretary considers appropriate to carry out this subsection.

SEC. 904. SENIOR MILITARY ADVISOR FOR CYBER POLICY AND DEPUTY PRINCIPAL CYBER ADVISOR.

(a) ADVISOR.—

(1) IN GENERAL.—The Under Secretary of Defense for Policy shall, acting through the Joint Staff, designate an officer within the Office of the Under Secretary of Defense for Policy to serve within that Office as the Senior Military Advisor for
Cyber Policy, and concurrently, as the Deputy Principal Cyber Advisor.

(2) Officers eligible for designation.—The officer designated pursuant to this subsection shall be designated from among commissioned regular officers of the Armed Forces in a general or flag officer grade who are qualified for designation.

(3) Grade.—The officer designated pursuant to this subsection shall have the grade of major general or rear admiral while serving in that position, without vacating the officer’s permanent grade.

(b) Scope of Positions.—

(1) In general.—The officer designated pursuant to subsection (a) is each of the following:

(A) The Senior Military Advisor for Cyber Policy to the Under Secretary of Defense for Policy.

(B) The Deputy Principal Cyber Advisor to the Under Secretary of Defense for Policy.

(2) Direction and control and reporting.—In carrying out duties under this section, the officer designed pursuant to subsection (a) shall be subject to the authority, direction, and control of, and shall report directly to, the following:
(A) The Under Secretary with respect to
Senior Military Advisor for Cyber Policy duties.

(B) The Principal Cyber Advisor with re-
spect to Deputy Principal Cyber Advisor duties.

(c) Duties.—

(1) Duties as Senior Military Advisor for
Cyber Policy.—The duties of the officer designated
pursuant to subsection (a) as Senior Military Advi-
sor for Cyber Policy are as follows:

(A) To serve as the principal uniformed
military advisor on military cyber forces and ac-
tivities to the Under Secretary of Defense for
Policy.

(B) To assess and advise the Under Sec-
retary on aspects of policy relating to military
cyberspace operations, resources, personnel,
cyber force readiness, cyber workforce develop-
ment, and defense of Department of Defense
networks.

(C) To advocate, in consultation with the
Joint Staff, and senior officers of the Armed
Forces and the combatant commands, for con-
sideration of military issues within the Office of
the Under Secretary of Defense for Policy, in-
cluding coordination and synchronization of Department cyber forces and activities.

(D) To maintain open lines of communication between the Chief Information Officer of the Department of Defense, senior civilian leaders within the Office of the Under Secretary, and senior officers on the Joint Staff, the Armed Forces, and the combatant commands on cyber matters, and to ensure that military leaders are informed on cyber policy decisions.

(2) DUTIES AS DEPUTY PRINCIPAL CYBER ADVISOR.—The duties of the officer designated pursuant to subsection (a) as Deputy Principal Cyber Advisor are as follows:

(A) To synchronize, coordinate, and oversee implementation of the Cyber Strategy of the Department of Defense and other relevant policy and planning.

(B) To advise the Secretary of Defense on cyber programs, projects, and activities of the Department, including with respect to policy, training, resources, personnel, manpower, and acquisitions and technology.

(C) To oversee implementation of Department policy and operational directives on cyber
programs, projects, and activities, including with respect to resources, personnel, manpower, and acquisitions and technology.

(D) To assist in the overall supervision of Department cyber activities relating to offensive missions.

(E) To assist in the overall supervision of Department defensive cyber operations, including activities of component-level cybersecurity service providers and the integration of such activities with activities of the Cyber Mission Force.

(F) To advise senior leadership of the Department on, and advocate for, investment in capabilities to execute Department missions in and through cyberspace.

(G) To identify shortfalls in capabilities to conduct Department missions in and through cyberspace, and make recommendations on addressing such shortfalls in the Program Budget Review process.

(H) To coordinate and consult with stakeholders in the cyberspace domain across the Department in order to identify other issues on
cyberspace for the attention of senior leadership of the Department.

(I) On behalf of the Principal Cyber Advisor, to lead the cross-functional team established pursuant to 932(e)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note) in order to synchronize and coordinate military and civilian cyber forces and activities of the Department.

SEC. 905. LIMITATION ON TRANSFER OF STRATEGIC CAPABILITIES OFFICE.

(a) LIMITATION.—The Under Secretary of Defense for Research and Engineering may not transfer the Strategic Capabilities Office or change the reporting structure of the Office, as in effect on the day before the date of the enactment of this Act, until the Secretary of Defense, acting through the Chief Management Officer and the Under Secretary of Defense for Research and Engineering and in consultation with the United States Indo-Pacific, Europe, and Special Operations Command, submits the report required by subsection (b)(1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report
that evaluates the following options for transferring
the Office:

   (A) Transferring the Office so that the Di-
   rector of the Office reports directly to the
   Under Secretary of Defense for Acquisition and
   Sustainment.

   (B) Maintaining the arrangement in effect
on the day before the date of the enactment of
this Act such that the Director continues to re-
port to the Under Secretary of Defense for Re-
search and Engineering.

   (C) Transferring the Office to the Defense
Advanced Research Projects Agency.

   (D) Such other options as the Under Sec-
   retary may identify.

(2) CONTENTS.—The report submitted under
paragraph (1) shall include, for each option evalu-
ated under such paragraph, an evaluation of whether
the option considered will provide for—

   (A) responding to the critical needs of
   combatant commanders;

   (B) augmentation of cross-Department of
   Defense efforts with respect to developing stra-
tegic capabilities;
(C) developing new and innovative ways to
counter advanced threats;

(D) providing sound technical and program
management for activities of the Strategic Ca-
pabilities Office;

(E) coordinating appropriately with other
research and technology development activities
of the Department; and

(F) partnering with and responding to sen-
ior leadership across the Department.

Subtitle B—Organization and Man-
agement of Other Department of
Defense Offices and Elements

SEC. 911. ASSISTANT SECRETARIES OF THE MILITARY DE-
PARTMENTS FOR ENERGY, INSTALLATIONS,
AND ENVIRONMENT.

(a) Assistant Secretary of the Army.—Section
7016(b) of title 10, United States Code, is amended by
adding at the end the following new paragraph:

“(6) One of the Assistant Secretaries shall be the As-
sistant Secretary of the Army for Energy, Installations,
and Environment.”.

(b) Assistant Secretary of the Navy.—Section
8016(b) of such title is amended by adding at the end
the following new paragraph:
“(5) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Energy, Installations, and Environment.”.

(c) ASSISTANT SECRETARY OF THE AIR FORCE.—
Section 9016(b) of such title is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Energy, Installations, and Environment.”.

SEC. 912. REPEAL OF CONDITIONAL DESIGNATION OF EXPLOSIVE ORDNANCE DISPOSAL CORPS AS A BASIC BRANCH OF THE ARMY.

Section 582 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1415) is repealed, and the amendment otherwise provided for by subsection (a) of that section shall not be made.

Subtitle C—Other Matters

SEC. 921. EXCLUSION FROM LIMITATIONS ON PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND DEPARTMENT OF DEFENSE HEADQUARTERS OF FELLOWS APPOINTED UNDER THE JOHN S. MCCAIN DEFENSE FELLOWS PROGRAM.

Section 932(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public
Law 115–232; 132 Stat. 1935; 10 U.S.C. prec. 1580 note) is amended by adding at the end the following new sentence: “An individual appointed pursuant to this paragraph shall not count against the limitation on the number of Office of the Secretary of Defense personnel in section 143 of title 10, United States Code, or any similar limitation in law on the number of personnel in headquarters of the Department that would otherwise apply to the office or headquarters to which appointed.”.

SEC. 922. REPORT ON RESOURCES TO IMPLEMENT THE CIVILIAN CASUALTY POLICY OF THE DEPARTMENT OF DEFENSE.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in unclassified form, on the resources necessary over the period of the future-years defense plan for fiscal year 2020 under section 221 of title United States Code, to fulfill the requirements of section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232 l 132 Stat. 1939; 10 U.S.C. 134 note) and fully implement policies developed as a result of such section.
(a) **Authority To Transfer Authorizations.**—

(1) **Authority.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **Limitation.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) **Exception for Transfers Between Military Personnel Authorizations.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **Limitations.**—The authority provided by subsection (a) to transfer authorizations—
(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. MODIFICATION OF REQUIRED ELEMENTS OF ANNUAL REPORTS ON EMERGENCY AND EXTRAORDINARY EXPENSES OF THE DEPARTMENT OF DEFENSE.

Paragraph (2) of section 127(d) of title 10, United States Code, is amended to read as follows:

“(2) Each report submitted under paragraph (1) shall include, for each individual expenditure covered by such report in an amount in excess of $20,000, the following:
“(A) A detailed description of the purpose of such expenditure.

“(B) The amount of such expenditure.

“(C) An identification of the approving authority for such expenditure.

“(D) A justification why other authorities available to the Department could not be used for such expenditure.

“(E) Any other matters the Secretary considers appropriate.”.

SEC. 1003. INCLUSION OF MILITARY CONSTRUCTION PROJECTS IN ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.

(a) Inclusion of Military Construction Projects Among Unfunded Priorities.—Subsection (d) of section 222a of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting “, including a military construction project,” after “program, activity, or mission requirement”.

(b) Order of Urgency of Priority.—Paragraph (2) of subsection (c) of such section is amended to read as follows:
“(2) P R I O R I T I Z A T I O N  O F  P R I O R I T I E S . — E a c h
report shall present the unfunded priorities covered
by such report as follows:

“(A) In overall order of urgency of pri-
ority.

“(B) In overall order of urgency of priority
among unfunded priorities (other than military
construction projects).

“(C) In overall order of urgency of priority
among military construction projects.”.

S E C .  1 0 0 4 .  P R O H I B I T I O N  O N  D E L E G A T I O N  O F  R E S P O N S I-
B I L I T Y  F O R  S U B M I T T A L  T O  C O N G R E S S  O F
O U T - Y E A R  U N C O N S T R A I N E D  T O T A L  M U N I-
T I O N S  R E Q U I R E M E N T S  A N D  O U T - Y E A R  I N-
V E N T O R Y  N U M B E R S .

Section 222c of title 10, United States Code, is
amended—

(1) in subsection (a), by striking “subsection
(b)” and inserting “subsection (c)”;

(2) by redesignating subsections (b), (c), and
(d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the fol-
lowing new subsection (b):

“(b) P R O H I B I T I O N  O N  D E L E G A T I O N  O F  S U B M I T T A L
R E S P O N S I B I L I T Y . — T h e  r e s p o n s i b i l i t y  o f  t h e  c h i e f  o f  s t a f f
of an armed force in subsection (a) to submit a report
may not be delegated outside the armed force concerned.”;
and
(4) in subsection (c), as redesignated by para-
graph (2), by striking “subsection (e)” in paragraph
(6) and inserting “subsection (d)”.

SEC. 1005. ELEMENT IN ANNUAL REPORTS ON THE FINAN-
CIAL IMPROVEMENT AND AUDIT REMEDI-
ATION PLAN ON ACTIVITIES WITH RESPECT
TO CLASSIFIED PROGRAMS.

Section 240b(b)(1) of title 10, United States Code,
is amended—

(1) in subparagraph (B), by adding at the end
the following new clause:

“(ix) A description of audit activities
and results for classified programs, includ-
ing a description of the use of procedures
and requirements to prevent unauthorized
exposure of classified information in such
activities.”; and

(2) in subparagraph (C)(i), by inserting “or
(ix)” after “clause (vii)”.
SEC. 1006. MODIFICATION OF SEMIANNUAL BRIEFINGS ON
THE CONSOLIDATED CORRECTIVE ACTION
PLAN OF THE DEPARTMENT OF DEFENSE
FOR FINANCIAL MANAGEMENT INFORMATION.

(a) In General.—Paragraph (2) of section 240b(b) of title 10, United States Code, is amended to read as follows:

“(2) SEMIANNUAL BRIEFINGS.—

“(A) In General.—Not later than February 28 and September 30 each year, the Under Secretary of Defense (Comptroller) and the comptrollers of the military departments shall provide a briefing to the congressional defense committees on the status of the consolidated corrective action plan referred to in paragraph (1)(B)(i) as of the end of the most recent calendar half-year ending before such briefing.

“(B) ELEMENTS.—Each briefing under subparagraph (A) shall include the following:

“(i) The absolute number, and the percentage, of personnel performing the amount of auditing or audit remediation services being performed by professionals meeting the qualifications described in section 240d(b) of this title as of the last day
of the calendar half-year covered by such briefing.

“(ii) With respect to each finding and recommendation issued in connection with the audit of the financial statements of a department, agency, component, or other element of the Department of Defense, or the Department of Defense as a whole, that was received by the Department during the calendar half-year covered by such briefing, each of the following:

“(I) A description of the manner in which the corrective action plan of such department, agency, component, or element and the corrective action plan of the Department as a whole, or the corrective action plan of the Department as a whole (in the case of a finding or recommendation regarding the Department as a whole), has been modified in order to incorporate such finding or recommendation into such plans or plan.

“(II) An identification of the processes, systems, procedures, and
technologies required to implement such corrective action plans or plan, as so modified.

“(III) A determination of the funds required to procure, obtain, or otherwise implement each process, system, and technology identified pursuant to subclause (II).

“(IV) An identification the manner in which such corrective action plans or plan, as so modified, support the National Defense Strategy (NDS) of the United States.”.

(b) Technical Amendment.—Paragraph (1)(B)(i) of such section is amended by striking “section 253a” and inserting “section 240c”.

(c) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to calendar half-years that end on or after that date.

SEC. 1007. UPDATE OF AUTHORITIES AND RENAMING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) Renaming as Account.—
(1) In general.—Section 1705 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “the ‘Department of Defense Acquisition Workforce Development Fund’ (in this section referred to as the ‘Fund’)” and inserting “the ‘Department of Defense Acquisition Workforce Development Account’ (in this section referred to as the ‘Account’)”; and

(B) by striking “Fund” each place it appears (other than subsection (e)(6)) and inserting “Account”.

(2) Conforming and clerical amendments.—

(A) Section heading.—The heading of such section is amended to read as follows:

“§ 1705. Department of Defense Acquisition Workforce Development Account”.

(B) Clerical amendment.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking the item relating to section 1705 and inserting the following new item:

“1705. Department of Defense Acquisition Workforce Development Account.”.

(b) Management.—Such section is further amended by striking “Under Secretary of Defense for Acquisition,
Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(c) Appropriations as Sole Elements of Account.—Subsection (d) of such section is amended to read as follows:

“(d) Elements.—The Account shall consist of amounts appropriated to the Account by law.”.

(d) Availability of Amounts in Account.—Subsection (e)(6) of such section is amended by striking “credited to the Fund” and all that follows and inserting “appropriated to the Account pursuant to subsection (d) shall remain available for expenditure for the fiscal year in which appropriated and the succeeding fiscal year.”.

(e) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to fiscal years that begin on or after that date.

(2) Duration of availability of previously deposited funds.—Nothing in the amendments made by this section shall modify the duration of availability of amounts in the Department of Defense Acquisition Workforce Development Fund that were appropriated or credited to, or de-
posited, in the Fund, before October 1, 2019, as
provided for in section 1705(e)(6) of title 10, United
States Code, as in effect on the day before such
date.

Subtitle B—Counterdrug Activities

SEC. 1011. MODIFICATION OF AUTHORITY TO SUPPORT A
UNIFIED COUNTERDRUG AND COUNTERTER-
RORISM CAMPAIGN IN COLOMBIA.

Section 1021(a)(1) of the Ronald W. Reagan Na-
tional Defense Authorization Act for Fiscal Year 2005
(Public Law 108–375; 118 Stat. 2042), as most recently
amended by section 1011(1) of the National Defense Au-
thorization Act for Fiscal Year 2018 (Public Law 115–
91; 131 Stat. 1545), is further amended by striking “orga-
nizations designated as” and all that follows and inserting
“terrorist organizations or other illegally armed groups
that the Secretary of Defense, with the concurrence of the
Secretary of State, determines pose a threat to the na-
tional security interests of the United States.”.
SEC. 1012. TWO-YEAR EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note) is amended by striking “2020” and inserting “2022”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1016. MODIFICATION OF AUTHORITY TO PURCHASE VESSELS USING FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

(a) In General.—Section 2218(f)(3)(E) of title 10, United States Code, is amended—

(1) in clause (i), by striking “ten new sealift vessels” and inserting “ten new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels”; and

(2) in clause (ii), by striking “sealift”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.
SEC. 1017. SENIOR TECHNICAL AUTHORITY FOR EACH NAVAL VESSEL CLASS.

(a) SENIOR TECHNICAL AUTHORITY FOR EACH CLASS REQUIRED.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8669a the following new section:

“§ 8669b. Senior Technical Authority for each naval vessel class

“(a) SENIOR TECHNICAL AUTHORITY.—

“(1) DESIGNATION FOR EACH VESSEL CLASS REQUIRED.—The Secretary of the Navy shall designate, in writing, a Senior Technical Authority for each class of naval vessels as follows:

“(A) In the case of a class of vessels which has received Milestone A approval, an approval to enter into technology maturation and risk reduction, or an approval to enter into a subsequent Department of Defense or Department of the Navy acquisition phase as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, not later than 30 days after such date of enactment.

“(B) In the case of any class of vessels which has not received any approval described in subparagraph (A) as of such date of enactment, at or before the first of such approvals.
“(2) **Prohibition on Delegation.**—The Secretary may not delegate designations under paragraph (1).

“(3) **Individuals Eligible for Designation.**—Each individual designated as a Senior Technical Authority under paragraph (1) shall be an employee of the Navy in the Senior Executive Service in an organization of the Navy that—

“(A) possesses the technical expertise required to carry out the responsibilities specified in subsection (b); and

“(B) operates independently of chains-of-command for acquisition program management.

“(4) **Term.**—Each Senior Technical Authority shall be designated for a term, not fewer than six years, specified by the Secretary at the time of designation.

“(5) **Removal.**—An individual may be removed involuntarily from designation as a Senior Technical Authority only by the Secretary. Not later than 15 days after the involuntary removal of an individual from designation as a Senior Technical Authority, the Secretary shall notify, in writing, the congressional defense committees of the removal, including the reasons for the removal.
“(b) Responsibilities and Authority.—Each Senior Technical Authority shall be responsible for, and have the authority to, establish, monitor, and approve technical standards, tools, and processes for the class of naval vessels for which designated under this section in conformance with applicable Department of Defense and Department of the Navy policies, requirements, architectures, and standards.

“(c) Limitation on Obligation of Funds on Lead Vessel in Vessel Class.—

“(1) In general.—On or after October 1, 2020, funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy may not be obligated for the first time on the lead vessel in a class of naval vessels unless the Secretary of the Navy certifies as described in paragraph (2).

“(2) Certification elements.—The certification on a class of naval vessels described in this paragraph is a certification containing each of the following:

“(A) The name of the individual designated as the Senior Technical Authority for such class of vessels, and the qualifications and
professional biography of the individual so designated.

“(B) A description by the Senior Technical Authority of the systems engineering, technology, and ship integration risks for such class of vessels.

“(C) The designation by the Senior Technical Authority of each critical hull, mechanical, electrical, propulsion, and combat system of such class of vessels, including systems relating to power generation, power distribution, and key operational mission areas.

“(D) The date on which the Senior Technical Authority approved the systems engineering, engineering development, and land-based engineering and testing plans for such class of vessels.

“(E) A description by the Senior Technical Authority of the key technical knowledge objectives and demonstrated system performance of each plan approved as described in subparagraph (D).

“(F) A determination by the Senior Technical Authority that such plans are sufficient to achieve thorough technical knowledge of critical
systems of such class of vessels before the start of detail design and construction.

“(G) A determination by the Senior Technical Authority that actual execution of activities in support of such plans as of the date of the certification have been and continue to be effective and supportive of the acquisition schedule for such class of vessels.

“(H) A description by the Senior Technical Authority of other technology maturation and risk reduction efforts not included in such plans for such class of vessels taken as of the date of the certification.

“(I) A certification by the Senior Technical Authority that each critical system covered by subparagraph (C) has been demonstrated through testing of a prototype or identical component in its final form, fit, and function in a realistic environment.

“(J) A determination by the Secretary that the plans approved as described in subparagraph (D) are fully funded and will be fully funded in the future-years defense program for the fiscal year beginning in the year in which the certification is submitted.
“(K) A determination by the Secretary that the Senior Technical Authority will approve, in writing, the ship specification for such class of vessels before the request for proposals for detail design, construction, or both, as applicable, is released.

“(3) DEADLINE FOR SUBMITTAL OF CERTIFICATION.—The certification required by this subsection with respect to a class of naval vessels shall be submitted, in writing, to the congressional defense committees not fewer than 30 days before the Secretary obligates for the first time funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy for the lead vessel in such class of naval vessels.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘class of naval vessels’—

“(A) means any group of similar undersea or surface craft procured with Shipbuilding and Conversion, Navy or Other Procurement, Navy funds, including manned, unmanned, and optionally-manned craft; and

“(B) includes—
“(i) a substantially new class of craft (including craft procured using ‘new start’ procurement); and

“(ii) a class of craft undergoing a significant incremental change in its existing class (such as a next ‘flight’ of destroyers or next ‘block’ of attack submarines).

“(2) The term ‘future-years defense program’ has the meaning given that term in section 221 of this title.

“(3) The term ‘Milestone A approval’ has the meaning given that term in section 2431a of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8669a the following new item:

“8669b. Senior Technical Authority for each naval vessel class.”

SEC. 1018. PERMANENT AUTHORITY FOR SUSTAINING OPERATIONAL READINESS OF LITTORAL COMBAT SHIPS ON EXTENDED DEPLOYMENT.

Section 8680(a)(2) of title 10, United States Code, is amended by striking subparagraph (D).
Subtitle D—Counterterrorism

SEC. 1021. 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. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINNEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


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SEC. 1023. 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. 1024. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


SEC. 1025. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) Temporary Transfer for Medical Treatment.—Notwithstanding section 1033 of the John S.
McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or an-
other official of the Department of Defense at the level
of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who
is temporarily transferred under the authority in sub-
section (a) shall—

(1) while in the United States, remain in the
custody and control of the Secretary of Defense at
all times; and

(2) be returned to United States Naval Station,
Guantanamo Bay, Cuba, as soon as feasible after a
Department of Defense physician determines, in con-
sultation with the Commander, Joint Task Force-
Guantanamo Bay, Cuba, that any necessary follow-
up medical care may reasonably be provided the in-
dividual at United States Naval Station, Guanta-
namo Bay.

(d) STATUS WHILE IN UNITED STATES.—An indi-
vidual who is temporarily transferred under the authority
in subsection (a), while in the United States—

(1) shall be deemed at all times and in all re-
spects to be in the uninterrupted custody of the Sec-
retary of Defense, as though the individual remained
physically at United States Naval Station, Guanta-
namo Bay, Cuba;
(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—
(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—
(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 801 note).

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and
(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.

SEC. 1026. CHIEF MEDICAL OFFICER AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) CHIEF MEDICAL OFFICER.—

(1) IN GENERAL.—There shall be at United States Naval Station, Guantanamo Bay, Cuba, a Chief Medical Officer of United States Naval Station, Guantanamo Bay (in this section referred to as the “Chief Medical Officer”).

(2) GRADE.—The individual serving as Chief Medical Officer shall be an officer of the Armed Forces who holds a grade not below the grade of colonel, or captain in the Navy.

(3) CHAIN OF COMMAND.—The Chief Medical Officer shall report to the Assistant Secretary of Defense for Health Affairs in the performance of duties
and the exercise of powers of the Chief Medical Officer under this section.

(b) Duties.—

(1) In general.—The Chief Medical Officer shall oversee the provision of medical care to individuals detained at Guantanamo.

(2) Quality of care.—The Chief Medical Officer shall ensure that medical care provided as described in paragraph (1) meets applicable standards of care.

(c) Powers.—

(1) In general.—The Chief Medical Officer shall make medical determinations relating to medical care for individuals detained at Guantanamo, including—

(A) decisions regarding assessment, diagnosis, and treatment; and

(B) determinations concerning medical accommodations to living conditions and operating procedures for detention facilities.

(2) Resolution of declination to follow determinations.—If the commander of Joint Task Force Guantanamo declines to follow a determination of the Chief Medical Officer under paragraph (1), the matter covered by such determination shall
be jointly resolved by the Assistant Secretary of De-
fense for Special Operations and Low Intensity Con-
flict and the Assistant Secretary of Defense for 
Health Affairs not later than seven days after re-
cceipt of notification of the matter by either Assistant 
Secretary.

(3) SECURITY CLEARANCES.—The appropriate 
departments or agencies of the Federal Government 
shall, to the extent practicable in accordance with 
existing procedures and requirements, process expe-
ditiously any application and adjudication for a secu-
ritv clearance required by the Chief Medical Officer 
to carry out the Chief Medical Officer’s duties and 
powers under this section.

(d) ACCESS TO INDIVIDUALS, INFORMATION, AND 
ASSISTANCE.—

(1) IN GENERAL.—The Chief Medical Officer 
may secure directly from the Department of Defense 
access to any individual, information, or assistance 
that the Chief Medical Officer considers necessary to 
enable the Chief Medical Officer to carry out this 
section, including full access to the following:

(A) Any individual detained at Guanta-
namo.
(B) Any medical records of any individual detained at Guantanamo.

(C) Medical professionals of the Department who are working, or have worked, at United States Naval Station, Guantanamo Bay.

(2) Access Upon Request.—Upon request of the Chief Medical Officer, the Department shall make available to the Chief Medical Officer on an expeditious basis access to individuals, information, and assistance as described in paragraph (1).

(3) Lack of Expeditious Availability.—If access to individuals, information, or assistance is not made available to the Chief Medical Officer upon request on an expeditious basis as required by paragraph (2), the Chief Medical Officer shall notify the Assistant Secretary of Defense for Health Affairs, who shall take actions to resolve the matter expeditiously.

(e) Definitions.—In this section:

(1) Individual Detained at Guantanamo Defined.—The term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(A) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise detained at United States Naval Station, Guantanamo Bay.

(2) MEDICAL CARE.—The term “medical care” means physical and mental health care.

(3) STANDARD OF CARE.—The term “standard of care” means evaluation and treatment that is accepted by medical experts and reflected in peer-reviewed medical literature as the appropriate medical approach for a condition, symptoms, illness, or disease and that is widely used by healthcare professionals.
Subtitle E—Miscellaneous
Authorities and Limitations

SEC. 1031. CLARIFICATION OF AUTHORITY OF MILITARY
COMMISSIONS UNDER CHAPTER 47A OF
TITLE 10, UNITED STATES CODE, TO PUNISH
CONTEMPT.

(a) Clarification.—

(1) In general.—Subchapter IV of chapter
47A of title 10, United States Code, is amended by
adding at the end the following new section:

“§ 949o–1. Contempt

“(a) Authority to Punish.—(1) With respect to
any proceeding under this chapter, a judicial officer speci-
fied in paragraph (2) may punish for contempt any person
who—

“(A) uses any menacing word, sign, or gesture
in the presence of the judicial officer during the pro-
ceeding;

“(B) disturbs the proceeding by any riot or dis-
order; or

“(C) willfully disobeys a lawful writ, process,
order, rule, decree, or command issued with respect
to the proceeding.

“(2) A judicial officer referred to in paragraph (1)
is any of the following:
“(A) Any judge of the United States Court of Military Commission Review.

“(B) Any military judge detailed to a military commission or any other proceeding under this chapter.

“(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of $1,000, or both.

“(c) REVIEW.—(1) A punishment under this section—

“(A) is not reviewable by the convening authority of a military commission under this chapter;

“(B) if imposed by a military judge, shall constitute a judgment, subject to review in the first instance only by the United States Court of Military Commission Review and then only by the United States Court of Appeals for the District of Columbia Circuit; and

“(C) if imposed by a judge of the United States Court of Military Commission Review, shall constitute a judgment of the court subject to review only by the United States Court of Appeals for the District of Columbia Circuit.

“(2) In reviewing a punishment for contempt imposed under this section, the reviewing court shall affirm such
punishment unless the court finds that imposing such pun-
ishment was an abuse of the discretion of the judicial offi-
cer who imposed such punishment.

“(3) A petition for review of punishment for contempt
imposed under this section shall be filed not later than
60 days after the date on which the authenticated record
upon which the contempt punishment is based and any
contempt proceedings conducted by the judicial officer are
served on the person punished for contempt.

“(d) PUNISHMENT NOT CONVICTION.—Punishment
for contempt is not a conviction or sentence within the
meaning of section 949m of this title. The imposition of
punishment for contempt is not governed by other provi-
sions of this chapter applicable to military commissions,
except that the Secretary of Defense may prescribe proce-
dures for contempt proceedings and punishments, pursu-
ant to the authority provided in section 949a of this
title.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of subchapter IV of such
chapter is amended by adding at the end the fol-
lowing new item:

“949o–1. Contempt.”.

(b) CONFORMING AMENDMENTS.—Section 950t of
title 10, United States Code, is amended—

(1) by striking paragraph (31); and
(2) by redesignating paragraph (32) as paragraph (31).

(c) Rule of Construction.—The amendments made by subsections (a) and (b) shall not be construed to affect the lawfulness of any punishment for contempt adjudged prior to the effective date of such amendments.

(d) Applicability.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to conduct by a person that occurs on or after such date.

SEC. 1032. COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON COLLECTIVE SELF-DEFENSE.

(a) Comprehensive Policy Required.—The Secretary of Defense shall prescribe a comprehensive written policy for the Department of Defense on the issuance of authorization for, and the provision by members and units of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property.

(b) Elements.—The policy required by subsection (a) shall address the following:

(1) Each basis under domestic and international law pursuant to which a member or unit of the United States Armed Forces has been or may be authorized to provide collective self-defense to des-
ignated foreign nationals, their facilities, or their property under each circumstance as follows:

(A) Inside an area of active hostilities, or in a country or territory in which United States forces are authorized to conduct or support direct action operations.

(B) Outside an area of active hostilities, or in a country or territory in which United States forces are not authorized to conduct direct action military operations.

(C) When United States personnel, facilities, or equipment are not threatened, including both as described in subparagraph (A) and as described in subparagraph (B).

(D) When members of the United States Armed Forces are not participating in a military operation as part of an international coalition.

(E) Any other circumstance not encompassed by subparagraphs (A) through (D) in which a member or unit of the United States Armed Forces has been or may be authorized to provide such collective self-defense.

(2) A list and explanation of any limitations imposed by law or policy on the provision of collective
self-defense to designated foreign nationals, their fa-
cilities, and their property under any of the bases in
domestic or international law in the circumstances
enumerated in paragraph (1), and the conditions
under which any such limitation applies.

(3) The procedure by which a proposal that any
member or unit of the United States Armed Forces
provide collective self-defense in support of des-
ignated foreign nationals, their facilities, and their
property is to be submitted, processed, and endorsed
through offices, officers, and officials of the Depart-
ment to the applicable approval authority for final
decision, and a list of any information, advice, or
opinion to be included with such proposal in order
to inform appropriate action on such proposal by
such approval authority.

(4) The title and duty position of any officers
and officials of the Department empowered to render
a final decision on a proposal described in paragraph
(3), and the conditions applicable to, and limitations
on, the exercise of such decisionmaking authority by
each such officer or official.

(5) A description of the Rules of Engagement
applicable to the provision of collective self-defense
to designated foreign nationals, their facilities, and
their property under any of the bases in domestic or
international law in the circumstances enumerated
in paragraph (1), and the conditions under which
any such Rules of Engagement would be modified.

(6) A description of the process through which
policy guidance pertaining to the authorization for,
and the provision by members of the United States
Armed Forces of, collective self-defense to des-
ignated foreign nationals, their facilities, and their
property is to be disseminated to the level of tactical
execution.

(7) Such other matters as the Secretary con-
siders appropriate.

(c) REPORT ON POLICY.—

(1) IN GENERAL.—Not later than 60 days after
the date of the enactment of this Act, the Secretary
shall submit to the congressional defense committees
a report setting forth the policy required by sub-
section (a).

(2) DoD GENERAL COUNSEL STATEMENT.—
The Secretary shall include in the report under
paragraph (1) a statement by the General Counsel
of the Department of Defense as to whether the pol-
icy prescribed pursuant to subsection (a) is con-
sistent with domestic and international law.
FORM.—The report required by paragraph (1) may be submitted in classified form.

(d) BRIEFING ON POLICY.—Not later than 30 days after the date of the submittal of the report required by subsection (c), the Secretary shall provide the congressional defense committees a classified briefing on the policy prescribed pursuant to subsection (a). The briefing shall make use of vignettes designated to illustrate real world application of the policy in each the circumstances enumerated in subsection (b)(1).

SEC. 1033. OVERSIGHT OF DEPARTMENT OF DEFENSE EXECUTE ORDERS.

(a) REVIEW OF EXECUTE ORDERS.—Upon a written request by the Chairman or Ranking Member of a congressional defense committee, the Secretary of Defense shall provide the committee, including appropriately designated staff of the committee, with an execute order approved by the Secretary or the commander of a combatant command for review within 30 days of receiving the written request.

(b) EXCEPTION.—

(1) IN GENERAL.—In extraordinary circumstances necessary to protect operations security, the sensitivity of the execute order, or other appro-
priate considerations, the Secretary may limit review of an execute order.

(2) SUMMARY AND OTHER INFORMATION.—In extraordinary circumstances described in paragraph (1) with respect to an execute order, the Secretary shall provide the committee concerned, including appropriately designated staff of the committee, a detailed summary of the execute order and other information necessary for the conduct of the oversight duties of the committee within 30 days of receiving the written request under subsection (a).

SEC. 1034. PROHIBITION ON OWNERSHIP OR TRADING OF STOCKS IN CERTAIN COMPANIES BY DEPARTMENT OF DEFENSE OFFICERS AND EMPLOYEES.

(a) PROHIBITION ON OWNERSHIP AND TRADING BY CERTAIN SENIOR OFFICIALS.—

(1) PROHIBITION.—An official of the Department of Defense described in paragraph (2) may not own or trade a publicly traded stock of a company if, during the preceding calendar year, the company received more than $1,000,000,000 in revenue from the Department of Defense, including through one or more contracts with the Department.
(2) **DEPARTMENT OF DEFENSE OFFICIALS.**—

An official of the Department of Defense described in this paragraph is any current Department of Defense official described by section 847(c) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 1701 note).

(3) **ADMINISTRATIVE ACTIONS.**—In the event that an official of the Department of Defense described in subsection (a) knowingly fails to comply with the requirements of this subsection, the Secretary of Defense may take administrative action against the official, including suspension or termination, in accordance with the procedures otherwise applicable to administrative actions against such officials.

(b) **PROHIBITION ON OWNERSHIP AND TRADING BY ALL OFFICERS AND EMPLOYEES.**—An officer or employee of the Department of Defense may not own or trade a publicly traded stock of a company that is a contractor or subcontractor of the Department if the Office of Standards and Compliance of the Office of the General Counsel of the Department of Defense determines that the value of the stock may be directly or indirectly influenced by any official action of the officer or employee for the Department.
(c) Inapplicability to Mutual Funds.—For purposes of this section, publically-traded stock does not include a widely-held investment fund described in section 102(f)(8) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. 1035. POLICY REGARDING THE TRANSITION OF DATA AND APPLICATIONS TO THE CLOUD.

(a) Policy Required.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Chief Data Officer of the Department shall, in consultation with the J6 of the Joint Staff and the Chief Management Officer, develop and issue enterprise-wide policy and implementing instructions regarding the transition of data and applications to the cloud under the Department cloud strategy in accordance with subsection (b).

(b) Design.—The policy required by subsection (a) shall be designed to dramatically improve support to operational missions and management processes, including by the use of artificial intelligence and machine learning technologies, by—

(1) making the data of the Department available to support new types of analyses;

(2) preventing, to the maximum extent practicable, the replication in the cloud of data stores
that cannot readily be accessed by applications for which the data stores were not originally engineered;

(3) ensuring that data sets can be readily discovered and combined with others to enable new insights and capabilities; and

(4) ensuring that data and applications are readily portable and not tightly coupled to a specific cloud infrastructure or platform.

SEC. 1036. MODERNIZATION OF INSPECTION AUTHORITIES APPLICABLE TO THE NATIONAL GUARD AND EXTENSION OF INSPECTION AUTHORITY TO THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MODERNIZATION OF INSPECTION AUTHORITIES OF SECRETARIES OF THE ARMY AND AIR FORCE.—Subsection (a) of section 105 of title 32, United States Code, is amended—

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

(A) by striking “by him, the Secretary of the Army shall have” and inserting “by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have”;

(B) by striking “, if necessary,”; and
(C) by striking “the Regular Army” and inserting “the Regular Army or the Regular Air Force”;

(2) by striking “Army National Guard” each place it appears and inserting “Army National Guard or Air National Guard”; and

(3) by striking the flush matter following paragraph (7).

(b) INSPECTION AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU.—Such section is further amended by adding at the end the following new subsection:

“(c) Under regulations prescribed by the Chief of the National Guard Bureau, the Chief of the National Guard Bureau may have an inspection made by inspectors general, or by commissioned officers of the Army National Guard of the United States or the Air National Guard of the United States detailed for that purpose, in order to determine the following:

“(1) Whether the units and members of the Army National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Department of Defense, the Department of the Army, and the National Guard Bureau.
“(2) Whether the units and members of the Air National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Department of Defense, the Department of the Air Force, and the National Guard Bureau.”.

SEC. 1037. ENHANCEMENT OF AUTHORITIES ON FORFEITURE OF FEDERAL BENEFITS BY THE NATIONAL GUARD.

(a) In General.—The text of section 108 of title 32, United States Code, is amended to read as follows:

“(a) Availability of Funds Contingent on Compliance With Federal Law and Policy.—The availability of Federal funds provided to the National Guard of individual States is contingent upon compliance with Federal law and policy applicable to the National Guard.

“(b) Bar of States for Failure To Comply.—If, within a time fixed by the President, a State fails to comply with Federal law or policy applicable to the National Guard, a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part (as the President may prescribe), from receiving such money or other aid, benefit, or privilege authorized by law with respect to the National Guard of that State as the President may prescribe.
"(c) Bar or withdrawal of recognition of officers for failure to comply.—If, within a time fixed by the President, an officer of the National Guard fails to comply with Federal law or policy applicable to the National Guard, the President may bar the officer from receiving Federal funds, or withdraw the officer’s Federal recognition under section 323 of this title.

"(d) Bar or withdrawal of recognition of units for failure to comply.—If, within a time fixed by the President, a unit of the National Guard fails to comply with Federal law or policy applicable to the National Guard, the President may bar the unit from receiving Federal funds, or withdraw the unit’s Federal recognition.

"(e) Advance notice to Congress on final actions.—Before taking a final action under subsection (c) or (d), President shall notify the Committees on Armed Services of the Senate and the House of Representatives of such final action.

"(f) Limitation on delegation of final actions.—The President may not delegate the authority to take a final action under subsection (c) or (d) to any official other than the Secretary of Defense."

(b) Effective date.—The amendment made by subsection (a) shall take effect on October 1, 2019, and
shall apply with respect to amounts authorized to be ap-
propriated for fiscal years that begin on or after that date.

SEC. 1038. MODERNIZATION OF AUTHORITIES ON PRO-
ERTY AND FISCAL OFFICERS OF THE NA-
TIONAL GUARD.

(a) PROPERTY AND FISCAL OFFICER FOR EACH
STATE FROM NGB.—Section 708 of title 32, United
States Code, is amended—

(1) by striking subsection (a) and inserting the
following new subsection (a):

“(a) PROPERTY AND FISCAL OFFICER FOR EACH
STATE.—(1) The Chief of the National Guard Bureau
shall assign, designate, or detail, subject to the approval
of the Secretary of the Army or the Secretary of the Air
Force, as applicable, a qualified commissioned officer or-
dered to active duty in the National Guard Bureau under
section 12402(a) of title 10 to be the property and fiscal
officer of each State, Territory, and the District of Colum-
bia.

“(2)(A) An officer may not be assigned, designated,
or detailed as the property and fiscal officer of a State,
Territory, or the District of Columbia under paragraph
(1) if the officer has served within such jurisdiction during
the 36 months preceding such assignment, designation, or
detail.
“(B) The Secretary of the Army or the Secretary of
the Air Force may waive the applicability of subparagraph
(A) to the assignment, designation, or detail of a par-
ticular officer if such Secretary considers the waiver to
be in the best interests of the State, Territory, or District
of Columbia, as applicable, concerned.

“(3) An officer assigned, designated, or detailed as
a property and fiscal officer under paragraph (1) shall,
while so serving as such an officer, serve in a grade com-
mensurate with the functions and responsibilities of the
officer, but not above the grade of colonel.”; and

(2) by striking subsection (d).

(b) SUPPORT STAFF.—Such section is further
amended—

(1) by redesignating subsections (b) and (e) as
subsections (c) and (d), respectively; and

(2) by inserting after subsection (a), as amend-
ed by subsection (a) of this section, the following
new subsection (b):

“(b) SUPPORT STAFF.—The Chief of the National
Guard Bureau shall assign, designate, or detail other per-
sonnel of the National Guard Bureau to serve as the Fed-
eral support staff for the property and fiscal officer for
the National Guard of each State, Territory, or the Dis-
trict of Columbia under subsection (a).”.

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(c) RESPONSIBILITIES.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by inserting “RESPONSIBILITIES OF OFFICERS.—” after “(e)”;

(2) in paragraph (1), by striking “he” and inserting “such officer”; and

(3) in paragraph (2), by inserting “, the Chief of Staff of the Army or the Chief of Staff of the Air Force (as applicable), or the Chief of the National Guard Bureau” before the period at the end.

(d) OTHER MATTERS.—Such section is further amended—

(1) by striking subsection (d), as redesignated by subsection (b)(1) of this section; and

(2) by striking subsection (e).

(e) INTRUSTMENT OF MONIES.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (d); and

(2) in subsection (d), as so redesignated—

(A) by inserting “INTRUSTMENT OF MONIES.—” after “(d)”;

(B) by striking “an officer” and inserting “a Federally recognized officer”;
(C) by striking “him” and inserting “such agent officer”; and

(D) by striking “he” and inserting “the agent officer”.

SEC. 1039. LIMITATION ON PLACEMENT BY THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS OF WORK WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION.—The Under Secretary of Defense for Personnel and Readiness may not place any work with a federally funded research and development center (FFRDC) until the Under Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on all studies, reports, and other analyses being undertaken for the Under Secretary as of the date of the report by federally funded research and development centers.

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

(1) A list of each study, report, and analysis described by subsection (a).

(2) For each study, report, or analysis, the following:

(A) Title.
(B) Federally funded research and development center undertaking.

(C) Amount of contract.

(D) Anticipated completion date.

SEC. 1040. TERMINATION OF REQUIREMENT FOR DEPARTMENT OF DEFENSE FACILITY ACCESS CLEARANCES FOR JOINT VENTURES COMPOSED OF PREVIOUSLY-CLEARED ENTITIES.

A clearance for access to a Department of Defense installation or facility may not be required for a joint venture if that joint venture is composed entirely of entities that are currently cleared for access to such installation or facility.

SEC. 1041. DESIGNATION OF DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The strategic importance of the Arctic continues to increase as the United States and other countries recognize the military significance of the sea lanes and choke points within the region and understand the potential for power projection from the Arctic into multiple regions.

(2) On January 19, 2018, Secretary of Defense James Mattis released the document titled “2018
National Defense Strategy of the United States of America” in which the Secretary outlined the re-emergence of long-term, strategic competition by countries classified by the National Security Strategy as revisionist powers.

(3) Russia and China have conducted military exercises together in the Arctic, have agreed to connect the Northern Sea Route, claimed by Russia, with China’s Maritime Silk Road, and are working together in developing natural gas resources in the Arctic.

(4) The Government of the Russian Federation—

(A) has prioritized the development of Arctic capabilities and has made significant investments in military infrastructure in the Arctic, including the creation of a new Arctic Command and the construction or refurbishment of 16 deepwater ports and 14 airfields in the region;

(B) has approximately 40 icebreakers as of May 2019, including several nuclear-powered icebreakers, is currently constructing four icebreakers, and is planning to build an additional eight icebreakers; and
(C) conducted the largest military exercise since the 1980s, Vostok 2018, which included—

(i) 300,000 troops;
(ii) 1,000 aircraft;
(iii) 80 ships;
(iv) 36,000 vehicles; and
(v) notably, 3,200 Chinese troops, 30 Chinese rotary and fixed-wing aircraft, and 900 Chinese tanks.

(5) The Government of the People’s Republic of China—

(A) released, in January 2018, its new Arctic Strategy, the Polar Silk Road, in which it declares itself as a “near-Arctic state”, even though its nearest territory to the Arctic is 900 miles away;

(B) has publicly stated that it seeks to expand its “Belt and Road Initiative” to the Arctic region, including current investment in the natural gas fields in the Yamal Peninsula in Russia, rare-earth element mines in Greenland, and the real estate, alternative energy, and fisheries in Iceland; and

(C) has shown great interest in expanding its Arctic presence, including through—
(i) the operation of research vessels in the region;

(ii) the recent construction of the Xuelong 2, or Snow Dragon II, the only polar research boat vessel in the world that can break ice while going forward or backward;

(iii) a freedom of navigation operation in the Aleutian Islands in 2015; and

(iv) its recent plans to develop a 33,000 ton nuclear-powered icebreaker.

(6) The economic significance of the Arctic continues to grow as countries around the globe begin to understand the potential for maritime transportation through, and economic and trade development in, the region.

(7) The Arctic is home to 13 percent of the world’s undiscovered oil, 30 percent of its undiscovered gas, an abundance of uranium, rare earth minerals, gold, diamonds, and millions of square miles of untapped resources, including abundant fisheries.

(8) The Bering Strait is experiencing significant increases in international traffic from vessels transiting the Northern Sea Route, increases which
are projected to continue if decreases in sea ice coverage continue.

(9) Along a future ice-free Arctic shipping route, a ship sailing from South Korea to Germany would have an average travel time of just 23 days, compared to 34 days via the Suez Canal and 46 days via the Cape of Good Hope.

(10) In a speech at the Arctic Forum in September 2011, Russian Federation President Vladimir Putin highlighted the Northern Sea Route as a potential alternative to the Suez Canal and has publicly stated plans to invest $11,400,000,000 along the Northern Sea Route by 2024.

(11) Increases in human, maritime, and resource development activity in the Arctic region are expected to create additional mission requirements for the Department of Defense and the Department of Homeland Security, given—

(A) the strategic focus of the Government of the Russian Federation and the Government of the People’s Republic of China on the Arctic;

(B) overlapping territorial claims; and

(C) the potential for maritime accidents, oil spills, and illegal fishing near the exclusive economic zone of the United States.
(12) The increasing role of the United States in the Arctic has been highlighted in each of the last four National Defense Authorization Acts.


(14) Section 1095 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2438) required the Department of Defense to create criteria to designate a Department of Defense Strategic Arctic Port.

(15) Section 122 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1310) authorized the procurement of one polar-class heavy icebreaker vessel.

(16) Section 151 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) authorized the procurement of five additional polar-class icebreaker vessels and expressed that the Coast Guard should—

(A) maintain an inventory of not fewer than six polar-class icebreaker vessels;
(B) award a contract for the first new polar-class icebreaker not later than fiscal year 2019 and deliver the icebreaker not later than fiscal year 2023; and

(C) deliver the second through sixth polar-class icebreakers at a rate of one vessel per year in fiscal years 2025 through 2029.

(17) In January 2017, the Department of Defense released a report entitled “Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region” to update “the ways and means” the Department of Defense intends to use to achieve its objectives as it implements the 2013 National Strategy for the Arctic Region, including—

(A) enhancing the capability of United States forces to defend the homeland and exercise sovereignty;

(B) strengthening deterrence at home and abroad;

(C) preserving freedom of the seas in the Arctic; and

(D) evolving the infrastructure and capabilities of the Department in the Arctic consistent with changing conditions and needs.
(18) The United States Coast Guard Arctic Strategic Outlook released in April 2019 states, “Demonstrating commitment to operational presence, Canada, Denmark, and Norway have made strategic investments in ice-capable patrol ships charged with national or homeland security missions. [The United States] is the only Arctic State that has not made similar investments in ice-capable surface maritime security assets. This limits the ability of the Coast Guard, and the Nation, to credibly uphold sovereignty or respond to contingencies in the Arctic”.

(19) On January 12, 2017, Secretary of Defense James Mattis stated, “The Arctic is key strategic terrain . . . Russia is taking aggressive steps to increase its presence there . . . I will prioritize the development of an integrated strategy for the Arctic. I believe that our interests and the security of the Arctic would benefit from increasing the focus of the Department of Defense on this region”.

(20) On January 9, 2019, Secretary of the Air Force Heather Wilson and Chief of Staff of the Air Force General David Goldfein wrote, “. . . the Arctic has become even more important to the nation. Both a northern approach to the United States, as
well as a critical location for projecting American power, its geo-strategic significance is difficult to overstate”.

(21) On February 26, 2019, General John Hyten, Commander of the United States Strategic Command, stated, “In particular, the Arctic is an area that we really need to focus on and really look at investing. That is no longer a buffer zone. We need to be able to operate there. We need to be able to communicate there. We need to have a presence there that we have not invested in in the same way that our adversaries have. And they see that as a vulnerability from us, whereas it is becoming a strength for them and it is a weakness for us, we need to flip that equation”.

(22) On February 26, 2019, General Terrence O’Shaughnessy, Commander of the United States Northern Command stated, “It has become clear that defense of the homeland depends on our ability to detect and defeat threats operating both in the Arctic and passing through the Arctic. Russia’s fielding of advanced, long-range cruise missiles capable of flying through the northern approaches and striking targets in the United States and Canada has emerged as the dominant military threat in the
Arctic. . . . Meanwhile, China has declared that it is not content to remain a mere observer in the Arctic and has taken action to normalize its naval and commercial presence in the region in order to increase its access to lucrative resources and shipping routes. I view the Arctic as the front line in the defense of the United States and Canada . . . .”.

(23) On May 6, 2019, Admiral Karl Schultz, Commandant of the Coast Guard stated, “We talk about the Arctic as a competitive space. We’ve seen China, we see Russia investing extensively. China built icebreakers in the time since we updated our strategy. China’s been operating off the Alaskan Arctic for a good part of the last six years on an annual basis. [The Coast Guard is] championing increased capabilities in the Arctic . . . better communications, better domain awareness . . . . I want to see the Arctic remain a peaceful domain. China’s a self-declared Arctic state. They’re not one of the eight Arctic nations, so for me, for the service, its presence equals influence”.

(24) On May 6, 2019, Secretary of State Mike Pompeo stated that—

(A) the Arctic “has become an arena for power and for competition”, and the United
States is “entering a new age of strategic engagement in the Arctic, complete with new threats to the Arctic and its real estate, and to all of our interests in that region.”;

(B) “Arctic sea lanes could become the 21st century Suez and Panama Canals.”;

(C) “We’re concerned about Russia’s claim over the international waters of the Northern Sea Route, including its newly announced plans to connect it with China’s Maritime Silk Road.”;

(D) “In the Northern Sea Route, Moscow already illegally demands other nations request permission to pass, requires Russian maritime pilots to be aboard foreign ships, and threatens to use military force to sink any that fail to comply with their demands.”;

(E) there is a “pattern of aggressive Russian behavior here in the Arctic” and “we know Russian territorial ambitions can turn violent”; and

(F) we do not want “the Arctic Ocean to transform into a new South China Sea, fraught with militarization and competing territorial claims”, nor do we want “the fragile Arctic en-
vironment exposed to the same ecological devast-
tation caused by China’s fishing fleet in the
seas off its coast, or unregulated industrial ac-
tivity in its own country”.

(25) On December 6, 2018, Secretary of the
Navy Richard Spencer stated, “We need to have a
strategic Arctic port up in Alaska. We need to be
doing FONOPs in the northwest – in the northern
passage. . . . peace through presence with a sub-
marine is a little tough”.

(26) Meanwhile, the two closest strategic sea-
ports, as designated by the Department of Defense,
to the Arctic Circle are the Port of Anchorage and
the Port of Tacoma, located approximately 1,500
nautical miles and 2,400 nautical miles away, re-
spectively, and approximately 1,900 nautical miles
and 2,800 nautical miles respectively from Barrow,
Alaska.

(27) The distance from Bangor, Maine, to Key
West, Florida, is approximately 1,450 nautical miles.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the Arctic is a region of strategic impor-
tance to the national security interests of the United
States and the Department of Defense must better
align its presence, force posture, and capabilities to meet the growing array of challenges in the region; and

(2) although much progress has been made to increase awareness of Arctic issues and to promote increased presence in the region, additional measures, including the designation of one or more strategic Arctic ports, are needed to show the commitment of the United States to this emerging strategic choke point of future great power competition.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report evaluating potential sites for one or more strategic ports in the Arctic.

(2) ELEMENTS.—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the report required under section 1068 of
the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 992), the report required under paragraph (1) shall include—

(A) an evaluation of the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, a national security cutter, and a heavy polar ice breaker of the Coast Guard;

(B) an evaluation of the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(i) aerospace warning;

(ii) maritime surface and subsurface warning;

(iii) maritime control and defense;

(iv) maritime domain awareness;

(v) homeland defense;

(vi) defense support to civil authorities;
(vii) humanitarian relief;
(viii) search and rescue;
(ix) disaster relief;
(x) oil spill response;
(xi) medical stabilization and evacuation; and
(xii) meteorological measurements and forecasting;
(C) an identification of proximity and road access required to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subparagraph (B);
(D) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations described in subparagraph (B);
(E) an identification of the sites that the Secretary recommends as potential sites for designation as Department of Defense Strategic Arctic Ports;
(F) the estimated cost of sufficient construc-

struction necessary to initiate and sustain ex-

pected operations at such sites; and

(G) such other information as the Sec-

cretary deems relevant.

(d) DESIGNATION OF STRATEGIC ARCTIC PORTS.—

Not later than 90 days after the date on which the report

required under subsection (c) is submitted, the Secretary

of Defense, in consultation with the Chairman of the Joint

Chiefs of Staff, the Commanding General of the United

States Army Corps of Engineers, the Commandant of the

Coast Guard, and the Administrator of the Maritime Ad-

ministration, shall designate one or more ports as Depart-

ment of Defense Strategic Arctic Ports from the sites

identified under subsection (c)(2)(E).

(e) RULE OF CONSTRUCTION.—Nothing in this sec-

tion may be construed to authorize any additional appro-

priations for the Department of Defense for the establish-

ment of any port designated pursuant to this section.

(f) ARCTIC DEFINED.—In this section, the term

“Arctic” has the meaning given that term in section 112


4111).
SEC. 1042. EXTENSION OF NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE.


(b) Reports.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “Not later than 180 days after the date of the enactment of this Act” and inserting “Not later than August 1, 2019”;

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

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) Interim reports.—Not later than each of December 1, 2019, and December 1, 2020, the Commission shall submit as described in that paragraph an interim report on the review required under subsection (b).

“(3) Final report.—Not later than March 1, 2021, the Commission shall submit as described in paragraph (1) a comprehensive final report on the review required under subsection (b).”.

†S 1790 ES18
SEC. 1043. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) Transfer Authority.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) Limitation on Amount.—Not more than $15,000,000 may be transferred in fiscal year 2020 under the authority in subsection (a).

(c) Additional Transfer Authority.—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

SEC. 1044. LIMITATION ON USE OF FUNDS TO HOUSE CHILDREN SEPARATED FROM PARENTS.

(a) In General.—None of the amounts authorized to be appropriated by this Act to the Department of Defense for fiscal year 2020 may be used to house a child separated from a parent.

(b) Child Separated From a Parent Defined.—The term “child separated from a parent” means a person who—
(1) entered the United States, before attaining 18 years of age, at a port of entry or between ports of entry; and

(2) was separated from his or her parent or legal guardian by the Department of Homeland Security, and the Department of Homeland Security failed to demonstrate in a hearing that the parent or legal guardian was unfit or presented a danger to the child.

SEC. 1045. USE OF FUNDS FOR DEFENSE OF THE ARMED FORCES AND UNITED STATES CITIZENS AGAINST ATTACK BY FOREIGN HOSTILE FORCES.

Amounts authorized to be appropriated by this Act may be used to ensure the ability of the Armed Forces of the United States to defend themselves, and United States citizens, against attack by the government, military forces, or proxies of a foreign nation or by other hostile forces.

Subtitle F—Studies and Reports

SEC. 1051. MODIFICATION OF ANNUAL REPORTING REQUIREMENTS ON DEFENSE MANPOWER.

(a) Conversion of Annual Requirements Report into Annual Profile Report.—Section 115a of title 10, United States Code, is amended—
(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking the first two sentences and inserting the following new sentence: “Not later than April 1 each year, the Secretary of Defense shall submit to Congress a defense manpower profile report.”;

(B) in paragraph (1), by adding “and” at the end;

(C) in paragraph (2), by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking “(1)”; and

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

(3) in subsection (c), by striking “the following:” and all that follows and inserting “the manpower required for support and overhead functions within the armed forces and the Department of Defense.”;

(4) by striking subsections (e) and (h); and

(5) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.
(b) Conversion of Certain Current Report Elements Into Separate, Modified Reports.—Such section is further amended—

(1) in subsection (e), as redesignated by subsection (a)(5) of this section—

(A) in the matter preceding paragraph (1), by striking “The Secretary shall also include in each such report” and inserting “Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth”; and

(B) in paragraph (1), by striking “and estimates of such numbers for the current fiscal year and subsequent fiscal years”; and

(2) in subsection (f), as so redesignated—

(A) in the matter preceding paragraph (1), by striking “In each report submitted under subsection (a), the Secretary shall also include a detailed discussion” and inserting “Not later than September 1 each year, the Secretary shall submit to Congress a report that sets forth a detailed discussion, current as of the preceding fiscal year”; and

(B) by striking “the year” each place it appears and inserting “the fiscal year”.

(c) Conforming and Clerical Amendments.—
(1) **Heading Amendment.**—The heading of such section is amended to read as follows:

“§ 115a. Annual defense manpower profile report and related reports”.

(2) **Clerical Amendment.**—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 115a and inserting the following new item:

“115a. Annual defense manpower profile report and related reports.”.

**SEC. 1052. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO IMPLEMENT A FORCE PLANNING PROCESS IN SUPPORT OF IMPLEMENTATION OF THE 2018 NATIONAL DEFENSE STRATEGY.**

(a) **Report Required.**—Not later than February 1, 2020, the Under Secretary of Defense for Policy shall submit to the congressional defense committees a report setting forth the plan and processes of the Department of Defense to provide analytic support to senior leaders of the Department for the force planning required to implement the 2018 National Defense Strategy. The analytic support shall be designed to weigh options, examine trade-offs across the joint force, and drive decisions on force sizing, shaping, capability, and concept development in order to address the threats outlined in the 2018 National Defense Strategy.
(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The major elements, products, and milestones of the force planning process of the Department.

(2) The conclusions and recommendations of the Defense Planning and Analysis Community initiative.


(4) The progress of the Under Secretary, the Chairman of the Joint Chiefs of Staff, and the Director of Cost Assessment and Program Evaluation in implementing paragraph (5) of section 134(b) of title 10, United States Code, as added by section 902(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 1053. EXTENSION OF ANNUAL REPORTS ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

Section 1057(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131
Stat. 1572) is amended by striking “the date this is five years after the date of the enactment of this Act” and inserting “December 31, 2025”.

SEC. 1054. REPORT ON JOINT FORCE PLAN FOR IMPLEMENTATION OF STRATEGIES OF THE DEPARTMENT OF DEFENSE FOR THE ARCTIC.

(a) In general.—Not later than 270 days after the date on which the Secretary of Defense submits to the congressional defense committees the report on an updated Arctic strategy to improve and enhance joint operations required by section 1071 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), the Secretary of Defense shall, in coordination with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, submit to the congressional defense committees a joint force plan for implementation of the following:

(1) The December 2016 Report to Congress on the Strategy to Protect United States National Security Interests in the Arctic Region.

(2) The updated Arctic strategy to improve and enhance joint operations.

(b) Elements.—The report required by subsection (a) shall include the following in connection with the strategies for the Arctic referred to in that subsection:
(1) A description of the specific means for—

(A) enhancing the capability of the Armed Forces to defend the homeland and exercise sovereignty;

(B) strengthening deterrence at home and abroad;

(C) strengthening alliances and partnerships;

(D) preserving freedom of the seas in the Arctic;

(E) engaging public, private, and international partners to improve domain awareness in the Arctic;

(F) developing Department of Defense Arctic infrastructure and capabilities consistent with changing conditions and needs;

(G) providing support to civil authorities, as directed;

(H) partnering with other departments, agencies, and countries to support human and environmental security; and

(I) supporting international institutions that promote regional cooperation and the rule of law.
(2) An analysis of the operational and contingency plans for the protection of United States national security interests in the Arctic region.

(3) A description of training, capability, and resource gaps that must be addressed to execute each mission described in the updated Arctic strategy.

(4) A description of the current and projected Arctic capabilities of the Russian Federation and the People’s Republic of China, and an analysis of United States capabilities for satisfying—

(A) each mission described in the updated Arctic strategy; and

(B) the strategic objectives in the National Defense Strategy.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1055. REPORT ON USE OF NORTHERN TIER BASES IN IMPLEMENTATION OF ARCTIC STRATEGY OF THE UNITED STATES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Air Force, shall submit to the congressional defense committees a report outlining how bases in the northern latitudes, includ-
ing Northern Tier bases, may be used in the implementation of—

(1) recommendations included in the report submitted by the Secretary of Defense to Congress in December 2016 entitled “Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region”; and

(2) the updated Arctic strategy to improve and enhance joint operations required to be submitted to the congressional defense committees under section 1071 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(b) INCLUSION OF MISSION SETS.—The report under subsection (a) shall include a description of current and future mission sets at Northern Tier bases that may further the Arctic strategy of the United States.

(c) NORTHERN TIER BASES DEFINED.—In this section, the term “Northern Tier bases” means installations in the continental United States that are located in States bordering Canada.
SEC. 1056. REPORT ON THE DEPARTMENT OF DEFENSE

PLAN FOR MASS-CASUALTY DISASTER RESPONSE OPERATIONS IN THE ARCTIC.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense may be called upon to support the Coast Guard and other agencies of the Department of Homeland Security in responding to any mass-casualty disaster response operations in the Arctic;

(2) coordination between the Department of Defense and the Coast Guard might be necessary for responding to a mass-casualty event in the Arctic; and

(3) prior planning for Arctic mass-casualty disaster response operations will bolster the response of the Federal Government to a mass-casualty disaster in the Arctic environment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, submit to the appropriate committees of Congress a report on the plan of the Department of Defense for assisting mass-casualty disaster response operations in the Arctic.
(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the assets that could be made available to support other agencies and departments of the Federal Government for mass-casualty disaster response operations in the Arctic.

(2) A description and assessment of the command, control, and coordination relationships that would be useful to integrate rescue forces for such operations from multiple departments and agencies of the Federal Government.

(3) A description and assessment of the communications assets that could be made available in support of other agencies and departments of the Federal Government for communication and coordination in such operations.

(4) A description of any cooperative arrangements with Canada and other regional partners in providing rescue assets and infrastructure in connection with such operations.

(5) A description of available medical infrastructure and assets that could be made available in support of other agencies and departments of the Federal Government for aeromedical evacuation in connection with such operations.
(6) A description of available shelter locations that could be made available in support of other agencies and departments of the Federal Government for use in connection with such operations, including the number of people that can be sheltered per location.

(7) An assessment of logistical challenges that evacuations from the Arctic in connection with such operations entail, including potential rotary and fixed-wing aircraft trans-load locations and onward movement requirements.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Represent-
SEC. 1057. ANNUAL REPORTS ON APPROVAL OF EMPLOYMENT OR COMPENSATION OF RETIRED GENERAL OR FLAG OFFICERS BY FOREIGN GOVERNMENTS FOR EMOLUMENTS CLAUSE PURPOSES.

(a) Annual Reports.—Section 908 of title 37, United States Code, is amended by adding at the end the following new subsection:

 ``(d) Annual Reports on Approvals for Retired General and Flag Officers.—(1) Not later than January 31 each year, the Secretaries of the military departments shall jointly submit to the appropriate committees and Members of Congress a report on each approval under subsection (b) for employment or compensation described in subsection (a) for a retired member of the armed forces in a general or flag officer grade that was issued during the preceding year.

 ``(2) In this subsection, the appropriate committees and Members of Congress are—

 ``(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate;

 ``(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives;
“(C) the Majority Leader and the Minority Leader of the Senate; and

“(D) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.’’.

(b) Scope of First Report.—The first report submitted pursuant to subsection (d) of section 908 of title 37, United States Code (as added by subsection (a) of this section), after the date of the enactment of this Act shall cover the five-year period ending with the year before the year in which such report is submitted.

SEC. 1058. TRANSMITTAL TO CONGRESS OF REQUESTS FOR ASSISTANCE RECEIVED BY THE DEPARTMENT OF DEFENSE FROM OTHER DEPARTMENTS.

(a) Requests for Assistance.—Not later than seven calendar days after the receipt by the Department of Defense of a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such Request for Assistance.

(b) Responses to Requests.—At the same time the Secretary of Defense submits to the Secretary of
Homeland Security or the Secretary of Health and Human Services an official response of the Department of Defense to a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, as applicable, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such official response.

SEC. 1059. SEMIANNUAL REPORT ON CONSOLIDATED ADJUDICATION FACILITY OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY. Not less frequently than once every six months until the Director of the Defense Counterintelligence and Security Agency determines that a steady-state level has been achieved for the Consolidated Adjudication Facility of the Agency, the Director shall submit to the congressional defense committees a report on inventory and timeliness metrics relating to such facility.

SEC. 1060 COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POST-GOVERNMENT EMPLOYMENT OF FORMER DEPARTMENT OF DEFENSE OFFICIALS. Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review updating the information and

Subtitle G—Treatment of Contaminated Water Near Military Installations

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the “Prompt and Fast Action to Stop Damages Act of 2019”.

SEC. 1072. DEFINITIONS.

In this subtitle:

1. PFOA.—The term “PFOA” means perfluorooctanoic acid.

2. PFOS.—The term “PFOS” means perfluorooctane sulfonate.

SEC. 1073. PROVISION OF WATER UNCONTAMINATED WITH PERFLUOROOCTANOIC ACID (PFOA) AND PERFLUOROOCTANE SULFONATE (PFOS) FOR AGRICULTURAL PURPOSES.

(a) Authority.—
(1) IN GENERAL.—Using amounts authorized to be appropriated or otherwise made available for operation and maintenance for the military department concerned, or for operation and maintenance Defense-wide in the case of the Secretary of Defense, the Secretary concerned may provide water sources uncontaminated with perfluoroalkyl and polyfluoroalkyl substances, including PFOA and PFOS, or treatment of contaminated waters, for agricultural purposes used to produce products destined for human consumption in an area in which a water source has been determined pursuant to paragraph (2) to be contaminated with such compounds by reason of activities on a military installation under the jurisdiction of the Secretary concerned.

(2) APPLICABLE STANDARD.—For purposes of paragraph (1), an area is determined to be contaminated with PFOA or PFOS if—

(A) the level of contamination is above the Lifetime Health Advisory for contamination with such compounds issued by the Environmental Protection Agency and printed in the Federal Register on May 25, 2016; or

(B) on or after the date the Food and Drug Administration sets a standard for PFOA
and PFOS in raw agricultural commodities and milk, the level of contamination is above such standard.

(b) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means the following:

(1) The Secretary of the Army, with respect to the Army.

(2) The Secretary of the Navy, with respect to the Navy, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy).

(3) The Secretary of the Air Force, with respect to the Air Force.

(4) The Secretary of Defense, with respect to the Defense Agencies.

SEC. 1074. ACQUISITION OF REAL PROPERTY BY AIR FORCE.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may acquire one or more parcels of real property within the vicinity of an Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base and which would extend the contiguous geographic footprint of the base and increase the force protection standoff near critical infrastructure and runways.
(2) Improvements and Personal Property.—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to purchase improvements and personal property located on that real property.

(3) Relocation Expenses.—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to provide Federal financial assistance for moving costs, relocation benefits, and other expenses incurred in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(b) Environmental Activities.—The Air Force shall conduct such activities at a parcel or parcels of real property acquired under subsection (a) as are necessary to remediate contamination from PFOA and PFOS related to activities at the Air Force base.

c) Funding.—Funds for the land acquisitions authorized under subsection (a) shall be derived from amounts authorized to be appropriated for fiscal year 2020 for military construction or the unobligated balances of appropriations for military construction that are enacted after the date of the enactment of this Act.
(d) Rule of Construction.—The authority under this section constitutes authority to carry out land acquisitions for purposes of section 2802 of title 10, United States Code.

SEC. 1075. REMEDIATION PLAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a remediation plan for cleanup of all water at or adjacent to a military base that is contaminated with PFOA or PFOS.

(b) Study.—In preparing the remediation plan under subsection (a), the Secretary shall conduct a study on the contamination of water at military bases with PFOA or PFOS.

(c) Budget Amount.—The Secretary shall ensure that each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, requests funding in amounts necessary to address remediation efforts under the remediation plan submitted under subsection (a).
Subtitle H—Other Matters

SEC. 1081. REVISION TO AUTHORITIES RELATING TO MAIL SERVICE FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIANS OVERSEAS.

(a) Eligibility for Free Mail.—Section 3401(a) of title 39, United States Code, is amended to read as follows:

“(a)(1) First-class letter mail having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by an eligible individual described in paragraph (2) and addressed to a place within the delivery limits of a United States post office, if—

“(A) such letter mail is mailed by the eligible individual at an Armed Forces post office established in an overseas area designated by the President, where the Armed Forces of the United States are deployed for a contingency operation as determined by the Secretary of Defense; or

“(B) the eligible individual is hospitalized as a result of disease or injury incurred as a result of service in an overseas area designated by the President under subparagraph (A).
“(2) An eligible individual described in this paragraph is—

“(A) a member of the Armed Forces of the United States on active duty, as defined in section 101 of title 10; or

“(B) a civilian employee of the Department of Defense or a military department who is providing support to military operations.”.

(b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—Section 3401 of title 39, United States Code, is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively; and

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

“(b) There shall be transported by surface or air, consistent with the service purchased by the mailer, between Armed Forces post offices or from an Armed Forces post office to a point of entry into the United States, the following categories of mail matter which are mailed at any such Armed Forces post office:

“(1) Letter mail communications having the character of personal correspondence.
“(2) Any parcel exceeding 1 pound in weight but less than 70 pounds in weight and less than 130 inches in length and girth combined.

“(3) Publications published not less frequently than once per week and featuring principally current news of interest to members of the Armed Forces of the United States and the general public.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3401 of title 39, United States Code, is amended in the section heading by striking “and of friendly foreign nations”.

(2) The table of sections for chapter 34 of title 39, United States Code, is amended by striking the item relating to section 3401 and inserting the following:

“3401. Mailing privileges of members of Armed Forces of the United States.”.

SEC. 1082. ACCESS TO AND USE OF MILITARY POST OFFICES BY UNITED STATES CITIZENS EMPLOYED OVERSEAS BY THE NORTH ATLANTIC TREATY ORGANIZATION WHO PERFORM FUNCTIONS IN SUPPORT OF MILITARY OPERATIONS OF THE ARMED FORCES.

Section 406 of title 39, United States Code, is amended by adding at the end the following:

“(c)(1) The Secretary of Defense may authorize the use of a post office established under subsection (a) in
a location outside the United States by citizens of the
United States—

“(A) who—

“(i) are employed by the North Atlantic
Treaty Organization; and

“(ii) perform functions in support of the
Armed Forces of the United States; and

“(B) if the Secretary makes a written deter-
mination that such use is—

“(i) in the best interests of the Depart-
ment of Defense; and

“(ii) otherwise authorized by applicable
host nation law or agreement.

“(2) No funds may be obligated or expended to estab-
lish, maintain, or expand a post office established under
subsection (a) for the purpose of use described in para-
graph (1) of this subsection.”.

SEC. 1083. GUARANTEE OF RESIDENCY FOR SPOUSES OF
MEMBERS OF UNIFORMED SERVICES.

(a) In General.—Title VI of the Servicemembers
Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by
adding at the end the following new section:
SEC. 707. GUARANTEE OF RESIDENCY FOR SPOUSES OF SERVICEMEMBERS.

“For the purposes of establishing the residency of a spouse of a servicemember for any purpose, the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

“Sec. 707. Guarantee of residency for spouses of servicemembers.”.

SEC. 1084. EXTENSION OF REQUIREMENT FOR BRIEFINGS ON THE NATIONAL BIODEFENSE STRATEGY.

Section 1086(d) of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114–328; 130 Stat. 2423; 6 U.S.C. 104) is amended by striking “March 1, 2019” and inserting “March 1, 2025”.

SEC. 1085. EXTENSION OF NATIONAL COMMISSION ON MILITARY AVIATION SAFETY.


(b) CALENDAR YEAR 2020 FUNDING.—Of the amount authorized to be appropriated for fiscal year 2020
for the Department of Defense by this Act, $3,000,000
shall be available for the National Commission on Aviation
Safety under section 1087 of the John S. McCain National
Defense Authorization Act for Fiscal Year 2019 in cal-
endar year 2020.

TITLE XI—CIVILIAN PERSONNEL
MATTERS

SEC. 1101. MODIFICATION OF TEMPORARY ASSIGNMENTS
OF DEPARTMENT OF DEFENSE EMPLOYEES
to a private-sector organization.
Section 1599g(e)(2)(A) of title 10, United States
Code, is amended by inserting “permanent” after “with-
out the”.

SEC. 1102. MODIFICATION OF NUMBER OF AVAILABLE AP-
POINTMENTS FOR CERTAIN AGENCIES
UNDER PERSONNEL MANAGEMENT AUTHOR-
ITY TO ATTRACT EXPERTS IN SCIENCE AND
ENGINEERING.
Section 1599h(b)(1) of title 10, United States Code,
is amended—
(1) in subparagraph (A), by striking “40” and
inserting “10”; and
(2) in subparagraph (B), by striking “100” and
inserting “130”.

†S 1790 ES1S
SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


†S 1790 ES18
SEC. 1105. REIMBURSEMENT OF FEDERAL EMPLOYEES FOR FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.

(a) In General.—5724b of title 5, United States Code, is amended—

(1) in the section heading by striking “of employees transferred”;

(2) in subsection (a)—

(A) in the first sentence, by striking “employee, or by an employee and such employee’s spouse (if filing jointly), for any moving or storage” and inserting “individual, or by an individual and such individual’s spouse (if filing jointly), for any travel, transportation, or relocation”; and

(B) in the second sentence, by striking “employee” and inserting “individual, or the individual”; and

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

“(b) For purposes of this section, the term ‘travel, transportation, or relocation expenses’ means all travel, transportation, or relocation expenses reimbursed or furnished in kind pursuant to this subchapter or chapter 41.”.
(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5724b and inserting the following:

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“5724b. Taxes on reimbursements for travel, transportation, and relocation expenses.”.
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(c) **EFFECTIVE DATE.**—The amendments made by this section shall—

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

(2) apply to travel, transportation, or relocation expenses incurred on or after that date.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

**Subtitle A—Assistance and Training**

**SEC. 1201. EXTENSION OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.**

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended by striking “fiscal years 2018 through 2020” and inserting “fiscal years 2020 through 2025”.

†S 1790 ES1S
SEC. 1202. EXTENSION OF AUTHORITY FOR CROSS SERVICING AGREEMENTS FOR LOAN OF PERSONNEL PROTECTION AND PERSONNEL SURVIVABILITY EQUIPMENT IN COALITION OPERATIONS.


SEC. 1203. TWO-YEAR EXTENSION OF PROGRAM AUTHORITY FOR GLOBAL SECURITY CONTINGENCY FUND.

Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i)(1), by striking “September 30, 2019” and inserting “September 30, 2021”; and

(2) in subsection (o)—

(A) in the first sentence, by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) in the second sentence, by striking “through 2019” and inserting “through 2021”.

†S 1790 ES1S
SEC. 1204. MODIFICATION OF REPORTING REQUIREMENT FOR USE OF FUNDS FOR SECURITY CO-
OPERATION PROGRAMS AND ACTIVITIES.
Section 381(b) of title 10, United States Code, is amended by striking “30 days” and inserting “60 days”.

SEC. 1205. INSTITUTIONAL LEGAL CAPACITY BUILDING INITIATIVE FOR FOREIGN DEFENSE FORCES.

(a) AUTHORIZATION.—The Secretary of Defense may carry out, consistent with section 332 of title 10, United States Code, an initiative of institutional legal capacity building in collaboration with the appropriate institutions of one or more foreign countries to enhance the capacity of the applicable foreign country to organize, administer, manage, maintain, sustain, or oversee the military legal institutions of such country.

(b) PURPOSE.—The purpose of the initiative under subsection (a) is to enhance, as appropriate, the institutional legal capacity of the applicable foreign country to do the following:

(1) Integrate legal matters into the authority, doctrine, and policies of the defense ministry of such country.

(2) Provide appropriate legal support to commanders conducting military operations.

(3) With respect to military law, institutionalize education, training, and professional development for
military personnel, including military lawyers, officers, and civilian leadership within such defense ministry.

(4) Establish a military justice system that is objective, transparent, and impartial.

(5) Build the legal capacity of military forces to provide equitable, transparent, and accountable institutions and provide for anti-corruption measures within such defense ministry.

(6) Build capacity—

(A) to provide for the protection of civilians consistent with the law of armed conflict; and

(B) to investigate incidents of civilian casualties.

(7) Promote understanding and observance of—

(A) the law of armed conflict;

(B) human rights and fundamental freedoms;

(C) the rule of law; and

(D) civilian control of the military.

(c) ELEMENTS.—The initiative under subsection (a) shall include the following elements:

(1) An assessment of the organizational weaknesses for institutional legal capacity building of the
applicable foreign country, including baseline information, an assessment of gaps in the capability and capacity of the appropriate institutions of such country, and any other indicator of efficacy for purposes of monitoring and evaluation, as determined by the Secretary.

(2) A multi-year engagement plan for building institutional capacity that addresses the weaknesses identified under paragraph (1), including objectives, milestones, and a timeline.

(3) The assignment of advisors, as appropriate, to the ministry of defense or other institutions of such country to assist in building core legal institutional capacity, competencies, and capabilities.

(4) A measure for monitoring the implementation of the initiative and evaluating the efficiency and effectiveness of the initiative, consistent with section 383 of title 10, United States Code.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year beginning in fiscal year 2020 through the fiscal year in which the initiative under subsection (a) terminates, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the
House of Representatives a report on the progress of
the legal capacity building activities under this sec-
tion.

(2) MATTERS TO BE INCLUDED.—Each report
under paragraph (1) shall include, for the preceding
fiscal year, the following:

(A) The names of the one or more coun-
tries in which the initiative was conducted.

(B) For each such country—

(i) the purpose of the initiative;

(ii) the objectives, milestones, and
timeline of the initiative;

(iii) the number and type of advisors
assigned and deployed to the country, as
applicable;

(iv) an assessment of the progress of
the implementation of the initiative; and

(v) an evaluation of the efficiency and
effectiveness of the initiative.

(e) SUNSET.—The initiative under subsection (a)
shall terminate on the date that is five years after the date
of the enactment of this Act.
SEC. 1206. DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of other Federal agencies specified under subsection (c).

(b) DESIGNATION OF FOREIGN AREAS.—

(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

(A) in a country specified in paragraph (2); and

(B) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States.

(2) SPECIFIED COUNTRIES.—The countries specified in this paragraph are as follows:

(A) Iraq.

(B) Syria.

(C) Afghanistan.

(D) Somalia.

(E) Yemen.
(F) Libya.

(c) Support to Other Agencies.—

(1) In General.—Support may be provided for stabilization activities under subsection (a) to the Department of State, the United States Agency for International Development, or other Federal agencies, on a reimbursable or nonreimbursable basis.

(2) Type of Support.—Support under subsection (a) may consist of—

(A) logistic support, supplies, and services;

and

(B) equipment.

(d) Requirement for a Stabilization Strategy.—

(1) Limitation.—With respect to any country specified in subsection (b)(2), no amount of support may be provided under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a detailed report setting forth a stabilization strategy for such country.

(2) Elements of Strategy.—The stabilization strategy required by paragraph (1) shall set forth the following:
(A) The United States interests in conducting stabilization activities in the country specified in subsection (b)(2).

(B) The key foreign partners and actors in such country.

(C) The desired end states and objectives of the United States stabilization activities in such country.

(D) The Department of Defense support intended to be provided for the stabilization activities of other Federal agencies under subsection (a).

(E) Any mechanism for civil-military coordination regarding support for stabilization activities.

(F) The mechanisms for monitoring and evaluating the effectiveness of Department of Defense support for United States stabilization activities in the area.

(e) Implementation in Accordance With Guidance.—Support provided under subsection (a) shall be implemented in accordance with the guidance of the Department of Defense entitled “DoD Directive 3000.05 Stabilization”, dated December 13, 2018 (or successor guidance).
(f) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress on an annual basis a report that includes the following:

(1) The identification of each foreign area within countries specified in subsection (b)(2) for which support to stabilization has occurred.

(2) The total amount spent by the Department of Defense, broken out by recipient Federal agency and activity.

(3) An assessment of the contribution of each activity toward greater stability.

(4) An articulation of any plans for continued Department of Defense support to stabilization in the specified foreign area in order to maintain or improve stability.

(5) Other matters as the Secretary of Defense considers to be appropriate.

(g) USE OF FUNDS.—

(1) SOURCE OF FUNDS.—Amounts for activities carried out under this section in a fiscal year shall be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for Operation and Maintenance, Defense-wide.
(2) **LIMITATION.**—Not more than $25,000,000 in each fiscal year is authorized to be used to provide nonreimbursable support under this section.

(h) **EXPIRATION.**—The authority provided under this section may not be exercised after December 31, 2020.

(i) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.**—The term “logistic support, supplies, and services” has the meaning given the term in section 2350(1) of title 10 United States Code.
Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking “December 31, 2020” each place it appears and inserting “December 31, 2021”.

SEC. 1212. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2020 for the Afghanistan Security Forces Fund, as established by section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as most recently amended by section 1223(b) of the John

(b) Continuation of Prior Authorities and Notice and Reporting Requirements.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2020 shall be subject to the conditions contained in subsections (b) through (f) of such section 1513.

(c) Use of Funds.—

(1) Type of Assistance.—Subsection (b)(2) of such section 1513 is amended by inserting “(including program and security assistance management support)” after “services”.

(d) Equipment Disposition.—

(1) Acceptance of Certain Equipment.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) Conditions on Acceptance of Equipment.—Before accepting any equipment under paragraph (1), the Commander of United States
forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) **Elements of determination.**—In making a determination under paragraph (2), the Commander of United States forces in Afghanistan shall consider alternatives to acceptance of the equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report under paragraph (5).

(4) **Treatment as Department of Defense stocks.**—Equipment accepted under paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) **Quarterly reports on equipment disposition.**—

(A) **In general.**—Not later than 90 days after the date of the enactment of this Act, and every 90-day period thereafter during which the
authority provided by paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.


(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment accepted during the period covered by the report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(e) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghanistan Security
Forces Fund for fiscal year 2020, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.— Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender, and Child Rights;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;
(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghan National Police Family Response Units; and

(G) security provisions for high-profile female police and army officers.

(f) Assessment of Efforts to Build Capacity in the Afghan National Defense and Security Forces.—

(1) Assessment Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment that describes the following:

(A) The integrated capacity development strategies for—
(i) the Ministry of Defense and the Ministry of Interior of Afghanistan; and

(ii) the North Atlantic Treaty Organization-led Train Advise Assist Commands and Task Forces at the national and regional levels in Afghanistan.

(B) An articulation of the key capabilities to be developed and improved with respect to the Ministry of Defense, the Ministry of Interior, and the North Atlantic Treaty Organization-led Train Advise Assist Commands and Task Forces, and the overall plan (including timeframes, budgets, and specific initiatives) to achieve the intended outcomes.

(C) The specific roles of Department of Defense-funded advisors in building the capacity of the Ministry of Defense and the Ministry of Interior of Afghanistan and the Afghan National Defense and Security Forces at the national and regional levels, and the manner in which such roles align with the development strategy referred to in subparagraph (A).

(D) The metrics used to assess progress on the recruitment, integration, retention, training, and treatment of women in the Afghan Na-
tional Defense and Security Forces, and a progress report on such recruitment, integration, retention, training, and treatment.

(E) An explanation of the assessment, monitoring, and evaluation mechanisms in place to assess the relevance, effectiveness, and sustainability of each specific initiative and progress made toward the intended outcomes identified under subparagraph (B).

(F) Any other matter the Secretary considers appropriate.

SEC. 1213. EXTENSION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.


(1) in subsection (a), by striking “December 31, 2019” and inserting “December 31, 2020”;

(2) in subsection (b), by striking “of fiscal years 2017 through 2019” and inserting “for each of fiscal years 2017 through 2020”; and
(3) in subsection (f), in the first sentence, by striking “December 31, 2019” and inserting “December 31, 2020”.

SEC. 1214. EXTENSION AND MODIFICATION OF REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

Section 1233(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1225 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended to read as follows:

“(a) AUTHORITY.—From funds made available for the Department of Defense for the period beginning on October 1, 2019, and ending on December 31, 2020, for overseas contingency operations for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation (other than Pakistan) for—

“(1) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and
“(2) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).”

SEC. 1215. SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide covered support for reconciliation activities to one or more designated persons or entities or Federal agencies.

(b) DESIGNATION.—Not later than 15 days before the Secretary of Defense designates an individual or organization as a designated person or entity, the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such designation.

(c) REIMBURSEMENT.—

(1) DESIGNATED PERSONS OR ENTITIES.—The Secretary of Defense may provide covered support to a designated person or entity on a reimbursable or nonreimbursable basis.

(2) FEDERAL AGENCIES.—The Secretary of Defense may provide covered support to a Federal agency on a reimbursable or nonreimbursable basis.

(d) LOCATION OF COVERED SUPPORT.—
(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense may only provide covered support within Afghanistan.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary of Defense may provide covered support in Pakistan if the Secretary determines, and certifies to the congressional defense committees, that providing covered support in Pakistan is in the national security interest of the United States.

(e) NOTIFICATION.—Not later than 15 days before the date on which the Secretary of Defense provides covered support to a nongovernmental designated person or entity or provides covered support in Pakistan, the Secretary shall submit to the congressional defense committees written notice that includes the intended recipient of such covered support and the specific covered support to be provided.

(f) FUNDING.—

(1) SOURCE OF FUNDS.—Amounts for covered support may only be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

(2) LIMITATION.—Not more than $15,000,000 may be used for nonreimbursable covered support.
(g) Rule of Construction.—Covered support shall not be construed to violate section 2339, 2339A, or 2339B of title 18, United States Code.

(h) Reports.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the congressional defense committees a report on covered support during the preceding 90-day period.

(2) Elements.—Each report under this subsection shall include, for the preceding reporting period, the following:

(A) A summary of the ongoing reconciliation activities for which covered support was provided.

(B) A description of the covered support, by class or type, and the designated person or entity or Federal agency that received each class or type of covered support.

(C) The total dollar amount of each class or type of covered support, including budget details.

(D) The intended duration of each provision of covered support.
(E) Any other matter the Secretary of De-
fense considers appropriate.

(i) Sunset.—The authority to carry out this section
shall terminate on December 31, 2020.

(j) Definitions.—In this section:

(1) Covered support.—The term “covered
support” means logistic support, supplies, and serv-
ices (as defined in section 2350 of title 10, United
States Code) and security provided under this sec-
tion.

(2) Designated person or entity.—

(A) In general.—The term “designated
person or entity” means an individual or orga-
nization designated by the Secretary of Defense
as necessary to facilitate a reconciliation activ-
ity.

(B) Exclusion.—The term “designated
person or entity” does not include a Federal
agency.

(3) Reconciliation activity.—The term
“reconciliation activity” means any activity intended
to support, facilitate, or enable a political settlement
between the Government of Afghanistan and the
Taliban for the purpose of ending the war in Af-
ghanistan.
(4) **SECURITY.**—The term “security” means any measure determined by the Secretary of Defense to be necessary to protect reconciliation activities from hostile acts.

**SEC. 1216. SENSE OF SENATE ON SPECIAL IMMIGRANT VISA PROGRAM FOR AFGHAN ALLIES.**

It is the sense of the Senate that—

(1) the special immigrant visa program for Afghan allies is critical to the mission in Afghanistan and the long-term interests of the United States;

(2) maintaining a robust special immigrant visa program for Afghan allies is necessary to support United States Government personnel in Afghanistan who need translation, interpretation, security, and other services;

(3) Afghan allies routinely risk their lives to assist United States military and diplomatic personnel;

(4) honoring the commitments made to Afghan allies with respect to such special immigrant visa program is essential to ensuring the continued service and safety of such allies; and

(5) an additional 4,000 visas should be made available to principal aliens who are eligible for special immigrant status under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) to prevent
harm to the operations of the United States Govern-
ment in Afghanistan.

**Subtitle C—Matters Relating to**
**Syria, Iraq, and Iran**

**SEC. 1221. MODIFICATION OF AUTHORITY TO PROVIDE AS-
SISTANCE TO VETTED SYRIAN GROUPS.**

(a) NATURE OF ASSISTANCE.—Subsection (a) of sec-
tion 1209 of the Carl Levin and Howard P. “Buck”
Year 2015 (Public Law 113–291; 128 Stat. 3541), as
most recently amended by section 1231(a) of the John S.
Year 2019 (Public Law 115–232), is further amended—

(1) in the matter preceding paragraph (1), by
striking “with a cost” and all that follows through
“December 31, 2019” and inserting “, and
sustainment to appropriately vetted Syrian groups
and individuals, through December 31, 2020”;

(2) in paragraph (1), by striking “Islamic State
of Iraq and the Levant” and all that follows through
the period at the end and inserting the following:
“Islamic State of Iraq and Syria (ISIS).”; and

(3) by striking paragraphs (2) and (3) and in-
serting the following new paragraphs:
“(2) Securing territory formerly controlled by
the Islamic State of Iraq and Syria.

“(3) Protecting the United States and its
friends and allies from the threats posed by the Is-
lamic State of Iraq and Syria, al Qaeda, and associ-
ated forces in Syria.

“(4) Supporting the temporary detention and
repatriation of Islamic State of Iraq and Syria for-
egn terrorist fighters in accordance with the laws of
armed conflict and the United Nations Convention
Relating to the Status of Refugees, done at Geneva
July 28, 1951 (as made applicable by the Protocol
Relating to the Status of Refugees, done at New
York January 31, 1967 (19 UST 6223)).”.

(b) SCOPE OF QUARTERLY PROGRESS REPORTS.—
Subsection (d) of such section, as most recently amended
by section 1223(b) of the National Defense Authorization
Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
1653), is further amended to read as follows:

“(d) QUARTERLY PROGRESS REPORTS.—

“(1) IN GENERAL.—Beginning on January 15,
2020, and every 90 days thereafter, the Secretary of
Defense, in coordination with the Secretary of State,
shall submit to the appropriate congressional com-
mittees and leadership of the House of Representatives and the Senate a progress report.

“(2) MATTERS TO BE INCLUDED.—Each progress report under paragraph (1) shall include, based on the most recent quarterly information, the following:

“(A) A description of the appropriately vetted recipients receiving assistance under subsection (a).

“(B) A description of training, equipment, supplies, stipends, and other support provided to appropriately vetted recipients under subsection (a) and a statement of the amount of funds expended for such purposes during the period covered by the report.

“(C) Any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated.

“(D) An assessment of the recruitment, throughput, and retention rates of appropriately vetted recipients.

“(E) An assessment of the operational effectiveness of appropriately vetted recipients in meeting the purposes specified in subsection (a).
“(F) A description of United States Government stabilization objectives and activities carried out in areas formerly controlled by the Islamic State of Iraq and Syria, including significant projects and funding associated with such projects.

“(G) A description of coalition contributions to the purposes specified in subsection (a) and other related stabilization activities.

“(H) With respect to Islamic State of Iraq and Syria foreign terrorist fighters—

“(i) an estimate of the number of such individuals being detained by appropriately vetted Syrian groups and individuals;

“(ii) an estimate of the number of such individuals that have been repatriated and the countries to which such individuals have been repatriated; and

“(iii) a description of United States Government support provided to facilitate the repatriation of such individuals.

“(I) An assessment of the extent to which appropriately vetted Syrian groups and individuals have enabled progress toward establishing
inclusive, representative, accountable, and civilian-led governance and security structures in territories liberated from the Islamic State of Iraq and Syria.”.

(c) Elimination of Reprogramming Requirement.—Such section is further amended by striking subsection (f).

(d) Inclusion of Support for Stabilization Activities.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

“(f) Support for Stabilization Activities.—

“(1) In general.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of the Department of State, the United States Agency for International Development, and any other Federal agency on a reimbursable or nonreimbursable basis.

“(2) Types of support.—The support provided under paragraph (1) may consist of—

“(A) logistic support, supplies, and services; or

“(B) equipment.”.
(e) Per Project and Aggregate Cost Limitations for Construction and Repair Projects.—

Subsection (l) of such section, as added by section 1223(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1653), is amended to read as follows:

"(l) Limitation on Cost of Construction and Repair Projects.—

"(1) In General.—The cost of construction and repair projects carried out under this section may not exceed, in any fiscal year—

"(A) $4,000,000 per project; or

"(B) $12,000,000 in the aggregate.

"(2) Foreign Contributions.—The limitation under paragraph (1) shall not apply to the expenditure of foreign contributions in excess of the per-project or aggregate limitation set forth in that paragraph."

(f) Inclusion of Limitation Pending Report.—

Such section is further amended by adding at the end the following new subsection:

"(n) Limitation Pending Report.—None of the funds authorized to be appropriated for fiscal year 2020 for the Department of Defense may be obligated or expended for activities under this section until 30 days after
the date on which the Secretary of Defense submits an unclassified report, with a classified annex if necessary, to the congressional defense committees setting forth the following:

“(1) A description of the efforts the United States will undertake to train and equip appropriately vetted Syrian groups and individuals for the purposes described in subsection (a).

“(2) A detailed description of the appropriately vetted Syrian groups and individuals to be trained and equipped under this section, including a description of their geographical locations, demographic profiles, political affiliations, and current capabilities.

“(3) A detailed description of planned capabilities, including categories of training, equipment, financial support, sustainment, and supplies, intended to be provided to appropriately vetted Syrian groups and individuals under this section, and timelines for delivery.

“(4) A description of the planned posture of United States forces and the planned level of engagement by such forces with appropriately vetted Syrian groups and individuals, including the oversight of equipment provided under this section and
the activities conducted by such appropriately vetted Syrian groups and individuals.

“(5) An explanation of the processes and mechanisms for local commanders of such forces to exercise command and control of the elements of the appropriately vetted Syrian groups and individuals after such elements have been trained and equipped under this section.

“(6) A detailed explanation of the relationship between appropriately vetted recipients and civilian governance authorities and a description of efforts to ensure appropriately vetted recipients are subject to the control of competent civilian authorities.”.

SEC. 1222. EXTENSION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.


†S 1790 ES1S
(b) FUNDING.—Subsection (g) of such section, as most recently amended by section 1233(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, is further amended—

(1) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(2) by striking “$850,000,000” and inserting “$645,000,000”.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2020 by this Act for activities under such section 1236, as amended by subsection (a), not more than $375,000,000 may be obligated or expended for such activities until the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) An identification of the specific units of the Iraqi Security Forces to receive training and equipment or other support in fiscal year 2020.

(2) A plan for ensuring that any vehicles or equipment provided to the Iraqi Security Forces pursuant to such authority are maintained in subsequent fiscal years using funds of Iraq.

(3) An estimate, by fiscal year, of the funding anticipated to be required for support of the Iraqi
Security Forces during the five fiscal years beginning in fiscal year 2020.


(5) A detailed plan for the obligation and expenditure of the funds requested for fiscal year 2020 for the Department of Defense for stipends.

(6) A plan for the transition to the Government of Iraq the responsibility for funding for stipends for any fiscal year after fiscal year 2020.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) AUTHORITY.—Section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

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

“(a) AUTHORITY.—The Secretary of Defense may support United States Government security cooperation activities in Iraq by providing funds for operations and activities of the Office of Security Cooperation in Iraq.”;

(2) by striking subsection (f);
(3) in subsection (g)(2), by striking subparagraph (F); and

(4) by redesignating subsection (g) as subsection (f).

(b) Types of Support.—Subsection (b) of such section is amended by striking “life support, transportation and personal security, and construction and renovation of facilities” and inserting “life support, transportation, and personal security”.

(c) Amount Available.—Such section is further amended—

(1) in subsection (c)—

(A) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(B) by striking “$45,300,000” and inserting “$30,000,000”; and

(2) in subsection (d), by striking “fiscal year 2019” and inserting “fiscal year 2020”.

(d) Coverage of Costs of the Office of Security Cooperation in Iraq.—Subsection (e) of such section is amended by striking “activities of security assistance teams in Iraq in connection with such sale” and inserting “activities of the Office of Security Cooperation in Iraq in excess of the amount set forth in subsection (e)”.

†S 1790 ES1S
SEC. 1224. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES AND MATTERS IN CONNECTION WITH DETAINES WHO ARE MEMBERS OF THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and the Attorney General, designate an existing official within the Executive Branch to serve as senior-level coordinator to coordinate, in conjunction with the lead and other relevant agencies, all matters for the United States Government relating to the long-term disposition of members of the Islamic State of Iraq and Syria (ISIS) and associated forces (in this section referred to as “ISIS detainees”), including all matters in connection with—

(1) repatriation, transfer, prosecution, and intelligence-gathering; and

(2) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of ISIS detainees.

(b) RETENTION OF AUTHORITY.—The appointment of a senior-level coordinator pursuant to subsection (a)
shall not deprive any agency of any authority to independently perform functions of that agency.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each year thereafter through December 31, 2024, the individual designated under subsection (a) shall submit to the appropriate committees of Congress a detailed report regarding the following ISIS detainees:

(A) Alexandra Kotey.
(B) El Shafee Elsheikh.
(C) Aine Lesley Davis.
(D) Umm Sayyaf.
(E) Any other high-value ISIS detainee that the coordinator reasonably determines to be subject to criminal prosecution in the United States.

(2) ELEMENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A detailed description of the facilities where ISIS detainees described in paragraph (1) are being held.
(B) An analysis of all United States efforts to prosecute ISIS detainees described in para-
graph (1) and the outcomes of such efforts. Any information, the disclosure of which may violate Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under paragraph (1).

(C) A detailed description of any option to expedite prosecution of any ISIS detainee described in paragraph (1), including in a court of competent jurisdiction outside of the United States.

(D) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of ISIS detainees described in paragraph (1), and an assessment of any measures available to mitigate such releases.

(E) A detailed description of all multilateral and other international efforts or proposals that would assist in the prosecution of ISIS detainees described in paragraph (1).

(F) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of members of the Islamic State of Iraq and Syria and associated
forces, and any legal obstacles that may hinder
such efforts.

(G) An analysis of the manner in which
the United States Government communicates
on such proposals and efforts to the families of
United States citizens believed to be a victim of
a criminal act by an ISIS detainee.

(3) FORM.—The report under paragraph (1)
shall be submitted in unclassified form, but may in-
clude a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services, the
Committee on Foreign Relations, the Committee on
the Judiciary, the Select Committee on Intelligence,
and the Committee on Appropriations of the Senate;
and

(2) the Committee on Armed Services, the
Committee on Foreign Affairs, the Committee on
the Judiciary, the Permanent Select Committee on
Intelligence, and the Committee on Appropriations
of the House of Representatives.
SEC. 1225. REPORT ON LESSONS LEARNED FROM EFFORTS TO LIBERATE MOSUL AND RAQQAH FROM CONTROL OF THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on lessons learned from coalition operations to liberate Mosul, Iraq, and Raqqah, Syria, from control of the Islamic State of Iraq and Syria (ISIS).

(b) ELEMENTS.—The report required by subsection (a) shall include a description of lessons learned in connection with each of the following:

(1) Combat in densely populated urban environments.

(2) Enablement of partner forces, including unique aspects of conducting combined operations with regular and irregular forces.

(3) Advise, assist, and accompany efforts, including such efforts conducted remotely.

(4) Integration of United States general purpose and special operations forces.

(5) Integration of United States and international forces.

(6) Irregular and unconventional warfare approaches, including the application of training and
doctrine by special operations and general purpose forces.

(7) Use of command, control, communications, computer, intelligence, surveillance, and reconnaiss ance systems and techniques.

(8) Logistics.

(9) Information operations.

(10) Targeting and weaponeering, including efforts to avoid civilian casualties and other collateral damage.

(11) Facilitation of flows of internally displaced people and humanitarian assistance.

(12) Such other matters as the Secretary considers appropriate and could benefit training, doctrine, and resourcing of future operations.

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.
Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 1231. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) Waiver.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that a waiver is in the national security interest of the United States; and

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(B) the Committee on Armed Services and
the Committee on Foreign Affairs of the House
of Representatives.

SEC. 1232. PROHIBITION ON USE OF FUNDS FOR WITH-
DRAWAL OF ARMED FORCES FROM EUROPE
IN THE EVENT OF UNITED STATES WITH-
DRAWAL FROM THE NORTH ATLANTIC TREA-
TY.

Notwithstanding any other provision of law, if the
President provides notice of withdrawal of the United
States from the North Atlantic Treaty, done at Wash-
ington D.C. April 4, 1949, pursuant to Article 13 of the
Treaty, during the one-year period beginning on the date
of such notice, no funds authorized to be appropriated by
this Act may be obligated, expended, or reprogrammed for
the withdrawal of the United States Armed Forces from
Europe.

SEC. 1233. EXTENSION OF LIMITATION ON MILITARY CO-
OPERATION BETWEEN THE UNITED STATES
AND THE RUSSIAN FEDERATION.

Subsection (a) of the National Defense Authorization
Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
2488), as most recently amended by section 1247 of the
Fiscal Year 2019 (Public Law 115–232), is further
amended in the matter preceding paragraph (1) by striking “fiscal year 2017, 2018, or 2019” and inserting “fiscal year 2017, 2018, 2019, or 2020”.

SEC. 1234. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.


(1) in subsection (a), in the matter preceding paragraph (1), by striking “in coordination with the Secretary of State” and inserting “with the concurrence of the Secretary of State”;

(2) in subsection (b)—

(A) by amending paragraph (11) to read as follows:

“(11) Air defense and coastal defense radars, and systems to support effective command and control and integration of air defense and coastal defense capabilities.”;

(B) by redesignating paragraphs (14) and (15) as paragraphs (15) and (16), respectively;
(C) by inserting after paragraph (13) the following new paragraph (14):

“(14) Coastal defense and anti-ship missile systems.”; and

(D) in paragraph (15), as so redesignated, by striking “paragraphs (1) through (13)” and inserting “paragraphs (1) through (14)”;

(3) in subsection (c), by amending paragraph (5) to read as follows:

“(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2020 pursuant to subsection (f)(5), $100,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), and (14) of subsection (b).”;

(4) in subsection (f), by adding at the end the following new paragraph:

“(5) For fiscal year 2020, $300,000,000.”; and

(5) in subsection (h), by striking “December 31, 2021” and inserting “December 31, 2022”.

†S 1790 ES18
SEC. 1235. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—

(1) in the first sentence, by striking “December 31, 2020” and inserting “December 31, 2022”; and

(2) in the second sentence, by striking “for the period beginning on October 1, 2015, and ending on December 31, 2020” and inserting “for the period beginning on October 1, 2015, and ending on December 31, 2022”.

SEC. 1236. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO THE REPUBLIC OF TURKEY.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be used to do the following:

(1) Transfer, or facilitate the transfer of, F–35 aircraft to the territory of the Republic of Turkey.

(2) Transfer equipment, intellectual property, or technical data necessary for or related to the maintenance or support of the F–35 aircraft in the territory of the Republic of Turkey.
(3) Construct facilities for or otherwise associated with the storage of F–35 aircraft in the territory of the Republic of Turkey.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the limitation under subsection (a) if the Secretary of Defense and the Secretary of State 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 certification that the Government of Turkey—

(1) has not accepted delivery of the S–400 air and missile defense system from the Russian Federation; and

(2) has provided reliable assurances that the Government of Turkey will not accept delivery of the S–400 air and missile defense system from the Russian Federation in the future.

SEC. 1237. MODIFICATIONS OF BRIEFING, NOTIFICATION, AND REPORTING REQUIREMENTS RELATING TO NON-COMPLIANCE BY THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY.

(a) BRIEFING REQUIREMENT.—Section 1244(d) of the Carl Levin and Howard P. “Buck” McKeon National

(1) by striking “At the time” and inserting the following:

“(A) IN GENERAL.—At the time”; and

(2) by adding at the end the following new sub-
paragraph:

“(B) SUNSET.—The briefing requirement
under subparagraph (A) shall be in effect so
long as the INF Treaty remains in force.”.

(b) NOTIFICATION REQUIREMENT RELATING TO CO-
ORDINATION WITH ALLIES.—Section 1243(c) of the Na-
tional Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1601) is amended by add-
ing at the end the following new paragraph:

“(3) SUNSET.—The notification requirement
under paragraph (1) shall be in effect so long as the
INF Treaty remains in force.”.

(c) NOTIFICATION REQUIREMENT RELATING TO DE-
VELOPMENT, DEPLOYMENT, OR TEST OF A SYSTEM IN-
CONSISTENT WITH INF TREATY.—Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1673; 22 U.S.C. 2593a note) is amended by adding at the end the following new paragraph:
“(3) SUNSET.—The notification requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(d) REPORTING REQUIREMENT UNDER UKRAINE FREEDOM SUPPORT ACT OF 2014.—Section 10(c) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8929) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The reporting requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

SEC. 1238. EXTENSION AND MODIFICATION OF SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR INTEROPERABILITY AND DETERRENCE AGAINST AGGRESSION.

(a) ADDITIONAL DEFENSE ARTICLES AND SERVICES.—Subsection (c) of section 1279D of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1702; 22 U.S.C. 2753 note) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):
“(5) Command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) equipment.”.

(b) FUNDING.—Subsection (f) of such section is amended—

(1) in paragraph (2), by striking “$100,000,000” and inserting “$125,000,000”; and

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

“(3) MATCHING AMOUNT.—The amount of assistance provided under subsection (a) for procurement described in subsection (b) may not exceed the aggregate amount contributed to such procurement by the Baltic nations.”.

(c) EXTENSION.—Subsection (g) of such section is amended by striking “December 31, 2020” and inserting “December 31, 2022”.

SEC. 1239. REPORT ON NORTH ATLANTIC TREATY ORGANIZATION READINESS INITIATIVE.

(a) REPORT.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the North Atlantic Treaty Organization (NATO) Readiness Initiative, which shall include assessments of the following:
(1) The number of units North Atlantic Treaty Organization allies have pledged against the benchmark to provide an additional 30 air attack squadrons, 30 naval combat vessels, and 30 mechanized battalions ready to fight in not more than 30 days.

(2) The procedure by which the North Atlantic Treaty Organization certifies, reports, and ensures that the Supreme Allied Commander Europe (SACEUR) maintains a detailed understanding of the readiness of the forces described in paragraph (1).

(3) The North Atlantic Treaty Organization plan to maintain the readiness of such forces in future years.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1240. REPORTS ON CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) IN GENERAL.—Beginning in 2020, and annually thereafter through 2025, not later than 30 days after the date on which the annual report of the Secretary General of the North Atlantic Treaty Organization for the preceding calendar year is published, the Secretary of Defense, in consultation with the Commander of United
States European Command, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A link to an electronic version of such annual report of the Secretary General of the North Atlantic Treaty Organization.

(2) A summary of the key findings of such annual report.

(3) A description of the significant financial contributions by member countries of the North Atlantic Treaty Organization that support the presence or operations of the United States Armed Forces in Europe.

(4) An assessment of the progress of each member country of the North Atlantic Treaty Organization toward meeting the North Atlantic Treaty Organization capability targets for such member country.

(5) An assessment of North Atlantic Treaty Organization capability and capacity shortfalls that may be addressed through investment by North Atlantic Treaty Organization member countries that have not met the Defense Investment Pledge made at the 2014 summit of the North Atlantic Treaty Organization in Wales.
(6) A description of the contribution of each member country of the North Atlantic Treaty Organization to the NATO Readiness Initiative.

(7) A description of—

(A) the personnel and financial contributions of each member country of the North Atlantic Treaty Organization to military or stability operations in which the United States Armed Forces are a participant; and

(B) any limitation placed by such member country on the use of such contributions.

(8) An assessment of the compatibility and alignment of United States and North Atlantic Treaty Organization contingency plans, including recommendations to reduce the risk of executing such plans.

(9) An assessment of current North Atlantic Treaty Organization initiatives, and any recommendations for future reforms or initiatives, to accelerate the speed of decision and deployability of North Atlantic Treaty Organization forces.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
(c) **Appropriate Committees of Congress Defined.**—In this section, the term “appropriate committees of Congress” means—

1. the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
2. the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1241. Future Years Plans for European Deterrence Initiative.**

(a) **Plan Required.**—

(1) **Initial Plan.**—

(A) **In General.**—Not later than December 31, 2019, the Secretary of Defense, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative (EDI) for fiscal year 2020 and not fewer than the four succeeding fiscal years.

(B) **Matters to be Included.**—The plan required under subparagraph (A) shall include the following:
(i) A description of the objectives of the European Deterrence Initiative, including a description of—

(I) the intended force structure and posture of the assigned and allocated forces within the area of responsibility of the United States European Command for the last fiscal year of the plan; and

(II) the manner in which such force structure and posture support the implementation of the National Defense Strategy.

(ii) An assessment of capabilities requirements to achieve the objectives of the European Deterrence Initiative.

(iii) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs, to achieve the objectives of the European Deterrence Initiative.

(iv) An identification of required infrastructure and military construction investments to achieve the objectives of the European Deterrence Initiative, including
potential infrastructure investments by
host nations.

(v) An assessment of security coopera-
tion investments required to achieve the
objectives of the European Deterrence Ini-
tiative.

(vi) A plan to fully resource United
States force posture and capabilities, in-
cluding—

(I) a detailed assessment of the
resources necessary to address the re-
quirements described in clauses (i)
through (v), including specific cost es-
timates for each project in the Euro-
pean Deterrence Initiative to support
increased presence, exercises and
training, enhanced prepositioning, im-
proved infrastructure, and building
partnership capacity; and

(II) a detailed timeline to achieve
the intended force structure and pos-
ture described in clause (i)(I).

(2) SUBSEQUENT PLAN.—

(A) IN GENERAL.—Not later than the date
on which the Secretary submits to Congress the
budget request for the Department of Defense for fiscal year 2021, the Secretary, in consulta-
tion with the Commander of the United States European Command, shall submit to the con-
gressional defense committees a future years plan on activities and resources of the Euro-
pean Deterrence Initiative for fiscal year 2021 and not fewer than the four succeeding fiscal years.

(B) Matters to be included.—The plan required under subparagraph (A) shall in-
clude—

(i) the matters described in subpara-
graph (B) of paragraph (1); and

(ii) a detailed explanation of any sig-
nificant modifications in requirements or resources, as compared to the plan sub-
mitted under that paragraph.

(b) Form.—The plans required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1242. MODIFICATION OF REPORTING REQUIREMENTS RELATING TO THE OPEN SKIES TREATY.

(a) Plan for Implementation Flights.—Section 1235(a) of the National Defense Authorization Act for
Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1660) is amended—

(1) in paragraph (1)—

(A) by striking “the President” and inserting “the Secretary of Defense”; and

(B) by striking “with respect to such fiscal year” and inserting “with respect to the calendar year in which the flight is to be conducted”;

(2) in paragraph (2), by striking “during such fiscal year” and inserting “during such calendar year”; and

(3) in paragraph (3), by striking “with respect to a fiscal year” and inserting “with respect to a calendar year”.

(b) Quarterly Reports on Observation Flights by the Russian Federation.—

(1) In General.—Paragraph (1) of subsection (e) of section 1236 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2491) is amended by striking “on a quarterly basis” and inserting “on an annual basis”.

(2) Conforming Amendment.—Such subsection is further amended, in the subsection head-
SEC. 1243. REPORT ON NUCLEAR WEAPONS OF THE RUSSIAN FEDERATION AND NUCLEAR MODERNIZATION OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than February 15, 2020, the Secretary of Defense, in coordination with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate committees of Congress a report that includes the following:

(1) An assessment of the deployed nuclear weapons of the Russian Federation not covered by the New START Treaty.

(2) An assessment of the nuclear weapons of the Russian Federation in development that would not be covered by the New START Treaty.

(3) An assessment of the strategic nuclear weapons of the Russian Federation that are not deployed.

(4) An assessment of the efforts of the People’s Republic of China with respect to nuclear modernization.

(5) The implications of such assessments with respect to the limitations on strategic weapons of the
United States and the Russian Federation under the New START Treaty.

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

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives.

Commemorating the 70th anniversary of the North Atlantic Treaty Organization (NATO), the Senate—

(1) recognizes the North Atlantic Treaty Organization as the most successful military alliance in history, founded on the principles of democracy, individual liberty, and the rule of law;

(2) commends the singular contributions of the North Atlantic Treaty Organization to the security, prosperity, and freedom of its members;

(3) upholds membership in the North Atlantic Treaty Organization as a cornerstone of the security and national defense of the United States;

(4) affirms the ironclad commitment of the United States to uphold its obligations under the North Atlantic Treaty, including under Article 5 of such treaty;

(5) honors the contributions of North Atlantic Treaty Organization allies to the security of the United States, including the invocation of Article 5 of the North Atlantic Treaty after the September 11, 2001, terrorist attacks against the United States;
(6) urges North Atlantic Treaty Organization allies to uphold their obligations under Article 3 of the North Atlantic Treaty to “maintain and develop their individual and collective capacity to resist armed attack” by honoring the Defense Investment Pledge made at the Wales Summit in 2014;

(7) notes the commitment of North Atlantic Treaty Organization allies to contribute to strengthening their free institutions, bringing about a better understanding of the principles on which such institutions are founded and promoting conditions of stability and well-being; and

(8) welcomes efforts to reform and modernize the North Atlantic Treaty Organization to meet current and future threats, including though accelerated modernization, improved readiness, command structure adaptation, and increased speed of alliance decision-making.

SEC. 1245. SENSE OF SENATE ON UNITED STATES FORCE POSTURE IN EUROPE AND THE REPUBLIC OF POLAND.

It is the sense of the Senate that—

(1) the 2018 National Defense Strategy identifies long-term strategic competition with the Russian Federation as a principal priority for the Depart-
ment of Defense that requires increased and sustained investment;

(2) despite significant progress through the European Deterrence Initiative, the current force posture of the United States is not yet sufficient to support the National Defense Strategy;

(3) due to the geostrategic location and capabilities of the armed forces of the Republic of Poland, the Republic of Poland is critical to deterring, defending against, and defeating Russian aggression against North Atlantic Treaty Organization allies in Central and Eastern Europe; and

(4) the United States should increase the persistent presence of United States forces in the Republic of Poland, including key combat enabler units such as warfighting headquarters elements—

(A) to enhance deterrence against Russian aggression; and

(B) to reduce the risk of executing Department of Defense contingency plans.

SEC. 1246. SENSE OF SENATE ON UNITED STATES PARTNERSHIP WITH THE REPUBLIC OF GEORGIA.

It is the sense of the Senate that the United States should—
(1) promote the enduring strategic partnership of the United States with the Republic of Georgia;

(2) support robust security sector assistance for the Republic of Georgia, including defensive lethal assistance—

   (A) to strengthen the defense capabilities and readiness of the Republic of Georgia;

   (B) to improve interoperability with North Atlantic Treaty Organization (NATO) forces; and

   (C) to bolster deterrence against aggression by the Russian Federation;

(3) enhance security in the Black Sea region by increasing engagement and security cooperation with Black Sea countries, including by increasing the frequency, scale, and scope of North Atlantic Treaty Organization and other multilateral exercises in the Black Sea region with the participation of the Republic of Georgia and Ukraine; and

(4) affirm support for the North Atlantic Treaty Organization open door policy, including the eventual membership of the Republic of Georgia in the North Atlantic Treaty Organization.
Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces in the territory of the Republic of Korea below 28,500 until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees the following:

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) Such a reduction is commensurate with a reduction in the threat posed to the security of the United States and its allies in the region by the conventional military forces of the Democratic People’s Republic of Korea.

(3) The Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.
SEC. 1252. EXPANSION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.

Section 1263(b) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by adding at the end the following new paragraphs:

“(8) The Federated States of Micronesia.
“(9) The Kingdom of Tonga.
“(10) Papua New Guinea.
“(14) The Republic of Vanuatu.
“(15) The Solomon Islands.”.

SEC. 1253. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

Paragraph (26) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended to read as follows:

“(26) The relationship between Chinese overseas investment, including the Belt and Road Initiative and the Digital Silk Road, and Chinese security and military strategy objectives, including—
“(A) an assessment of Chinese investments or projects likely, or with significant potential, to be converted into military assets of the People’s Republic of China;

“(B) an assessment of Chinese investments or projects of greatest concern with respect to United States national security interests;

“(C) a description of any Chinese investment or project linked to military cooperation with the country in which the investment or project is located, such as cooperation on satellite navigation or arms production; and

“(D) an assessment of any Chinese investment or project, and any associated agreement, that—

“(i) presents significant financial risk for the country in which the investment or project is located; or

“(ii) may undermine the sovereignty of such country.”.

SEC. 1254. REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION.

(a) Report Required.—
(1) IN GENERAL.—Not later than January 31, 2020, the Commander of United States Indo-Pacific Command shall submit to the congressional defense committees a report containing the independent assessment of the Commander with respect to the activities and resources required, for fiscal years 2022 through 2026, to achieve the following objectives:

(A) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

(B) The maintenance or restoration of the comparative military advantage of the United States with respect to the People’s Republic of China.

(C) The reduction of the risk of executing contingency plans of the Department of Defense.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A description of the intended force structure and posture of assigned and allocated forces within the area of responsibility of United States Indo-Pacific Command for fiscal
year 2026 to achieve the objectives described in paragraph (1).

(B) An assessment of capabilities requirements to achieve such objectives.

(C) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

(D) An identification of required infrastructure and military construction investments to achieve such objectives.

(E) An assessment of security cooperation activities or resources required to achieve such objectives.

(F) A plan to fully resource United States force posture and capabilities, including—

(i) a detailed assessment of the resources necessary to address the elements described in subparagraphs (A) through (E), including specific cost estimates for priority investments or projects—

(I) to increase joint force lethality;

(II) to enhance force design and posture;
(III) to support a robust exercise, experimentation, and innovation pro-
gram; and

(IV) to strengthen cooperation with allies and partners; and

(ii) a detailed timeline to achieve the intended force structure and posture de-
scribed in subparagraph (A).

(3) FORM.—The report required under para-
graph (1) may be submitted in classified form, but shall include an unclassified summary.

(4) AVAILABILITY.—On submittal of the report to the congressional defense committees, the Com-
mander of United States Indo-Pacific Command shall make the report available to the Secretary of Defense, the Director of Cost Assessment and Pro-
gram Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

(b) BRIEFINGS REQUIRED.—

(1) INITIAL BRIEFING.—Not later than March 15, 2020, the Secretary of Defense, the Director of Cost Assessment and Program Evaluation, and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint
briefing, and documents as appropriate, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

(2) SUBSEQUENT BRIEFING.—Not later than March 31, 2020, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

SEC. 1255. REPORT ON DISTRIBUTED LAY-DOWN OF UNITED STATES FORCES IN THE INDO-PACIFIC REGION.

(a) REVIEW.—Acknowledging the pressing need to reduce the presence of the United States Marine Corps on Okinawa, Japan, and to accelerate adjustments to United States force posture in the Indo-Pacific region, the Secretary of Defense, in consultation with the Government of Japan and other foreign governments as necessary, shall conduct a review of the planned distribution of mem-
bers of the United States Armed Forces in Okinawa, Guam, Hawaii, Australia, and elsewhere that is contemplated in support of the joint statement of the United States-Japan Security Consultative Committee issued April 26, 2012, in the District of Columbia (April 27, 2012, in Tokyo, Japan) and revised on October 3, 2013, in Tokyo, hereafter referred to as the "distributed lay-down".

(b) ELEMENTS.—The review required by subsection (a) shall include an updated analysis of the distributed lay-down, including—

(1) an assessment of the impact of the distributed lay-down on the ability of the Armed Forces to respond to current and future contingencies in the area of responsibility of United States Indo-Pacific Command that reflects contingency plans of the Department of the Defense;

(2) the projected total cost, including any past or projected changes in cost;

(3) a description of the adequacy of current and expected training resources at each location associated with the distributed lay-down, including the ability to train against the full spectrum of threats from near-peer or peer threats any projected limita-
tions due to political, environmental, or other limiting factors;

(4) an assessment of political support for United States force presence from host countries and local communities and populations;

(5) an analysis of growth potential for increased force size or training; and

(6) an updated and detailed description of any military construction projects required to execute the distributed lay-down.

(c) CERTIFICATION.—Not later than 15 days after the completion of the review required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(1) a certification that the Department of Defense will continue implementation of the distributed lay-down; or

(2) a notification that the Department of Defense intends to seek revisions to the distributed lay-down in consultation with the Government of Japan.

(d) REPORT.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall provide the congressional defense committees a report on the results of the review, including—
(1) a detailed description of any recommendations for revisions to the distributed lay-down such as alternative locations for basing in Alaska, Hawaii, the continental United States, Japan, and Oceania; and

(2) an assessment of the results of the review and recommendations described in paragraph (1) by the Chairman of the Joint Chiefs of Staff.

(e) COMPTROLLER GENERAL REPORT.—Not later than 120 days after the submission of the report required by subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees a report containing an analysis of the current status of the distributed lay-down, the review described in subsection (a), and the report described in subsection (d).

SEC. 1256. SENSE OF SENATE ON THE UNITED STATES-JAPAN ALLIANCE AND DEFENSE COOPERATION.

It is the sense of the Senate that—

(1) the United States-Japan alliance remains the cornerstone of peace and security for a free and open Indo-Pacific region;

(2) although the United States Government does not take a position on sovereignty of the Senkaku Islands, the United States acknowledges
that the islands are under the administration of
Japan and opposes any unilateral actions that would
seek to undermine their administration by Japan;

(3) the unilateral actions of a third party will
not affect United States acknowledgment of the ad-
ministration of Japan over the Senkaku Islands, and
the United States remains committed under the
Treaty of Mutual Cooperation and Security with
Japan to respond to any armed attack in the terri-
tories under the administration of Japan;

(4) Japan continues to make contributions to
regional security and prosperity that make the
United States safer and more prosperous;

(5) the Government of Japan has played a crit-
ical leadership role in promoting a free and open
Indo-Pacific, which is a primary objective of United
States national security policy, including through its
efforts concerning trade, investment, energy, rule of
law, and good governance;

(6) the Government of Japan has been instru-
mental improving cooperation between the United
States, Japan, Australia, and India as well as im-
proving relations with countries in the Association of
Southeast Asian Nations;
(7) the Government of Japan has been a strong supporter of United States efforts to achieve the complete and verifiable denuclearization of North Korea, and has played a leading role in enforcing United Nations Security Council Resolution sanctions against North Korea;

(8) the Government of Japan has taken significant steps to enhance military capabilities for its own defense while increasing its contributions to collective security, including through passage of legislation concerning collective self-defense, the publication of the National Defense Program Guidelines and the Mid-Term Defense Program, and record investments in advanced defense capabilities in the maritime, air, space, and cyber domains;

(9) while it should continue to increase its defense spending in order to make a greater contribution to allied defense capabilities, the Government of Japan has made among the most significant “burden sharing” contributions of any United States ally, including through direct cost sharing, paying for the realignment of United States forces currently stationed in Okinawa, community support, and other alliance-related expenditures;
(10) upcoming negotiations concerning a new Special Measures Agreement between the United States and Japan should be conducted in a spirit consistent with prior negotiations on the basis of common interest and mutual respect; and

(11) the United States and Japan should take actions to enhance United States-Japan defense co-operation, including through increased use of combined bases for allied operations, further integration of allied command structures, consideration of the establishment of a combined joint task force, enhanced combined contingency planning for both conventional conflict and so-called “gray zone” incidents, and opportunities for co-development of defense equipment and technology cooperation.

SEC. 1257. SENSE OF SENATE ON ENHANCEMENT OF THE UNITED STATES-TAIWAN DEFENSE RELATIONSHIP.

It is the sense of the Senate that—

(1) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the “Six Assurances” are both cornerstones of United States relations with Taiwan;

(2) the United States should strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense
forces necessary for Taiwan to maintain a sufficient self-defense capability;

(3) the United States should strongly support the acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on anti-ship, coastal defense, anti-armor, air defense, undersea warfare, advanced command, control, communications, computer, intelligence, surveillance, and reconnaissance (C4ISR), and resilient command and control capabilities that support the asymmetric defense strategy of Taiwan;

(4) the President and Congress should determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan as required by the Taiwan Relations Act;

(5) the United States should continue efforts to improve the predictability of United States arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and services;

(6) the Secretary of Defense should promote policies concerning exchanges that enhance the security of Taiwan including—
(A) opportunities with Taiwan for practical training and military exercises that—

(i) enable Taiwan to maintain a sufficient self-defense capability, as described in section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)); and

(ii) emphasize capabilities consistent with the asymmetric defense strategy of Taiwan;

(B) exchanges between senior defense officials and general officers of the United States and Taiwan, consistent with the Taiwan Travel Act (Public Law 115–135), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of United States and Taiwan forces; and

(C) opportunities for exchanges between junior officers and senior enlisted personnel of the United States and Taiwan;

(7) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief;

(8) the Secretary of Defense should consider supporting the visit of a United States hospital ship to Taiwan as part of the annual "Pacific Partner-
ship” mission, as well as the participation of Taiwan medical vessels in appropriate exercises with the United States, in order to improve disaster response planning and preparedness; and

(9) the Secretary of Defense should continue regular transits of United States Navy vessels through the Taiwan Strait, commend the armed forces of France for their April 6, 2019, legal transit of the Taiwan Strait, and encourage allies and partners to follow suit in conducting such transits, in order to demonstrate the commitment of the United States and its allies and partners to fly, sail, and operate anywhere international law allows.

SEC. 1258. SENSE OF SENATE ON UNITED STATES-INDIA DEFENSE RELATIONSHIP.

It is the sense of the Senate that the United States should strengthen and enhance its major defense partnership with India and work toward the following mutual security objectives:

(1) Expanding engagement in multilateral frameworks, including the quadrilateral dialogue among the United States, India, Japan, and Australia, to promote regional security and defend shared values and common interests in the rules-based order.
(2) Increasing the frequency and scope of exchanges between senior civilian officials and military officers of the United States and India to support the development and implementation of the major defense partnership.

(3) Exploring additional steps to implement the major defense partner designation to better facilitate interoperability, information sharing, and appropriate technology transfers.

(4) Pursuing strategic initiatives to help develop the defense capabilities of India.

(5) Conducting additional combined exercises with India in the Persian Gulf, Indian Ocean, and western Pacific regions.

(6) Furthering cooperative efforts to promote stability and security in Afghanistan.

SEC. 1259. SENSE OF SENATE ON SECURITY COMMITMENTS TO THE GOVERNMENTS OF JAPAN AND THE REPUBLIC OF KOREA AND TRILATERAL CO-OPERATION AMONG THE UNITED STATES, JAPAN, AND THE REPUBLIC OF KOREA.

It is the sense of the Senate that—

(1) the United States remains committed to its alliances with Japan and the Republic of Korea, which are—
(A) the cornerstones of peace and stability
in the Indo-Pacific region; and

(B) based on the shared values of democ-
 racy, the rule of law, free and open markets,
and respect for human rights;

(2) cooperation among the United States,
 Japan, and the Republic of Korea is essential for
confronting global challenges, including—

(A) preventing the proliferation of weapons
of mass destruction;

(B) combating piracy;

(C) assisting victims of conflict and dis-
aster worldwide;

(D) protecting maritime security; and

(E) ensuring freedom of navigation, com-
merce, and overflight in the Indo-Pacific region;

(3) the United States, Japan, and the Republic
of Korea share deep concern that the nuclear and
ballistic missile programs, the conventional military
capabilities, and the chemical and biological weapons
programs of the Democratic People’s Republic of
Korea, together with the long history of aggression
and provocation by the Democratic People’s Repub-
lic of Korea, pose grave threats to peace and sta-
bility on the Korean Peninsula and in the Indo-Pacifc region;

(4) the United States welcomes greater security cooperation with and between Japan and the Republic of Korea to promote mutual interests and address shared concerns, including—

(A) the bilateral military intelligence-sharing pact between Japan and the Republic of Korea, signed on November 23, 2016; and

(B) the trilateral intelligence sharing agreement among the United States, Japan, and the Republic of Korea, signed on December 29, 2015; and

(5) recognizing that the security of the United States, Japan, and the Republic of Korea are intertwined because they face common threats, including from the Democratic People’s Republic of Korea, the United States welcomes and encourages deeper trilateral defense coordination and cooperation, including through expanded exercises, training, senior-level exchanges, and information sharing.
SEC. 1260. SENSE OF SENATE ON ENHANCED COOPERATION
WITH PACIFIC ISLAND COUNTRIES TO ESTABLISH OPEN-SOURCE INTELLIGENCE FUSION CENTERS IN THE INDO-PACIFIC REGION.

It is the sense of the Senate that—
(1) the Pacific Island countries in the Indo-Pacific region are critical partners of the United States;
(2) the United States should take steps to enhance collaboration with Pacific Island countries; and
(3) United States Indo-Pacific Command should pursue the establishment of one or more open-source intelligence fusion centers in the Indo-Pacific region to enhance cooperation with Pacific Island countries, which may include participation in an existing fusion center of a partner or ally in lieu of establishing an entirely new fusion center.

SEC. 1261. SENSE OF SENATE ON ENHANCING DEFENSE AND SECURITY COOPERATION WITH THE REPUBLIC OF SINGAPORE.

It is the sense of the Senate that—
(1) the United States and the Republic of Singapore have built a strong, enduring, and forward-looking strategic partnership based on longstanding and mutually beneficial cooperation, includ-
1. ing through security, defense, economic, and people-
2. to-people ties;

(2) robust security cooperation between the United States and the Republic of Singapore is cru-
3. cial to promoting peace and stability in the Indo-Pa-
4. cific region;

(3) the status of the Republic of Singapore as a major security cooperation partner of the United States, as recognized in the 2005 Strategic Frame-
5. work Agreement between the United States and the Republic of Singapore for a Closer Partnership in Defense and Security, plays an important role in the global network of strategic partnerships, especially in promoting maritime security and countering ter-
6. rorism;

(4) the United States highly values the Republic of Singapore’s provision of access to its military facilities, which supports the continued security presence of the United States in Southeast Asia and across the Indo-Pacific region;

(5) the United States should continue to wel-
7. come the presence of the Singapore Armed Forces in the United States for exercises and training, and should consider opportunities to expand such activi-
ties at additional locations in the United States, as appropriate; and

(6) as the United States and the Republic of Singapore negotiate the renewal of the 1990 Memorandum of Understanding Regarding the United States Use of Facilities in Singapore, the United States should—

(A) continue to enhance defense and security cooperation with the Republic of Singapore to promote peace and stability in the Indo-Pacific region based on common interests and shared values;

(B) reinforce the status of the Republic of Singapore as a major security cooperation partner of the United States;

(C) enhance defense cooperation in the military, policy, strategic, and technological spheres, especially concerning maritime security and counterterrorism, counterpiracy, humanitarian assistance and disaster relief, cybersecurity, and biosecurity; and

(D) explore additional steps to better facilitate military interoperability and information sharing through appropriate technology transfers.
Subtitle F—Reports

SEC. 1271. REPORT ON COST IMPOSITION STRATEGY.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the cost imposition strategies of the Department of Defense with respect to the People’s Republic of China and the Russian Federation.

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

(1) A description of the manner in which the future-years defense program and current operational concepts of the Department are designed to impose costs on the People’s Republic of China and the Russian Federation, including—

(A) political, economic, monetary, human capital, and technology costs; and

(B) costs associated with military efficiency and effectiveness.

(2) A description of the policies and processes of the Department relating to the development and execution of cost imposition strategies.

(c) Form.—The report under subsection (a) shall be submitted in classified form, and shall include an unclassified summary.
Subtitle G—Other Matters

SEC. 1281. NATO SPECIAL OPERATIONS HEADQUARTERS.

Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541), as most recently amended by section 1280 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1080), is further amended—

(1) in subsection (a), by striking “each of fiscal years 2013 through 2020” and inserting “each of fiscal years 2013 through 2025”;

(2) by striking subsection (c); and

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

SEC. 1282. MODIFICATIONS OF AUTHORITIES RELATING TO ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) Reimbursement for Cost of Logistic Support, Supplies, and Services.—Subsection (a) of section 2342 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “in return for” and all that follows through the period at the end and inserting the following: “in return for—

“(A) the reciprocal provisions of logistic support, supplies, and services by such govern-
ment or organization to elements of the armed
forces; or

“(B) cash reimbursement for the fully bur-
dened cost of the logistic support, supplies, and
services provided by the United States.”; and

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

“(3) A reciprocal transaction for logistic sup-
port, supplies, and services shall be reconciled not
later than one year after the date on which the
transaction occurs, at which time the Secretary of
Defense shall seek cash reimbursement for the fully
burdened cost of the logistic support, supplies, and
services provided by the United States that has not
been offset by the value of the logistic support, sup-
plies, and services provided by the recipient govern-
ment or organization.

“(4) An agreement entered into under this sec-
tion shall require any accrued credits or liabilities
resulting from an unequal exchange of logistic sup-
port, supplies, and services to be liquidated not less
frequently than once every five years.”.

(b) DESIGNATION AND NOTICE OF INTENT TO
ENTER INTO AGREEMENT WITH NON-NATO COUN-
TRY.—Subsection (b) of such section is amended to read as follows:

“(b)(1) The Secretary of Defense may not designate a country for an agreement under this section unless—

“(A) the Secretary, after consultation with the Secretary of State, determines that the designation of such country for such purpose is in the interest of the national security of the United States; and

“(B) in the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary submits to the appropriate committees of Congress notice of the intended designation not less than 30 days before the date on which such country is designated by the Secretary under subsection (a).

“(2) In the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary of Defense may not enter into an agreement under this section unless the Secretary submits to the appropriate committees of Congress a notice of intent to enter into such an agreement not less than 30 days before the date on which the Secretary enters into the agreement.”.

(c) OVERSIGHT AND MONITORING RESPONSIBILITIES.—Such section is further amended—
(1) by redesignating subsections (f) through (h)
as subsections (g) through (i), respectively; and
(2) by inserting after subsection (e) the fol-
lowing new subsection (f):
“(f)(1) The Under Secretary of Defense for Policy
shall have primary responsibility within the Office of the
Secretary of Defense for oversight of agreements entered
into and activities carried out under the authority of this
subchapter.
“(2) The Director of the Defense Security Coopera-
tion Agency shall have primary responsibility for—
“(A) monitoring the implementation of such
agreements; and
“(B) accounting for logistic support, supplies,
and services received or provided under such author-
ity.”.
(d) REGULATIONS.—Subsection (g) of such section,
as redesignated by subsection (e)(1), is amended to read
as follows:
“(g)(1) Not later than 90 days after the date of the
enactment of this Act, the Secretary of Defense shall pre-
scribe regulations to ensure that—
“(A) contracts entered into under this sub-
chapter are free from self-dealing, bribery, and con-
flict of interests;
“(B) adequate processes and controls are in place to provide for the accurate accounting of logistic support, supplies, and services received or provided under the authority of this subchapter; and

“(C) personnel responsible for accounting for logistic support, supplies, and services received or provided under such authority are fully trained and aware of such responsibilities.

“(2)(A) Not later than 270 days after the issuance of the regulations under paragraph (1), the Comptroller General of the United States shall conduct a review of the implementation by the Secretary of such regulations.

“(B) The review conducted under subparagraph (A) shall—

“(i) assess the effectiveness of such regulations and the implementation of such regulations to ensure the effective management and oversight of an agreement under subsection (a)(1); and

“(ii) include any other matter the Comptroller General considers relevant.”.

(e) REPORTS.—Subsection (h) of such section, as redesignated by subsection (c)(1), is amended—
(1) in paragraph (1), by inserting “in effect” and inserting “that have entered into force or were applied provisionally”;

(2) in paragraph (2)—

(A) by striking “date on which the Secretary” and all that follows through the period at the end and inserting “dates on which the Secretary notified Congress—

“(A) pursuant to subsection (b)(1)(B) of the designation of such country under subsection (a); and

“(B) pursuant to subsection (b)(2) of the intent of the Secretary to enter into the agreement.”;

(3) by amending paragraph (3) to read as follows:

“(3) With respect to each such agreement, the dollar amounts of—

“(A) each class or type of logistic support, supplies, and services provided in the preceding fiscal year; and

“(B) reciprocal provisions of logistic support, supplies, and services, or cash reimbursements, received in such fiscal year.”;
(4) by amending paragraph (4) to read as follows:

“(4) With respect to each such agreement, the dollar amounts of—

“(A) each class or type of logistic support, supplies, and services received; and

“(B) reciprocal provisions of logistic support, supplies, and services, or cash reimbursements provided.”;

(5) by striking paragraph (5); and

(6) by adding at the end the following new paragraphs:

“(5) With respect to any transaction for logistic support, supplies, and services that has not been reconciled more than one year after the date on which the transaction occurred, a description of the transaction that includes the following:

“(A) The date on which the transaction occurred.

“(B) The country or organization to which logistic support, supplies, and services were provided.

“(C) The value of the transaction.

“(6) An explanation of any waiver granted under section 2347(c) during the preceding fiscal
year, including an identification of the relevant contingency operation or non-combat operation.”.

SEC. 1283. MODIFICATION OF AUTHORITY FOR UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION ACTIVITIES.

(a) IN GENERAL.—Subsection (a) of section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 8606 note) is amended, in the first sentence, by striking “and to establish capabilities for countering unmanned aerial systems”.

(b) EXCEPTION TO MATCHING CONTRIBUTION REQUIREMENT.—Subsection (b)(3) of such section is amended—

(1) by striking “Support” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), support”; and

(2) by adding at the end the following:

“(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement
identified by the United States with respect to anti-tunnel capabilities.”

SEC. 1284. UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

(a) Authority to Establish Capabilities to Counter Unmanned Aerial Systems.—

(1) In general.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation, on a joint basis with Israel, to establish capabilities for countering unmanned aerial systems that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive technology and information and the national security interests of the United States and Israel.

(2) Report.—The activities described in paragraph (1) and subsection (b) may not be carried out until after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

(A) A memorandum of agreement between the United States and Israel regarding sharing
of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

(b) SUPPORT IN CONNECTION WITH THE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the research, development, test,
and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation.

(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(3) MATCHING CONTRIBUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support to be so provided to the program, project, or activity for which the support is to be so provided in the calendar year in which the support is provided.

(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement
identified by the United States with respect to countering unmanned aerial systems.

(4) Annual limitation on amount.—The amount of support provided under this subsection in any year may not exceed $25,000,000.

(5) Use of certain amounts for RDT&E activities in the United States.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.

(c) Lead agency.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) Semiannual reports.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

(e) Appropriate committees of Congress defined.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to provide support described in subsection (b), shall expire on December 31, 2024.

SEC. 1285. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by adding at the end the following new paragraph:

“(8) A list, developed in consultation with the Bureau of Industry and Security of the Department of Commerce, the Director of National Intelligence,
and United States academic institutions that conduct significant Department of Defense research or engineering activities, of academic institutions of the People’s Republic of China and the Russian Federation that—

“(A) are associated with a defense program of the People’s Republic of China or the Russian Federation, including any university heavily engaged in military research;

“(B) are known—

“(i) to recruit individuals for the purpose of advancing the talent and capabilities of such a defense program; or

“(ii) to provide misleading transcripts or otherwise attempt to conceal the connections of an individual or institution to such a defense program; or

“(C) pose a serious risk of intangible transfers of defense or engineering technology and research.”.

SEC. 1286. INDEPENDENT ASSESSMENT OF HUMAN RIGHTS SITUATION IN HONDURAS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary
of Defense shall select and enter into an agreement
with an independent think tank or a federally fund-
ed research and development center to conduct an
analysis and assessment of the compliance of the
military and security forces of Honduras with inter-
national human rights laws and standards.

(2) MATTERS TO BE INCLUDED.—The assess-
ment under paragraph (1) shall include the fol-
lowing:

(A) A description of the military-to-mili-
tary activities between the United States and
Honduras, including the manner in which De-
partment of Defense engagement with the mili-
tary and security forces of Honduras supports
the National Defense Strategy.

(B) An analysis and assessment of the ac-
tivities of the military and security forces of
Honduras with respect to human rights activ-
ists.

(C) With respect to United States national
security interests, an analysis and assessment
of the challenges posed by corruption within the
military and security forces of Honduras.

(D) An analysis of—
(i) the security assistance provided to Honduras by the Department of Defense during the 7-year period preceding the date of the enactment of this Act; and

(ii) the extent to which such assistance has improved accountability, transparency, and compliance to international human rights laws and standards in the security and military operations of the Government of Honduras.

(E) Recommendations on the development of future security assistance to Honduras that prioritizes—

(i) compliance of the military and security forces of Honduras with human rights laws and standards;

(ii) citizen security; and

(iii) the advancement of United States national security interests with respect to countering the proliferation of illegal narcotics flows through Honduras.

(F) Any other matters the Secretary considers necessary and relevant to United States national security interests.
(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the entity selected under subsection (a) shall submit to the appropriate committees of Congress a report on the results of the assessment conducted under that subsection.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity selected under subsection (a) with timely access to appropriate information, data, and analyses necessary to carry out the assessment in a thorough and independent manner.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1287. UNITED STATES CENTRAL COMMAND POSTURE REVIEW.

(a) COMPREHENSIVE REVIEW REQUIRED.—

(1) IN GENERAL.—To clarify the near-term policy and strategy of the United States under the National Defense Strategy with respect to United States Central Command, the Secretary of Defense,
in consultation with the Secretary of State and the
Director of National Intelligence, as appropriate,
shall conduct a comprehensive review of United
States military force posture and capabilities in the
United States Central Command area of responsi-
bility during the posture review period.

(2) ELEMENTS.—The review conducted under
paragraph (1) shall include, for the posture review
period, the following elements:

(A) An assessment of the threats and chal-
lenges in the United States Central Command
area of responsibility, including threats and
challenges posed to United States interests by
near-peer competitors.

(B) An explanation of the policy and stra-
tegic frameworks for addressing the threats and
challenges identified under subparagraph (A).

(C) An identification of current and future
United States military force posture and capa-
bilities necessary to counter threats, deter con-
flict, and defend United States national security
interests in the United States Central Com-
mand area of responsibility.

(D) An assessment of the basing, coopera-
tive security locations, and other infrastructure
necessary to support steady state operations in support of the theater campaign plan and potential contingencies that may arise in or affect the United States Central Command area of responsibility, including any potential efficiencies and risk mitigation measures to be taken.

(E) A description of methods to mitigate risk that may result from adjustments to United States military force posture and capabilities deployed in the United States Central Command area of responsibility.

(F) An explanation of the manner in which a modernized global operating model or dynamic force employment approach may yield efficiencies and increase strategic flexibility while achieving United States military objectives in the United States Central Command area of responsibility.

(G) An articulation of the United States nonmilitary efforts and activities necessary to enable the achievement of United States national security interests in the United States Central Command area of responsibility.

(H) Any other matter the Secretary considers relevant.
(b) Report.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) POSTURE REVIEW PERIOD DEFINED.—In this section, the term “posture review period” means the period beginning on the date that is five years after the date of the enactment of this Act and ending on the date that is 15 years after such date of enactment.

SEC. 1288. REPORTS ON EXPENSES INCURRED FOR IN-FLIGHT REFUELING OF SAUDI COALITION AIRCRAFT CONDUCTING MISSIONS RELATING TO CIVIL WAR IN YEMEN.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit a report to the appropriate committees of Congress detailing the expenses incurred by the United States in providing in-flight refueling services for
Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen during the period of March 1, 2015, through November 11, 2018, and the extent to which such expenses have been reimbursed by members of the Saudi-led coalition.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) The total expenses incurred by the United States in providing in-flight refueling services, including fuel, flight hours, and other applicable expenses, to Saudi or Saudi-led coalition, non-United States aircraft conducting missions as part of the civil war in Yemen.

(B) The amount of the expenses described in subparagraph (A) that has been reimbursed by each member of the Saudi-led coalition.

(C) Any action taken by the United States to recoup the remaining expenses described in subparagraph (A), including any commitments by members of the Saudi-led coalition to reimburse the United States for such expenses.

(3) SUNSET.—The reporting requirement under paragraph (1) shall cease to be effective on the date on which the Secretary certifies to the appropriate
committees of Congress that all expenses incurred by
the United States in providing in-flight refueling
services for Saudi or Saudi-led coalition non-United
States aircraft conducting missions as part of the
civil war in Yemen during the period of March 1,
2015, through November 11, 2018, have been reim-
bursed.

(b) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services of the
Senate;

(2) the Committee on Armed Services of the
House of Representatives;

(3) the Committee on Foreign Relations of the
Senate; and

(4) the Committee on Foreign Affairs of the
House of Representatives.

SEC. 1289. SENSE OF SENATE ON SECURITY CONCERNS
WITH RESPECT TO LEASING ARRANGEMENTS
FOR THE PORT OF HAIFA IN ISRAEL.

It is the sense of the Senate that the United States—
(1) has an interest in the future forward pres-
ence of United States naval vessels at the Port of
Haifa in Israel but has serious security concerns
with respect to the leasing arrangements of the Port of Haifa as of the date of the enactment of this Act;
and

(2) should urge the Government of Israel to consider the security implications of foreign investment in Israel.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) In general.—Of the $338,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2020 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $492,000.

(2) For chemical weapons destruction, $12,856,000.

(3) For global nuclear security, $33,919,000.
(4) For biological threat reduction, $183,642,000.

(5) For proliferation prevention, $79,869,000.

(6) For activities designated as Other Assess-
ments/Administrative Costs, $27,922,000.

(b) Availability of Funds.—Funds appropriated
pursuant to the authorization of appropriations in section
301 and made available by the funding table in division
D for the Department of Defense Cooperative Threat Re-
duction Program shall be available for obligation for fiscal

TITLE XIV—OTHER
AUTHORIZATIONS
Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for
fiscal year 2020 for the use of the Armed Forces and other
activities and agencies of the Department of Defense for
providing capital for working capital and revolving funds,
as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for the Depart-
ment of Defense for fiscal year 2020 for expenses, not oth-
erwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.
SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. MODIFICATION OF PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

(a) Expansion of Materials Covered by Prohibition on Sale From National Defense Stockpile.—Subsection (a)(2) of section 2533c of title 10, United States Code, is amended, in the matter preceding subparagraph (A), by striking “covered material” and inserting “material”.

(b) Inclusion of Tantalum in Definition of Covered Materials.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting “; and”; and
(3) by adding at the end the following new sub-
paragraph:

“(E) tantalum.”.

Subtitle C—Armed Forces
Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR
ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fis-
cal year 2020 from the Armed Forces Retirement Home
Trust Fund the sum of $64,300,000 for the operation of
the Armed Forces Retirement Home.

SEC. 1422. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT
THE ARMED FORCES RETIREMENT HOME.

(a) Expansion of Eligibility to Certain Mem-
bers With Non-regular Service.—Section 1512(a) of
the Armed Forces Retirement Home Act of 1991 (24
U.S.C. 412(a)) is amended—

(1) in the first sentence, by striking “active”;

(2) in paragraph (1), by striking “are 60 years
of age or over and” and

(3) by adding the following new paragraph:

“(5) Persons who are eligible for retired pay
under chapter 1223 of title 10, United States Code,
and—
“(A) are eligible for care under section 1710 of title 38, United States Code;

“(B) are enrolled in coverage under chapter 55 of title 10, United States Code; or

“(C) are enrolled in a qualified health plan acceptable to the Chief Operating Officer.”.

(b) PARITY OF MONTHLY FEES.—Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)) is amended to read as follows:

“(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in the percentage that the Secretary determines appropriate.

“(B) The amount of the monthly income and monthly payments calculated under subparagraph (A) for a resident accepted under section 1512(a)(5) may not be less than the current monthly retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may otherwise provide due to compelling personal circumstances of the resident.”.
(c) Pay Deductions.—Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “or compensation, as applicable,” after “pay”; and

(B) by striking “on active duty”;

(2) in paragraph (3), by striking “Board” and inserting “Chief Operating Officer”; and

(3) by striking paragraph (4).

(d) Admission Fees for Residents Based on Non-regular Service.—Section 1514 of the Armed Forces Retirement Home Act of 1991, as amended by subsection (b), is further amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

“(b) Admission Fees for Certain Residents.—The Administrator of each facility of the Retirement Home may also collect a fee upon admission from a resident accepted under section 412(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of non-regular service of the resident before the date of the enactment of the
National Defense Authorization Act for Fiscal Year 2020.”; and

(3) in subsection (e), as redesignated by paragraph (1), by striking “subsection (a)” and inserting “ subsections (a) and (b)”.

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) Authority for Transfer of Funds.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $127,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.
(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2020 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Department of Defense for over-
seas contingency operations in such amounts as may be
designated as provided in section 251(b)(2)(A)(ii) of the
Balanced Budget and Emergency Deficit Control Act of
1985 (2 U.S.C. 901(b)(2)(A)(ii)).

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for
fiscal year 2020 for procurement accounts for the Army,
the Navy and the Marine Corps, the Air Force, and De-
fense-wide activities, as specified in the funding table in
section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
TION.

Funds are hereby authorized to be appropriated for
fiscal year 2020 for the use of the Department of Defense
for research, development, test, and evaluation, as speci-
fied in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for
fiscal year 2020 for the use of the Armed Forces and other
activities and agencies of the Department of Defense for
expenses, not otherwise provided for, for operation and
maintenance, as specified in the funding table in section
4302.
SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.
SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) Limitation.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,500,000,000.
(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

PART I—UNITED STATES SPACE FORCE

SEC. 1601. ASSISTANT SECRETARY OF DEFENSE FOR SPACE POLICY.

Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries is the Assistant Secretary of Defense for Space Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of Defense for space warfighting.”.
SEC. 1602. PRINCIPAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.

(a) Redesignation of Principal Assistant for Space as Principal Assistant for Space Acquisition and Integration.—

(1) In General.—The Principal Assistant to the Secretary of the Air Force for Space is hereby redesignated as the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

(2) References.—Any reference to the Principal Assistant to the Secretary of the Air Force for Space in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

(b) Codification of Position and Responsibilities.—

(1) In General.—Chapter 903 of title 10, United States Code, is amended—

(A) by redesignating section 9018 as section 9018a; and

(B) by inserting after section 9017 the following new section 9018:
§018. Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration

“(a)(1) There is within the Office of the Secretary of the Air Force a Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The individual serving as Principal Assistant shall have the protocol equivalent in the Department of Defense of an officer in the armed forces serving in a general or admiral grade.

“(b) Subject to the authority, direction, and control of the Secretary of the Air Force, the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration shall do as follows:

“(1) Be responsible for all acquisition and integration of the Air Force for space systems and programs, including in support of the Commander of the United States Space Force under section 9064 of this title.

“(2) Serve as the senior acquisition executive under section 1704 of this title for the Air Force for acquisition for space systems and programs, including for all major defense acquisition programs under chapter 144 of this title for space.
“(3) Oversee and direct each of the following:

“(A) The Space Rapid Capabilities Office under section 2273a of this title.

“(B) The Space and Missile Systems Center.

“(C) The Space Development Agency.

“(4) Oversee and direct acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs transferred to the Principal Assistant pursuant to section 1602(b)(4) of the National Defense Authorization Act for Fiscal Year 2020.


“(c) In addition to the responsibilities provided for in subsection (b), the Principal Assistant shall have such other responsibilities and perform such other duties as the Secretary may prescribe.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item relating to section 9018 and inserting the following new items:

“9018. Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

“9018a. Administrative Assistant.”.
(3) **Executive Schedule Level V.**—Section 5416 of title 10, United States Code, is amended by adding at the end the following new item:

“Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.”.

(4) **Transfer of Acquisition Projects for Space Systems and Programs.**—The Secretary of the Air Force shall transfer to the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration under section 9018 of title 10, United States Code (as added by this subsection), responsibility for oversight, direction, and integration of any acquisition projects for space systems and programs of the Air Force that are under the oversight or direction of the Assistant Secretary of the Air Force for Acquisition as of the date of the enactment of this Act.

(c) **Space Force Acquisition Council.**—

(1) **In General.**—There is in the Department of the Air Force a council to be known as the “Space Force Acquisition Council” (in this subsection referred to as the “Council”).

(2) **Membership.**—The members of the Council are as follows:

(A) The Under Secretary of the Air Force.
(B) The Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration, who shall act as chair of the Council.

(C) The Assistant Secretary of Defense for Space Policy.

(D) The Director of the National Reconnaissance Office.

(E) The Commander of the United States Space Command.

(F) The Commander of the United States Space Force.

(3) FUNCTIONS.—The Council shall oversee, direct, and manage acquisition and integration of the Air Force for space systems and programs in order to ensure integration across the national security space enterprise.

(4) MEETINGS.—The Council shall meet not less frequently than monthly.

(5) REPORTS.—Not later than 30 days after the end of each calendar year quarter through the first calendar year quarter of 2025, the Council shall submit to the congressional defense committees a report on the activities of the Council during the cal-
endar year quarter preceding the calendar year quarter in which such report is submitted.

(d) Briefings.—On or about March 31, 2020, and during every calendar year quarter thereafter through March 31, 2022, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the current status of efforts to implement this section and the amendments made by this section. Each briefing may include such recommendations for legislative and administrative action as the Secretary considers appropriate to facilitate and enhance such efforts.

SEC. 1603. MILITARY SPACE FORCES WITHIN THE AIR FORCE.

(a) In General.—Section 9062(c) of title 10, United States Code, is amended—

(1) by striking the first sentence and inserting the following:

“(1) The Air Force includes the following:

“(A) Aviation forces both combat and service not otherwise assigned.

“(B) Space forces.”; and

(2) by striking “It shall be organized” and inserting the following:

“(2) The Air Force shall be organized”.

(b) Territorial Organizations.—
(1) IN GENERAL.—Subsection (b) of section 9074 of title 10, United States Code, is amended by inserting “, including space,” after “other places”.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 9074. Commands: territorial and other organization”.

(3) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 907 of such title is amended by striking the item relating to section 9074 and inserting the following new item:

“9074. Commands: territorial and other organization.”.

SEC. 1604. REDESIGNATION OF AIR FORCE SPACE COMMAND AS UNITED STATES SPACE FORCE.

(a) REDESIGNATION.—The Air Force Space Command is hereby redesignated as the United States Space Force (USSF).

(b) COMMANDER AND AUTHORITIES.—

(1) IN GENERAL.—Section 2279c of title 10, United States Code, is—

(A) transferred to chapter 907 of such title;

(B) inserted after section 9062; and

(C) as so transferred and inserted, amended to read as follows:
§9063. United States Space Force

(a) UNITED STATES SPACE FORCE.—There is in the Air Force the United States Space Force.

(b) COMMANDER.—(1) The head of the United States Space Force shall be the Commander of the United States Space Force, who shall be appointed in accordance with section 601 of this title. The officer serving as Commander, while so serving, has the grade of general or admiral without vacating the permanent grade of the officer.

(2) The Commander shall be appointed to serve a term of four years.

(c) TEMPORARY CONCURRENT SERVICE AS COMMANDER OF USSF AND COMMANDER OF UNITED STATES SPACE COMMAND.—During the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense may authorize an officer serving as the Commander of the United States Space Force to serve concurrently as the Commander of the United States Space Command under section 169 of this title, without further appointment as otherwise provided for in subsection (c) of such section.

(d) VICE COMMANDER.—The deputy head of the United States Space Force shall be the Vice Commander of the United States Space Force, who shall be appointed in accordance with section 601 of this title. The officer
serving as Vice Commander, while so serving, has the
grade of general or admiral without vacating the perma-
nent grade of the officer.

“(e) DUTIES.—(1) Subject to the authority, direc-
tion, and control of the Secretary of the Air Force, the
Commander of the United States Space Force shall do the
following:

“(A) Exercise authority, direction, and control
of all space operations-peculiar administrative mat-
ters relating to the organization, training, and
equipping of the space forces of the Air Force.

“(B) Exercise the authorities and responsibil-
ities assigned to the Commander as Commander of
the Air Force Space Command before December 12,
2017.

“(C) Carry out such other duties as the Sec-
retary may specify.

“(2) In carrying out duties under paragraph (1), the
Commander of the United States Space Force shall report
as follows:

“(A) During the one-year period beginning on
the date of the enactment of the National Defense
Authorization Act for Fiscal Year 2020, to the Sec-
retary of the Air Force through the Chief of Staff
of the Air Force.
“(B) After the period described in subparagraph (A), directly to the Secretary of the Air Force.

“(3)(A) During the one-year period beginning on the date of the enactment of the National Defense Authorization Act of 2020, upon the request of the Chairman of the Joint Chiefs of Staff, the Commander of the United States Space Force may participate in any meeting of the Joint Chiefs of Staff in consideration by the Joint Chiefs of Staff of an issue in connection with a duty or responsibility of the Commander.

“(B) Commencing as of the end of the period described in subparagraph (A), the Commander of the United States Space Force shall be a member of the Joint Chiefs of Staff.

“(f) ELEMENTS.—(1) In addition to the elements of the Air Force Space Command as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the United States Space Force shall include other military and civilian personnel of the Air Force (including appropriate elements of the Air National Guard and the Air Force Reserve), and other infrastructure, assets, and resources of the Air Force, assigned to the Space Force by the Secretary of the Air Force.

“(2) The Secretary shall provide for the Space Force a cadre of military and civilian personnel within the Air
Force who shall assist the Space Force in establishing and maintaining an ethos and culture for space warfighting.”

(2) SERVICE OF INCUMBENT COMMANDER OF AIR FORCE SPACE COMMAND AS COMMANDER OF UNITED STATES SPACE FORCE.—The individual serving as Commander of the Air Force Space Command as of the date of the enactment of this Act may serve as the Commander of the United States Space Force under subsection (b) of section 9063 of title 10, United States Code (as added by paragraph (1)), after that date without further appointment as otherwise provided for by that subsection.

(3) SECRETARY OF DEFENSE REPORT ON CONCURRENCY OF COMMAND.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the advisability of permitting the Commander of the United States Space Force to serve concurrently as Commander of the United States Space Command as authorized by subsection (c) of section 9063 of title 10, United States Code (as so added).
(B) **COMPTROLLER GENERAL BRIEFING.**—

Not later than 30 days after the submittal of the report required by subparagraph (A), the Comptroller General of the United States shall provide the congressional defense committees a briefing on the assessment of the Comptroller General of the matters contained in the report.

(4) **SECRETARY OF THE AIR FORCE BRIEFINGS ON USSF.**—On or about March 31, 2020, and during every calendar year quarter thereafter through March 31, 2022, the Secretary of the Air Force shall provide the congressional defense committees a briefing on the following:

(A) The current status of the missions and manpower of the United States Space Force under section 9063 of title 10, United States Code (as so added), including the current status of the assumption by the United States Space Force of the elements to constitute the United States Space Force, including the elements of the Air Force Space Command and the elements assigned pursuant to subsection (f)(1) of such section.

(B) The current status of activities of the cadre of personnel required by subsection (f)(2)
of such section 9063 (as so added), including
an assessment of the progress of the cadre in
establishing and maintaining the ethos and cul-
ture described in that subsection.

(5) **No Authorization of Additional Military Billets or Civilian Personnel.**—The Sec-
retary of the Air Force shall carry out this sub-
section and the amendments made by this subsection
within military and civilian personnel of the Air
Force otherwise authorized by this Act. Nothing in
this subsection or the amendments made by this
subsection shall be construed to authorize additional
military billets or the employment of additional civil-
ian personnel for the purposes of, or in connection
with, the establishment of the United States Space
Force.

(c) **Conforming Amendment to US Space Command Commander Authority.**—Section 169(c) of title
10, United States Code, is amended by striking paragraph
(2) and inserting the following new paragraph (2):

“(2) If authorized by the Secretary of Defense pursu-
ant to section 9063(c) of this title, the officer serving as
Commander of the United States Space Force also serves
concurrently as Commander of the United States Space
Command, but only during the one-year period beginning
on the date of the enactment of the National Defense Au-
thorization Act for Fiscal Year 2020.”.

(d) JOINT CHIEFS OF STAFF MATTERS.—Effective
on the date that is one year after the date of the enact-
ment of this Act, section 151(a) of title 10, United States
Code, is amended by adding at the end the following new
paragraph:

“(8) The Commander of the United States
Space Force.”.

(e) CLERICAL AMENDMENTS.—

(1) CHAPTER 135.—The table of sections at the
beginning of chapter 135 of title 10, United States
Code, is amended by striking the item relating to
section 2279e.

(2) CHAPTER 907.—The table of sections at the
beginning of chapter 907 of such title is amended by
inserting after the item relating to section 9062 the
following new item:

“9063. United States Space Force.”.

(f) REFERENCES.—Any reference to the Air Force
Space Command in any law, regulation, map, document,
record, or other paper of the United States shall be
deemed to be a reference to the United States Space
Force.
SEC. 1605. ASSIGNMENT OF PERSONNEL TO THE NATIONAL RECONNAISSANCE OFFICE FOR MISSION NEEDS.

(a) USSF as Primary Source of Personnel.—Effective as of the date of the enactment of this Act, military and civilian personnel of the United States Space Force under section 9063 of title 10, United States Code (as added by section 1604(b) of this Act), shall be the primary source of military and civilian personnel of the Department of the Air Force who may be assigned to the National Reconnaissance Office.

(b) Assignment by Commander, USSF.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Commander of the United States Space Force shall be responsible for the assignment of military and civilian personnel of the United States Space Force to the National Reconnaissance Office.

SEC. 1606. REPORT ON ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF THE AIR FORCE FOR SPACE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the advisability of establishing within the Department of the Air Force a position of Under Secretary of the Air Force for Space with the responsibility
of providing civilian oversight to the United States Space Force (as provided for by section 1604 of this Act).

(b) CONSIDERATIONS.—In preparing the report required by subsection (a), the Secretary shall take into consideration the tasks and operations of the staff of the Air Force in support of the space warfighting mission of the Air Force and such other matters as the Secretary considers appropriate.

SEC. 1607. REPORT ON ENHANCED INTEGRATION OF CAPABILITIES OF THE NATIONAL SECURITY AGENCY, THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, AND THE UNITED STATES SPACE COMMAND FOR JOINT OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, submit to the congressional defense committees a report setting forth the results of a review, conducted for purposes of the report, on processes designed to achieve more effective integration of capabilities among the National Security Agency, the National Geospatial-Intelligence Agency, and the United States Space Command for joint operations in a manner that does not result in the impairment of the authorities or responsibilities of the Director.
SEC. 1608. LIMITATION ON AVAILABILITY OF FUNDS.

None of the amounts authorized to be appropriated for fiscal year 2020 by this Act and available for the Air Force for programs, projects, or activities for space, including acquisition programs, projects, or activities, may be obligated or expended until the date on which the Secretary of the Air Force completes briefings of the congressional defense committees on the plans of the Air Force to implement this part and the amendments made by this part, including the following:

(1) The establishment of the office of the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration under section 9018 of title 10, United States Code (as added by section 1602 of this Act).

(2) The establishment of the United States Space Force required by section 9063 of title 10, United States Code (as added by section 1604 of this Act).

PART II—OTHER SPACE MATTERS

SEC. 1611. REPEAL OF REQUIREMENT TO ESTABLISH SPACE COMMAND AS A SUBORDINATE UNIFIED COMMAND OF THE UNITED STATES STRATEGIC COMMAND.

(a) In General.—Section 169 of title 10, United States Code, is repealed.
(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of sections for chapter 6 of title 10, United States Code, is amended by striking the item relating to section 169.

SEC. 1612. PROGRAM TO ENHANCE AND IMPROVE LAUNCH SUPPORT AND INFRASTRUCTURE.

(a) IN GENERAL.—In support of the policy described in section 2273(a) of title 10, United States Code, the Secretary of Defense may carry out a program to enhance infrastructure and improve support activities for the processing and launch of Department of Defense small-class and medium-class payloads.

(b) PROGRAM.—The program under subsection (a) shall include improvements to operations at launch ranges and Federal Aviation Administration-licensed spaceports that are consistent with, and necessary to permit, the use of such launch ranges and spaceports by the Department.

(c) CONSULTATION.—In carrying out the program under subsection (a), the Secretary may consult with current and anticipated users of launch ranges and Federal Aviation Administration-licensed spaceports, including the Space Rapid Capabilities Office.

(d) COOPERATION.—In carrying out the program under subsection (a), the Secretary may enter into a con-
tract or agreement under section 2276 of title 10, United States Code.

(e) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing a plan for the program under subsection (a).

SEC. 1613. MODIFICATION OF ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPACITY.

(a) Capability for Trusted Signals.—

(1) Subsection heading.—Subsection (a) of section 1609 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended, in the subsection heading, by striking “TRUSTED SIGNALS” and inserting “ALTERNATIVE GLOBAL NAVIGATION SAT- ELLITE SYSTEM SIGNALS”.

(2) Requirement.—Paragraph (1) of such subsection is amended to read as follows:

“(1) REQUIREMENT.—The Secretary of the Air Force shall ensure that military Global Positioning System (GPS) user equipment terminals have the capability, as appropriate to user needs and constraints, to incorporate signals from the Galileo satellites of the European Union and the QZSS sat-
ellites of Japan, beginning with the implementation of open-system architecture solutions, such as the Resilient-Embedded GPS/Inertial Navigation System (R-EGI), to accompany other alternative and complementary navigation sources for robust positioning, navigation, and timing.”.

(3) WAIVER.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A), by striking “could not integrate such capability beginning with increment 2 of the acquisition of such terminals” and inserting “should not integrate such capability into the Resilient-Embedded GPS/Inertial Navigation System architecture”; and

(B) in subparagraph (B), by inserting “that considers the addition of multi-Global Navigation Satellite System (GNSS) signals to provide substantive military utility” after “such terminals”.

(b) CAPABILITY FOR OTHER SIGNALS.—Subsection (b) of such section is amended, in the matter preceding paragraph (1)—
(1) by inserting “other allied and” before “non-
allied positioning, navigation, and timing signals”;
and
(2) by striking “increment 2 of the acquisition
of such terminals” and inserting “the Resilient-Em-
bedded GPS/Inertial Navigation System architec-
ture”.

SEC. 1614. MODIFICATION OF TERM OF COMMANDER OF
AIR FORCE SPACE COMMAND.

Section 2279c(a)(2) of title 10, United States Code,
is amended, in the first sentence, by striking “six years”
and inserting “four years”.

SEC. 1615. ANNUAL REPORT ON SPACE COMMAND AND
CONTROL PROGRAM.

(a) In General.—For each of fiscal years 2021
through 2025, concurrent with the submittal to Congress
of the budget of the Department of Defense with the budg-
et of the President for the subsequent fiscal year under
section 1105(a) of title 31, United States Code, the Sec-
retary of the Air Force shall submit to the Under Sec-
retary of Defense for Acquisition and Sustainment, the
congressional defense committees, and the Comptroller
General of the United States, an annual report on the
Space Command and Control program.
(b) Matters to Be Included.—Each report required by subsection (a) shall include the following:

(1) A description of any modification to the metrics established by the Secretary in the acquisition strategy for the program.

(2) The short-term objectives for the subsequent fiscal year.

(3) For the preceding fiscal year, a description of—

(A) the ongoing, achieved, and deferred objectives;

(B) the challenges encountered and the lessons learned;

(C) the modifications made or planned so as to incorporate such lessons learned into subsequent efforts to address challenges; and

(D) the cost, schedule, and performance effects of such modifications.

(c) Review of Reports and Briefing by Comptroller General.—With respect to each report submitted under this section, the Comptroller General shall review and provide to the congressional defense committees a briefing on a date mutually agreed on by the Comptroller General and the congressional defense committees.
SEC. 1616. REQUIREMENTS FOR PHASE 2 OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out phase 2 of the acquisition strategy for the national security space launch program, the Secretary of the Air Force—

(1) may not—

(A) modify the acquisition schedule or mission performance requirements; or

(B) award missions to more than two launch service providers; and

(2) shall ensure that launch services are procured only from launch service providers that use launch vehicles meeting each Government requirement with respect to required payloads to reference orbits.

Subtitle B—Defense Intelligence and Intelligence-related Activities

SEC. 1621. REDESIGNATION OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AS UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.

(a) Re designation of Under Secretary.—

(1) In general.—The Under Secretary of Defense for Intelligence is hereby redesignated as the
Under Secretary of Defense for Intelligence and Security.

(2) Service of Incumbent in Position.—The individual serving as Under Secretary of Defense for Intelligence as of the date of the enactment of this Act may serve as Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137 of title 10, United States Code (as amended by subsection (c)(1)(A)(ii)).

(3) Reference.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Under Secretary of Defense for Intelligence and Security.

(b) Redesignation of Related Deputy Under Secretary.—

(1) In General.—The Deputy Under Secretary of Defense for Intelligence is hereby redesignated as the Deputy Under Secretary of Defense for Intelligence and Security.

(2) Service of Incumbent in Position.—The individual serving as Deputy Under Secretary of Defense for Intelligence as of the date of the enact-
ment of this Act may serve as Deputy Under Sec-
retary of Defense for Intelligence and Security com-
mencing as of that date without further appointment
under section 137a of title 10, United States Code
(as amended by subsection (c)(1)(B)).

(3) REFERENCE.—Any reference in any law,
regulation, map, document, paper, or other record of
the United States to the Deputy Under Secretary of
Defense for Intelligence shall be deemed to be a ref-
ference to the Deputy Under Secretary of Defense
for Intelligence and Security.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 10.—Title 10, United States Code, is
amended as follows:

(A) In each provision as follows, by strik-
ing “Under Secretary of Defense for Intel-
ligence” and inserting “Under Secretary of De-
fense for Intelligence and Security”:

(i) Section 131(b)(3)(F).
(ii) Section 137, each place it appears.
(iii) Section 139a(d)(6).
(iv) Section 139b(c)(2)(E).
(v) Section 181(d)(1)(B).
(vi) Section 393(b)(2)(C).
(vii) Section 426, each place it appears.

(viii) Section 430(a).

(B) In section 137a(c)(6), by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

(C) The heading of section 137 is amended to read as follows:

“§137. Under Secretary of Defense for Intelligence and Security”.

(D) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 137 and inserting the following new item:

“137. Under Secretary of Defense for Intelligence and Security.”.

(2) TITLE 5.—Title 5, United States Code, is amended as follows:

(A) In section 5314, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”.

(B) In section 5315, by striking “Deputy Under Secretary of Defense for Intelligence”
and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

SEC. 1622. REPEAL OF CERTAIN REQUIREMENTS RELATING TO INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

(a) Repeal.—Section 426 of title 10, United States Code, is hereby repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 426.

SEC. 1623. IMPROVING THE ONBOARDING METHODOLOGY FOR CERTAIN INTELLIGENCE PERSONNEL.

(a) In General.—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in covered elements of the intelligence community, including human resources and security processes;

(2) not later than one year after the date of the enactment of this Act, issue metrics for assessing
key phases in the onboarding described in paragraph
(1) for which results will be reported by the date
that is 90 days after the date of such issuance;

(3) not later than 180 days after the date of
the enactment of this Act, submit to the appropriate
committees of Congress a report on collaboration
among covered elements of the intelligence commu-
nity on their onboarding processes;

(4) not later than 180 days after the date of
the enactment of this Act, submit to the appropriate
committees of Congress a report on employment of
automated mechanisms in covered elements of the
intelligence community, including for tracking per-
sonnel as they pass through each phase of the
onboarding process; and

(5) not later than December 31, 2020, dis-
tribute surveys to human resources offices and appli-
cants about their experiences with the onboarding
process in covered elements of the intelligence com-

(b) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Con-
(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) The term “covered elements of the intelligence community” means the elements of the intelligence community that are within the following:

(A) The Department of Energy.

(B) The Department of Homeland Security.

(C) The Department of Justice.

(D) The Department of State.

(E) The Department of the Treasury.

SEC. 1624. DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY ACTIVITIES ON FACILITATING ACCESS TO LOCAL CRIMINAL RECORDS HISTORICAL DATA.

(a) Activity Authorized.—The Director of the Defense Counterintelligence and Security Agency may carry out a set of activities relating to facilitating access by the Agency to local criminal records historical data.
(b) Activities Characterized.—The activities carried out under subsection (a) shall include only the following:

(1) Training and education.

(2) Outreach to State, local, and tribal authorities.

(3) Direct assistance.

(c) Reports.—

(1) Initial report.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report that details a concept of operation for the set of activities authorized by subsection (a).

(2) Annual reports.—Not later than one year after the date on which the Director submits a report pursuant to paragraph (1) and not less frequently than once each year thereafter, the Director shall submit to the congressional defense committees a detailed report on the activities carried out by the Director under this section.

Subtitle C—Cyberspace-related Matters

SEC. 1631. REORIENTATION OF BIG DATA PLATFORM PROGRAM.

(a) Reorientation of Program.—
(1) **IN GENERAL.**—Not later than January 1, 2021, the Secretary of Defense shall—

(A) reorient the Big Data Platform program as specified in this section; and

(B) align the reorientation effort under an existing line of effort of the Cyber Strategy of the Department of Defense.

(2) **OVERSIGHT OF IMPLEMENTATION.**—The Secretary shall act through the Principal Cyber Advisor and the supporting Cross Functional Team in the oversight of the implementation of paragraph (1).

(b) **COMMON BASELINE AND SECURITY CLASSIFICATION SCHEME.**—

(1) **IN GENERAL.**—Not later than January 1, 2021, the Secretary shall establish a common baseline and security classification scheme for the collection, storage, processing, querying, analysis, and accessibility of a common and comprehensive set of metadata from sensors, applications, appliances, products, and systems deployed across the Department of Defense Information Network (DODIN) to enable the discovery, tracking, and remediation of cybersecurity threats.
(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) take such actions as the Secretary considers necessary to standardize deployed infrastructure, including the Department of Defense’s perimeter capabilities at the Internet Access Points and the Joint Regional Security Stacks, and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(B) take such actions as the Secretary considers necessary to standardize deployed cybersecurity applications, products, and sensors and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(C) develop an enterprise-wide architecture and strategy for—

(i) where to place sensors or extract data from network information technology, operational technology, and cybersecurity
appliances, applications, products, and systems for cybersecurity purposes;

(ii) which metadata data records should be universally sent to Big Data Platform instances and which metadata data records, if any, should be locally retained; and

(iii) expeditiously and efficiently transmitting metadata records to the Big Data Platform instances, including the acquisition and installation of further data bandwidth;

(D) determine the appropriate number, organization, and functions of separate Big Data Platform instances, and whether the Big Data Platform instances that are currently managed by Department of Defense components, including the military services, should instead be jointly and regionally organized;

(E) determine the appropriate roles of the Defense Information Systems Agency’s Aeropolis and United States Cyber Command’s Scarif Big Data Platforms as enterprise-wide real-time cybersecurity situational awareness capabilities,
as complements or replacements for component-
level Big Data Platform instances;

(F) ensure that all Big Data Platform in-
stances are engineered and approved to enable
standard access and query capabilities by the
Unified Platform, the network defense service
providers, and the Cyber Mission Forces, with
centrally managed authentication and author-
ization services;

(G) prohibit barriers to information shar-
ing, distributed query, data analysis, and col-
laboration across Big Data Platform instances,
such as incompatible interfaces, interconnection
service agreements, and the imposition of ac-
creditation boundaries;

(H) transition all Big Data Platform in-
stances to a cloud computing environment in
alignment with the cloud strategy of the Chief
Information Officer of the Department of De-
fense;

(I) consider whether packet capture data-
bases should continue to be maintained sepa-
rately from the Big Data Platform instances,
managed at the secret level of classification,
and treated as malware-infected when the pack-
et data are copies of packets extant in the Department of Defense Information Network;

(J) in the case that the Secretary decides to sustain the status quo on packet capture databases, ensure that analysts operating on or from the Unified Platform, the Big Data Platform instances, the network defense services providers, and the Cyber Mission Force units can directly access packets and query the database; and

(K) consider whether the Joint Artificial Intelligence Center’s cybersecurity artificial intelligence national mission initiative should include an application for the metadata residing in the Big Data Platform instances.

(e) LIMIT ON DATA AND DATA INDEXING SCHEMA.—
The Secretary shall ensure that the Unified Platform program utilizes the data and the data indexing schema that is native to the Big Data Platform rather than creating a duplicate index or data tagger.

(d) ANALYTICS AND APPLICATION SOURCING AND COLLABORATION.—The Secretary shall ensure that the Services and office of the Big Data Platform program—

(1) seek advanced analytics and applications from Government and commercial sources that can
be executed on the deployed Big Data Platform ar-
chitecture; and

(2) collaborate with vendors offering commer-
cial analytics and applications, including support to
refactoring commercial capabilities to the Govern-
ment platform where industry can still own the intel-
lectual property embedded in the analytics and ap-
lications.

(e) BRIEFING REQUIRED.—Not later than 180 days
after the date of the enactment of this Act and not less
frequently than once every 180 days thereafter until the
activities required by subsection (a)(1) are completed, the
Secretary shall provide the congressional defense commit-
tees a briefing on the activities of the Secretary in carrying
out subsection (b).

SEC. 1632. ZERO-BASED REVIEW OF DEPARTMENT OF DE-
FENSE CYBER AND INFORMATION TECH-
NOLOGY PERSONNEL.

(a) REVIEW REQUIRED.—Not later than January 1,
2021, each head of a covered department, component, or
agency shall—

(1) complete a zero-based review of the cyber
and information technology personnel of the head’s
covered department, component, or agency; and
(2) provide the Principal Cyber Advisor, the Chief Information Officer of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness the findings of the head with respect to the head’s covered department, component, or agency.

(b) COVERED DEPARTMENTS, COMPONENTS, AND AGENCIES.—For purposes of this section, a covered department, component, or agency is—

(1) an independent Department of Defense component or agency;

(2) the Office of the Secretary of Defense;

(3) a component of the Joint Staff;

(4) a military department or an armed force; or

(5) a reserve component of the Armed Forces.

(c) SCOPE OF REVIEW.—As part of a review conducted pursuant to subsection (a)(1), the head of a covered department, component, or agency shall, with respect to the covered department, component, or agency of the head—

(1) assess military, civilian, and contractor positions and personnel performing cyber and information technology missions;

(2) determine the roles and functions assigned by reviewing existing position descriptions and con-
ducting interviews to quantify the current workload performed by military, civilian, and contractor workforce;

(3) compare the Department’s manning with the manning of comparable industry organizations;

(4) include evaluation of the utility of cyber- and information technology-focused missions, positions, and personnel within such components—

(A) to assess the effectiveness and efficiency of current activities;

(B) to assess the necessity of increasing, reducing, or eliminating resources; and

(C) to guide prioritization of investment and funding;

(5) develop recommendations and objectives for organizational, manning, and equipping change, taking into account anticipated developments in information technologies, workload projections, automation and process enhancements, and Department requirements;

(6) develop a gap analysis, contrasting the current organization and the objectives developed pursuant to paragraph (5); and
(7) develop roadmaps of prioritized activities and a timeline for implementing the activities to close the gaps identified pursuant to paragraph (6).

(d) Elements.—In carrying out a review pursuant to subsection (a)(1), the head of a covered department, component, or agency shall consider the following:

(1) Whether position descriptions and coding designators for given cybersecurity and information technology roles are accurate indicators of the work being performed.

(2) Whether the function of any cybersecurity or information technology position or personnel can be replaced by acquisition of cybersecurity or information technology products or automation.

(3) Whether a given component or subcomponent is over- or under-resourced in terms of personnel, using industry standards as a benchmark where applicable.

(4) Whether cybersecurity service provider positions and personnel fit coherently into the enterprise-wide cybersecurity architecture and with the Department’s cyber protection teams.

(5) Whether the function of any cybersecurity or information technology position or personnel could be conducted more efficiently or effectively by
enterprise-level cyber or information technology personnel.

(e) Furnishing Data and Analysis.—

(1) Data and Analysis.—In carrying out subsection (a)(2), each head of a covered department, component, or agency, shall furnish to the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary a description of the analysis that led to the findings submitted under such subsection and the data used in such analysis.

(2) Certification.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary of Defense shall jointly review each submittal under subsection (a)(2) and certify whether the findings and analysis are in compliance with the requirements of this section.

(f) Recommendations.—After receiving findings submitted by a head of a covered department, component, or agency pursuant to paragraph (2) of subsection (a) with respect to a review conducted by the head pursuant to paragraph (1) of such subsection, the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly provide to such head such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have
for changes in manning or acquisition that proceed from such review.

(g) IMPLEMENTATION.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly oversee and assist in the implementation of the roadmaps developed pursuant to subsection (c)(7) and the recommendations developed pursuant to subsection (f).

(h) IN-PROGRESS REVIEWS.—Not later than six months after the date of the enactment of this Act and not less frequently than once every six months thereafter until the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary give the briefing required by subsection (i), the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly—

(1) conduct in-progress reviews of the status of the reviews required by subsection (a)(1); and

(2) provide the congressional defense committees with a briefing on such in-progress reviews.

(i) FINAL BRIEFING.—After all of the reviews have been completed under paragraph (1) of subsection (a), after receiving all of the findings pursuant to paragraph (2) of such subsection, and not later than June 1, 2021, the Principal Cyber Advisor, the Chief Information Offi-
cer, and the Under Secretary shall jointly provide to the congressional defense committees a briefing on the findings of the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary with respect to such reviews, including such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have for changes to the budget of the Department as a result of such reviews.

(j) DEFINITION OF ZERO-BASED REVIEW.—In this section, the term “zero-based review” means a review in which assessment is conducted with each item, position, or person costed anew, rather than in relation to its size or status in any previous budget.

SEC. 1633. STUDY ON IMPROVING CYBER CAREER PATHS IN THE NAVY.

(a) STUDY REQUIRED.—Not later than October 1, 2020, the Secretary of the Navy and the Chief of Naval Operations shall jointly—

(1) complete a study on methods to improve military and civilian cyber career paths within the Navy; and

(2) submit to the congressional defense committees a report on the findings of the Secretary and Chief with respect to the study completed pursuant
to paragraph (1) and submit such report with all of the data used in such study.

(b) ELEMENTS.—The report submitted pursuant to subsection (a)(2) shall include the following:

(1) A plan for implementing career paths for civilian and military personnel tailored to develop expertise in cyber skill sets, including skills sets appropriate for offensive and defensive military cyber operations.

(2) Suggested changes to the processes that govern the identification of talent and career progression of the civilian and military workforce.

(3) A methodology for a cyber workforce assignment policy that deliberately builds depth and breadth of knowledge regarding the conduct of cyber operations throughout an entire career.

(4) Possible enhancements to identifying, recruiting, training, and retaining the cyber workforce, both civilian and military, especially for Interactive On-Net operators and tool developers.

(5) Recommendations for legislative and administrative actions to address the findings and recommendations of the Secretary and the Chief with respect to the study completed pursuant to subsection (a)(1).
(c) **CONSULTATION.**—In conducting the study required by subsection (a)(1), the Secretary and the Chief shall consult with the following:

1. The Principal Cyber Advisor of the Department of Defense.
2. The Secretary of the Air Force.
3. The Air Force Chief of Staff.
4. The Secretary of the Army.
5. The Army Chief of Staff.
6. The Commandant of the Marine Corps.
7. The Under Secretary of Defense for Personnel and Readiness.
8. The Chief Information Officer of the Department of Defense.

**SEC. 1634. FRAMEWORK TO ENHANCE CYBERSECURITY OF THE UNITED STATES DEFENSE INDUSTRIAL BASE.**

(a) **FRAMEWORK REQUIRED.**—Not later than February 1, 2020, the Secretary of Defense shall develop a consistent, comprehensive framework to enhance cybersecurity for the United States defense industrial base.

(b) **ELEMENTS.**—The framework developed pursuant to subsection (a) shall include the following:
(1) Identification of unified cybersecurity standards, regulations, metrics, ratings, third-party certifications, or requirements to be imposed on the defense industrial base for the purpose of assessing the cybersecurity of individual contractors.

(2) The roles and responsibilities of various activities within the Department of Defense, across the entire acquisition process, beginning with market research, including responsibility determination, solicitation, and award, and continuing with contractor management and oversight on matters relating to cybersecurity.

(3) The responsibilities of the prime contractors, and all subcontractors in the supply chain, for implementing the required cybersecurity standards, regulations, metrics, ratings, third-party certifications, and requirements identified under paragraph (1).

(4) A plan to provide implementation guidance, education, manuals, and, as necessary, direct technical support or assistance to such contractors on matters relating to cybersecurity.

(5) Methods and programs for defining and managing controlled unclassified information, and
for limiting the presence of unnecessary sensitive information on contractor networks.

(6) Quantitative metrics for assessing the effectiveness of the overall framework over time, with respect to the exfiltration of controlled unclassified information from the defense industrial base.

(c) MATTERS FOR CONSIDERATION.—In developing the framework required by subsection (a), the Secretary shall consider the following:

(1) Designating an official to be responsible for the cybersecurity of the defense industrial base.

(2) Evaluating methods, standards, metrics, and third-party certifications for assessing the cybersecurity of individual contractors.

(3) Ensuring a consistent approach across the Department to matters relating to the cybersecurity of the defense industrial base.

(4) Tailoring cybersecurity requirements for small- and medium-sized contractors based on a risk-based approach.

(5) Ensuring the Department’s traceability and visibility of cybersecurity compliance of suppliers to all levels of the supply chain.

(6) Evaluating incentives and penalties for cybersecurity performance of suppliers.
(7) Integrating cybersecurity and traditional counterintelligence measures, requirements, and programs.

(8) Establishing a secure software development environment (DevSecOps) in a cloud environment inside the perimeter of the Department for contractors to do their development work.

(9) Establishing a secure cloud environment where contractors could access the data of the Department needed for their contract work.

(10) Establishing a Cybersecurity Maturity Model Certification for defense industrial base companies, scoring companies on a rating scale, and requiring certain ratings for contract awards.

(11) Providing additional assistance to small companies in the form of training, mentoring, approved security product lists, and approved lists of security-as-a-service providers.

(12) Technological means, operational concepts, reference architectures, offensive counterintelligence operation concepts, and plans for operationalization to complicate adversary espionage, including honeypotting and data obfuscation.

(13) Implementing enhanced security vulnerability assessments for contractors working on crit-
ical acquisition programs, technologies, manufacturing capabilities, and research areas.

(14) Identifying ways to better leverage technology and employ machine learning or artificial intelligence capabilities, such as Internet Protocol monitoring and data integrity capabilities to be applied to contractor information systems that host, receive, or transmit controlled unclassified information.

(15) Developing tools to easily segregate program data to only allow subcontractors access to their specific information.

(16) Appropriate communications of threat assessments of the defense industrial base to the acquisition workforce at all classification levels.

(17) Appropriate communications with industry on the impact of cybersecurity considerations in contracting and procurement decisions.

(d) CONSULTATION.—In developing the framework required by subsection (a), the Secretary shall consult with the following:

(1) Industry groups representing the defense industrial base.

(2) Contractors in the defense industrial base.
(3) The Director of the National Institute of Standards and Technology.

(4) The Secretary of Energy and the Nuclear Regulatory Commission.

(5) The Director of National Intelligence.

(e) BRIEFING.—

(1) In general.—Not later than March 11, 2020, the Secretary of Defense shall provide the congressional defense committees with a briefing on the framework developed pursuant to subsection (a).

(2) Contents.—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework developed in subsection (a).

(B) Identification of such pilot programs as the Secretary considers may be required to improve the cybersecurity of the defense industrial base.

(C) Implementation timelines and identification of costs.

(D) Such recommendations as the Secretary may have for legislative action to improve the cybersecurity of the defense industrial base.

(f) Quarterly Briefings.—
(1) IN GENERAL.—Not less frequently than once each quarter until February 1, 2022, the Secretary of Defense shall brief the congressional defense committees on the status of development and implementation of the framework required by subsection (a).

(2) COORDINATION WITH OTHER BRIEFIGNS.—Each briefing under paragraph (1) shall be conducted in conjunction with a quarterly briefing under section 484(a) of title 10, United States Code.

(3) ELEMENTS.—Each briefing under paragraph (1) shall include the following:

(A) The current status of the development and implementation of the framework required by subsection (a).

(B) A description of the efforts undertaken by the Secretary to evaluate the matters for consideration set forth in subsection (c).

(C) The current status of any pilot programs the Secretary is carrying out to develop the framework.
SEC. 1635. ROLE OF CHIEF INFORMATION OFFICER IN IMPROVING ENTERPRISE-WIDE CYBERSECURITY.

(a) IN GENERAL.—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer of the Department of Defense shall, to the maximum extent practicable, ensure that the cybersecurity programs and capabilities of the Department—

(1) fit into an enterprise-wide cybersecurity architecture;

(2) are maximally interoperable with each other, including those deployed by the components of the Department;

(3) enhance enterprise-level visibility and responsiveness to threats; and

(4) are developed, procured, instituted, and managed in a cost-efficient manner, exploiting economies of scale and enterprise-wide services and discouraging unnecessary customization and piece-meal acquisition.

(b) REQUIREMENTS.—In carrying out subsection (a), the Chief Information Officer shall—

(1) manage and modernize the cybersecurity architecture of the Department, including—
(A) ensuring the cybersecurity architecture of the Department maximizes cybersecurity capability, network, and endpoint activity data-sharing across Department components;

(B) ensuring the cybersecurity architecture of the Department supports improved automaticity of cybersecurity detection and response; and

(C) modernizing and configuring the Department’s standardized deployed perimeter, network-level, and endpoint capabilities to improve interoperability, meet pressing capability needs, and negate common adversary tactics, techniques, and procedures;

(2) establish mechanisms to enable and mandate, as necessary, cybersecurity capability, and network and endpoint activity data-sharing across Department components;

(3) make mission data, through data tagging, automatic transmission, and other means, accessible and discoverable by Department components other than owners of those mission data;

(4) incorporate emerging cybersecurity technologies from the Defense Advanced Research Projects Agency, the Strategic Capabilities Office,
the Defense Innovation Unit, the laboratories of the military departments, and the commercial sector into the cybersecurity architecture of the Department; and

(5) ensure that the Department possesses the necessary computing infrastructure, through technology refresh, installation or acquisition of bandwidth, and the use of cloud computing power, to host and enable necessary cybersecurity capabilities.

SEC. 1636. QUARTERLY ASSESSMENTS OF THE READINESS OF CYBER FORCES.

(a) In General.—Section 484(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) An assessment of the readiness of the Cyber Mission Forces that—

“(A) addresses all of the abilities of the Department to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

“(i) using both quantitative and qualitative metrics; and
“(ii) in a way that is common to all military departments; and
“(B) is consistent with readiness reporting pursuant to section 482 of this title.”.

(b) Metrics.—

(1) Establishment required.—The Secretary of Defense shall establish metrics for the assessment of the readiness of the Cyber Mission Forces of the Department of Defense.

(2) Briefing required.—Not later than 90 days after the date of the enactment of this Act, the Secretary will provide a briefing to the congressional defense committees on the metrics established pursuant to paragraph (1).

(c) Modification of Readiness Reporting System.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall take such actions as the Secretary considers appropriate to ensure that the comprehensive readiness reporting system established pursuant to section 117(a) of title 10, United States Code, covers matters relating to the readiness of the Cyber Mission Forces—

(1) using the metrics established pursuant to subsection (b)(1); and
(2) in a manner that is consistent with sections 117 and 482 of such title.

(d) First Quarterly Briefing Assessing Cyber Readiness.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 1637. CONTROL AND ANALYSIS OF DEPARTMENT OF DEFENSE DATA STOLEN THROUGH CYBER-SPACE.

(a) Requirements.—When the Secretary of Defense determines that significant Department of Defense information may have been stolen through cyberspace and evidence of theft of the data in question—

(1) is in the possession of a component of the Department, the Secretary shall—

(A) either transfer or replicate and transfer such Department data in a prompt and secure manner to a secure repository with access by Department personnel appropriately limited on a need-to-know basis;

(B) ensure the Department applies such automated analytic tools and capabilities to the repository of potentially compromised data as are necessary to rapidly understand the scope and effect of the potential compromise;
(C) for high priority Department systems, develop analytic products that characterize the scope of data compromised;

(D) ensure that all mission-affected entities in the Department are made aware of the theft or possible theft and, as damage assessment and mitigation proceeds, are kept apprised of the extent of the data stolen; and

(E) ensure that the Department counterintelligence organizations are—

(i) fully integrated with any damage assessment team assigned to the breach;

(ii) fully informed of the data that have or potentially have been stolen and the effect of such theft; and

(iii) provided resources and tasked, in conjunction with subject matter experts and responsible authorities, to immediately develop and execute countermeasures in response to a breach involving espionage and data theft; or

(2) is in the possession of or under controls or restrictions imposed by the Federal Bureau of Investigation, or a national counterintelligence or intelligence organization, the Secretary shall determine,
jointly with the Director of the Federal Bureau of Investigation or the Director of National Intelligence, as appropriate, the most expeditious process, means, and conditions for carrying out the activities otherwise required by paragraph (1).

(b) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees such recommendations as the Secretary may have for legislative or administrative action to address such barriers as may be inhibiting the implementation of this section.

SEC. 1638. ACCREDITATION STANDARDS AND PROCESSES FOR CYBERSECURITY AND INFORMATION TECHNOLOGY PRODUCTS AND SERVICES.

(a) ASSESSMENT.—The Chief Information Officer of the Department of Defense shall conduct an enterprise assessment of accreditation of standards and processes for cybersecurity and information technology products and services.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2020, the Chief Information Officer shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).
(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the Chief Information Officer with respect to the assessment conducted under subsection (a).

(B) A description of the modifications proposed or enacted to accreditation standards and processes arising out of the assessment.

(C) A description of how the Department will increasingly automate accreditation processes, pursue agile development, incorporate machine learning, and foster reciprocity across authorizing officials.

SEC. 1639. EXTENSION OF AUTHORITIES FOR CYBERSPACE SOLARIUM COMMISSION.

Section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in paragraph (1), by striking “September 1, 2019” and inserting “February 1, 2020”; and

(2) in paragraph (2), by striking “and intelligence committees” and inserting “committees, the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of
the Senate, and the Committee on Homeland Security of the House of Representatives”.

SEC. 1640. MODIFICATION OF ELEMENTS OF ASSESSMENT REQUIRED FOR TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 1642(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2601; Public Law 114–328) is amended—

(1) in clause (ii), by inserting “and national intelligence operations” after “operations”; 

(2) by amending clause (iii) to read as follows:

“(iii) The tools, weapons, and accesses used in and available for military cyber operations are sufficient for achieving required effects and United States Cyber Command is capable of acquiring or developing these tools, weapons, and accesses.”;

and

(3) by amending clause (vi) to read as follows:

“(vi) The cyber mission force has achieved full operational capability and has demonstrated the capacity to execute the cyber missions of the Department, including—
“(I) execution of national-level missions through cyberspace, including deterrence and disruption of adversary cyber activity;

“(II) defense of the Department of Defense Information Network; and

“(III) support for other combatant commands, including targeting of adversary military assets.”.

SEC. 1641. USE OF NATIONAL SECURITY AGENCY CYBERSECURITY EXPERTISE TO SUPPORT ACQUISITION OF COMMERCIAL CYBERSECURITY PRODUCTS.

(a) ADVISORY MISSION.—The National Security Agency shall, as a mission in its role in securing the information systems of the Department of Defense, advise and assist the Department of Defense in its acquisition and adaptation of cybersecurity products and services from industry, especially the commercial cybersecurity sector.

(b) PROGRAM TO IMPROVE ACQUISITION OF CYBERSECURITY PRODUCTS AND SERVICES.—

(1) ESTABLISHMENT.—Consistent with paragraph (1), the Director of the National Security Agency shall establish a permanent program consisting of market research, testing, and expertise
transmission, or augments to existing programs, to
improve the acquisition by the Department of cyber-
security products and services.

(2) REQUIREMENTS.—Under the program es-
established pursuant to paragraph (1), the Director
shall, independently and at the request of compo-
nents of the Department—

(A) test and evaluate commercially-available cybersecurity products and services using—

(i) generally known cyber operations
techniques; and

(ii) tools and cyber operations tech-
tiques and advanced tools and techniques
available to the National Security Agency;

(B) develop and establish standard proce-
dures, techniques, and threat-informed metrics
to perform the testing and evaluation required
by subparagraph (A); and

(C) advise the Secretary of Defense on the
merits and disadvantages of evaluated cyberse-
curity products, including with respect to—

(i) any synergies between products;

(ii) value;
(iii) matters relating to operation and maintenance; and

(iv) matters relating to customization requirements.

(3) LIMITATIONS.—The program established under paragraph (1) shall not—

(A) by used to accredit cybersecurity products and services for use by the Department;

(B) create approved products lists; or

(C) be used for acquisition contracts for the procurement and fielding of cybersecurity products on behalf of the Department.

SEC. 1642. STUDY ON FUTURE CYBER WARFIGHTING CAPABILITIES OF DEPARTMENT OF DEFENSE.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the future cyber warfighting capabilities of the Department of Defense.

(b) PARTICIPATION.—Participants in the study shall include the following:

(1) Such members of the Board, including members of the Task Force on Cyber Deterrence of the Board, as the Chairman of the Board considers appropriate for the study.
(2) Such additional temporary members or contracted support as the Secretary—

(A) selects from those recommended by the Chairman for purposes of the study; and

(B) considers to have significant technical, policy, or military expertise.

(c) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) A technical evaluation of the Joint Cyber Warfighting Architecture of the Department, especially the Unified Platform, Joint Cyber Command and Control, and Persistent Cyber Training Environment, including with respect to the following:

(A) The suitability of the requirements and, as relevant, the delivered capability of such architecture to modern cyber warfighting.

(B) Such requirements or capabilities as may be absent or underemphasized in such architecture.

(C) The speed of development and acquisition as compared to mission need.

(D) Identification of potential duplication of efforts among the programs and concepts evaluated.
(E) The coherence of such architecture with the National Mission Teams and Combat Mission Teams of the Cyber Mission Force, as constituted and organized on the day before the date of the enactment of this Act.

(F) The coherence of such architecture with the Cyber Protection Teams of the Cyber Mission Force and the cybersecurity service providers of the Department, as constituted and organized on the day before the date of the enactment of this Act.

(G) The coherence of such architecture with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy deterrence, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(2) A technical evaluation of the tool development and acquisition programs of the Department, including with respect to the following:

(A) The suitability of planned tool suite and cyber armory constructs of the United
States Cyber Command to modern cyber warfighting.

(B) The speed of development and acquisition as compared to mission need.

(C) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to the tool development of the National Security Agency.

(D) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to its acquisition.

(E) The coherence of such programs with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy deterrence, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(3) An evaluation of the operational planning and targeting of the United States Cyber Command, including support for regional combatant commands, and suitability for modern cyber warfighting.
(4) Development of such recommendations as the Board may have for legislative or administrative action relating to the future cyber warfighting capabilities of the Department.

(d) Access to Information.—The Secretary shall provide the Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this section.

(e) Report.—

(1) Transmittal to Secretary.—Not later than November 1, 2021, the Board shall transmit to the Secretary a final report on the study conducted pursuant to subsection (a).

(2) Transmittal to Congress.—Not later than 30 days after the date on which the Secretary receives the final report under paragraph (1), the Secretary shall submit to the congressional defense committees such report and such comments as the Secretary considers appropriate.
SEC. 1643. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2243 the following new section:

“§ 2243a. Authority to use operation and maintenance funds for cyber operations-peculiar capability development projects

“(a) IN GENERAL.—Subject to subsection (c), the covered officials may each use amounts authorized to be appropriated or otherwise made available for the Department of Defense for operation and maintenance, to carry out cyber operations-peculiar capability development projects.

“(b) COVERED OFFICIALS.—For purposes of this section, the covered officials are as follows:

“(1) The Secretary of the Army.

“(2) The Secretary of the Navy.

“(3) The Secretary of the Air Force.

“(4) The Commandant of the Marine Corps.

“(c) LIMITATION.—In a fiscal year, the aggregate amount that may be used by a single covered official under subsection (a) may not exceed $3,000,000.
“(d) RELATIONSHIP TO OTHER LAWS.—The authority in subsection (a) may be used without regard to any provision of law establishing a limit on the unit cost of an investment item that may be purchased with funds made available for operation and maintenance.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2243 the following new item:

“2243a. Authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.”.

(c) REPORTS.—

(1) IN GENERAL.—In each of fiscal years 2021, 2022, and 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided under section 2243a(a) of title 10, United States Code, as added by subsection (a), during the previous fiscal year.

(2) TIMING.—Each report submitted pursuant to paragraph (1) shall be submitted concurrently with the annual budget request of the President submitted pursuant to section 1105 of title 31, United States Code.
SEC. 1644. EXPANSION OF AUTHORITY FOR ACCESS AND INFORMATION RELATING TO CYBERATTACKS ON DEPARTMENT OF DEFENSE OPERATIONAL CRITICAL CONTRACTORS.

Section 391(c) of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

“(A) include mechanisms for Department personnel—

“(i) if requested by an operationally critical contractor, to assist the contractor in detecting and mitigating penetrations; or

“(ii) at the request of the Department, to obtain access to equipment or information of an operationally critical contractor necessary to conduct a forensic analysis, in addition to any analysis conducted by the contractor; and”; and

(B) in subparagraph (B)—

(i) by striking “to determine whether information” and inserting the following:

“to determine whether—

“(i) information”;
(ii) in clause (i), as so designated—

(I) by inserting “or compromised on” after “exfiltrated from”; and

(II) by striking the period at the end and inserting “or compromised; or”; and

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

“(ii) the ability of the contractor to provide operationally critical support has been affected and, if so, how and to what extent it has been affected.”;

(2) in paragraph (4), by inserting “, so as to minimize delays in or any curtailing of the Department’s cyber response and defensive actions” after “specific person”; and

(3) in paragraph (5)(C), by inserting “ or counterintelligence activities” after “investigations”.

SEC. 1645. BRIEFING ON MEMORANDUM OF UNDERSTANDING RELATING TO JOINT OPERATIONAL PLANNING AND CONTROL OF CYBER ATTACKS OF NATIONAL SCALE.

(a) BRIEFING REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall provide the appropriate committees of Congress a briefing on the Joint De-
department of Defense and Department of Homeland Security Memorandum of Understanding signed by the Secretary of Defense on October 6, 2018.

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

(1) The number of planners assigned by the Department of Defense to line of effort three and line of effort four and the areas of expertise of those planners.

(2) Whether the planners described in paragraph (1) are physically co-located with their counterparts in the Department of Homeland Security and are assigned full-time or part-time to line of effort three and line of effort four.

(3) Whether the planners described in paragraph (1) are developing operational plans and playbooks that will be implemented in response to actual cyber attacks of national scale or whether the planning activities are limited to planning and exercise scenarios.

(4) Whether the official in charge of the planners assigned to line of effort three and line of effort four has or will have operational control of a Federal response to a cyber attack of national scale.
(5) Whether the National Cyber Strategy, published in September 2018, provides for a standing joint multi-agency organization and staff to plan and direct operational responses to cyber attacks of national scale.

(6) The charter and implementation plan of the Joint Department of Defense and Department of Homeland Security Cyber Protection and Defense Steering Group required by the memorandum of understanding described in subsection (a).

(c) Definition of Appropriate Committees of Congress.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional defense committees;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Homeland Security of the House of Representatives.
SEC. 1646. STUDY TO DETERMINE THE OPTIMAL STRATEGY
FOR STRUCTURING AND MANNING ELEMENTS OF THE JOINT FORCE HEADQUARTERS–CYBER ORGANIZATIONS, JOINT MISSION OPERATIONS CENTERS, AND CYBER OPERATIONS–INTEGRATED PLANNING ELEMENTS.

(a) Study.—

(1) In general.—The Principal Cyber Advisor of the Department of Defense shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(A) Joint Force Headquarters–Cyber organizations.

(B) Joint Mission Operations Centers.


(2) Elements.—The study conducted under subsection (a) shall include assessment of the following:

(A) Operational effects on the military services if the entities listed in subparagraphs (A) through (C) of paragraph (1) are restructured from organizations that are service component organizations to joint organizations.
(B) Organizational effects on the military services if the billets associated with the entities listed in subparagraphs (A) through (C) of paragraph (1) are transferred to United States Cyber Command and designated as joint billets for joint qualification purposes.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study conducted under subsection (a).

(B) Details of the operational and organizational effects assessed under subsection (a)(2).

(C) A plan to carry out the transfer described in subsection (a)(2)(B) and the associated costs.
(D) Such other matters as the Principal Cyber Advisor considers appropriate.

SEC. 1647. CYBER GOVERNANCE STRUCTURES AND PRINCIPAL CYBER ADVISORS ON MILITARY CYBER FORCE MATTERS.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall designate a Principal Cyber Advisor to act as the principal advisor to the Secretary of the military department on the cyber forces, cyber programs, and cybersecurity matters of the military department, including matters relating to weapons systems, enabling infrastructure, and the defense industrial base.

(2) NATURE OF POSITION.—Each Principal Cyber Advisor position under paragraph (1) shall be a senior civilian leadership position.

(b) RESPONSIBILITIES PRINCIPAL CYBER ADVISORS.—Each Principal Cyber Advisor of a military department shall be responsible for advising the Secretary of the military department and coordinating and overseeing the implementation of policy, strategies, sustainment, and plans on the following:
(1) The resourcing and training of the military cyber forces of the military department and ensuring that such resourcing and training meets the needs of United States Cyber Command.

(2) Acquisition of offensive and defensive cyber capabilities for the military cyber forces of the military department.

(3) Cybersecurity management and operations of the military department.

(4) Acquisition of cybersecurity tools and capabilities for the cybersecurity service providers of the military department.

(5) Improving and enforcing a culture of cybersecurity warfighting and responsibility throughout the military department.

(c) ADMINISTRATIVE MATTERS.—

(1) DESIGNATION OF INDIVIDUALS.—In designating a Principal Cyber Adviser under subsection (a), the Secretary of a military department may designate an individual in an existing position in the military department.

(2) COORDINATION.—The Principal Cyber Advisor of a military department shall work in close coordination with the Principal Cyber Advisor of the Department of Defense, the Chief Information Offi-
cer of the Department, relevant military service chief
information officers, and other relevant military
service officers to ensure service compliance with the
Department of Defense Cyber Strategy.

(d) RESPONSIBILITY TO THE SENIOR ACQUISITION
EXECUTIVES.—In addition to the responsibilities set forth
in subsection (b), the Principal Cyber Advisor of a military
department shall be responsible for advising the senior ac-
quision executive of the military department and, as de-
determined by the Secretary of the military department, for
advising and coordinating and overseeing the implementa-
tion of policy, strategies, sustainment, and plans for—

(1) cybersecurity of the industrial base; and

(2) cybersecurity of Department of Defense in-
formation systems and information technology serv-
ices, including how cybersecurity threat information
is incorporated and the development of cyber prac-
tices, cyber testing, and mitigation of cybersecurity
risks.

(e) REVIEW OF CURRENT RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than January 1,
2021, each Secretary of a military department shall
review the military department’s current governance
model for cybersecurity with respect to current au-
thorities and responsibilities.
(2) ELEMENTS.—Each review under paragraph (1) shall include the following:

(A) An assessment of whether additional changes beyond the designation of a Principal Cyber Advisor pursuant to subsection (a) are required.

(B) Consideration of whether the current governance structure and assignment of authorities—

(i) enable effective top-down governance;

(ii) enable effective Chief Information Officer and Chief Information Security Officer action;

(iii) are adequately consolidated so that the authority and responsibility for cybersecurity risk management is clear and at an appropriate level of seniority;

(iv) provides authority to a single individual to certify compliance of Department information systems and information technology services with all current cybersecurity standards; and

(v) support efficient coordination across the military departments and serv-
ices, the Office of the Secretary of Defense, the Defense Information Systems Agency, and United States Cyber Command.

(f) BRIEFING.—Not later than February 1, 2021, each Secretary of a military department shall brief the congressional defense committees on the findings of the Secretary with respect to the review conducted by the Secretary under subsection (e).

SEC. 1648. DESIGNATION OF TEST NETWORKS FOR TESTING AND ACCREDITATION OF CYBERSECURITY PRODUCTS AND SERVICES.

(a) DESIGNATION.—Not later than April 1, 2020, the Secretary of Defense shall designate, for use by the Defense Information Systems Agency and such other components of the Department of Defense as the Secretary considers appropriate, three test networks for the testing and accreditation of cybersecurity products and services.

(b) REQUIREMENTS.—The networks designated under subsection (a) shall—

(1) be of sufficient scale to realistically test cybersecurity products and services;

(2) feature substantially different architectures and configurations;

(3) be live, operational networks; and
(4) feature cybersecurity processes, tools, and technologies that are appropriate for test purposes and representative of the processes, tools, and technologies that are widely used throughout the Department.

SEC. 1649. CONSORTIA OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish one or more consortia to advise and assist the Secretary on matters relating to cybersecurity.

(b) MEMBERSHIP.—The consortium or consortia established under subsection (a) shall consist of universities that have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security.

(c) ORGANIZATION.—

(1) DESIGNATION OF ADMINISTRATIVE CHAIR AND TERMS.—For each consortium established under subsection (a), the Secretary, based on recommendations from the members of the consortium, shall designate one member of the consortium to function as an administrative chair of the consortium for a term with a specific duration specified by the Secretary.
(2) **Subsequent Terms.**—No member of a consortium designated under paragraph (1) may serve as the administrative chair of that consortium for two consecutive terms.

(3) **Duties of Administrative Chair.**—Each administrative chair designated under paragraph (1) for a consortium shall—

(A) act as the leader of the consortium for the term specified by the Secretary under paragraph (1);

(B) be the liaison between the consortium and the Secretary;

(C) distribute requests from the Secretary for advice and assistance to appropriate members of the consortium and coordinate responses back to the Secretary; and

(D) act as a clearinghouse for Department of Defense requests relating to advice and assistance on matters relating to cybersecurity and to provide feedback to the Secretary from members of the consortium.

(d) **Functions.**—The functions of a consortium established under subsection (a) are as follows:
(1) To provide to the Secretary access to the expertise of the members of the consortium on matters relating to cybersecurity.

(2) To align the efforts of such members in support of the Department.

(3) To act as a facilitator in responding to Department requests relating to advice and assistance on matters relating to cybersecurity and to provide feedback to the Secretary from members of the consortium.

(e) PROCEDURES.—The Secretary shall establish procedures for organizations within the Department to access the work product produced by and the research, capabilities, and expertise of a consortium established under subsection (a) and the universities that constitute the consortium.

Subtitle D—Nuclear Forces

SEC. 1661. MODIFICATION OF AUTHORITIES RELATING TO NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) DUTIES AND POWERS OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Section 133b(b) of title 10, United States Code, is amended—
(1) by redesignating paragraphs (4), (5), (6),
and (7) as paragraphs (5), (6), (7), and (8), respec-
tively;
(2) by inserting after paragraph (3) the fol-
lowing new paragraph (4):
“(4) establishing policies for, and providing
oversight, guidance, and coordination with respect
to, the nuclear command, control, and communica-
tions system;”; and
(3) in paragraph (6), as redesignated by para-
graph (1), by inserting after “overseeing the mod-
erization of nuclear forces” the following: “, includ-
ing the nuclear command, control, and communica-
tions system,.”.
(b) DUTIES AND RESPONSIBILITIES OF CHIEF IN-
FORMATION OFFICER.—Section 142(b)(1) of such title is
amended—
(1) by striking subparagraph (G); and
(2) by redesignating subparagraphs (H) and (I)
as subparagraphs (G) and (H), respectively.
SEC. 1662. EXPANSION OF OFFICIALS REQUIRED TO CONDUCT BIENNIAL ASSESSMENTS OF DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND NUCLEAR COMMAND AND CONTROL SYSTEM.

Section 492(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) the Commander of the United States Air Forces in Europe.”.

SEC. 1663. CONFORMING AMENDMENT TO COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a of title 10, United States Code, is amended by striking “, Technology, and Logistics” each place it appears and inserting “and Sustainment”.

SEC. 1664. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020
for the Department of Defense shall be obligated or expended for—

(1) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) Exception.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1665. BRIEFING ON LONG-RANGE STANDOFF WEAPON AND SEA-LAUNCHED CRUISE MISSILE.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on opportunities—

(1) to increase commonality between the long-range standoff weapon and the sea-launched cruise missile; and
(2) to leverage, in the development of the sea-launched cruise missile, technologies developed, or under development as of the date of the briefing, as part of the long-range standoff weapon program.

SEC. 1666. SENSE OF THE SENATE ON INDUSTRIAL BASE FOR GROUND-BASED STRATEGIC DETERRENT PROGRAM.

It is the sense of the Senate that—

(1) ensuring the viability of an industrial base of at least two domestic producers of large solid rocket motors for the ground-based strategic deterrent program is an important national security interest; and

(2) in continuing to carry out that program, the Secretary of Defense should—

(A) strive to maintain competition and proper vendor capabilities in order to maintain the best value for the Government;

(B) consider the long-term health and viability of the industrial base when structuring and awarding major procurement or development contracts; and

(C) when appropriate, structure programs to provide stability to the industrial base by
maintaining continued production for an extended period.

SEC. 1667. SENSE OF THE SENATE ON NUCLEAR DETERRENCE COMMITMENTS OF THE UNITED STATES.

It is the sense of the Senate that—

(1) credible extended deterrence commitments make key contributions to the security of the United States, international stability, and the nonproliferation objectives of the United States;

(2) the nuclear forces of the United States, as well as the independent nuclear forces of other members of the North Atlantic Treaty Organization (in this section referred to as “NATO”), continue to play a critical role in national security strategy of the United States and the security of the NATO alliance;

(3) the forward-deployment of dual-capable aircraft operated by the United States, and the participation of certain NATO members in the nuclear deterrence mission, are vitally important to the deterrence and defense posture of NATO;

(4) such aircraft provide a credible and flexible nuclear capability that plays a fundamental role in regional deterrence and effectively assuring allies
and partners of the commitment of the United States to their security; and

(5) nuclear-certified F–35A aircraft provide the most advanced nuclear fighter capability in the current and future anti-access area denial environments.

Subtitle E—Missile Defense Programs

SEC. 1671. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $95,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—
(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.
(b) Israeli Cooperative Missile Defense Program, David’s Sling Weapon System Co-production.—

(1) In general.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $50,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) Agreement.—(A) Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(i) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(ii) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David’s Sling Weapon System is not less than 50 percent.
(3) Certification and Assessment.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David’s Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) Israeli Cooperative Missile Defense Program, Arrow 3 Upper Tier Interceptor Program Co-Production.—

(1) In general.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $55,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and com-
ponents in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts
and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.
(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David’s Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) by not later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
SEC. 1672. EXPANSION OF NATIONAL MISSILE DEFENSE POLICY AND PROGRAM REDESIGNATION.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) the United States must continue to pursue a comprehensive missile defense strategy that will deliver integrated and effective capabilities to counter ballistic, cruise, and hypersonic missile threats;

(2) adversaries are quickly expanding the capabilities of their existing missile systems, adding new and unprecedented types of missile capabilities to their arsenals, and further integrating offensive missiles into their coercive threats, military exercises, and war planning;

(3) both Russia and China are rapidly enhancing their existing offensive missile systems and developing advanced sea-, ground-, and air-launched cruise missiles as well as hypersonic capabilities;

(4) due to the proliferation of offensive ballistic and cruise missiles and the emergence of game-changing hypersonic weapons technologies, all of which threaten regional balances, our allies and partners, United States deployed armed forces, and the United States homeland, missile defenses become
an even more critical element of United States strategy; and

(5) the United States must outpace adversary offensive missile capabilities.

(b) EXPANSION OF POLICY.—Section 1681(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended by striking “ballistic missile threat” and inserting “ballistic, cruise, and hypersonic missile threats”.

(c) REDESIGNATION REQUIREMENT.—Not later than the date on which the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2021, the Secretary of Defense shall, as the Secretary considers appropriate, redesignate all strategies, policies, programs, and systems under the jurisdiction of the Secretary to reflect that missile defense programs of the United States defend against ballistic, cruise, and hypersonic missiles in all phases of flight.

SEC. 1673. ACCELERATION OF THE DEPLOYMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that—
(1) Congress has expressed support for a space-based missile defense sensor program, in the two most recent enacted National Defense Authorization Acts;

(2) the Secretary of Defense should rapidly develop and deploy a persistent, space-based sensor architecture to ensure missile defenses of the United States are more effective against ballistic missile threats and more responsive to emergent threats from hypersonic and cruise missiles;

(3) the responsibility for developing and deploying a hypersonic and ballistic tracking space sensor should remain within the Director of the Missile Defense Agency; and

(4) the Director of the Missile Defense Agency should deploy a hypersonic and ballistic tracking space sensor constellation as soon as technically feasible.

(b) ASSIGNMENT OF PRIMARY RESPONSIBILITY FOR DEVELOPMENT AND DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall—

(1) assign the Director of the Missile Defense Agency with the principal responsibility for the de-
development and deployment of a hypersonic and ballistic tracking space sensor; and

(2) submit to the congressional defense committees certification of such assignment.

(c) Certification Regarding Funding of Hypersonic and Ballistic Tracking Space Sensor Program.—At the same time that the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2021, the Under Secretary of Defense Comptroller and the Director for Cost Assessment and Program Evaluation shall jointly certify to the congressional defense committees whether the hypersonic and ballistic tracking space sensor program is sufficiently funded in the future-years defense program for the Missile Defense Agency.

(d) Deployment Deadline.—Section 1683(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended—

(1) by striking “(A) In General.—” and inserting the following:

“(a) Development, Testing, and Deployment.—

“(1) Development.—”; and

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

“(2) TESTING AND DEPLOYMENT.—The Director shall begin on-orbit testing of a hypersonic and ballistic tracking space sensor no later than December 31, 2021, with full operational deployment as soon as technically feasible thereafter.

“(3) WAIVER.—The Secretary of Defense may waive the deadline for testing specified in paragraph (2) if the Secretary submits to the congressional defense committees a report containing—

“(A) the explanation why the Secretary cannot meet such deadline;

“(B) the technical risks and estimated cost of accelerating the program to attempt to meet such deadline;

“(C) an assessment of threat systems that could not be detected or tracked persistently due to waiving such deadline; and

“(D) a plan, including a timeline, for beginning the required testing.”.

(e) REPORT ON PROGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense
committees a report on the progress of all efforts being made by the Missile Defense Agency, the De-
defense Advanced Research Projects Agency, the Air Force, and the Space Development Agency relating to space-based sensing and tracking capabilities for missile defense and how each of such organizations will work together to avoid duplication of efforts.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1674. NONSTANDARD ACQUISITION PROCESSES OF MISSILE DEFENSE AGENCY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Defense needs to provide capabilities at the speed of relevance that are more lethal, and to ensure acquisition processes fulfill the needs of members of the Armed Forces now and in the future;

(2) significant defense acquisition reforms enacted over the past three National Defense Author-
ization Acts have improved access to nontraditional and commercial innovation and to expanded flexible acquisition authorities in the development of alter-
native acquisition pathways to acquire critical na-
tional security capabilities;

(3) the Department appropriately recently rec-
ognized the Missile Defense Agency for its acquisi-
tion success by presenting it with the 2018 David
Packard Excellence in Acquisition Award for the de-
development of the Space-Based Kill Assessment
(SKA) program and the Missile Defense Agency
should be commended for its numerous and rapid
acquisition successes;

(4) the recently completed Missile Defense Re-
view explicitly highlights, in stark terms, the threat
posed to the United States by ballistic and
hypersonic missile threats; and

(5) the Missile Defense Agency should maintain
its nonstandard acquisition authorities in order to
continue to rapidly design, test, and deliver critically
needed defensive capabilities to the warfighter.

(b) CHANGES TO NONSTANDARD ACQUISITION PROC-
ESSES AND RESPONSIBILITIES.—

(1) LIMITATION.—None of the funds authorized
to be appropriated by this Act may be obligated or
expended to change the nonstandard acquisition
processes and responsibilities described in paragraph
(2) until the Secretary—
(A) has consulted with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Policy, the secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of United States Strategic Command (USSTRATCOM), the Commander of United States Northern Command (USNORTHCOM), and the Director of the Missile Defense Agency;

(B) certifies to the congressional defense committees that the Secretary has coordinated the changes with and received the views of the individuals referred to in subparagraph (A);

(C) submits to the congressional defense committees a report describing the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to such changes; and

(D) a period of 270 days has elapsed since submittal of the report under subparagraph (C).

(2) NONSTANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The non-standard acquisition processes and responsibilities
described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

SEC. 1675. PLAN FOR THE REDESIGNED KILL VEHICLE.

(a) REPORT REQUIRED.—The Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the delay in the Redesigned Kill Vehicle Program.

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

(1) A description of the reason for the delay.

(2) An overview of the revised program schedule including a revised test plan and revised acquisition strategy.

(3) A detailed description of any recommendations that could be utilized to accelerate the scheduled fielding including modifications to the acquisition strategy or the procurement and assembly of long-lead materials unaffected by the reason for the delay.
(4) A timeline associated with such recommendations.

(5) Additional funding required to carry out such recommendations.

(6) An assessment of risk associated with such recommendations.

(7) A description of any recommendations that were submitted to the Director by contractors that the Director considers reasonable but were not adopted.

(8) An explanation as to why the recommendations described in paragraph (7) were not adopted.

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

SEC. 1676. REPORT ON IMPROVING GROUND-BASED MID-COURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on—

(1) options to increase the capability, capacity, and reliability of the ground-based midecourse de-
(2) the infrastructure requirements for increasing the number of ground-based interceptors as part of such element.

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


(2) An assessment of the feasibility of fielding up to 104 ground-based interceptors as part of such element, including a description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely, Alaska.

(3) A cost estimate of such infrastructure and components.

(4) An estimated schedule for completing such construction as may be required for such infrastructure and components.

(5) An identification of any environmental assessments or impact studies that would need to be
conducted to expand missile fields at Fort Greely beyond current capacity.

(6) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase its capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II block 1 interceptors after the fielding of the redesigned kill vehicle.

(7) The modernization requirements for the ground-based midcourse system, including all command and control, ground systems, sensors and sensor interfaces, boosters and kill vehicles, and integration of known future systems and components.

(8) A discussion of the obsolescence of such systems and components.

(9) The industrial base requirements relating to the ground-based midcourse system, as determined by the Director of the Missile Defense Agency.

(10) Such other matters as the Director considers appropriate.

(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
SEC. 1677. SENSE OF THE SENATE ON RECENT MISSILE DEFENSE AGENCY TESTS.

It is the Sense of the Senate that the Office of the Under Secretary of Defense for Research and Engineering, the Missile Defense Agency, the Office of the Director for Operational Test and Evaluation, the operational test agencies, the military departments, and warfighters should—

(1) be strongly commended for a highly successful 2018 flight test campaign, which consisted of 13 total flight test events including—

(A) FTX–35, which successfully proved interoperability between Terminal High Altitude Area Defense (THAAD) and the Phased Array Tracking Radar to Intercept on Target (Patriot) to detect and track a simulated engagement with a short-range ballistic missile;

(B) Pacific Dragon 2018, which successfully demonstrated joint ballistic missile defense interoperability with Japan and Korea to engage a short-range ballistic missile with a Standard Missile 3 (SM–3) Block IB by a Japanese ship and an Aegis Ashore site;

(C) JFTM–5, which successfully demonstrated the intercept of an short-range bal-
listic missile with a Standard Missile 3 Block IB threat upgrade from a Japanese ship;

(D) FTM–45, which successfully demonstrated the intercept of a medium-range ballistic missile with a Standard Missile 3 Block IIA from a United States ship; and

(E) FTI–03, which as a part of the operational test of the European Phased Adaptive Approach (EPAA) Phase 3 architecture, successfully demonstrated the intercept of an intermediate-range ballistic missile using the Aegis Weapon System’s Engage-on-Remote capability; and

(2) be especially recognized for the success of FTG-11, the first salvo test of the United States of the Ground-based Midcourse Defense system, during which two ground-based interceptors were launched nearly simultaneously from the same location and successfully intercepted the kill vehicle of a threat-representative intercontinental ballistic missile target, and then the next most lethal object.

SEC. 1678. SENSE OF THE SENATE ON MISSILE DEFENSE TECHNOLOGY DEVELOPMENT PRIORITIES.

It is the sense of the Senate that—
(1) the 2019 Missile Defense Review articulates a comprehensive approach to preventing and defeating the rapidly expanding offensive missile threat through a combination of deterrence, active and passive missile defense, and attack operations;

(2) to counter the expanding offense missile capabilities of potential adversaries and hedge against unanticipated missile threats, the Secretary of Defense should aggressively pursue new missile defense capabilities and examine concepts and technologies for advanced missile defense systems;

(3) the Secretary should fully implement the 2019 Missile Defense Review’s focus on increasing investments in and deploying new technologies and concepts; and

(4) the Secretary should work to ensure that all missile defense systems are more survivable, including through—

(A) more distributed air and missile defense operations; and

(B) improved camouflage, concealment, and deception, including emission control.
SEC. 1679. PUBLICATION OF ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR CERTAIN POTENTIAL FUTURE MISSILE DEFENSE SITES.

The Secretary of Defense shall make available to the public the environmental impact statement prepared pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1679; Public Law 112–239).

Subtitle F—Other Matters

SEC. 1681. MATTERS RELATING TO MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT.

(a) Affirming the Authority of the Secretary of Defense to Conduct Military Operations in the Information Environment.—

(1) In general.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

“§397. Military operations in the information environment

“(a) Affirmation of Authority.—(1) Congress affirms that the Secretary of Defense is authorized to conduct military operations, including clandestine operations, in the information environment to defend the United States, allies of the United States, and interests of the United States, including in response to malicious influence
activities carried out against the United States or a
United States person by a foreign power.

“(2) The military operations referred to in paragraph
(1), when appropriately authorized include the conduct of
military operations short of hostilities and in areas outside
of areas of active hostilities for the purpose of preparation
of the environment, influence, force protection, and deter-
rence of hostilities.

“(b) TREATMENT OF CLANDESTINE MILITARY OPER-
ATIONS IN THE INFORMATION ENVIRONMENT AS TRADI-
TIONAL MILITARY ACTIVITIES.—A clandestine military
operation in the information environment shall be consid-
ered a traditional military activity for the purposes of sec-
tion 503(e)(2) of the National Security Act of 1947 (50
U.S.C. 3093(e)(2)).

“(c) QUARTERLY INFORMATION OPERATIONS BRIEF-
ings.—(1) Not less frequently than once each quarter, the
Secretary of Defense shall provide the congressional de-
defense committees a briefing on significant military oper-
ations, including all clandestine operations in the informa-
tion environment, carried out by the Department of De-
defense during the immediately preceding quarter.

“(2) Each briefing under subsection (1) shall include,
with respect to the military operations in the information
environment described in such paragraph, the following:
“(A) An update, disaggregated by geographic and functional command, that describes the operations carried out by the commands.

“(B) An overview of authorities and legal issues applicable to the operations, including any relevant legal limitations.

“(C) An outline of any interagency activities and initiatives relating to the operations.

“(D) Such other matters as the Secretary considers appropriate.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit, expand, or otherwise alter the authority of the Secretary to conduct military operations, including clandestine operations, in the information environment, to authorize specific military operations, or to limit, expand, or otherwise alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.) or an authorization for use of military force that was in effect on the day before the date of the enactment of this Act.

“(e) DEFINITIONS.—In this section:

“(1) The terms ‘foreign person’ and ‘United States person’ have the meanings given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).
“(2) The term ‘hostilities’ has the same meaning as such term is used in the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(3) The term ‘clandestine military operation in the information environment’ means an operation or activity, or associated preparatory actions, authorized by the President or the Secretary of Defense, that—

“(A) is marked by, held in, or conducted with secrecy, where the intent is that the operation or activity will not be apparent or acknowledged publicly; and

“(B) is to be carried out—

“(i) as part of a military operation plan approved by the President or the Secretary of Defense;

“(ii) to deter, safeguard, or defend against attacks or malicious influence activities against the United States, allies of the United States, and interests of the United States; or

“(iii) in support of hostilities or military operations involving the United States armed forces; or
“(iv) in support of military operations short of hostilities and in areas where hostilities are not occurring for the purpose of preparation of the environment, influence, force protection, and deterrence.”.

(2) Clerical amendments.—

(A) Chapter 19.—

(i) Chapter heading.—The heading of chapter 19 of such title is amended to read as follows:

“CHAPTER 19—CYBER AND INFORMATION OPERATIONS MATTERS”.

(ii) Table of sections.—The table of sections at the beginning of chapter 19 of such title is amended by inserting at the end the following new item:

“397. Military operations in the information environment.”.

(B) Table of chapters.—The table of chapters for part I of subtitle A of such title is amended by striking the item relating to chapter 19 and inserting the following new item:

“19. Cyber and Information Operations Matters ............... 391”.

(b) Principal Information Operations Advisor.—

(1) Designation.—The Secretary of Defense shall designate, from among officials appointed to a
position in the Department of Defense by and with
the advice and consent of the Senate, a Principal In-
formation Operations Advisor to act as the principal
advisor to the Secretary on all aspects of informa-
tion operations conducted by the Department.

(2) RESPONSIBILITIES.—The Principal Inform-
ation Operations Advisor shall have the following
responsibilities:

(A) Oversight of policy, strategy, planning,
resource management, operational consider-
ations, personnel, and technology development
across all the elements of information oper-
ations of the Department.

(B) Overall integration and supervision of
the deterrence of, conduct of, and defense
against information operations.

(C) Promulgation of policies to ensure ade-
quate coordination and deconfliction with the
Department of State, the intelligence commu-
nity (as defined in section 3 of the National Se-
curity Act of 1947 (50 U.S.C. 3003)), and
other relevant agencies and departments of the
Federal Government.

(D) Coordination with the head of the
Global Engagement Center to support the pur-
pose of the Center (as set forth by section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note)) and liaison with the Center and other relevant Federal Government entities to support such purpose.

(E) Establishing and supervising a rigorous risk management process to mitigate the risk of potential exposure of United States Persons to information intended exclusively for foreign audiences.

(F) Development of guidance for, and promotion of, the capability of the Department to liaison with the private sector and academia on matters relating to the influence activities of malign actors.

(G) Such other matters relating to information operations as the Secretary shall specify for purposes of this subsection.

(c) CROSS-FUNCTIONAL TEAM.—

(1) ESTABLISHMENT.—The Principal Information Operations Advisor shall integrate the expertise in all elements of information operations and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military
departments, Defense Agencies, and combatant commands by establishing and maintaining a full-time cross-functional team composed of subject-matter experts selected from those organizations.

(2) **Selection and Organization.**—The cross-functional team established under paragraph (1) shall be selected, organized, and managed in a manner consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note).

(d) **Designation of Coordinating Authority.**—

(1) **Designation.**—The Secretary of Defense shall designate United States Special Operations Command as the coordinating authority for information operations of the Department.

(2) **Responsibilities.**—The combatant command designated under paragraph (1) shall be responsible for the following:

(A) Synchronizing the Department’s information operations plans and operations across combatant commands.

(B) Acting as the joint proponent for information operations capabilities.

(e) **Strategy and Posture Review.**—
(1) Strategy and posture review required.—The Secretary of Defense, acting through the Principal Information Operations Advisor and the cross-functional team established under subsection (c)(1), shall—

(A) develop or update, as appropriate, a strategy for operations in the information environment; and

(B) conduct an information operations posture review, including an analysis of capability gaps that inhibit the Department’s ability to successfully execute the strategy developed or updated pursuant to subparagraph (A).

(2) Elements.—At a minimum, the strategy developed or updated pursuant to paragraph (1)(A) shall include the following:

(A) The establishment of lines of effort, objectives, and tasks that are necessary to implement the strategy and eliminate the gaps identified under paragraph (1)(B).

(B) Designation of offices of primary responsibility for implementing and achieving the tasks as set forth in the strategy.
SEC. 1682. EXTENSION OF AUTHORIZATION FOR PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Section 130i(i) of title 10, United States Code, is amended by striking “2020” both places it appears and inserting “2024”.

SEC. 1683. HARD AND DEEPLY BURIED TARGETS.

(a) Report Required.—

(1) In general.—Not later than December 1, 2019, the Chairman of the Joint Chiefs of Staff shall, in consultation with the Commander of the United States Strategic Command, submit to the congressional defense committees a classified report on hard and deeply buried targets.

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

(A) An estimate of the total number of high-value hard and deeply buried targets associated with United States military operations plans.

(B) A description of the contents, functions, and hardening characteristics of the targets described in subparagraph (A), as well as their level of protection by anti-access and area denial capabilities.
(C) An assessment of the current ability of the United States to hold such targets at risk using existing conventional and nuclear capabilities.

(D) An assessment of the potential ability of the United States to hold such targets at risk using projected conventional and nuclear capabilities as of 2030.

(b) PLAN.—Not later than February 15, 2020, the Secretary of Defense shall develop a plan to ensure that the United States possesses by 2025 the capabilities to pose a credible deterrent threat against targets described in the report required by subsection (a).

(c) CERTIFICATION.—Not later than March 1, 2020, and annually thereafter, the Secretary shall certify to the congressional defense committees that the plan required by subsection (b) is being implemented in accordance with the 2025 deadline specified in that subsection.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2020”.

†S 1790 ES1S
SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Five Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2025 for military construction projects, land acquisition, family housing
projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$71,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$107,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Hunter Army Airfield</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Soldier Systems Center Natick</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Detroit Arsenal</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$44,000,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$73,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Carlisle Barracks</td>
<td>$98,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$88,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi Army Depot</td>
<td>$86,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$50,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$60,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Langley-Eustis</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$46,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honduras</td>
<td>Soto Cano Air Base</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$80,000,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations,
in the number of units, and in the amounts set forth in
the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Tobyhanna Army Depot ............</td>
<td>Family Housing Replacement Construction</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $9,222,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act...
may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232) for Anniston Army Depot, Alabama, for construction of a weapon maintenance shop, the Secretary of the Army may construct a 21,000 square foot weapon maintenance shop.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:
### Navy: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$189,760,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$185,569,000</td>
</tr>
<tr>
<td></td>
<td>China Lake</td>
<td>$64,500,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$165,830,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station Miramar</td>
<td>$37,400,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot San Diego</td>
<td>$9,900,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$123,310,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>New London</td>
<td>$72,260,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$32,420,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Support Facility Blount Island</td>
<td>$18,700,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$134,050,000</td>
</tr>
<tr>
<td></td>
<td>West Loch</td>
<td>$53,790,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$229,010,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station Cherry Point</td>
<td>$166,870,000</td>
</tr>
<tr>
<td></td>
<td>New River</td>
<td>$11,320,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Recruit Depot Parris Island</td>
<td>$37,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Norfolk</td>
<td>$79,100,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$48,930,000</td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>$143,350,000</td>
</tr>
<tr>
<td></td>
<td>Yorktown</td>
<td>$59,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Bremerton</td>
<td>$51,010,000</td>
</tr>
<tr>
<td></td>
<td>Keyport</td>
<td>$25,050,000</td>
</tr>
<tr>
<td></td>
<td>Kitsap</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Unspecified CONUS</td>
<td>Zulu</td>
<td>$59,600,000</td>
</tr>
</tbody>
</table>

### Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$211,500,000</td>
</tr>
<tr>
<td>Bahrain Island</td>
<td>Southwest Asia</td>
<td>$53,360,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$226,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Sigonella</td>
<td>$77,400,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$15,870,000</td>
</tr>
<tr>
<td></td>
<td>Yokosuka</td>
<td>$174,692,000</td>
</tr>
</tbody>
</table>

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$211,500,000</td>
</tr>
<tr>
<td>Bahrain Island</td>
<td>Southwest Asia</td>
<td>$53,360,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$226,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Sigonella</td>
<td>$77,400,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$15,870,000</td>
</tr>
<tr>
<td></td>
<td>Yokosuka</td>
<td>$174,692,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,863,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) of this Act and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $41,798,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.
(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**Title xxiii—Air Force Military Construction**

**Sec. 2301. Authorized Air Force Construction and Land Acquisition Projects.**

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$47,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>$43,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$54,000,000</td>
</tr>
<tr>
<td></td>
<td>Schriever Air Force Base</td>
<td>$148,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$235,000,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>$235,000,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Tindal</td>
<td>$70,600,000</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Royal Air Force Akrotiri</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$65,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$31,500,000</td>
</tr>
<tr>
<td></td>
<td>Misawa Air Base</td>
<td>$5,300,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$12,400,000</td>
</tr>
<tr>
<td>Jordan</td>
<td>Azraq</td>
<td>$66,000,000</td>
</tr>
<tr>
<td>Marianas Islands</td>
<td>Tinian</td>
<td>$316,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$14,300,000</td>
</tr>
</tbody>
</table>

### SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force...
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 $3,409,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $53,584,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost
of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3679) for Royal Air Force Croughton, for JIAC Consolidation Phase 1, the location shall be Royal Air Force Molesworth, United Kingdom.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153) for JIAC Consolidation Phase 2, as modified by section 2305 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232) for an unspecified location in the United Kingdom, the Secretary of the Air Force may construct a 5,152 square meter intelligence analytic center, a 5,234 square meter intelligence fusion center, and a 807 square meter battlefield information collection and exploi-
station system center at Royal Air Force Molesworth, United Kingdom.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2697) for JIAC Consolidation Phase 3, as modified by section 2305 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–32) for an unspecified location in the United Kingdom, the Secretary of the Air Force may construct a 1,562 square meter regional joint intelligence training facility and a 4,495 square meter combatant command intelligence facility at Royal Air Force Molesworth, United Kingdom.

SEC. 2308. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) JOINT BASE SAN ANTONIO.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1826) for Joint Base San Antonio, Texas—
(1) for construction of a dining and classroom facility the Secretary of the Air Force may construct a 750 square meter equipment building; and

(2) for construction of an air traffic control tower the Secretary of the Air Force may construct a 636 square meter air traffic control tower.

(b) Rygge.—In the case of the authorization contained in the table in section 2903 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1876) for Rygge, Norway, for repairing and expanding a quick reaction alert pad, the Secretary of the Air Force may construct 1,327 square meters of aircraft shelter and a 404 square meter fire protection support building.

SEC. 2309. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) Hanscom Air Force Base.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232) for Hanscom Air Force Base, Massachusetts, for the construction of a semiconductor or microelectronics lab facility, the Secretary of the Air Force may construct a 1,000 kilowatt stand-by generator.
(b) ROYAL AIR FORCE LAKEHEATH.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232) for Royal Air Force Lakenheath, United Kingdom, for the construction of an F-35 dormitory, the Secretary of the Air Force may construct a 5,900 square meter dormitory.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$33,700,000</td>
</tr>
<tr>
<td></td>
<td>Camp Pendleton</td>
<td>$17,700,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$82,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Elgin Air Force Base</td>
<td>$16,500,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$108,386,000</td>
</tr>
<tr>
<td></td>
<td>Key West</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$67,700,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$27,846,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$16,800,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$13,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$84,103,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tulsa International Airport</td>
<td>$18,900,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Quonset State Airport</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$33,300,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$24,800,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot Richmond</td>
<td>$98,800,000</td>
</tr>
<tr>
<td></td>
<td>Joint Expeditionary Base Little Creek-Fort Story</td>
<td>$45,604,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>$28,802,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$47,700,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>General Mitchell International Airport</td>
<td>$25,900,000</td>
</tr>
<tr>
<td></td>
<td>Zulu</td>
<td>$100,000,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Geilenkirchen Air Base</td>
<td>$30,479,000</td>
</tr>
<tr>
<td></td>
<td>Ramstein Air Base</td>
<td>$46,880,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$19,200,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Yokota Air Base</td>
<td>$136,411,000</td>
</tr>
<tr>
<td>Worldwide Classified</td>
<td>Classified Location</td>
<td>$52,000,000</td>
</tr>
</tbody>
</table>
SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM

PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Mountain View</td>
<td>$9,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Weapons Station China Lake</td>
<td>$8,950,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity Monterey</td>
<td>$10,540,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Reserve Base Naval Air Station New Orleans</td>
<td>$5,340,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Joint Reserve Base Naval Air Station New Orleans</td>
<td>$5,340,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity Bethesda</td>
<td>$13,840,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$16,500,000</td>
</tr>
<tr>
<td></td>
<td>Camp Swift</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>National Reconnaissance Office Headquarters</td>
<td>$66,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Base Kitsap</td>
<td>$23,670,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:
States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**ERCIP Projects: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Base Guam</td>
<td>$16,970,000</td>
</tr>
</tbody>
</table>

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) **Authorization of Appropriations.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) **Limitation on Total Cost of Construction Projects.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.
TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.
(b) Authority to Recognize NATO Authorization Amounts as Budgetary Resources for Project Execution.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

### Republic of Korea Funded Construction Projects

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea ........</td>
<td>Army ......</td>
<td>Camp Carroll</td>
<td>Army Prepositioned Stock-4 Wheeled Vehicle Maintenance Facility .........</td>
<td>$51,000,000</td>
</tr>
<tr>
<td></td>
<td>Army ......</td>
<td>Camp Humphreys ..........</td>
<td>Unaccompanied Enlisted Personnel Housing, P1 ..........</td>
<td>$154,000,000</td>
</tr>
<tr>
<td></td>
<td>Army ......</td>
<td>Camp Humphreys ..........</td>
<td>Unaccompanied Enlisted Personnel Housing, P2 ..........</td>
<td>$211,000,000</td>
</tr>
<tr>
<td></td>
<td>Army ......</td>
<td>Camp Humphreys ..........</td>
<td>Satellite Communications Facility ........</td>
<td>$32,000,000</td>
</tr>
</tbody>
</table>
Republic of Korea Funded Construction Projects—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Gwangju Air Base</td>
<td>Hydrant Fuel System Upgrade Electrical</td>
<td>$35,000,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>Distribution System</td>
<td>$14,200,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>Dining Facility</td>
<td>$21,000,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Suwon Air Base</td>
<td>Hydrant Fuel System</td>
<td>$24,000,000</td>
<td></td>
</tr>
</tbody>
</table>

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$34,000,000</td>
</tr>
<tr>
<td></td>
<td>Foley</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Roberts</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Orchard Training Area</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Havre de Grace</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Camp Edwards</td>
<td>$9,700,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>New Ulm</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Springfield</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Bellevue</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Concord</td>
<td>$5,950,000</td>
</tr>
<tr>
<td>New York</td>
<td>Jamaica Army</td>
<td>$91,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Moon Township</td>
<td>$23,000,000</td>
</tr>
</tbody>
</table>
Army National Guard—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vermont</td>
<td>Camp Ethan Allen</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Richland</td>
<td>$11,400,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve
locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$25,260,000</td>
</tr>
</tbody>
</table>

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Moffett Air National Guard Base</td>
<td>$57,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Savannah/Hilton Head International Airport.</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Rosecrans Memorial Airport</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Luis Munoz Marin International Airport.</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Truax Field Air National Guard Base</td>
<td>$34,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force
may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td>$43,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Minneapolis-St. Paul International Airport.</td>
<td>$9,800,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.
TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.
TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 2801. MILITARY INSTALLATION RESILIENCE PLANS AND PROJECTS OF DEPARTMENT OF DEFENSE.

(a) PLANS AND PROJECTS.—

(1) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new sections:

“§ 2815. Military installation resilience plans

“(a) IN GENERAL.—The Secretary of each military department shall ensure the maintenance and enhancement of military installation resilience through the development and implementation of military installation resilience plans under this section for each military installation under the jurisdiction of such Secretary that is in a coastal area.

“(b) MILITARY INSTALLATION RESILIENCE PLANS FOR NATIONAL GUARD INSTALLATIONS.—The Secretary of a military department, subject to the availability of appropriations, may develop and implement a military instal-
lation resilience plan for a State-owned installation of the National Guard that is in a coastal area if—

“(1) such a plan is developed and implemented in coordination with the chief executive officer of the State in which the installation is located; and

“(2) such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for use by the Department of Defense.

“(c) REQUIRED ELEMENTS OF PLANS.—To the extent appropriate and applicable, each military installation resilience plan under this section shall provide for the following:

“(1) A qualitative and, to the extent practicable, quantitative assessment of—

“(A) current risks and threats to the resilience of the military installation, including from extreme weather events, mean sea level fluctuation, flooding, and other changes in environmental conditions; and

“(B) future risks and threats, including from extreme weather events, mean sea level fluctuation, flooding, and other changes in environmental conditions, based on projections from
reliable and authorized sources as described in section 2805(c) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 10 U.S.C. 2864 note), to the resilience of any project considered in the master plan for the installation under section 2864 of this title during the 50-year lifespan of the installation.

“(2) A description of the—

“(A) assets or infrastructure located on the installation vulnerable to the risks and threats described in paragraph (1), with special emphasis on assets or infrastructure critical to the accomplishment of the missions of the installation and missions of any members of the armed forces stationed at the installation; and

“(B) community infrastructure and resources located outside the military installation that are—

“(i) critical to the accomplishment of the missions of the military installation and of members of the armed forces stationed at the installation; and

“(ii) vulnerable to the risks and threats described in paragraph (1).
“(3) A description of the—

“(A) current or planned infrastructure projects or other measures to mitigate the im-
pacts of risks and threats described in para-
graph (1) to the resilience of the military instal-
lation and the accomplishment of the missions
of the military installation and missions of
members of the armed forces stationed at the
installation;

“(B) estimated costs associated with such
current or planned infrastructure projects or
other mitigation measures; and

“(C) current or planned interagency agree-
ments, cooperative agreements, memoranda of
agreement, or other agreements with other Fed-
eral agencies, Indian tribes, State or local gov-
ernments or entities, or other organizations or
individuals for the purpose of or that will assist
in maintaining or enhancing military installa-
tion resilience and the resilience of the commu-
nity infrastructure and resources described in
paragraph (2)(B).

“(d) CONSISTENCY AND INTEGRATION WITH OTHER
PLANS.—The Secretary of each military department shall
ensure that each military installation resilience plan prepared by such Secretary under this section is—

“(1) consistent with the integrated natural resource management plan of the Secretary required by section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a);

“(2) consistent with and integrated into the installation energy resilience master plan of the Secretary required by section 2911(b)(3) of this title; and

“(3) consistent with and integrated into the installation master plan of the Secretary required by section 2864 of this title.

“(e) INCLUSION OF CERTAIN PROJECTS.—The Secretary of each military department shall include in military installation resilience plans under this section projects or improvements to facilities conducted using amounts for sustainment, restoration, and modernization.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘community infrastructure’ has the meaning given that term in section 2391(e)(4) of this title.

“(2) The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-De-
termination and Education Assistance Act (25 U.S.C. 5304)."

"§2815a. Military installation resilience projects"

"(a) PROJECTS REQUIRED.—The Secretary of Defense shall carry out military construction projects for military installation resilience, not previously authorized, using funds authorized to be appropriated or otherwise made available for that purpose.

"(b) CONGRESSIONAL NOTIFICATION.—(1) When a decision is made to carry out a project under this section, the Secretary of Defense shall notify the congressional defense committees of that decision.

"(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the rationale for how the project would—

"(A) enhance military installation resilience;

"(B) enhance mission assurance;

"(C) support mission critical functions; and

"(D) address known vulnerabilities.

"(c) TIMING OF PROJECTS.—A project may be carried out under this section only after the end of the 14-day period beginning on the date that notification with respect to that project under subsection (b) is received by the congressional defense committees in an electronic medium pursuant to section 480 of this title."
“(d) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

“(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

“(2) The rationale for how the project would—

“(A) enhance military installation resilience;

“(B) enhance mission assurance;

“(C) support mission critical functions;

and

“(D) address known vulnerabilities.

“(3) Such other information as the Secretary considers appropriate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section $100,000,000 for each fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title
is amended by inserting after the item relating to section 2814 the following new items:

“2815. Military installation resilience plans.
“2815a. Military installation resilience projects.”.

(b) Report.—

(1) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the extent to which military installation resilience plans were prepared or implemented in accordance with section 2815 of title 10, United States Code, as added by subsection (a)(1).

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

(A) The number of military installation resilience plans in effect, including the date on which each plan was issued in final form or most recently revised.

(B) The amounts expended on mitigation measures conducted pursuant to or consistent with such plans, including moving critical military functions of the Department of Defense to less vulnerable military installations.

(C) An assessment of the extent to which such plans comply with section 2815 of title 10,
SEC. 2802. PROHIBITION ON USE OF FUNDS TO REDUCE AIR
BASE RESILIENCY OR DEMOLISH PROTECTED
AIRCRAFT SHELTERS IN THE EUROPEAN
THEATER WITHOUT CREATING A SIMILAR
PROTECTION FROM ATTACK.

No funds authorized to be appropriated by this Act
or otherwise made available for the Department of De-
fense for fiscal year 2020 may be obligated or expended
to implement any activity that reduces air base resiliency
or demolishes protected aircraft shelters in the European
theater without creating a similar protection from attack
in the European theater until such time as the Secretary
of Defense certifies to the congressional defense commit-
tees that protected aircraft shelters are not required in
the European theater.

SEC. 2803. PROHIBITION ON USE OF FUNDS TO CLOSE OR
RETURN TO THE HOST NATION ANY EXISTING
AIR BASE.

No funds authorized to be appropriated by this Act
or otherwise made available for the Department of De-
fense for fiscal year 2020 may be obligated or expended
to implement any activity that closes or returns to the host
nation any existing air base until such time as the Sec-
retary of Defense certifies that there is no longer a need
for a rotational military presence in the European theater.

SEC. 2804. INCREASED AUTHORITY FOR CERTAIN UNSPEC-
IFIED MINOR MILITARY CONSTRUCTION
PROJECTS.

(a) In General.—Notwithstanding the limitations
specified in section 2805 of title 10, United States Code,
the Secretary concerned may carry out unspecified minor
military construction projects in an amount not to exceed
$12,000,000 at the following installations:

(1) Tyndall Air Force Base, Florida.

(2) Camp Ashland, Nebraska.

(3) Offutt Air Force Base, Nebraska.

(4) Camp Lejeune, North Carolina.

(5) Marine Corps Air Station Cherry Point,
North Carolina.

(b) Adjustment of Limitation.—The Secretary
concerned may adjust the dollar limitation specified in
subsection (a) applicable to a project described in such
subsection to reflect the area construction cost index for
military construction projects published by the Depart-
ment of Defense during the prior fiscal year for the loca-
tion of the project, except that no such limitation may ex-
ceed $19,000,000 as the result of any adjustment made
under this subsection.
(c) TERMINATION.—The authority under this section shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 2805. TECHNICAL CORRECTIONS AND IMPROVEMENTS TO INSTALLATION RESILIENCE.

(a) DEFENSE ACCESS ROADS.—Section 210 of title 23, United States Code, is amended—

(1) in subsection (a), by striking “(a)(1) The Secretary” and all that follows through the end of paragraph (1) and inserting the following:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—Of the funds appropriated for defense access roads, the Secretary may use such amounts as are appropriate for—

“(A) the construction and maintenance of defense access roads (including bridges, tubes, tunnels, and culverts or other water management structures on those roads) to—

“(i) military reservations;

“(ii) defense industry sites;

“(iii) air or sea ports that, as determined by the Secretary, in consultation with the Secretary of Defense, are necessary for or are planned to be used for the deployment or sustainment of members.
of the Armed Forces, equipment, or supplies; or

“(iv) sources of raw materials;

“(B) the reconstruction or enhancement of, or improvements to, those roads to ensure the continued effective use of the roads, regardless of current or projected increases in mean high tides, recurrent flooding, or other weather-related conditions or natural disasters, in any case in which the roads are certified to the Secretary as important to the national defense by—

“(i) the Secretary of Defense; or

“(ii) such other official as the President may designate; and

“(C) replacing existing highways and highway connections that are shut off from general public use by necessary closures, closures due to mean sea level fluctuation and flooding, or restrictions at—

“(i) military reservations;

“(ii) air or sea ports that are necessary for or are planned to be used for the deployment or sustainment of members
of the Armed Forces, equipment, or supplies; or

“(iii) defense industry sites.”;

(2) in subsection (b), by striking “the construction and maintenance of” and inserting “the construction, maintenance, reconstruction, or improvement of, or enhancements to,”;

(3) in subsection (c)—

(A) by striking “him” and inserting “the Secretary”;

(B) by striking “construction, maintenance, and repair work” and inserting “activities for construction, maintenance, reconstruction, enhancement, improvement, and repair”;  

(C) by striking “therein” and inserting “in those areas”; and

(D) by striking “condition for such training purposes and for repairing the damage caused to such highways by the operations” and inserting the following: “condition for—

“(1) that training; and

“(2) repairing the damage to those highways caused by—
“(A) weather-related events, increases in mean high tide levels, recurrent flooding, or natural disasters; or

“(B) the operations”;

(4) in subsection (g), in the second sentence, by striking “construction which has been” and inserting “construction and other activities”; and

(5) by striking subsection (i) and inserting the following:

“(i) REPAIR OF CERTAIN DAMAGES AND INFRASTRUCTURE.—The amounts made available to carry out this section may be used to pay the cost of repairing damage caused, or any infrastructure to mitigate a risk posed, to a defense access road by recurrent or projected recurrent flooding, sea level fluctuation, a natural disaster, or any other current or projected change in applicable environmental conditions, if the Secretary determines that continued access to a military installation, defense industry site, air or sea port necessary for or planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies, or to a source of raw materials, has been or is projected to be impacted by those events or conditions.”.

(b) STUDY ON CERTAIN THREATS TO MILITARY INSTALLATION RESILIENCE.—
(1) Study.—

(A) In general.—Not later than March 1, 2020, the Secretary of Defense shall complete a comprehensive study, to be conducted by the Director of the Engineer Research and Development Center of the Army Corps of Engineers, on the risks posed by coastal or inland flooding, mean sea level fluctuation, and storm surge to the military installation resilience of military installations and State-owned installations of the National Guard that the Secretary determines are vulnerable to those risks.

(B) Coordination.—The study under subparagraph (A) shall be conducted in coordination with other elements of the Army Corps of Engineers, other Federal agencies, and State, local, and tribal officials to ensure consistency with other plans or pre-disaster and risk mitigation measures being planned or taken in the areas within the scope of the study.

(2) Risk mitigation measures.—The study required by paragraph (1)(A) shall include the identification of and recommendations concerning ongoing or potential risk mitigation measures, including
on lands and waters not under the jurisdiction of the
Department of Defense, including authorized
projects of the Army Corps of Engineers and cur-
tent or potential projects under the Continuing Au-
thorities Program of the Corps of Engineers, that
would contribute to preserving or enhancing the
military installation resilience of military installa-
tions and State-owned installations of the National
Guard within the scope of the study.

(3) **Barriers to maintaining and enhancing resilience.**—The study required by paragraph
(1)(A) shall identify institutional, administrative,
legislative, and other barriers to preserving and en-
hancing the military installation resilience of the in-
stallations determined by such study to be vulnerable
to the risks posed by coastal or inland flooding, sea
level rise, or storm surge.

(4) **Reports.**—

(A) **Initial report.**—Not later than one
year after the date of the enactment of this Act,
the Secretary of Defense shall submit to the
congressional defense committees a report pro-
viding the status of, interim results for, and an
expected completion date for the study required
by paragraph (1)(A).
(B) **Final report.**—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a final report on the study required by paragraph (1)(A).

(5) **Definitions.**—In this subsection:

(A) **Congressional defense committees; military installation resilience.**—The terms "congressional defense committees" and "military installation resilience" have the meanings given those terms in section 101 of title 10, United States Code.

(B) **Continuing authorities program of the corps of engineers.**—The term "Continuing Authorities Program of the Corps of Engineers" means any of the programs listed in section 1030(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 400).

(c) **Update of United Facilities Criteria to include changing environmental condition projections.**—Section 2805(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—
(1) by striking “Not later than” and inserting the following:

“(1) FISCAL YEAR 2019.—Not later than”;

(2) in paragraph (1), as designated by paragraph (1), by striking “United Facilities Criteria (UFC) 2-100-01 and UFC 2-100-02” and inserting “United Facilities Criteria (UFC) 1-200-01 and UFC 1-200-02”; and

(3) by adding at the end the following new paragraph:

“(2) FISCAL YEAR 2020.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall amend the United Facilities Criteria (UFC) as follows:

“(A) To require that installations of the Department of Defense assess the risks from extreme weather and related effects and develop plans to address those risks.

“(B) To require in the design of any military construction project the use of the following weather projections:

“(i) Population projections from the Bureau of the Census.
“(ii) Land use change projections and weather projections from the National Academy of Sciences.

“(iii) Land use change projections through the use of land use and land cover modeling by the United States Geological Survey.

“(iv) Weather projections from the United States Global Change Research Program, including in the National Climate Assessment.

“(v) Weather projections developed through the use of Localized Constructed Analogs Statistical Downscaling.

“(vi) Weather projections developed through the Earth Exchange program of the National Aeronautics and Space Administration.

“(vii) Weather projections included in the technical report NOS CO-OPS 083 set forth by the National Oceanic and Atmospheric Administration.

“(viii) Any customized, high-resolution model weather projections developed by the Strategic Environmental Research and De-
velopment Program for specific regions
with the goal of assessing the vulnerability
of installations of the Department.

“(C) To require the Secretary to provide
guidance to project designers and master plan-
ners on how to use weather projections.

“(D) To require the use throughout the
Department of the Naval Facilities Engineering
Command Climate Change Installation Adapta-
tion and Resilience planning handbook.”.

Subtitle B—Land Conveyances

SEC. 2811. RELEASE OF INTERESTS RETAINED IN CAMP JO-
SEPH T. ROBINSON, ARKANSAS, FOR USE OF
SUCH LAND AS A VETERANS CEMETERY.

(a) Release of Retained Interests.—

(1) In general.—With respect to a parcel of
land at Camp Joseph T. Robinson, Arkansas, con-
sisting of approximately 141.52 acres that lies in a
part of section 35, township 3 north, range 12 west,
Pulaski County, Arkansas, and comprising a portion
of the property conveyed by the United States to the
State of Arkansas for training of the National
Guard and for other military purposes pursuant to
“An Act authorizing the transfer of part of Camp
Joseph T. Robinson to the State of Arkansas”, ap-
proved June 30, 1950 (64 Stat. 311, chapter 429),
the Secretary of the Army may release the terms
and conditions imposed, and reversionary interests
retained, by the United States under section 2 of
such Act, and the right to reenter and use the prop-
erty retained by the United States under section 3
of such Act.

(2) IMPACT ON OTHER RIGHTS OR INTER-
ESTS.—The release of terms and conditions and re-
tained interests under paragraph (1) with respect to
the parcel described in such paragraph shall not be
construed to alter the rights or interests retained by
the United States with respect to the remainder of
the real property conveyed to the State of Arkansas
under the Act described in such paragraph.

(b) INSTRUMENT OF RELEASE AND DESCRIPTION OF
PROPERTY.—

(1) IN GENERAL.—The Secretary of the Army
may execute and file in the appropriate office a deed
of release, amended deed, or other appropriate in-
strument reflecting the release of terms and condi-
tions and retained interests under subsection (a).

(2) LEGAL DESCRIPTION.—The exact acreage
and legal description of the property described in
subsection (a) shall be determined by a survey satis-
factory to the Secretary of the Army.

(c) Conditions on Release and Reversionary
Interest.—

(1) Expansion of Veterans Cemetery and
Reversionary Interest.—

(A) Expansion of Veterans Cemetery.—The State of Arkansas may use the
parcel of land described in subsection (a)(1) only for the expansion of the Arkansas State
Veterans Cemetery.

(B) Reversionary Interest.—If the Secretary of the Army determines at any time
that the parcel of land described in subsection (a)(1) is not being used in accordance with the
purpose specified in subparagraph (A), all right, title, and interest in and to the land, including
any improvements thereto, shall, at the option of the Secretary, revert to and become the prop-
erty of the United States, and the United States shall have the right of immediate entry
onto such parcel.

(2) Additional Terms and Conditions.—
The Secretary of the Army may require in the in-
strument of release such additional terms and condi-
tions in connection with the release of terms and conditions and retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) PAYMENT REQUIRED.—

(A) IN GENERAL.—The Secretary of the Army may require the State of Arkansas to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of terms and conditions and retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release.

(B) REFUND OF AMOUNTS.—If amounts paid to the Secretary by the State of Arkansas in advance under subparagraph (A) exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—

Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release of terms and conditions and re-
tained interests under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 2812. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PARCELS OF FEDERAL LAND IN ARLINGTON, VIRGINIA.

(a) TRANSFER TO THE SECRETARY OF THE ARMY.—

(1) TRANSFER.—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of the Army.

(2) DESCRIPTION OF LAND.—The parcel of Federal land referred to in paragraph (1) is the approximately 16.09-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery, Memorial Ave–NPS Parcel” and dated February 11, 2019.

(b) TRANSFER TO THE SECRETARY OF THE INTERIOR.—
(1) **TRANSFER.**—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Army to the Secretary of the Interior.

(2) **DESCRIPTION OF LAND.**—The parcel of Federal land referred to in paragraph (1) is the approximately 1.04-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery–Chaffee NPS Land Swap” and dated October 31, 2018.

(c) **LAND SURVEYS.**—The exact acreage and legal description of a parcel of Federal land described in subsection (a)(2) or (b)(2) shall be determined by a survey satisfactory to the Secretary of the Army and the Secretary of the Interior.

(d) **AUTHORITY TO CORRECT ERRORS.**—The Secretary of the Army and the Secretary of the Interior may correct any clerical or typographical error in a map described in subsection (a)(2) or (b)(2).

(e) **TERMS AND CONDITIONS.**—

(1) **NO REIMBURSEMENT OR CONSIDERATION.**—A transfer by subsection (a)(1) or (b)(1) shall be without reimbursement or consideration.

(2) **CONTINUED RECREATIONAL ACCESS.**—The use of a bicycle trail or recreational access within a
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parcel of Federal land described in subsection (a)(2) or (b)(2) in which the use or access is authorized before the date of enactment of this Act shall be allowed to continue after the transfer of the applicable parcel of Federal land by subsection (a)(1) or (b)(1).

(3) Management of parcel transferred to Secretary of the Army.—The parcel of Federal land transferred to the Secretary of the Army by section (a)(1) shall be administered by the Secretary of the Army—

(A) as part of Arlington National Cemetery; and

(B) in accordance with applicable law, including—

(i) regulations; and

(ii) section 2409 of title 38, United States Code.

(4) Management of parcel transferred to Secretary of the Interior.—The parcel of Federal land transferred to the Secretary of the Interior by subsection (b)(1) shall be—

(A) included within the boundary of Arlington House, The Robert E. Lee Memorial; and
(B) administered by the Secretary of the Interior—

(i) as part of the memorial referred to in subparagraph (A); and

(ii) in accordance with applicable law (including regulations).

SEC. 2813. MODIFICATION OF REQUIREMENTS RELATING TO LAND ACQUISITION IN ARLINGTON COUNTY, VIRGINIA.

Section 2829A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2728) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “to remove” and inserting “if existing County utilities in the Southgate Road right of way are permitted to remain in accordance with a mutually agreed upon utility easement, to remove”

(II) by striking “through a realignment” and inserting “through—

“(i) a realignment”;
(III) in clause (i), as designated by subclause (I), by striking “and” at the end and inserting “or”; and

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

“(ii) the replacement of Southgate Road with a new access road to Joint Base Myer-Henderson Hall; and”; and

(ii) in subparagraph (B), by striking the period at the end and inserting “in accord-
cordance with this section and applicable Federal, Commonwealth, and County road right of way engineering standards and re-
quirements.”; and

(B) by amending paragraph (3) to read as follows:

“(3) CONSIDERATION.—

“(A) IN GENERAL.—The Secretary shall expend amounts up to fair market value consid-
eration for the interests in land acquired under this subsection as such value is determined by an independent appraisal process in accordace with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
“(B) IN-KIND CONSIDERATION.—

“(i) IN GENERAL.—Any substitute or replacement facilities provided as in-kind consideration to replace existing Commonwealth or County roadways under this subsection shall—

“(I) be conveyed in fee simple absolute with no encumbrances or restrictions unless otherwise agreed by the Commonwealth or the County;

“(II) comply with applicable Commonwealth or County road right of way engineering standards and requirements; and

“(III) with respect to any substitute facility provided for the realignment of Columbia Pike—

“(aa) include a right-of-way profile (including constructed roadway, sidewalks, bicycle trails, multi-use trails, buffers, etc.) of not less than 92 feet in width;

and

“(bb) ensure that, if a vehicle or equipment tunnel under
Columbia Pike is determined by the Secretary to be necessary, there is a depth of not less than 10 feet between the top of the tunnel and the surface of the roadway.

“(ii) **Difference in fair market value.**—The Commonwealth and the County shall be entitled to monetary compensation in an amount equal to the difference in the fair market value of any property acquired under this subsection and any property provided as in-kind consideration under this subparagraph for such acquired property, which shall be appraised—

“(I) as if such properties were to be made available as surplus; and

“(II) as determined by an independent appraisal process in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).”;
(2) in subsection (c), by striking “appraisals ac-
ceptable to the Secretary” and inserting “an inde-
pendent appraisal process in accordance with the
Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970 (42 U.S.C. 4601 et
seq.”); and

(3) in subsection (d), by striking “, in consulta-
tion with the Commonwealth and the County where
practicable” and inserting “the Commonwealth, and
the County”.

SEC. 2814. WHITE SANDS MISSILE RANGE LAND ENHANCE-
MENTS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map en-
titled “White Sands National Park Proposed Bound-
ary Revision & Transfer of Lands Between National
Park Service & Department of the Army”, numbered

(2) MILITARY MUNITIONS.—The term “military
munitions” has the meaning given the term in sec-
tion 101(e) of title 10, United States Code.

(3) MISSILE RANGE.—The term “missile
range” means the White Sands Missile Range, New
Mexico, administered by the Secretary of the Army.
(4) Monument.—The term “Monument” means the White Sands National Monument, New Mexico, established by Presidential Proclamation No. 2025 (54 U.S.C. 320301 note), dated January 18, 1933, and administered by the Secretary.

(5) Munitions debris.—The term “munitions debris” has the meaning given the term in volume 8 of the Department of Defense Manual Number 6055.09-M entitled “DoD Ammunitions and Explosives Safety Standards” and dated February 29, 2008 (as in effect on the date of enactment of this Act).

(6) Park.—The term “Park” means the White Sands National Park established by subsection (b)(2)(A).


(8) Secretary.—The term “Secretary” means the Secretary of the Interior.

(9) State.—The term “State” means the State of New Mexico.

(b) White Sands National Park.—

(1) Findings.—Congress finds that—
(A) White Sands National Monument was established on January 18, 1933, by President Herbert Hoover under chapter 3203 of title 54, United States Code (commonly known as the “Antiquities Act of 1906”);

(B) President Hoover proclaimed that the Monument was established “for the preservation of the white sands and additional features of scenic, scientific, and educational interest”;

(C) the Monument was expanded by Presidents Roosevelt, Eisenhower, Carter, and Clinton in 1934, 1942, 1953, 1978, and 1996, respectively;

(D) the Monument contains a substantially more diverse set of nationally significant historical, archaeological, scientific, and natural resources than were known of at the time the Monument was established, including a number of recent discoveries;

(E) the Monument is recognized as a major unit of the National Park System with extraordinary values enjoyed by more visitors each year since 1995 than any other unit in the State;
(F) the Monument contributes significantly to the local economy by attracting tourists; and

(G) designation of the Monument as a national park would increase public recognition of the diverse array of nationally significant resources at the Monument and visitation to the unit.

(2) Establishement of White Sands National Park.—

(A) Establishement.—To protect, preserve, and restore its scenic, scientific, educational, natural, geological, historical, cultural, archaeological, paleontological, hydrological, fish, wildlife, and recreational values and to enhance visitor experiences, there is established in the State the White Sands National Park as a unit of the National Park System.

(B) Abolishment of White Sands National Monument.—

(i) Abolishment.—Due to the establishement of the Park, the Monument is abolished.

(ii) Incorporation.—The land and interests in land that comprise the Monu-
ment are incorporated in, and shall be con-
considered to be part of, the Park.

(C) REFERENCES.—Any reference in a
law, map, regulation, document, paper, or other
record of the United States to the “White Sands National Monument” shall be considered
to be a reference to the “White Sands National
Park”.

(D) AVAILABILITY OF FUNDS.—Any funds available for the Monument shall be available
for the Park.

(E) ADMINISTRATION.—The Secretary
shall administer the Park in accordance with—

(i) this subsection; and

(ii) the laws generally applicable to
units of the National Park System, includ-
ing section 100101(a), chapter 1003, sec-
tions 100751(a), 100752, 100753, and
102101, and chapter 3201 of title 54,
United States Code.

(F) WORLD HERITAGE LIST NOMINA-
TION.—

(i) COUNTY CONCURRENCE.—The
Secretary shall not submit a nomination
for the Park to be included on the World
Heritage List of the United Nations Educational, Scientific and Cultural Organization unless each county in which the Park is located concurs in the nomination.

(ii) **ARMY NOTIFICATION.**—Before submitting a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, the Secretary shall notify the Secretary of the Army of the intent of the Secretary to nominate the Park.

(G) **EFFECT.**—Nothing in this paragraph affects—

(i) valid existing rights (including water rights);

(ii) permits or contracts issued by the Monument;

(iii) existing agreements, including agreements with the Department of Defense;

(iv) the jurisdiction of the Department of Defense regarding the restricted airspace above the Park; or
(v) the airshed classification of the Park under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) Modification of Boundaries of White Sands National Park and White Sands Missile Range.—

(1) Transfers of Administrative Jurisdiction.—

(A) Transfer of Administrative Jurisdiction to the Secretary.—

(i) In General.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary of the Army to the Secretary.

(ii) Description of Land.—The land referred to in clause (i) is—

(I) the approximately 2,826 acres of land identified as “To NPS, lands inside current boundary” on the Map; and

(II) the approximately 5,766 acres of land identified as “To NPS, new additions” on the Map.

(B) Transfer of Administrative Jurisdiction to the Secretary of the Army.—
(i) IN GENERAL.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary to the Secretary of the Army.

(ii) DESCRIPTION OF LAND.—The land referred to in clause (i) is the approximately 3,737 acres of land identified as “To DOA” on the Map.

(2) BOUNDARY MODIFICATIONS.—

(A) PARK.—

(i) IN GENERAL.—The boundary of the Park is revised to reflect the boundary depicted on the Map.

(ii) MAP.—

(I) IN GENERAL.—The Secretary, in coordination with the Secretary of the Army, shall prepare and keep on file for public inspection in the appropriate office of the Secretary a map and a legal description of the revised boundary of the Park.

(II) EFFECT.—The map and legal description under subclause (I) shall have the same force and effect as if included in this section, except
that the Secretary may correct clerical and typographical errors in the map and legal description.

(iii) **Boundary survey.**—As soon as practicable after the date of the establishment of the Park and subject to the availability of funds, the Secretary shall complete an official boundary survey of the Park.

**(B) Missile range.**—

(i) **In general.**—The boundary of the missile range and the Public Land Order are modified to exclude the land transferred to the Secretary under paragraph (1)(A) and to include the land transferred to the Secretary of the Army under paragraph (1)(B).

(ii) **Map.**—The Secretary shall prepare a map and legal description depicting the revised boundary of the missile range.

**(C) Conforming amendment.**—Section 2854 of Public Law 104–201 (54 U.S.C. 320301 note) is repealed.

**(3) Administration.**—
(A) **PARK.**—The Secretary shall administer the land transferred under paragraph (1)(A) in accordance with laws (including regulations) applicable to the Park.

(B) **MISSILE RANGE.**—Subject to subparagraph (C), the Secretary of the Army shall administer the land transferred to the Secretary of the Army under paragraph (1)(B) as part of the missile range.

(C) **INFRASTRUCTURE; RESOURCE MANAGEMENT.**—

(i) **RANGE ROAD 7.**—

(I) **INFRASTRUCTURE MANAGEMENT.**—To the maximum extent practicable, in planning, constructing, and managing infrastructure on the land described in subclause (III), the Secretary of the Army shall apply low-impact development techniques and strategies to prevent impacts within the missile range and the Park from stormwater runoff from the land described in that subclause.

(II) **RESOURCE MANAGEMENT.**—

The Secretary of the Army shall—
(aa) manage the land described in subclause (III) in a manner consistent with the protection of natural and cultural resources within the missile range and the Park and in accordance with section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a(a)(1)(B)), division A of subtitle III of title 54, United States Code, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(bb) include the land described in subclause (III) in the integrated natural and cultural resource management plan for the missile range.

(III) DESCRIPTION OF LAND.—The land referred to in subclauses (I) and (II) is the land that is transferred to the administrative jurisdiction of the Secretary of the Army under
paragraph (1)(B) and located in the area east of Range Road 7 in—

(aa) T. 17 S., R. 5 E., sec. 31;
(bb) T. 18 S., R. 5 E.; and
(cc) T. 19 S., R. 5 E., sec. 5.

(ii) FENCE.—

(I) IN GENERAL.—The Secretary of the Army shall continue to allow the Secretary to maintain the fence shown on the Map until such time as the Secretary determines that the fence is unnecessary for the management of the Park.

(II) REMOVAL.—If the Secretary determines that the fence is unnecessary for the management of the Park under subclause (I), the Secretary shall promptly remove the fence at the expense of the Department of the Interior.

(D) RESEARCH.—The Secretary of the Army and the Secretary may enter into an agreement to allow the Secretary to conduct
certain research in the area identified as “Co-
operative Use Research Area” on the Map.

(E) MILITARY MUNITIONS AND MUNITIONS
DEBRIS.—

(i) RESPONSE ACTION.—With respect
to any Federal liability, the Secretary of
the Army shall remain responsible for any
response action addressing military muni-
tions or munitions debris on the land
transferred under paragraph (1)(A) to the
same extent as on the day before the date
of enactment of this Act.

(ii) INVESTIGATION OF MILITARY MU-
NITIONS AND MUNITIONS DEBRIS.—

(I) IN GENERAL.—The Secretary
may request that the Secretary of the
Army conduct 1 or more investiga-
tions of military munitions or muni-
tions debris on any land transferred
under paragraph (1)(A).

(II) ACCESS.—The Secretary
shall give access to the Secretary of
the Army to the land covered by a re-
quest under subclause (I) for the pur-
poses of conducting the 1 or more investigations under that subclause.

(III) LIMITATION.—An investigation conducted under this clause shall be subject to available appropriations.

(iii) APPLICABLE LAW.—Any activities undertaken under this subparagraph shall be carried out in accordance with—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(II) the purposes for which the Park was established; and

(III) any other applicable law.

Subtitle C—Other Matters

SEC. 2821. EQUAL TREATMENT OF INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS OPERATING ON MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following:

“(l) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—(1) Each covered insured depository institution operating on a military installation within the continental United States may be allotted space or leased land on the
military installation without charge for rent or services in
the same manner as a credit union organized under State
law or a Federal credit union under section 124 of the
Federal Credit Union Act (12 U.S.C. 1770) if space is
available.

“(2) Each covered insured depository institution,
credit union organized under State law, and Federal credit
union operating on a military installation within the contin-
ental United States shall be treated equally with respect
to policies of the Department of Defense governing the
financial terms of leases, logistical support, services, and
utilities.

“(3) The Secretary concerned shall not be required
to provide no-cost office space or a no-cost land lease to
any covered insured depository institution, credit union or-
organized under State law, or Federal credit union.

“(4) In this subsection:

“(A) The term ‘covered insured depository in-
stitution’ means an insured depository institution
that meets the requirements applicable to a credit
union organized under State law or a Federal credit
union under section 124 of the Federal Credit Union
Act (12 U.S.C. 1770). The depositors of an insured
depository institution shall be considered members
for purposes of the application of this subparagraph to that section.

“(B) The term ‘Federal credit union’ has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

“(C) The term ‘insured depository institution’ has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).”.

SEC. 2822. EXPANSION OF TEMPORARY AUTHORITY FOR

ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) EXPANSION.—Section 2804 of the Military Construction Authorization Act for Fiscal Year 2016 (10 U.S.C. 2350j note) is amended—

(1) in subsection (a)—

(A) by striking “government of Kuwait” and inserting “Government of Kuwait and the Government of the Republic of Korea”; and

(B) by striking “Kuwait military forces” and inserting “the military forces of the applicable contributing country”;
(2) in subsection (b), by inserting “for contributions from the contributing country” after “Secretary of Defense”; 

(3) in subsection (c), by striking “government of Kuwait” and inserting “government of the contributing country”; and 

(4) in subsection (e)—

(A) in paragraph (1), by striking “government of Kuwait” and inserting “government of the contributing country”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Kuwait military forces” and inserting “military forces of the contributing country”; and

(ii) in subparagraph (C), by striking “Kuwait military forces” and inserting “the military forces of the contributing country”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:
"SEC. 2804. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND THE MILITARY FORCES OF KUWAIT AND THE REPUBLIC OF KOREA.":

SEC. 2823. DESIGNATION OF SUMPTER SMITH JOINT NATIONAL GUARD BASE.

(a) DESIGNATION.—The Sumpter Smith Air National Guard Base in Birmingham, Alabama, shall after the date of the enactment of this Act be known and designated as the “Sumpter Smith Joint National Guard Base”.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the installation referred to in subsection (a) shall be considered to be a reference to the Sumpter Smith Joint National Guard Base.

SEC. 2824. PROHIBITION ON USE OF FUNDS TO PRIVATIZE TEMPORARY LODGING ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.

No funds may be authorized to be appropriated to the Department of Defense for fiscal year 2020 to privatize temporary lodging on installations of the Department.
SEC. 2825. PILOT PROGRAM TO EXTEND SERVICE LIFE OF ROADS AND RUNWAYS UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) Pilot Program Authorized.—Each Secretary of a military department may carry out a pilot program to design, build, and test technologies and innovative pavement materials in order to extend the service life of roads and runways under the jurisdiction of the Secretary concerned.

(b) Scope.—A pilot program under subsection (a) shall include the following:

(1) The design, testing, and assembly of technologies and systems suitable for pavement applications.

(2) Research, development, and testing of new pavement materials for use in different geographic areas in the United States.

(3) The design and procurement of platforms and equipment to test the performance, cost, feasibility, and effectiveness of the technologies, systems, and materials described in paragraphs (1) and (2).

(c) Award of Contracts or Grants.—

(1) In General.—Each Secretary of a military department may carry out a pilot program under subsection (a) through the award of contracts or...
grants for the designing, building, or testing of technologies or innovative pavement materials under the pilot program.

(2) MERIT-BASED SELECTION.—Any award of a contract or grant under a pilot program under subsection (a) shall be made using merit-based selection procedures.

(d) REPORT.—

(1) IN GENERAL.—Not later than two years after the commencement of a pilot program under subsection (a), the Secretary of the military department concerned shall submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—Each report under paragraph (1) with respect to a pilot program shall include the following:

(A) An assessment of the effectiveness of activities under the pilot program in improving the service life of roads and runways under the jurisdiction of the Secretary concerned.

(B) An analysis of the potential lifetime cost savings and reduction in energy demands associated with the extended service life of such roads and runways.
(e) **Termination of Authority.**—Each pilot program under subsection (a) shall terminate on September 30, 2024.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**

**SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Outside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country</strong></td>
</tr>
<tr>
<td>Cuba .................</td>
</tr>
<tr>
<td>Worldwide Unspecified ....</td>
</tr>
</tbody>
</table>

**SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Navy: Outside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country</strong></td>
</tr>
<tr>
<td>Spain .................</td>
</tr>
</tbody>
</table>
SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real
property and carry out the military construction projects
for the installations outside the United States, and in the
amounts, set forth in the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>Keflavik</td>
<td>$57,000,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Moron</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$175,000,000</td>
</tr>
</tbody>
</table>

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may acquire real property
and carry out the military construction projects for the
installations outside the United States, and in the
amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Gemersheim</td>
<td>$46,000,000</td>
</tr>
</tbody>
</table>

SEC. 2905. DISASTER RECOVERY PROJECTS.

(a) NAVY.—The Secretary of the Navy may acquire
real property and carry out military construction projects
inside the United States relating to disaster recovery for
the locations, and in the amounts, set forth in the fol-
lowing table:
(b) AIR FORCE.—The Secretary of the Air Force may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base</td>
<td>$1,278,700,000</td>
</tr>
<tr>
<td>Unspecified</td>
<td>Zulu</td>
<td>$247,000,000</td>
</tr>
</tbody>
</table>

(c) ARMY NATIONAL GUARD.—The Secretary of the Army may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Panama City</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>MTA Fort Fisher</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>

(d) DEFENSE-WIDE.—The Secretary of Defense may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:
Defense-wide: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune—Defense Health Agency</td>
<td>$45,313,000</td>
</tr>
<tr>
<td></td>
<td>Camp Lejeune—SOCOM</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>

SEC. 2906. REPLENISHMENT OF CERTAIN MILITARY CONSTRUCTIONS FUNDS.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2020 by section 2905 and available as specified in the funding table in section 4602, $3,600,000,000 shall be available for replenishment of funds that were authorized to be appropriated by military construction authorization Acts for fiscal years before fiscal year 2020 for military construction projects authorized by such Acts, but were used instead for military construction projects authorized by section 2808 of title 10, United States Code, in connection with the national emergency along the southern land border of the United States declared in 2019 pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

(b) REPLENISHMENT BY TRANSFER.—

(1) IN GENERAL.—Any amounts available under subsection (a) that are used for replenishment of funds as described in that subsection shall be transferred to the account that was the source of such funds.
(2) **Inapplicability toward transfer limitations.**—Any transfer of amounts under this subsection shall not count toward any limitation on transfer of Department of Defense funds in section 1001 or 1512 or any other limitation on transfer of Department of funds in law.

(3) **Sunset of authority.**—The authority to make transfers under this subsection shall terminate on September 30, 2020.

(c) **Use of Funds.**—

(1) **In general.**—Amounts transferred under subsection (b) for replenishment of funds as described in subsection (a) may be used only for military construction projects for which such funds were originally authorized in a military construction authorization Act described in subsection (a).

(2) **No increase in authorized amount of projects.**—The total amount of funds available for a military construction project described in paragraph (1) may not exceed the current amount authorized for such project by applicable military construction authorization Acts (including this Act). A replenishment of funds under this section for a military construction project shall not operate to in-
crease the authorized amount of the project or the
amount authorized to be available for the project.

**SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2019, for the
military construction projects outside the United States
authorized by this title as specified in the funding table
in section 4602.

**TITLE XXX—MILITARY HOUSING
 PRIVATIZATION REFORM**

**SEC. 3001. DEFINITIONS.**

(a) **In General.**—In this title:

(1) **Landlord.**—The term “landlord” has the
meaning given that term in section 2871 of title 10,
United States Code, as amended by subsection (b).

(2) **Privatized Military Housing.**—The
term “privatized military housing” means housing
provided under subchapter IV of chapter 169 of title
10, United States Code.

(b) **Title 10.**—Section 2871 of title 10, United
States Code, is amended—

(1) by redesignating paragraphs (7) and (8) as
paragraphs (9) and (11), respectively;

(2) by inserting after paragraph (6) the fol-
lowing new paragraphs:
“(7) The term ‘incentive fees’ means any amounts payable to a landlord for meeting or exceeding performance metrics as specified in a contract with the Department of Defense.

“(8) The term ‘landlord’ means an eligible entity or lessor who owns, manages, or is otherwise responsible for a housing unit under this subchapter.”;

and

(3) by inserting after paragraph (9), as redesignated by paragraph (1) of this subsection, the following new paragraph:

“(10) The term ‘tenant’ means a member of the armed forces, including a reserve component thereof, or a family member of a member of the armed forces who resides at a housing unit under this subchapter.”.

Subtitle A—Accountability and Oversight

SEC. 3011. TENANT BILL OF RIGHTS FOR PRIVATIZED MILITARY HOUSING.

(a) In General.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:
§ 2887. Tenant Bill of Rights

(a) IN GENERAL.—(1) The Secretary of Defense, in coordination with the Secretary of each military department, shall develop a document known as the ‘Tenant Bill of Rights’ for tenants of housing units under this subchapter.

(2) At a minimum, the document developed under paragraph (1) shall contain the right of each tenant as follows:

(A) To reside in a home and community that meets health and environmental standards established by the Secretary of Defense.

(B) To reside in a home that has working fixtures, appliances, and utilities and reside in a community with well-maintained common areas and amenity spaces.

(C) To report inadequate housing standards or deficits in habitability to the landlord, chain of command, and housing management office without fear of reprisal.

(D) With respect to the housing management office of the installation of the Department at which the housing unit is located—

(i) to use such office as an advocate relating to such housing unit; and
“(ii) to receive advice and support from such office relating to such housing unit.

“(E) To receive property management services provided by a landlord that meet or exceed industry standards and that are performed by professionally trained, responsive, and courteous customer service and maintenance staff.

“(F) To have multiple, convenient methods to communicate directly with the landlord and maintenance staff, and to receive honest, straightforward, and responsive communications at all times.

“(G) With respect to repairs—

“(i) to prompt and professional repairs;

“(ii) to be informed of the required time frame for those repairs when a maintenance request is submitted; and

“(iii) to prompt relocation into suitable lodging or other housing at no cost to the tenant until the repairs are completed or relocation to an alternative residence on the installation or within the surrounding local community at no cost to the tenant.

“(H) To enter into a dispute resolution process under section 2891 of this title concerning disputes over repairs, damage claims, and rental payments to
be resolved by a neutral decision maker, with any
decision in favor of the tenant to include a reduction
in rent owed to the landlord to be paid or credited
to the tenant.

“(I) To withhold basic allowance for housing
(including for any dependents of the tenant in the
tenant’s household) under section 403 of title 37, or
any pay of the tenant subject to allotment described
in section 2882(c) of this title, if the tenant is en-
gaged in a dispute under subparagraph (H) until a
decision in the matter is made.

“(J) To be fully briefed by the landlord on all
rights and responsibilities associated with tenancy
prior to signing a lease and receive a 30-day fol-
lowup to review these responsibilities.

“(K) To have sufficient time and opportunity to
prepare and be present for move-in and move-out in-
spections, including an opportunity to obtain nec-
-essary paperwork.

“(L) To have reasonable, advance notice of any
entrance by a landlord into the housing unit, except
in the case of an emergency.

“(M) To have clearly defined rental terms in
the lease agreement.
“(N) To not pay non-refundable fees or have application of rent credits arbitrarily held.

“(O) To have universal procedures for housing under this subchapter that are the same for all installations of the Department.

“(P) To file claims against a landlord.

“(3) The document developed under paragraph (1) shall contain the responsibilities of each tenant as follows:

“(A) To report maintenance or quality of life issues to the landlord in a timely manner.

“(B) To maintain standard upkeep of the housing unit as recommended by the housing management office.

“(b) DISTRIBUTION.—The Secretary shall ensure that the Tenant Bill of Rights under this section is attached to each lease agreement for housing under this subchapter.

“(c) REPORT AND PUBLICATION.—(1) Beginning in fiscal year 2021, and biennially thereafter, the Secretary of Defense, in coordination with the Secretary of each military department, shall submit to the congressional defense committees, as part of the annual budget submission of the President for that year under section 1105(a) of title 31, United States Code, the Tenant Bill of Rights under this section.
“(2) Upon submitting the Tenant Bill of Rights to the congressional defense committees under paragraph (1), the Secretary of Defense shall publish the Tenant Bill of Rights on a publicly available Internet website of the Department of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2886 the following new item:

“2887. Tenant Bill of Rights.”

(c) MILITARY DEPARTMENT PLANS.—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation by that military department of section 2887 of title 10, United States Code, as added by subsection (a).

SEC. 3012. DESIGNATION OF CHIEF HOUSING OFFICER FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872a the following new section:

“§ 2872b. Chief Housing Officer

“(a) IN GENERAL.—(1) The Secretary of Defense shall designate, from among officials of the Department of Defense who are appointed by the President with the
advice and consent of the Senate, a Chief Housing Officer who shall oversee housing provided under this subchapter.

“(2) The official designated under paragraph (1) may have duties in addition to the duties of the Chief Housing Officer under this section.

“(b) DUTIES.—The Chief Housing Officer shall oversee all aspects of the provision of housing under this subchapter, including by carrying out the following:

“(1) Creation and standardization of policies and processes.

“(2) Oversight of the administration of lease agreements by the Secretary of each military department.

“(3) Audits of the provision of housing under this subchapter, including audits of lease agreements and other contracts, maintenance work orders, and incentive fee payments and general audits in the conduct of oversight.

“(c) OFFICE AND STAFF.—(1) The Chief Housing Officer shall establish and maintain an office staffed by military personnel and employees of the Department of Defense whose skills and capabilities will assist the Chief Housing Officer in the exercise of the duties of the Chief Housing Officer under subsection (b). Such office shall be known as the ‘Office of the Chief Housing Officer’.
“(2) Personnel and employees staffed under paragraph (1) shall include legal counsel, engineers, and auditors.”.

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872a the following new item:

“2872b. Chief Housing Officer.”.

(c) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the designation of a Chief Housing Officer under section 2872b of title 10, United States Code, as added by subsection (a); and

(2) the organizational structure, funding, human resources, and other relevant requirements of the Office of the Chief Housing Officer under such section.

SEC. 3013. COMMAND OVERSIGHT OF MILITARY PRIVATIZED HOUSING AS ELEMENT OF PERFORMANCE EVALUATIONS.

(a) Evaluations in General.—Each Secretary of a military department shall ensure that the performance evaluations of any individual described in subsection (b) under the jurisdiction of such Secretary indicates the ex-
ent to which such individual has or has not exercised ef-
fective oversight and leadership in the following:

(1) Improving conditions of privatized housing
under the military privatized housing initiative
under subchapter IV of chapter 169, United States
Code.

(2) Addressing concerns with respect to such
housing of members of the Armed Forces and their
families who reside in such housing on an installa-
tion of the military department concerned.

(b) COVERED INDIVIDUALS.—The individuals de-
scribed in this subsection are as follows:

(1) The commander of an installation of a mili-
tary department at which on-installation housing is
managed by a landlord under the military privatized
housing initiative referred to in subsection (a)(1).

(2) Each officer or senior enlisted member of
the Armed Forces at an installation described in
paragraph (1) whose duties include facilities or
housing management at such installation.

(3) Any other officer or enlisted member of the
Armed Forces (whether or not at an installation de-
scribed in paragraph (1)) as specified by the Sec-
retary of the military department concerned for pur-
poses of this section.
SEC. 3014. CONSIDERATION OF HISTORY OF LANDLORD IN CONTRACT RENEWAL PROCESS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874 the following new section:

“§ 2874a. Consideration of history of landlord in contract renewal process

“(a) IN GENERAL.—In deciding whether to enter into or renew a contract with a landlord under this subchapter, the Secretary of Defense shall develop a standard process for determining past performance for purposes of informing future decisions regarding the award of such a contract.

“(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall include, at a minimum, consideration of the following:

“(1) Any history of the landlord of providing substandard housing.

“(2) The recommendation of the commander of the installation at which the housing is to be located under the contract.

“(3) The recommendation of the commander of any installation at which the landlord has provided housing under this subchapter.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2874 the following new item:

“2874a. Consideration of history of landlord in contract renewal process.”.

SEC. 3015. TREATMENT OF BREACH OF CONTRACT FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874a the following new section:

“§ 2874b. Treatment of breach of contract

“Notwithstanding any other provision of law, the Secretary of Defense—

“(1) shall withhold amounts to be paid under a contract under this subchapter if the other party to the contract is found to have engaged in a material breach of the contract;

“(2) shall rescind a contract under this subchapter if the other party to the contract, based on credible evidence, fails to cure such breach within 90 days; and

“(3) shall not permit the other party to a contract rescinded under paragraph (2) to enter into new contracts with the Secretary under this subchapter or undertake expansions under existing contracts with the Secretary under this subchapter.”.

†S 1790 ES18
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2874a the following new item:

“2874b. Treatment of breach of contract.”.

SEC. 3016. UNIFORM CODE OF BASIC STANDARDS FOR PRIVATIZED MILITARY HOUSING AND PLAN TO CONDUCT INSPECTIONS AND ASSESSMENTS.

(a) UNIFORM CODE.—The Secretary of Defense shall establish a uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing.

(b) PLAN.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a plan of the Department of Defense to contract with home inspectors described in subsection (c) to conduct a thorough inspection and assessment of the structural integrity and habitability of each privatized military housing unit.

(2) INCLUSION OF UNIFORM CODE.—The plan submitted under paragraph (1) shall include the uniform code established under subsection (a).

(3) IMPLEMENTATION.—
(A) IN GENERAL.—Not later than February 1, 2021, the Secretary of each military department shall conduct inspections and assessments of privatized military housing units under the jurisdiction of the Secretary concerned pursuant to the plan submitted under paragraph (1) to identify issues and ensure compliance with applicable housing codes, including the uniform code established under subsection (a).

(B) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the inspections and assessments conducted under subparagraph (A).

(c) HOME INSPECTORS DESCRIBED.—A home inspector described in this subsection is a home inspector that is not affiliated with—

(1) the Federal Government; or

(2) an individual or entity who owns or manages a privatized military housing unit.
SEC. 3017. REPEAL OF SUPPLEMENTAL PAYMENTS TO LESSORS AND REQUIREMENT FOR USE OF FUNDS IN CONNECTION WITH THE MILITARY HOUSING PRIVATIZATION INITIATIVE.

(a) Repeal.—


(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

(b) Use of funds in connection with MHPI.—

(1) In general.—Each month beginning with the first month after the date of the enactment of this Act, each Secretary of a military department shall do the following:

(A) Payments to lessors.—Use funds, in an amount calculated pursuant to paragraph (2)(A), for payments to lessors of covered housing in the manner provided by subsection (a) of section 606 of the John S. McCain National Defense Authorization Act for Fiscal Year
2019, as in effect on the day before the date of
the enactment of this Act.

(B) **Improvement of oversight and
management of agreements.**—Use funds, in
an amount calculated pursuant to paragraph
(2)(B), for improvements of the oversight and
management of agreements for MHPI housing
under the jurisdiction of such Secretary.

(2) **Monthly amounts.**—

(A) **For payments to lessors.**—The
amount calculated for a military department for
a month pursuant to this subparagraph is 2
percent of the aggregate of the amounts cal-
culated under section 403(b)(3)(A)(i) of title
37, United States Code, for covered housing
under the jurisdiction of such department for
such month.

(B) **For improvement of oversight
and management of agreements.**—The
amount calculated for a military department for
a month pursuant to this subparagraph is 3
percent of the aggregate of the amounts cal-
culated under section 403(b)(3)(A)(i) of title
37, United States Code, for covered housing
under the jurisdiction of such department for such month.

(3) **Improvements.**—Improvements under paragraph (1)(B) to the oversight and management of agreements described in that paragraph may include the following:

(A) Assignment of additional civilian personnel to perform oversight and management functions with respect to such agreements.

(B) Investment in technological mechanisms to assist the military department concerned in overseeing the maintenance and upkeep of MHPI housing.

(C) Such additional investment in the oversight and management of such agreements, and in overseeing the maintenance and upkeep of MHPI housing, as the Secretary of the military department concerned considers appropriate.

(4) **Additional Payments to Lessors.**—In any month described in paragraph (1), the Secretary of a military department may use amounts, in addition to amounts calculated pursuant to paragraph (2)(A), for payments to lessors as described in paragraph (1)(A) if such Secretary provides advance notice of such payments to the Committees on Armed
Services of the Senate and the House of Representa-
tives.

(5) DEFINITIONS.—In this subsection, the
terms “covered housing” and “MHPI housing” have
the meanings given such terms in section 606(d) of
the John S. McCain National Defense Authorization
Act for Fiscal Year 2019.

SEC. 3018. STANDARD FOR COMMON CREDENTIALS FOR
HEALTH AND ENVIRONMENTAL INSPECTORS
OF PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Not later than February 1, 2020,
the Secretary of Defense shall submit to the congressional
defense committees a report that contains a standard for
common credentials to be used throughout the Depart-
ment of Defense for all inspectors of health and environ-
mental hazards at privatized military housing units, in-
cluding inspectors contracted by the Department.

(b) INCLUSION OF CATEGORIES FOR SPECIFIC ENVI-
RONMENTAL HAZARDS.—The standard submitted under
subsection (a) shall include categories for specific environ-
mental hazards such as lead, mold, and radon.

SEC. 3019. IMPROVEMENT OF PRIVATIZED MILITARY HOUS-
ing.

(a) COMPLAINT DATABASE AND FINANCIAL TRANS-
pARENCY.—
(1) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2888. Complaint database"

“(a) DATABASE REQUIRED.—The Secretary of Defense shall establish a database that is available to the public of complaints relating to housing units under this subchapter.

“(b) FILING OF COMPLAINTS.—The Secretary shall ensure that a tenant of a housing unit under this subchapter may file a complaint relating to such housing unit for inclusion in the database under subsection (a).

“(c) RESPONSE BY LANDLORD.—(1) The Secretary shall include in any contract with a landlord responsible for a housing unit under this subchapter a requirement that the landlord respond to any complaints included in the database under subsection (a) that relate to the housing unit.

“(2) Any response under paragraph (1) shall be included in the database under subsection (a).

"§ 2889. Financial transparency"

“(a) PUBLICATION OF DETAILS OF CONTRACTS.—(1) Not less frequently than annually, the Secretary Defense shall publish in the Federal Register the financial details
of each contract for the management of housing units under this subchapter.

“(2) The financial details published under paragraph (1) shall include the following:

“(A) Base management fees for managing the housing units.

“(B) Incentive fees relating to the housing units, including details on the following:

“(i) Metrics upon which such incentive fees are paid.

“(ii) Whether incentive fees were paid in full or withheld in part or in full during the year covered by the publication, and if so, why.

“(C) Asset management fees relating to the housing units.

“(D) Preferred return fees relating to the housing units.

“(E) Any deferred fees or other fees relating to the housing units.

“(F) Residual cash flow distributions relating to the housing units.

“(b) Annual Financial Statements.—(1) The Secretary of Defense shall require that each landlord submit to the Secretary, not less frequently than annually,
financial statements equivalent to a 10-K (or successor form) for—

“(A) the landlord; and

“(B) each contract entered into between the landlord and the Department of Defense under this subchapter.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2887 the following new items:

“2888. Complaint database.
2889. Financial transparency.”.

(b) ANNUAL REPORTS ON PRIVATIZED MILITARY HOUSING AND DENIED REQUESTS TO WITHHOLD PAYMENTS.—Section 2884 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d) ANNUAL REPORT ON HOUSING.—(1) Not less frequently than annually, the Secretary of Defense shall submit to the congressional defense committees and publish on a publicly available website of the Department of Defense a report on housing units under this subchapter, disaggregated by military installation.

“(2) Each report submitted under paragraph (1) shall include the following:
“(A) An assessment of the condition of housing units under this subchapter based on the average age of those units and the estimated time until recapitalization.

“(B) An analysis of complaints of tenants of such housing units.

“(C) An assessment of maintenance response times and completion of maintenance requests relating to such housing units.

“(D) An assessment of dispute resolution relating to such housing units.

“(E) An assessment of overall customer service for tenants of such housing units.

“(F) A description of the results of any no-notice housing inspections conducted for such housing units.

“(G) The results of any resident surveys conducted with respect to such housing units.

“(e) REPORT ON DENIED REQUESTS TO WITHHOLD PAYMENTS.—Not less frequently than annually, the commander of each military installation shall submit to the congressional defense committees a report on all requests that were made by members of the armed forces who are tenants of housing units under this subchapter to withhold from the landlord of such unit any basic allowance for
housing payable to the member (including for any dependents of the member in the member’s household) under section 403 of title 37, or any other allotment of pay under section 2882(c) of this title, and that were denied during the year covered by the report.”.

SEC. 3020. ACCESS TO MAINTENANCE WORK ORDER SYSTEM OF LANDLORDS OF PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2890. Access to maintenance work order system

“The Secretary of Defense shall require each landlord that provides housing under this subchapter at an installation of the Department of Defense to provide access to the maintenance work order system of such landlord with respect to such housing to the following:

“(1) Personnel of the housing management office at such installation.

“(2) Personnel of the installation and engineer command or center of the military department concerned.

“(3) Such other personnel of the Department of Defense as the Secretary determines necessary.”.
(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2889 the following new item:

“2890. Access to maintenance work order system.”.

SEC. 3021. ACCESS BY TENANTS OF PRIVATIZED MILITARY HOUSING TO WORK ORDER SYSTEM OF LANDLORD.

The Secretary of Defense shall require that each landlord for a privatized military housing unit—

(1) have an electronic work order system for all work orders for maintenance requests relating to such unit; and

(2) provide to a tenant of such unit access to such system to, at a minimum, track the status and progress of work orders for maintenance requests relating to such unit.

Subtitle B—Prioritizing Families

SEC. 3031. DISPUTE RESOLUTION PROCESS FOR LANDLORD-TENANT DISPUTES REGARDING PRIVATIZED MILITARY HOUSING AND REQUESTS TO WITHHOLD PAYMENTS.

(a) Dispute Resolution and Request to Withhold Payment.—
§ 2891. Landlord-tenant dispute resolution process

(a) In General.—The Secretary of Defense shall implement a standardized formal dispute resolution process on each military installation with housing units under this subchapter to ensure the prompt and fair resolution of landlord-tenant disputes concerning maintenance and repairs, damage claims, rental payments, move-out charges, and such other issues relating to such housing units as the Secretary determines appropriate.

(b) Dispute Submittal.—(1) Each landlord shall establish a process through which a tenant of a housing unit under this subchapter may submit a dispute directly to the landlord through an online or other form.

(2) Not later than 24 hours after receiving a dispute submittal from a tenant under paragraph (1), the landlord shall—

(A) notify the tenant that the submittal has been received; and

(B) transmit a copy of such submittal to the housing management office of the installation in which the housing unit is located.
“(3)(A) Not later than seven days after receiving a

dispute submittal from a tenant under paragraph (1), the

landlord shall—

“(i) submit to the tenant a decision regarding
the dispute; and

“(ii) transmit a copy of such decision to the
housing management office.

“(B)(i) For purposes of conducting an assessment
necessary to make a decision under subparagraph (A) with
respect to a housing unit, the landlord may access the
housing unit at a time and for a duration mutually agreed
upon by the landlord and the tenant.

“(ii) The tenant may request that an employee of the
housing management office be present when the landlord
accesses the housing unit of the tenant under clause (i).

“(c) APPEALS.—(1) Not later than 30 days after a
tenant receives a decision by a landlord under subsection
(b)(3), the tenant may appeal that decision for review
under subsection (d) by the commander of the military
installation at which the housing unit is located.

“(2) Any appeal submitted under paragraph (1) shall
be submitted—

“(A) on a standardized form; and

“(B) to an address designated by the com-
mander for such purpose.
“(3) The Secretary shall ensure that, in preparing an appeal to the commander under this subsection, a tenant shall have access to advice and assistance from a military housing advocate employed by the military department concerned or a military legal assistance attorney under section 1044 of this title.

“(d) REVIEW PROCESS.—(1) The commander of each military installation with housing units under this subchapter shall establish a military privatized housing dispute resolution appeals process—

“(A) to review and decide appeals by tenants under subsection (c) relating to such housing units; and

“(B) to review and decide requests to withhold payments under section 2891a of this title

“(2)(A) Before making any decision with respect to an appeal or a request under the process established under paragraph (1) with respect to a housing unit, the commander shall certify that the commander has solicited recommendations or information relating to such appeal or request from the following:

“(i) The chief of the housing management office of the installation.

“(ii) A representative of the landlord for the housing unit.
“(iii) The tenant filing the appeal or request.
“(iv) A qualified judge advocate of the military department concerned.
“(v) The civil engineer for the installation.
“(3)(A) The commander shall make a decision with respect to an appeal or a request under the process established under paragraph (1) not later than 30 days after the appeal or request has been made.
“(B) A commander may take longer than the 30-day period set forth under subparagraph (A) to make a decision described in such subparagraph in limited circumstances as determined by the Secretary of Defense, but in no case shall such a decision be made more than 60 days after the appeal or request has been made.
“(4) Decisions by a commander under this subsection shall be final.
“(e) Rule of Construction on Use of Other Adjudicative Bodies.—Nothing in this section or any other provision of law shall be construed to prohibit a tenant of a housing unit under this subchapter from pursuing a claim against a landlord in any adjudicative body with jurisdiction over the housing unit or the claim.
§ 2891a. Request to withhold payments
“(a) In General.—A member of the armed forces or family member of a member of the armed forces who
is a tenant of a housing unit under this subchapter may submit to the commander of the installation of the Department of Defense at which the member is stationed a request to withhold all or part of any basic allowance for housing payable to the member (including for any dependents of the member in the member's household) under section 403 of title 37, or all or part of any pay of a tenant subject to allotment as described in section 2882(c) of this title, for lease of the unit during the period in which—

“(1) the landlord responsible for such housing unit has not met maintenance guidelines and procedures established by the landlord or the Department of Defense, either through contract or otherwise; or

“(2) such housing unit is uninhabitable according to State and local law for the jurisdiction in which the housing unit is located.

“(b) PROCEDURES.—(1) Upon the filing of a request by a tenant under subsection (a)—

“(A) under such procedures as the Secretary of Defense shall establish, the Defense Finance and Accounting Service (DFAS) or such other appropriate office or offices of the Department of Defense as the Secretary shall specify for purposes of such procedures, shall tentatively grant the request and
hold any amounts withheld in escrow with notice to
the landlord; and

“(B) the housing management office of the in-
stallation in which the housing unit is located shall,
not later than 15 days after the date on which the
request was submitted to the commander of the in-
stallation, complete an investigation that includes an
inspection conducted by housing inspectors that are
certified at the State and local level.

“(2) If the commander agrees with a request by a
tenant under subsection (a) with respect to a housing unit,
the housing management office shall notify the landlord
responsible for such unit of the issues described in sub-
section (a) that require remediation in accordance with the
requirements of the Department of Defense or State or
local law.

“(c) REMEDIATION.—In accordance with procedures
established under subsection (b)(1)(A) for the withholding
of any basic allowance for housing or other allotment pay
under this section, if the landlord responsible for the hous-
ing unit does not remediate the issues described in sub-
section (a) within a reasonable period of time established
by the commander of the installation for the remediation
of the issues, the amount payable to the landlord for such
unit shall be reduced by 10 percent for each period of five
days during which the issues are not remediated.

“(d) Disclosure of Rights.—(1) Each housing
management office of an installation of the Department
of Defense shall disclose in writing to each new tenant
of a housing unit under this subchapter, upon the signing
of the lease for the housing unit, their rights with respect
to the housing unit and the procedures under this section
for submitting a request to the landlord responsible for
the housing unit.

“(2) The Secretary of Defense shall ensure that each
lease entered into with a tenant for a housing unit under
this subchapter clearly expresses in a separate addendum
the procedures under this section for submitting a request
to the landlord responsible for the housing unit.”.

(2) Clerical Amendment.—The table of sec-
tions at the beginning of such subchapter is amend-
ed by adding at the end the following new items:

“2891. Landlord-tenant dispute resolution process.
2891a. Request to withhold payments.”.

(b) Modification of Definition of Military
Legal Assistance.—Section 1044(d)(3)(B) of such title
is amended by striking “and 1565b(a)(1)(A)” and insert-
ing “1565b(a)(1)(A), and 2891(c)(3)”.

(c) Timing of Establishment.—Not later than
180 days after the date of the enactment of this Act, the
Secretary of Defense shall establish the dispute resolution process required under section 2891 of title 10, United States Code, as added by subsection (a).

(d) Agreement by landlords.—

(1) In general.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to participate in the dispute resolution process required under section 2891 of such title.

(2) Submittal of list to Congress.—Not later than March 1, 2020, the Secretary shall submit to the congressional defense committees a list of all landlords who did not agree under paragraph (1) to participate in the dispute resolution process under section 2891 of such title.

(3) Consideration of lack of agreement in future contracts.—The Secretary shall include any lack of agreement under paragraph (1) as past performance considered under section 2888 of such title with respect to entering into or renewing any future contracts.

SEC. 3032. SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM.

(a) In general.—The Secretary of Defense shall suspend the initiative of the Department of Defense
known as the “Resident Energy Conservation Program”
and instruct the Secretary of each military department to
suspend any program carried out by such Secretary that
measures the energy usage for each military housing unit
on an installation of the Department of Defense.

(b) Term of Suspension.—The suspension under
subsection (a) shall remain in effect until the Secretary
of Defense certifies to the congressional defense commit-
tees that—

(1) 100 percent of military housing on an in-
stallation of the Department of Defense is individ-
ually metered; and

(2) energy audits conducted by an independent
entity, or entities, confirm that such housing is indi-
vidually metered.

(c) Termination.—If the Secretary of Defense is
unable to make the certification under subsection (b), each
program described in subsection (a) shall be terminated
on the date that is two years after the date of the enact-
ment this Act.
SEC. 3033. ACCESS BY TENANTS TO HISTORICAL MAINTENANCE INFORMATION FOR PRIVATIZED MILITARY HOUSING.

(a) In general.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2892. Access by tenants to historical maintenance information

“The Secretary shall require each landlord that provides housing under this subchapter at an installation of the Department of Defense to provide a prospective tenant of such housing, before the tenant moves in, all information regarding maintenance conducted with respect to that housing unit for the previous 10 years.”.

(b) Clerical amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2891 the following new item:

“2892. Access by tenants to historical maintenance information.”.

SEC. 3034. PROHIBITION ON USE OF CALL CENTERS OUTSIDE THE UNITED STATES FOR MAINTENANCE CALLS BY TENANTS OF PRIVATIZED MILITARY HOUSING.

(a) In general.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2886 the following new section:
§ 2886a. Prohibiting use of call centers outside the United States for tenant maintenance calls

“...A landlord responsible for a housing unit under this subchapter may not use a call center outside the United States for any call from a tenant relating to maintenance with respect to the housing unit.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2886 the following new item:

“2886a. Prohibiting use of call centers outside the United States for tenant maintenance calls.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 3035. RADON TESTING FOR PRIVATIZED MILITARY HOUSING.

(a) REPORT.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report identifying the installations of the Department of Defense that have privatized military housing that should be monitored for radon.

(b) INITIAL TESTING.—

(1) PROCEDURES.—The Secretary shall establish testing procedures for all privatized military

housing at installations identified under subsection (a), whether through regular testing of such housing or the installation of monitoring equipment, to ensure radon levels are below recommended levels established by the Environmental Protection Agency.

(2) COMPLETION OF TESTING.—Not later than June 1, 2020, the Secretary shall complete testing described in paragraph (1) for all privatized military housing identified under subsection (a).

(c) NOTIFICATION REGARDING MITIGATION DEVICE.—In the event that a privatized military housing unit is determined under testing under subsection (b)(2) to need a radon mitigation device, the Secretary shall notify the landlord of such unit not later than seven days after such determination.

(d) ANNUAL TESTING.—Not less frequently than annually, the Secretary of each military department shall certify to the congressional defense committees that radon testing is being conducted for privatized military housing at installations identified under subsection (a) under the jurisdiction of the Secretary concerned, whether through regular testing of such housing or the installation of monitoring equipment.
SEC. 3036. EXPANSION OF WINDOWS COVERED BY REQUIREMENT TO USE WINDOW FALL PREVENTION DEVICES IN PRIVATIZED MILITARY HOUSING.

Section 2879(c) of title 10, United States Code, is amended by striking “24 inches” and inserting “42 inches”.

SEC. 3037. REQUIREMENTS RELATING TO MOVE OUT AND MAINTENANCE WITH RESPECT TO PRIVATIZED MILITARY HOUSING.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of each military department, shall—

(1) develop a uniform move-out checklist for tenants of privatized military housing throughout the Department of Defense to assist the oversight of such housing by the housing management office of the installation at which such housing is located;

(2) develop a uniform checklist throughout the Department for the validation by the housing management office of the completion of all maintenance work related to health and safety issues at privatized military housing; and

(3) require that all maintenance issues and work orders related to health and safety issues at privatized military housing be reported to the com-
mander of the installation at which the housing is located.

Subtitle C—Long-Term Quality Assurance

SEC. 3041. DEVELOPMENT OF STANDARDIZED DOCUMENTATION, TEMPLATES, AND FORMS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of each military department, shall develop throughout the Department of Defense standardized documentation, templates, and forms for privatized military housing.

(b) INITIAL GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to develop the following:

(1) Policies and standard operating procedures of the Department for privatized military housing.

(2) A universal lease agreement for privatized military housing that includes—

(A) the Tenant Bill of Rights under section 2887 of title 10, United States Code; and

(B) any addendum required by the law of the State in which the housing unit is located.

(3) A standardized operating agreement for landlords.
(c) MILITARY DEPARTMENT PLANS.—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation of this section by that military department.

SEC. 3042. COUNCIL ON PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—The Assistant Secretary concerned shall establish a council (in this section referred to as the “Council”) to identify and resolve problems with privatized military housing at installations of the Department of Defense under the jurisdiction of the Assistant Secretary concerned.

(b) MEMBERS.—

(1) IN GENERAL.—Each Council shall be comprised of the Assistant Secretary concerned and the following members selected by the Assistant Secretary concerned:

(A) Not fewer than two civil engineers employed at an installation under the jurisdiction of the Assistant Secretary concerned.

(B) Not fewer than two chiefs of a housing management office at such an installation.

(C) Not fewer than two commanders of such an installation.
(2) **LIMITATION.**—In each Council, not more than two members may be from the same installation.

(3) **TERMS.**—

(A) **TWO YEARS.**—The term for a member of the Council, other than the Assistant Secretary concerned, shall be two years.

(B) **LIMITATION ON TERMS.**—A member of the Council, other than the Assistant Secretary concerned, may serve not more than two terms.

(c) **DUTIES.**—Each Council shall review, at a minimum, the following:

(1) Systemic concerns from tenants relating to privatized military housing under the jurisdiction of the Assistant Secretary concerned.

(2) Best practices for housing management offices at installations under the jurisdiction of the Assistant Secretary concerned.

(3) Best practices for handling installation-wide maintenance issues.

(d) **MEETINGS.**—Each Council shall meet not less frequently than quarterly.

(e) **REPORT.**—Not later than 60 days after the first meeting of the Council, and not later than October 1 of each year thereafter, the Council shall submit to the Sec-
Secretary of Defense a report on the findings of the Council
during the period covered by the report.

(f) ASSISTANT SECRETARY CONCERNED.—The term
“Assistant Secretary concerned” means—

(1) with respect to the Army, the Assistant Sec-
retary of the Army for Energy, Installations, and
Environment;

(2) with respect to the Navy, the Marine Corps,
and the Coast Guard when it is operating as a serv-
ice in the Department of the Navy, the Assistant
Secretary of the Navy for Energy, Installations, and
Environment; and

(3) with respect to the Air Force, the Assistant
Secretary of the Air Force for Energy, Installations,
and Environment.

SEC. 3043. REQUIREMENTS RELATING TO MANAGEMENT OF
PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of
title 10, United States Code, is amended by inserting after
section 2872b following new section:

“§ 2872c. Requirements relating to management of
housing

“(a) IN GENERAL.—The Secretary of Defense shall
ensure that the operating agreement for each installation
of the Department of Defense at which on-base housing
is managed by a landlord under this subchapter includes
the requirements set forth in this section relating to such
housing.

“(b) REQUIREMENTS FOR INSTALLATION COM-
MANDERS.—The commander of each installation described
in subsection (a) shall do the following:

“(1) On an annual basis, review and approve
the mold mitigation plan and pest control plan of
each landlord at such installation.

“(2) Use the assigned bio-environmental per-
sonnel or contractor equivalent at such installation
to test for mold, unsafe water conditions, and other
health and safety conditions if requested by the head
of the housing management office of such installa-
tion.

“(c) REQUIREMENTS FOR HOUSING MANAGEMENT
OFFICE.—The head of the housing management office of
each installation described in subsection (a) shall, with re-
spect to housing units under this subchapter, do the fol-
lowing:

“(1) Conduct physical inspections and approve
the habitability of each vacant housing unit before
the landlord offers the unit available for occupancy.

“(2) Conduct physical inspections upon tenant
move out and receive copies of any move out charges
that a landlord seeks to collect from an outgoing tenant.

“(3) Establish contact with a tenant regarding the satisfaction of the tenant with the housing unit not later than—

“(A) 15 days after move-in; and

“(B) 60 days after move-in.

“(4) Maintain all test results relating to the health, environmental, and safety condition of a housing unit and the results of any official housing inspection for the life of the contract relating to that housing unit.

“(d) REQUIREMENTS FOR LANDLORDS.—The landlord of any housing unit under this subchapter at an installation described in subsection (a) shall do the following:

“(1) Disclose to the Secretary of Defense bonus structures for community managers and regional executives and bonus structures relating to maintenance to minimize the impact of those incentives on the operating budget of the installation.

“(2) With respect to test results relating to the health and safety condition of the housing unit—

“(A) not later than three days after receiving those results, share those results with the
tenant of such unit and submit those results to
the head of the housing management office for
the installation; and

“(B) include with any environmental haz-
ard test results a simple guide explaining those
results, preferably citing standards set forth by
the Federal Government relating to environ-
mental hazards.

“(3) Conduct a walkthrough inspection before a
prospective tenant signs a lease—

“(A) with the prospective tenant; or

“(B) if the prospective tenant is not able
to be present for the inspection, with an official
of the housing management office designated by
the prospective tenant to conduct the inspection
on their behalf.

“(4) In the event that the housing unit does not
meet minimum health, safety, and welfare standards
set forth in Federal, State, and local law after in-
spection under subsection (c)(1), the landlord shall
remediate any issues and make any appropriate re-
pairs prior to another inspection by the housing
management office under such subsection.

“(5) Not conduct any promotional events to
incentivize tenants to fill out maintenance comment
cards or satisfaction surveys of any kind without the approval of the chief of the housing management office.

“(6) Not award an installation of the Department or an officer or employee of the Department a ‘Partner of the Year’ award or similar award.

“(7) Not have a tenant agree to any form of settlement, nondisclosure, or release of liability without—

“(A) first notifying the tenant of their right to assistance from the legal assistance office at the installation; and

“(B) not later than five days before agreeing to any such settlement, nondisclosure, or release of liability, providing a copy of such agreement to the Assistant Secretary of Defense for Sustainment;

“(8) Not change the position of a prospective tenant on a waiting list for a housing unit or remove a prospective tenant from the waiting list if the prospective tenant turns down an offer for a housing unit determined unsatisfactory by the prospective tenant and confirmed by the housing management office and the commander of the installation.
“(9) Allow, with permission of the tenant as appropriate, employees of the housing management office and other officers and employees of the Department to conduct physical inspections of common grounds and individual quarters of the housing unit.

“(10) Agree to a mechanism under which all or part of basic allowance for housing payable to the tenant (including for any dependents of the tenant in the tenant’s household) under section 403 of title 37, or all or part of any other allotment of pay under section 2882(e) of this title can be held in escrow until—

“(A) any dispute between the tenant and the landlord is resolved; and

“(B) the commander of the installation has reviewed and decided such dispute.

“(11) Ensure that the needs of enrollees in the Exceptional Family Member Program, or any successor program, are considered in assigning prospective tenants to housing units.

“(12) Keep any maintenance work order system up to date with the latest software, functionality, and features.
“(13) Have any agreements or forms to be used by the landlord approved by the Assistant Secretary of Defense for Sustainment, including the following:

“(A) A common lease agreement.

“(B) Any disclosure or nondisclosure forms that could be given to a tenant.

“(C) Any notices required to be provided to the tenant under the Tenant Bill of Rights under section 2887 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872b the following new item:

“2872c. Requirements relating to management of housing.”.

(c) MILITARY DEPARTMENT PLANS.—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation by that military department of section 2872c of title 10, United States Code, as added by subsection (a).

SEC. 3044. REQUIREMENTS RELATING TO CONTRACTS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872c the following new section:
“§2872d. Requirements relating to contracts for provision of housing

“(a) In general.—The Secretary of each military department shall include in any contract for a term of more than 10 years with a landlord for the provision of housing under this subchapter at an installation under the jurisdiction of the Secretary concerned the following:

“(1) The Secretary concerned may renegotiate the contract with the landlord not less frequently than once every five years.

“(2) The landlord shall prohibit any employee of the landlord who commits work order fraud under the contract, as determined by the Secretary concerned, from doing any work under the contract.

“(3) If the landlord fails to or is unable to remedy any health or environmental hazard at a housing unit under the contract, such failure or inability will be taken into consideration in determining whether to pay or withhold all or part of any incentive fees for which the landlord may be eligible under the contract.

“(4) If the landlord is found by the Secretary concerned to have not maintained the minimum standards of habitability for a housing unit under such contract, the landlord shall pay all medical bills for a tenant of such housing unit that are associated
with the conditions of such housing unit that do not
meet such minimum standards.

“(5) The landlord shall pay reasonable reloca-
tion costs associated with the permanent relocation
of a tenant from a housing unit of the landlord to
new housing due to health or environmental haz-
ards—

“(A) present in the housing unit being va-
cated through no fault of the tenant; and

“(B) confirmed by the housing manage-
ment office of the installation as making the
unit uninhabitable.

“(6) The landlord shall pay reasonable reloca-
tion costs and actual costs of living, including per
diem, associated with the temporary relocation of a
tenant to new housing due to health or environ-
mental hazards—

“(A) present in the housing unit being va-
cated through no fault of the tenant; and

“(B) confirmed by the housing manage-
ment office of the installation as making the
unit uninhabitable.

“(7) The landlord shall ensure that the mainte-
nance work order system of the landlord (hardware
and software) is up to date, including by —
“(A) providing a reliable mechanism through which a tenant may submit work order requests through an Internet portal and mobile application, which shall incorporate the ability to upload photos, communicate with maintenance personnel, and rate individual service calls;

“(B) allowing real-time access to such system by officials of the Department at the installation, major subordinate command, and service-wide levels; and

“(C) allowing the work order or maintenance ticket to be closed only once the tenant and the head of the housing management office of the installation sign off.

“(b) PAYMENT OF ACTUAL COSTS OF LIVING.—The landlord shall pay actual costs of living under subsection (a)(6) in connection with a health or environmental hazard until such time as—

“(1)(A) the health or environmental hazard is remediated;

“(B) the housing unit being vacated is determined to be habitable by the tenant, the housing management office of the installation, and chain of command; and
“(C) the tenant resumes occupancy of the housing unit; or

“(2) the tenant moves to a new housing unit.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872c the following new item:

“2872d. Requirements relating to contracts for provision of housing.”.

(c) EFFECTIVE DATE.—Section 2872d of such title, as added by subsection (a), shall apply to contracts entered into or renewed on and after the date of the enactment of this Act.

SEC. 3045. WITHHOLDING OF INCENTIVE FEES FOR LANDLORDS OF PRIVATIZED MILITARY HOUSING FOR FAILURE TO REMEDY A HEALTH OR ENVIRONMENTAL HAZARD.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874b the following new section:

“§ 2874c. Withholding of incentive fees for landlords

“The Secretary of Defense shall withhold incentive fees paid to a landlord for failure by the landlord to remedy a health or environmental hazard at a housing unit under this subchapter, as determined by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by insert-
ing after the item relating to section 2874b the following
new item:

“2874c. Withholding of incentive fees for landlords.”.

SEC. 3046. EXPANSION OF DIRECT HIRE AUTHORITY FOR
DEPARTMENT OF DEFENSE FOR CHILDCARE
SERVICES PROVIDERS FOR DEPARTMENT
CHILD DEVELOPMENT CENTERS TO INCLUDE
DIRECT HIRE AUTHORITY FOR INSTALLA-
TION MILITARY HOUSING OFFICE PER-
SONNEL.

(a) IN GENERAL.—Section 559 of the National De-
defense Authorization Act for Fiscal Year 2018 (Public Law
115–91; 131 Stat. 1406; 10 U.S.C. 1792 note) is amend-
ed—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1),
by inserting “, and individuals to fill vacancies
in installation military housing offices,” after
“childcare services providers”;  
(B) in paragraph (1), by inserting “or for
employees at installation military housing of-
fices” before the semicolon; and

(C) in paragraph (2), by inserting “or for
installation military housing office employees’’
before the period;
(2) by redesignating subsection (f) as subsection (g); and
(3) by inserting after subsection (e) the following new subsection (f):

“(f) INSTALLATION MILITARY HOUSING OFFICE DEFINED.—The term ‘installation military housing office’ means any office whose primary function is performing day-to-day supervision of military housing covered by chapter IV of chapter 169 of title 10, United States Code.”.

(b) HEADING AND TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“SEC. 599. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF
DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS AND INSTALLATION MILITARY HOUSING OFFICES.”.

(2) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking “Oversight and Government Reform” and inserting “Oversight and Reform”.

(e) USE OF EXISTING REGULATIONS.—The Secretary of Defense shall use the authority in section 599 of the National Defense Authorization Act for Fiscal Year
2018 granted by the amendments made by this section in a manner consistent with the regulations prescribed for purposes of such section 599 pursuant to subsection (b) of such section 599, without the need to prescribe separate regulations for the use of such authority.

SEC. 3047. PLAN ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE JURISDICTION OVER OFF-BASE PRIVATIZED MILITARY HOUSING.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of each military department, shall submit to the congressional defense committees a plan to establish jurisdiction by the Department of Defense, concurrently with local community law enforcement, at locations with privatized military housing that is not located on an installation of the Department of Defense.

Subtitle D—Other Housing Matters

SEC. 3051. LEAD-BASED PAINT TESTING AND REPORTING.

(a) Establishment of Department of Defense Policy on Lead Testing on Military Installations.—

(1) In general.—Not later than February 1, 2020, the Secretary of Defense shall establish a policy under which—
(A) a qualified individual may access a military installation for the purpose of conducting lead testing on the installation, subject to the approval of the Secretary; and

(B) the results of any lead testing conducted on a military installation shall be transmitted—

(i) in the case of a military installation located inside the United States, to—

(I) the civil engineer of the installation;

(II) the housing management office of the installation;

(III) the major subordinate command of the Armed Force with jurisdiction over the installation; and

(IV) if required by law, any relevant Federal, State, and local agencies; and

(ii) in the case of a military installation located outside the United States, to the civil engineer or commander of the installation who shall transmit those results to the major subordinate command of the
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Armed Force with jurisdiction over the in-
stallation.

(2) DEFINITIONS.—In this subsection:

(A) UNITED STATES.—The term “United
States” has the meaning given such term in
section 101(a)(1) of title 10, United States
Code.

(B) QUALIFIED INDIVIDUAL.—The term
“qualified individual” means an individual who
is certified by the Environmental Protection
Agency or by a State as—

(i) a lead-based paint inspector; or

(ii) a lead-based paint risk assessor.

(b) ANNUAL REPORTING ON LEAD-BASED PAINT IN
MILITARY HOUSING.—

(1) IN GENERAL.—Subchapter III of chapter
169 of title 10, United States Code, is amended by
adding at the end the following new section:

“§ 2869a. Annual reporting on lead-based paint in
military housing

“(a) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than February 1
of each year, the Secretary of Defense shall submit
to the congressional defense committees a report
that sets forth, with respect to military housing
under the jurisdiction of each Secretary of a military
department for the calendar year preceding the year
in which the report is submitted, the following:

“(A) A certification that indicates whether
the military housing under the jurisdiction of
the Secretary concerned is in compliance with
the requirements respecting lead-based paint,
lead-based paint activities, and lead-based paint
hazards described in section 408 of the Toxic

“(B) A detailed summary of the data,
disaggregated by military department, used in
making the certification under subparagraph
(A).

“(C) The total number of military housing
units under the jurisdiction of the Secretary
concerned that were inspected for lead-based
paint in accordance with the requirements de-
described in subparagraph (A).

“(D) The total number of military housing
units under the jurisdiction of the Secretary
concerned that were not inspected for lead-
based paint.

“(E) The total number of military housing
units that were found to contain lead-based
paint in the course of the inspections described in subparagraph (C).

“(F) A description of any abatement efforts with respect to lead-based paint conducted regarding the military housing units described in subparagraph (E).

“(2) PUBLICATION.—The Secretary of Defense shall publish each report submitted under paragraph (1) on a publicly available website of the Department of Defense.

“(b) MILITARY HOUSING DEFINED.—In this section, the term ‘military housing’ includes military family housing and military unaccompanied housing (as such term is defined in section 2871 of this title).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2869a. Annual reporting on lead-based paint in military housing.”.

SEC. 3052. SATISFACTION SURVEY FOR TENANTS OF MILITARY HOUSING.

(a) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall require that each installation of the Department of Defense use the same satisfaction survey for tenants of military housing, which shall be an electronic survey with embedded privacy and security mechanisms.
(b) PRIVACY AND SECURITY MECHANISMS.—The privacy and security mechanisms used under subsection (a)—

(1) may include a code unique to the tenant to be surveyed that is sent to the cell phone number of the tenant and required to be entered to access the survey; and

(2) in the case of housing under subchapter IV of chapter 169 of title 10, United States Code, shall ensure that the survey is not shared with the landlord of the housing unit until the survey is reviewed and the results are tallied by an employee of the Department of Defense.

SEC. 3053. INFORMATION ON LEGAL SERVICES PROVIDED TO MEMBERS OF THE ARMED FORCES HARMED BY HEALTH OR ENVIRONMENTAL HAZARDS AT MILITARY HOUSING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the legal services that the Secretary may provide to members of the Armed Forces who have been harmed by a health or environmental hazard while living in military housing.
(b) **AVAILABILITY OF INFORMATION.**—The Secretary of the military department concerned shall make the information contained in the report submitted under subsection (a) available to members of the Armed Forces at all installations of the Department of Defense in the United States.

### SEC. 3054. MITIGATION OF RISKS POSED BY CERTAIN ITEMS IN MILITARY FAMILY HOUSING UNITS.

(a) **ANCHORING OF ITEMS BY RESIDENTS.**—The Secretary of Defense shall allow a resident of a military family housing unit to anchor any furniture, television, or large appliance to the wall of the unit for purposes of preventing such item from tipping over without incurring a penalty or obligation to repair the wall upon vacating the unit.

(b) **ANCHORING OF ITEMS FOR ALL UNITS.**—

(1) **EXISTING UNITS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit under the jurisdiction of the Department as of the date of the enactment of this Act.
(2) NEW UNITS.—The Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit made available after the date of the enactment of this Act.

SEC. 3055. TECHNICAL CORRECTION TO CERTAIN PAYMENTS FOR LESSORS OF PRIVATIZED MILITARY HOUSING.

Paragraph (3) of section 606(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note) is amended to read as follows:

“(3) The term ‘MHPI housing’ means housing procured, acquired, constructed, or for which any phase or portion of a project agreement was first finalized and signed, under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative), on or before September 30, 2014.”.
SEC. 3056. PILOT PROGRAM TO BUILD AND MONITOR USE OF SINGLE FAMILY HOMES.

(a) In General.—The Secretary of the Army shall carry out a pilot program to build and monitor the use of not fewer than 5 single family homes for members of the Army and their families.

(b) Location.—The Secretary of the Army shall carry out the pilot program at an installation of the Army as determined by the Secretary.

(c) Design.—In building homes under the pilot program, the Secretary of the Army shall use the All-American Abode design from the suburban single-family division design by the United States Military Academy.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Army $1,000,000 to carry out the pilot program under this section.
DIVISION C—DEPARTMENT OF  
ENERGY NATIONAL SECURITY  
AUTHORIZATIONS AND  
OTHER AUTHORIZATIONS  
TITLE XXXI—DEPARTMENT OF  
ENERGY NATIONAL SECURITY  
PROGRAMS  
Subtitle A—National Security  
Programs and Authorizations  
SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 20–D–931, KL Fuel Development Laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $23,700,000.
General Purpose Project, PF–4 Power and Communications Systems Upgrade, Los Alamos National Laboratory, New Mexico, $16,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 20–D–401, Saltstone Disposal Units numbers 10, 11, and 12, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 20–D–402, Advanced Manufacturing Collaborative, Savannah River Site, Aiken, South Carolina, $50,000,000.

Project 20–U–401, On-Site Waste Disposal Facility (Cell Lines 2 and 3), Portsmouth Site, Pike County, Ohio, $10,000,000.
SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. TECHNICAL CORRECTIONS TO NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT AND ATOMIC ENERGY DEFENSE ACT.

(a) Definitions in National Nuclear Security Administration Act.—Section 3281(2)(A) of the National Nuclear Security Administration Act (50 U.S.C. 2471(2)(A)) is amended by striking “Plant” and inserting “National Security Campus”.

(b) Amendments to Atomic Energy Defense Act.—

(1) Definitions.—Section 4002(9)(A) of the Atomic Energy Defense Act (50 U.S.C. 2501(9)(A)) is amended striking “Plant” and inserting “National Security Campus”.

†S 1790 ES1S
(2) **Stockpile stewardship, management, and responsiveness plan.**—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(A) in subsection (d)(4)(A)(ii), by striking “quadrennial defense review if such strategy has not been submitted” and inserting “national defense strategy”;

(B) in subsection (e)(1)(A)(i), by striking “or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the” and inserting “referred to in subsection (d)(4)(A)(i), the most recent the national defense strategy, and the most recent”; and

(C) in subsection (f)—

(i) by striking paragraph (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘national defense strategy’ means the review of the defense programs and policies of the United States that is carried out every four years under section 113(g) of title 10, United States Code.”.
(3) **MANUFACTURING INFRASTRUCTURE FOR NUCLEAR WEAPONS STOCKPILE.**—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended—

(A) in subsection (a)(1), in the matter preceeding subparagraph (A), by inserting “most recent” before “Nuclear Posture Review”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “Plant” and inserting “National Security Complex”; and

(ii) in paragraph (4), by striking “Plant” and inserting “National Security Campus, Kansas City, Missouri”.

(4) **REPORTS ON LIFE EXTENSION PROGRAMS.**—

(A) **IN GENERAL.**—Section 4216 of the Atomic Energy Defense Act (50 U.S.C. 2536) is amended—

(i) in the section heading, by striking “LIFETIME” and inserting “LIFE”; and

(ii) by striking “lifetime” each place it appears and inserting “life”.

(B) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is
amended by striking the item relating to section 4216 and inserting the following new item:

“Sec. 4216. Reports on life extension programs.”.

(5) ADVICE ON SAFETY, SECURITY, AND RELIABILITY OF NUCLEAR WEAPONS STOCKPILE.—Section 4218 of the Atomic Energy Defense Act (50 U.S.C. 2538) is amended—

(A) in subsection (d), by striking “or the Commander of the United States Strategic Command”; and

(B) in subsection (e)(1)—

(i) by striking “, a member of” and all that follows through “Strategic Command” and inserting “or a member of the Nuclear Weapons Council”; and

(ii) by striking “, member, or Commander” and inserting “or member”.

(6) LIFE-CYCLE COST ESTIMATES.—Section 4714(a) of the Atomic Energy Defense Act (50 U.S.C. 2754(a)) is amended—

(A) by striking “413.3” and inserting “413.3B”; and

(B) by inserting “, or a successor order,” after “assets)”. 

(7) UNFUNDED PRIORITIES.—
(A) IN GENERAL.—Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended in the section heading by striking “NATIONAL NUCLEAR SECURITY ADMINISTRATION” and inserting “ADMINISTRATION”.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4716 and inserting the following new item:

“Sec. 4716. Unfunded priorities of the Administration.”.

(8) REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.—Section 4733(d)(3)(B) of the Atomic Energy Defense Act (50 U.S.C. 2773(d)(3)(B)) is amended by striking “413.3” and inserting “413.3B”.

SEC. 3112. NATIONAL NUCLEAR SECURITY ADMINISTRATION PERSONNEL SYSTEM.

(a) IN GENERAL.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

“SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.

“(a) IN GENERAL.—The Administrator may adapt the pay banding and performance-based pay adjustment demonstration project carried out by the Administration
under the authority provided by section 4703 of title 5, United States Code, into a permanent alternative personnel system for the Administration (to be known as the ‘National Nuclear Security Administration Personnel System’) and implement that system with respect to employees of the Administration.

“(b) MODIFICATIONS.—In adapting the demonstration project described in subsection (a) into a permanent alternative personnel system, the Administrator—

“(1) may, subject to paragraph (2), revise the requirements and limitations of the demonstration project to the extent necessary; and

“(2) shall—

“(A) ensure that the permanent alternative personnel system is carried out in a manner consistent with the final plan for the demonstration project published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72776);

“(B) ensure that significant changes in the system not take effect until revisions to the plan for the demonstration project are approved by the Office of Personnel Management and published in the Federal Register;
“(C) ensure that procedural modifications or clarifications to the final plan for the demonstration project be made through local notification processes;

“(D) authorize, and establish incentives for, employees of the Administration to have rotational assignments among different programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration; and

“(E) establish requirements for employees of the Administration who are in the permanent alternative personnel system described in subsection (a) to be promoted to senior-level positions in the Administration, including requirements with respect to—

“(i) professional training and continuing education; and

“(ii) a certain number and types of rotational assignments under subparagraph (D), as determined by the Administrator.

“(c) APPLICATION TO NAVAL NUCLEAR PROPULSION PROGRAM.—The Director of the Naval Nuclear Propul-
sion Program established pursuant to section 4101 of the Atomic Energy Defense Act (50 U.S.C. 2511) and section 3216 of this Act may, with the concurrence of the Secretary of the Navy, apply the alternative personnel system under subsection (a) to—

“(1) all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code); and

“(2) all employees of the Department of Navy who are assigned to the Naval Nuclear Propulsion Program and are in the excepted service (as defined in section 2103 of title 5, United States Code) (other than such employees in statutory excepted service systems).”.

(b) BRIEFING.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide a briefing to the appropriate congressional committees on the implementation of section 3248 of the National Nuclear Security Administration Act, as added by subsection (a).

(2) Appropriate congressional committees defined.—In this subsection, the term “appropriate congressional committees” means—
(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(c) CONFORMING AMENDMENTS.—Section 3116 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1888; 50 U.S.C. 2441 note prece) is amended—

(1) by striking subsections (a) and (d); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(d) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3247 the following new item:

“Sec. 3248. Alternative personnel system.”.
SEC. 3113. CONTRACTING, PROGRAM MANAGEMENT, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended in the first sentence—

(1) by striking “may” and inserting “shall”; and

(2) by striking “not more than 600”.

(b) Conforming Amendments.—Such section is further amended—

(1) in the section heading, by striking “AUTHORITY TO ESTABLISH” and inserting “ESTABLISHMENT OF”; and

(2) in the second sentence, by striking “Subject to the limitations in the preceding sentence, the authority” and inserting “The authority”.

c) Clerical Amendment.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241 and inserting the following new item:

“See. 3241. Establishment of contracting, program management, scientific, engineering, and technical positions.”.
SEC. 3114. PROHIBITION ON USE OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT FUNDS FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS.

Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) Funds provided to a national security laboratory or nuclear weapons production facility for laboratory-directed research and development may not be used to cover the costs of general and administrative overhead for the laboratory or facility.”.

SEC. 3115. PROHIBITION ON USE OF FUNDS FOR ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

None of the funds authorized to be appropriated for the National Nuclear Security Administration for fiscal year 2020 or any fiscal year thereafter may be obligated or expended to conduct research and development of an advanced naval nuclear fuel system based on low-enriched uranium until the following certifications are submitted to the congressional defense committees:
(1) A joint certification of the Secretary of Energy and the Secretary of Defense that the determination made by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue such research and development, no longer reflects the policy of the United States.

(2) A certification of the Secretary of the Navy that an advanced naval nuclear fuel system based on low-enriched uranium would not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

Subtitle C—Plans and Reports

SEC. 3121. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.

(a) In general.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following section:
“SEC. 4409. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.

“The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the cost of meeting milestones required by a consent order at each defense nuclear facility at which defense environmental cleanup activities are occurring. The report shall include, for each such facility—

“(1) a specification of the cost of meeting such milestones during that fiscal year; and

“(2) an estimate of the cost of meeting such milestones during the four fiscal years following that fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4408 the following new item:

“Sec. 4409. Estimation of costs of meeting defense environmental cleanup milestones required by consent orders.”.
SEC. 3122. EXTENSION OF SUSPENSION OF CERTAIN AS-
SESSMENTS RELATING TO NUCLEAR WEAP-
ONS STOCKPILE.

Section 3255(b) of the National Nuclear Security Ad-
ministration Act (50 U.S.C. 2455(b)) is amended by strik-
ing “fiscal year 2018 or 2019” and inserting “any of fiscal
years 2018 through 2023”.

SEC. 3123. REPEAL OF REQUIREMENT FOR REVIEW RELAT-
ING TO ENHANCED PROCUREMENT AUTHORITY.

Section 4806 of the Atomic Energy Defense Act (50
U.S.C. 2786) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as
subsections (e) and (f), respectively.

SEC. 3124. DETERMINATION OF EFFECT OF TREATY OBLI-
GATIONS WITH RESPECT TO PRODUCING
TRITIUM.

Not later than February 15, 2020, the Secretary of
Energy shall—

(1) determine whether the Agreement for Co-
operation on the Uses of Atomic Energy for Mutual
Defense Purposes, signed at Washington July 3,
1958 (9 UST 1028), between the United States and
the United Kingdom, permits the United States to
obtain low-enriched uranium for the purposes of producing tritium in the United States; and

(2) submit to the congressional defense committees a report on that determination.

SEC. 3125. ASSESSMENT OF HIGH ENERGY DENSITY PHYSICS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct an assessment of recent advances and the current status of research in the field of high energy density physics.

(b) ELEMENTS.—The assessment conducted under subsection (a) shall include the following:

(1) Theoretical and computational modeling of high energy density material phases, radiation-matter interactions, plasmas atypical of astrophysical conditions, and conditions unique to the National Nuclear Security Administration.

(2) The simulation of such phases, interactions, plasmas, and conditions.

(3) Instrumentation and target fabrication.

(4) Workforce training.
(5) An assessment of advancements made by other countries in high energy density physics.

(6) Such others items as are agreed upon by the Administrator and the National Academies.

(c) **Applicability of Internal Controls**.—The assessment under subsection (a) shall be conducted in accordance with the internal controls of the National Academies.

(d) **Report to Congress**.—Not later than 18 months after entering into the arrangement under subsection (a), the National Academy of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the assessment conducted under that subsection.

(e) **High Energy Density Physics Defined**.—In this section, the term “high energy density physics” means the physics of matter and radiation at—

(1) energy densities exceeding 100,000,000,000 joules per cubic meter; and

(2) other temperature and pressure ranges within the warm dense matter regime.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2020, $29,450,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. IMPROVEMENT OF MANAGEMENT AND ORGANIZATION OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) Provision of Information to Board.—Subsection (c) of section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in paragraph (2), by striking “paragraphs (5), (6), and (7)” and inserting “paragraphs (5) and (6)”;  
(2) by striking paragraph (6); and  
(3) by redesignating paragraph (7) as paragraph (6).

(b) Executive Director for Operations.—Paragraph (6) of such subsection, as redesignated by subsection (a)(3), is further amended in subparagraph (C)—

(1) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively; and
(2) by inserting before clause (ii), as redesignated by paragraph (1), the following new clause (i):

“(i) The executive director for operations, who shall report directly to the Chairman.”.

(c) Organization of Staff of Board.—Section 313(b) of such Act (42 U.S.C. 2286b(b)) is amended—

(1) in paragraph (1)(A), by striking “section 311(c)(7)” and inserting “section 311(c)(6)”;

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

“(3) Subject to the approval of the Board, the Chairman may organize the staff of the Board as the Chairman considers appropriate to best accomplish the mission of the Board described in section 312(a).”.

SEC. 3203. MEMBERSHIP OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) List of Candidates for Nomination.—Subsection (b) of section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by adding at the end the following new paragraph:

“(4) The President shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall maintain a list of individuals who meet the qualifications described in paragraph (1) to as-
assist the President in selecting individuals to nominate for
positions as members of the Board.”.

(b) Terms of Members.—

(1) In General.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking the second sentence and inserting the following new sentence: “A member of the Board may not serve for two consecutive terms.”; and

(B) in paragraph (3), by striking the second sentence and inserting the following new sentence: “A member may not serve after the expiration of the member’s term.”.

(2) Effective Date.—The amendments made by paragraph (1) shall take effect on April 1, 2020.

(c) Filling Vacancies.—Such subsection is further amended by adding at the end the following new paragraph:

“(4)(A) Not later than 180 days after the expiration of the term of a member of the Board, the President shall—

“(i) submit to the Senate the nomination of an individual to fill the vacancy; or

“(ii) submit to the Committee on Armed Services of the Senate a report that includes—
“(I) a description of the reasons the President did not submit such a nomination; and

“(II) a plan for submitting such a nomination during the 90-day period following the submission of the report.

“(B) If the President does not submit to the Senate the nomination of an individual to fill a vacancy during the 90-day period described in subclause (II) of subparagraph (A)(ii), the President shall submit to the Committee on Armed Services a report described in that subparagraph not less frequently than every 90 days until the President submits such a nomination.”.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator,
who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.
“(f) Interagency and Industry Relations.—
The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) Detailing Officers From Armed Forces.—
To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the Armed Forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) Contracts, Cooperative Agreements, and Audits.—
“(1) Contracts and Cooperative Agreements.—In the same manner that a private cor-
poration may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) AUTHORIZATION OF APPROPRIATIONS.—
“(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;
“(H) expenses necessary to carry out part
B of subtitle V of title 46; and
“(I) other operations and training expenses
related to the development of waterborne trans-
portation systems, the use of waterborne trans-
portation systems, and general administra-
tion.”.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-
BLES.

(a) IN GENERAL.—Whenever a funding table in this
division specifies a dollar amount authorized for a project,
program, or activity, the obligation and expenditure of the
specified dollar amount for the project, program, or activ-
ity is hereby authorized, subject to the availability of ap-
propriations.

(b) MERIT-BASED DECISIONS.—A decision to com-
mit, obligate, or expend funds with or to a specific entity
on the basis of a dollar amount authorized pursuant to
subsection (a) shall—

(1) be based on merit-based selection proce-
dures in accordance with the requirements of sec-
tions 2304(k) and 2374 of title 10, United States
Code, or on competitive procedures; and
(2) comply with other applicable provisions of law.

e) Relationship to Transfer and Programming Authority.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.

e) Oral Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

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**MISSILE PROCUREMENT, ARMY**

**SURFACE-TO-AIR MISSILE SYSTEM**

1. SYSTEM INTEGRATION AND TEST PROCUREMENT
   - Transfer back to base funding
   - 0

2. M-142 HIMARS—PROCUREMENT
   - Transfer back to base funding
   - 0

3. M520 MISSILE
   - Transfer back to base funding
   - 0

4. ENDURANT FIRE PROTECTION CAPABILITY INC. 2-1
   - Full funding of Iron Dome battery
   - 0

5. THAAD
   - Transfer back to base funding
   - 0

**AIR-TO-SURFACE MISSILE SYSTEM**

6. HELIFIRE SYS SUMMARY
   - Transfer back to base funding
   - 0

7. JOINT AIR-TO-GROUND MSLN (JAGM)
   - Transfer back to base funding
   - 0

**ANTI-TANK ASSAULT MISSILE SYS**

8. JAVELIN (JAVS-M) SYSTEM SUMMARY
   - Transfer back to base funding
   - 0

9. TOW 2 SYSTEM SUMMARY
   - Transfer back to base funding
   - 0

10. TOW 2 SYSTEM SUMMARY AP
    - Transfer back to base funding
    - 0

11. GUIDED MLRS ROCKET (GMLRS)
    - Transfer back to base funding
    - 0

12. MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)
    - Transfer back to base funding
    - 0

13. ARMY TACTICAL MLRS, SVS (ATACMS)—SYS SUM
    - Transfer back to base funding
    - 0

**MODIFICATIONS**

16. PATRIOT MODS
    - Transfer back to base funding
    - 0

17. ATACMS MODS
    - Transfer back to base funding
    - 0

18. GMLRS MOD
    - Transfer back to base funding
    - 0

†S 1790 ES1S
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<td>TOTAL MISSILE PROCUREMENT, ARMY</td>
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**PROCUREMENT OF W&TVC, ARMY**

**TRACKED COMBAT VEHICLES**

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<td>5</td>
<td>Bradley Program (M9A1)</td>
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**WEAPONS & OTHER COMBAT VEHICLES**

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<td>Mortar Systems</td>
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<td>XM25 Grenade Launcher Module (GLM)</td>
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<td>Precision Sniper Rifle</td>
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<td>Cannon</td>
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**MOD OF WEAPONS AND OTHER COMBAT VEH**

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**SUPPORT EQUIPMENT & FACILITIES**

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**TOTAL PROCUREMENT OF W&TVC, ARMY**

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**PROCUREMENT OF AMMUNITION, ARMY**

**SMALL/MEDIUM CAL AMMUNITION**

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**TOW**
## SEC. 4101. PROCUREMENT

(In Thousands of Dollars)

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### OTHER PROCUREMENT, ARMY

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† S 1790 ES1S
## SEC. 4101. PROCUREMENT

### (In Thousands of Dollars)

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### AIRCRAFT PROCUREMENT, NAVY

#### COMBAT AIRCRAFT

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### MODIFICATION OF AIRCRAFT

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### PROCUREMENT OF AMMO, NAVY & MC

#### NAVYammunition

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#### MARINE CORPSAmmunition

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**TOTAL PROCUREMENT OF AMMO, NAVY & MC**

**SHIPBUILDING AND CONVERSION, NAVY**

**FLEET BALLISTIC MISSILE SHIPS**

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**OTHER WARSHIPS**

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**AMPHIBIOUS SHIPS**

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**AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST**

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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**NAVIGATION EQUIPMENT**

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**FIREFIGHTING EQUIPMENT**

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**POLLUTION CONTROL EQUIPMENT**

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**VIRGINIA CLASS SUPPORT EQUIPMENT**

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**TOTAL SHIPBUILDING AND CONVERSION, NAVY**

23,783,710 24,144,410
## SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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**SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

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**PROCUREMENT, MARINE CORPS TRACKED COMBAT VEHICLES**

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**ARTILLERY AND OTHER WEAPONS**

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**AIRCRAFT PROCUREMENT, AIR FORCE**

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†S 1790 ES1S
## HELICOPTERS

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## MISSION SUPPORT AIRCRAFT

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## AIRCRAFT REPLACEMENT SUPPORT EQUIP

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## AIRCRAFT SPARES AND REPAIR PARTS

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## AIRCRAFT INTEGRITY

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## AIRCRAFT SPORES AND REPAIR PARTS

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**PROCUREMENT OF AMMUNITION, AIR FORCE**

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**OTHER PROCUREMENT, AIR FORCE**

| PASSENGER CARRYING VEHICLES | | |
| 1    | PASSENGER CARRYING VEHICLES | 15,258 | 15,258 |

| CARGO AND UTILITY VEHICLES | | |
| 2    | MEDIUM TACTICAL VEHICLE | 34,816 | 34,816 |
| 3    | CAP VEHICLES | 1,840 | 1,840 |
| 4    | CARGO AND UTILITY VEHICLES | 23,133 | 23,133 |

| SPECIAL PURPOSE VEHICLES | | |
| 5    | JOINT LIGHT TACTICAL VEHICLE | 32,687 | 32,687 |
| 6    | SECURITY AND TACTICAL VEHICLES | 1,315 | 1,315 |
| 7    | SPECIAL PURPOSE VEHICLES | 14,508 | 14,508 |

**FIRE FIGHTING EQUIPMENT**

| MATERIALS HANDLING EQUIPMENT | | |
| 8    | MATERIALS HANDLING VEHICLES | 21,488 | 21,488 |

**BASE MAINTENANCE SUPPORT**

| RUNWAY AND MAINTENANCE SUPPORT | | |
| 10   | RUNWAY SNOW REMOV AND CLEANING EQUIP | 2,925 | 2,925 |
| 11   | BASE MAINTENANCE SUPPORT VEHICLES | 55,776 | 55,776 |

**COMM SECURITY EQUIPMENT (COMSEC)**

| COMM SECURITY EQUIPMENT | | |
| 13   | COMM SECURITY EQUIPMENT | 91,461 | 91,461 |

**INTELLIGENCE PROGRAMS**

| INTERNATIONAL INTEL TECH & ARCHITECTURES | | |
| 14   | INTERNATIONAL INTEL TECH & ARCHITECTURES | 11,366 | 11,366 |
| 15   | INTELLIGENCE TRAINING EQUIPMENT | 7,619 | 7,619 |
| 16   | INTELLIGENCE COMM EQUIPMENT | 35,538 | 35,538 |

**ELECTRONICS PROGRAMS**

| AIR TRAFFIC CONTROL & LAND NAV Sys | | |
| 17   | AIR TRAFFIC CONTROL & LAND NAV Sys | 17,939 | 17,939 |
| 18   | BATTLE CONTROL SYSTEM—FIXED | 3,061 | 3,061 |
| 19   | WEATHER OBSERVATION FORECAST | 31,447 | 31,447 |
| 20   | STRATEGIC COMMAND AND CONTROL | 3,090 | 3,090 |
| 21   | CHEYENNE MOUNTAIN COMPLEX | 10,145 | 10,145 |
| 22   | MISSION PLANNING SYSTEMS | 14,508 | 14,508 |
| 23   | STP/CREW AIRSPEED | 9,900 | 9,900 |

**SPCOM COMM-ELECTRONICS PROJECTS**

<p>| GENERAL INFORMATION TECHNOLOGY | | |
| 27   | GENERAL INFORMATION TECHNOLOGY | 26,933 | 26,933 |
| 28   | AF GLOBAL COMMAND &amp; CONTROL SYS | 2,756 | 2,756 |
| 29   | BATTLEFIELD AIRSPACE CONTROL NODE (BACN) | 49,478 | 49,478 |
| 30   | MOBILITY COMMAND AND CONTROL | 21,186 | 21,186 |
| 31   | AIR FORCE PHYSICAL SECURITY SYSTEM | 178,361 | 178,361 |
| 32   | COMBAT TRAINING RANGES | 293,993 | 293,993 |
| 33   | MINIMUM ESSENTIAL EMERGENCY COMM N | 122,648 | 122,648 |
| 34   | WIDE AREA SURVEILLANCE (WAS) | 80,818 | 80,818 |
| 35   | C3 COUNTERMEASURES | 25,836 | 25,836 |
| 36   | INTEGRATED PERSONNEL AND PAY SYSTEM | 26,900 | 26,900 |
| <strong>Poor agile implementation</strong> | | | |
| 37   | GCSS-AF IDS | 11,226 | 11,226 |
| 38   | DEFENSE ENTERPRISE ACCOUNTING &amp; MGT SYS | 1,905 | 1,905 |
| 39   | MAINTENANCE REPAIR &amp; OVERHAUL INITIATIVE | 1,912 | 1,912 |
| 40   | THEATER BATTLE MGT C2 SYSTEM | 6,317 | 6,317 |
| 41   | AIR &amp; SPACE OPERATIONS CENTER (AOC) | 33,243 | 33,243 |
| <strong>AIR FORCE COMMUNICATIONS</strong> | | | |
| 43   | BASE INFORMATION TRANSP &amp; NETWORK INFRASTRUCTURE | 69,530 | 69,530 |</p>
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**SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

**Procurement, Defense-Wide**

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**Procurement, Defense-Wide, DOD**

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† S 1790 ES18
## SEC. 4101. PROCUREMENT (In Thousands of Dollars)

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## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

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†S 1790 ES18
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**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

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**PROCUREMENT OF W&TCV, ARMY**

**TRACKED COMBAT VEHICLES**

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**WEAPONS & OTHER COMBAT VEHICLES**

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**MOD OF WEAPONS AND OTHER COMBAT VEH**

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**TOTAL PROCUREMENT OF W&TCV, ARMY**

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**PROCUREMENT OF AMMUNITION, ARMY**

**SMALL/MEDIUM CAL AMMUNITION**

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

**(In Thousands of Dollars)**

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† S 1790 ES18

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)
### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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**TOTAL WEAPONS PROCUREMENT, NAVY**

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† S 1790 ES1S

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)
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**OTHER PROCUREMENT, AIR FORCE**

- **BASE MAINTENANCE SUPPORT**: 2,944
- **BASE MAINTENANCE SUPPORT**: 2,944
- **CLASSIFIED PROGRAMS**: 3,864,066
- **TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE**: 4,193,098

**PROCUREMENT, DEFENSE-WIDE**

- **OTHER PROCUREMENT PROGRAMS**: 115,252
- **OTHER PROCUREMENT PROGRAMS**: 115,252
- **TOTAL PROCUREMENT, DEFENSE-WIDE**: 452,047

†S 1790 ES1S
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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## TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

#### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.
(In Thousands of Dollars)

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## ADVANCED TECHNOLOGY DEVELOPMENT

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†S 1790 ES1S
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

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12,192,771 12,344,126

**RESEARCH, DEVELOPMENT, TEST & EVALUATION**

**NAVY BASIC RESEARCH**
1 0601131N UNIVERSITY RESEARCH INITIATIVES | 116,850 | 116,850 |
2 0601132N CYBER BASE RESEARCH | 10,000 | 10,000 |
3 0601133N DEFENSE RESEARCH SCIENCES | 470,007 | 470,007 |
**SUBTOTAL BASIC RESEARCH**
605,978 615,978

**APPLIED RESEARCH**
4 0602114N POWER PROJECTION APPLIED RESEARCH | 19,546 | 19,546 |
5 0602121N FORCIBLE PROTECTION APPLIED RESEARCH | 119,317 | 119,317 |
6 0602131M MARINE CORPS LANDING FORCE TECHNOLOGY | 56,604 | 56,604 |
7 0602132N COMMON PICTURE APPLIED RESEARCH | 44,297 | 44,297 |

†S 1790 ES1S
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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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† S 1790 ES1S
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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)
Line

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† S 1790 ES1S

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COMBAT INFORMATION CENTER CONVERSION ........................
AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM .............
ADVANCED ARRESTING GEAR (AAG) ............................................
NEW DESIGN SSN ...............................................................................
SUBMARINE TACTICAL WARFARE SYSTEM ................................
SHIP CONTRACT DESIGN/ LIVE FIRE T&E ..................................
NAVY TACTICAL COMPUTER RESOURCES ...................................
MINE DEVELOPMENT ........................................................................
UPL Quickstrike JDAM ER ...........................................................
LIGHTWEIGHT TORPEDO DEVELOPMENT ..................................
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT ......
USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—
ENG DEV.
PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.
JOINT STANDOFF WEAPON SYSTEMS ..........................................
SHIP SELF DEFENSE (DETECT & CONTROL) .............................
SHIP SELF DEFENSE (ENGAGE: HARD KILL) ............................
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) ......................
INTELLIGENCE ENGINEERING ......................................................
MEDICAL DEVELOPMENT ................................................................
NAVIGATION/ID SYSTEM ...................................................................
JOINT STRIKE FIGHTER (JSF)—EMD ...........................................
JOINT STRIKE FIGHTER (JSF)—EMD ...........................................
INFORMATION TECHNOLOGY DEVELOPMENT ..........................
INFORMATION TECHNOLOGY DEVELOPMENT ..........................
eProcurement program duplication ..................................................
ANTI-TAMPER TECHNOLOGY SUPPORT .......................................
CH–53K RDTE .......................................................................................
Early to need ....................................................................................
MISSION PLANNING ...........................................................................
COMMON AVIONICS ............................................................................
SHIP TO SHORE CONNECTOR (SSC) ..............................................
Expand development and use of composite materials ......................
T-AO 205 CLASS ...................................................................................
UNMANNED CARRIER AVIATION (UCA) ........................................
JOINT AIR-TO-GROUND MISSILE (JAGM) .....................................
MULTI-MISSION MARITIME AIRCRAFT (MMA) ............................
MULTI-MISSION MARITIME (MMA) INCREMENT III ..................
MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.
JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.
DDG–1000 ...............................................................................................
TACTICAL CRYPTOLOGIC SYSTEMS ..............................................
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Senate
Authorized

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TARGET SYSTEMS DEVELOPMENT ...............................................
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CENTER FOR NAVAL ANALYSES ....................................................
NEXT GENERATION FIGHTER ........................................................
TECHNICAL INFORMATION SERVICES .........................................
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT ....
STRATEGIC TECHNICAL SUPPORT ................................................
RDT&E SHIP AND AIRCRAFT SUPPORT ........................................
TEST AND EVALUATION SUPPORT ................................................
OPERATIONAL TEST AND EVALUATION CAPABILITY .............
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT ..................
MARINE CORPS PROGRAM WIDE SUPPORT .................................
MANAGEMENT HQ—R&D ..................................................................
WARFARE INNOVATION MANAGEMENT .......................................
INSIDER THREAT ...............................................................................
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8,402
37,265
39,673
28,750
2,645
1,460

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990,464

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F–35 C2D2 ..............................................................................................
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2,302
422,881
383,741
127,924


### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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#### SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT

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**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

20,270,499 | 20,061,759

---

### RESEARCH, DEVELOPMENT, TEST & EVAL, AF

#### BASIC RESEARCH

1. **Defense Research Sciences**
   - 0601102F - 356,107 | 356,107
2. **University Research Initiatives**
   - 0601103F - 158,509 | 158,509
3. **High Energy Laser Research Initiatives**
   - 0601108F - 14,785 | 14,785

**SUBTOTAL BASIC RESEARCH**

529,761 | 529,761

#### APPLIED RESEARCH

4. **Materials**
   - 0602120F - 128,851 | 122,851
5. **Aerospace Vehicle Technologies**
   - 0602201F - 147,724 | 137,724
6. **Reduced program growth**
   - 10,000
7. **Human Effectiveness Applied Research**
   - 0602202F - 131,785 | 131,785
8. **Aerospace Propulsion**
   - 0602203F - 199,775 | 199,775
9. **Aerospace Sensors**
   - 0602204F - 202,912 | 202,912
10. **Science and Technology Management—Major Headquarters Activities**
    - 0602205F - 7,868 | 7,868
11. **Conventional Munitions**
    - 0602206F - 142,772 | 142,772

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

20,270,499 | 20,061,759

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*S 1790 ES18*
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** 839,153 1,066,153

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Unjustified growth: [-10,000]

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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES:** 8,436,279 8,567,479

**SYSTEM DEVELOPMENT & DEMONSTRATION**

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION:** 6,929,244 6,881,164

**MANAGEMENT SUPPORT**

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† S 1790 ES1S

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TACTICAL DECEPTION ......................................................................
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AF DEFENSIVE CYBERSPACE OPERATIONS ...............................
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ADVANCED DATA TRANSPORT FLIGHT TEST ............................
Accelerate prototype test of 5G .......................................................
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MULTI DOMAIN COMMAND AND CONTROL (MDC2) ..................
AIRBORNE SIGINT ENTERPRISE ....................................................
COMMERCIAL ECONOMIC ANALYSIS .............................................
C2 AIR OPERATIONS SUITE—C2 INFO SERVICES ......................
CCMD INTELLIGENCE INFORMATION TECHNOLOGY ..............
ISR MODERNIZATION & AUTOMATION DVMT (IMAD) ...............
Not mature plan ...............................................................................
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NATO AGS ..............................................................................................
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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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### BRAHMS RESEARCH, DEVELOPMENT, TEST & Eval, DW

### BASIC RESEARCH

1. Current Basic Research
2. Future Basic Research
3. Basic Research Initiatives
4. Basic Operation Medical Research Science
5. National Defense Education Program
6. Historically Black Colleges and Universities

### APPLIED RESEARCH

8. Joint Munitions Technology
9. Biological Technology
10. Lincoln Laboratory Research Program
11. Applied Research for the Advancement of ST Priorities

### ADVANCED TECHNOLOGY DEVELOPMENT

23. Joint Munitions Advanced Technology
24. Solids Advanced Development
25. Combating Terrorism Technology Support
26. Foreign Comparative Testing
27. Counter Weapons of Mass Destruction Advanced Technology Development
28. Advanced Concepts and Performance Assessment
29. Weapons Technology
30. Advanced Research
31. Joint DoD Muni. Technology Development
32. Advanced Airframe Systems
33. Air & Space Programs and Technology
34. Analytic Assessments
35. Advanced Innovative Analysis and Concepts
36. Advanced Innovative Analysis and Concepts—MIA
37. Common Kill Vehicle Technology
38. Defense Innovation Unit (DIU)
39. Technology Innovation
40. Chemical and Biological Fence Program—Advanced Development
41. Joint Electromagnetic Advanced Technology

### SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH


### SUBTOTAL APPLIED RESEARCH

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### SUBTOTAL RESEARCH

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES

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**SYSTEM DEVELOPMENT AND DEMONSTRATION**

- **NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT R&D/S&D**
  - FY 2020: 11,276

**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES**

- 9,797,493

**MANAGEMENT SUPPORT**

- **JOINT CAPABILITY EXPERIMENTATION**
  - FY 2020: 13,000

**TOTAL**

- 841,588

**TOTAL**

- 841,588
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### OPERATIONAL SYSTEM DEVELOPMENT

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† S 1790 ES1S
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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## SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
### FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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SECTION 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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SECTION 4301. OPERATION AND MAINTENANCE

SECTION 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

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**SUBTOTAL ADMIN & SRVWIDE ACTIVITIES** | **22,797,873** | **41,933,824** |

**UNDISTRIBUTED**

- Transfer back to base funding | [11,927] |
- Transfer back to base funding | [533,015] |
- Transfer back to base funding | [119,517] |
- Transfer back to base funding | [119,517] |
- Transfer back to base funding | [119,517] |
- Transfer back to base funding | [550,468] |
- Transfer back to base funding | [550,468] |
- Transfer back to base funding | [86,670] |
- Transfer back to base funding | [86,670] |
- Transfer back to base funding | [101,890] |
- Transfer back to base funding | [48,503] |
- Transfer back to base funding | [48,503] |
- Transfer back to base funding | [390,061] |
- Transfer back to base funding | [390,061] |
- Transfer back to base funding | [598,907] |
- Transfer back to base funding | [598,907] |
- Transfer back to base funding | [444,376] |
- Transfer back to base funding | [444,376] |
- Transfer back to base funding | [22,095] |
- Transfer back to base funding | [3,288] |
- Transfer back to base funding | [7,655] |

**SUBTOTAL UNDISTRIBUTED** | **22,797,873** | **41,933,824** |

**TOTAL OPERATION & MAINTENANCE, ARMY** | **22,797,873** | **41,933,824** |

**OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES**

- MODULAR SUPPORT BRIGADES | 0 | 11,927 |
- Transfer back to base funding | [11,927] |
- ECHELONS ABOVE BRIGADE | 0 | 533,015 |
- Transfer back to base funding | [533,015] |
- THEATER LEVEL ASSETS | 0 | 101,890 |
- Transfer back to base funding | [101,890] |
- LAND FORCES OPERATIONS SUPPORT | 0 | 550,468 |
- Transfer back to base funding | [550,468] |
- AVIATION ASSETS | 0 | 86,670 |
- Transfer back to base funding | [86,670] |
- FORCE READINESS OPERATIONS SUPPORT | 0 | 390,061 |
- LAND FORCES SYSTEMS READINESS | 0 | 101,890 |
- LAND FORCES DEPOT MAINTENANCE | 0 | 48,503 |
- BASE OPERATIONS SUPPORT | 0 | 598,907 |
- FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 0 | 444,376 |
- MANAGEMENT AND OPERATIONAL HEADQUARTERS | 0 | 22,095 |
- CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS | 0 | 3,288 |
- CYBERSPACE ACTIVITIES—CYBERSECURITY | 0 | 22,095 |

**SUBTOTAL OPERATING FORCES** | **22,797,873** | **41,933,824** |
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OPERATION & MAINTENANCE, MARINE CORPS

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OPERATION & MAINTENANCE, NAVY RES

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040 | AIRCRAFT DEPOT OPERATIONS SUPPORT .................................. | 463 463 | |
050 | AVIATION LOGISTICS ................................................................ | 26,014 26,014 | |
060 | SHIP OPERATIONS SUPPORT & TRAINING ................................... | 583 583 | |
070 | COMBAT COMMUNICATIONS ....................................................... | 17,883 17,883 | |
080 | COMBAT SUPPORT FORCES ...................................................... | 128,079 128,079 | |
090 | CYBERSPACE ACTIVITIES .......................................................... | 356 356 | |
100 | ENTERPRISE INFORMATION ........................................................ | 26,133 26,133 | |
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OPERATION & MAINTENANCE, MC RESERVE

OPERATING FORCES

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**SUBTOTAL OPERATING FORCES** | 13,074,913 | 36,699,646

**MOBILIZATION**

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**SUBTOTAL MOBILIZATION** | 1,296,814 | 1,296,814

**TRAINING AND RECRUITING**

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### SEC. 4301. OPERATION AND MAINTENANCE

*(In Thousands of Dollars)*

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

*(In Thousands of Dollars)*

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### MOBILIZATION

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### ADMIN & SRVWIDE ACTIVITIES

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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**TOTAL OPERATION & MAINTENANCE, ARMY** | 37,987,549 | 18,772,938 |

**OPERATION & MAINTENANCE, ARMY RES**

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**TOTAL OPERATION & MAINTENANCE, ARNG** | 4,376,939 | 83,291 |

**AFGHANISTAN SECURITY FORCES FUND**

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**AFGHAN NATIONAL POLICE**

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

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†S 1790 ES18
### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

**(In Thousands of Dollars)**

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### TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL

**(In Thousands of Dollars)**

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<th>Senate Authorized</th>
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SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

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1 SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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3 TITLE XLV—OTHER AUTHORIZATIONS

5 SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

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† S 1790 ES1S
### SEC. 4501. OTHER AUTHORIZATIONS

#### (In Thousands of Dollars)

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### SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

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### SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### TITLE XLVI—MILITARY CONSTRUCTION

### SEC. 4601. MILITARY CONSTRUCTION.

#### MILITARY CONSTRUCTION

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†S 1790 ES1S
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## SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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- **Alaska**
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    - F-35 AME Storage Facility:
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- **Arkansas**
  - Little Rock AFB
    - C-130H/J Fuselage Trainer Facility:
    - Request: 47,000
    - Senate Authorized: 47,000

- **Australia**
  - Tindal
    - APR-RAAF Tindal/Earthen Storage Tanks:
    - Request: 59,000
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- **California**
  - Travis AFB
    - KC-46A After B1B/B1B5/B1B7 Squad Ops/AMU:
      - Request: 6,600
      - Senate Authorized: 6,600
  - Travis AFB
    - KC-46A Regional Maintenance Training Facility:
      - Request: 19,500
      - Senate Authorized: 19,500

  - Colorado
    - Peterson AFB
      - S2C/MSTB Theater Operations Support Facility:
      - Request: 0
      - Senate Authorized: 54,000
  - Colorado AFB
    - Consolidated Space Operations Facility:
      - Request: 148,000
      - Senate Authorized: 23,000

  - Japan
    - Air Force
      - Kadena Air Base
        - Munitions Storage:
        - Request: 0
        - Senate Authorized: 7,000
      - Misawa Air Base
        - Fuel Infrastructure Reliability:
        - Request: 0
        - Senate Authorized: 5,300

  - Maryland
    - Joint Base Andrews
      - Presidential Aircraft Recap Complex Inc 3:
        - Request: 86,000
        - Senate Authorized: 86,000

  - Massachusetts
    - Hanscom AFB
      - MIT-Lincoln Lab (Weld Lab OSL/MIF) Inc 2:
        - Request: 135,000
        - Senate Authorized: 65,000

  - Montana
    - Whitman AFB
      - Consolidated Vehicle Ops and MX Facility:
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        - Senate Authorized: 27,000

  - Nevada
    - Nellis AFB
      - 365th ISB Group Facility:
        - Request: 57,000
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    - Holloman AFB
      - NC3 Support W-array Storage/Shipping Facility:
        - Request: 0
        - Senate Authorized: 20,000

  - North Dakota
    - Air Force
      - Minot AFB
        - Combat Rescue Helicopter Simulator (CRH) ADAL:
          - Request: 15,500
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  - Ohio
    - Wright-Patterson AFB
      - ADAL Intelligence Production Complex (NASIC) Inc 2:
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        - Senate Authorized: 74,000

  - Texas
    - Joint Base San Antonio
      - IIMI Recruit Dormitory 8
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    - Joint Base San Antonio
      - Aquatics Tank
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    - Joint Base San Antonio
      - T-XA AAL, Ground Based Trng Sys (MBT96) Sun.
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  - Utah
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      - Royal Air Force
        - Lakenheath
          - F-35A PEM Facility:
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      - Hill AFB
        - GHSB Mission Integration Facility:
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          - Senate Authorized: 18,000
      - Hill AFB
        - Joint Advanced Tactical Missile Storage Fabric:
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      - Hill AFB
        - Consolidated TPI Base Operations:
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      - Hill AFB
        - Hill AFB
          - Advanced Tactical Missile Storage Fabric:
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## SEC. 4001. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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**SUBTOTAL DEFENSE-WIDE** ........................................................................................................ 2,504,190 2,527,835

### ARMY NATIONAL GUARD

| Army National Guard Alabama     | Anniston Enlisted Transient Training Barracks | 0 | 34,000 |
| Army National Guard Alabama     | Foley National Guard Readiness Center        | 12,000 | 12,000 |
| Army National Guard Idaho       | Camp Roberts Automated Multipurpose Machine Gun Range | 12,000 | 12,000 |
| Army National Guard Maryland    | Orchard Training Area Railroad Tracks        | 29,000 | 29,000 |
| Army National Guard Maryland    | Havre de Grace Combined Support Maintenance Shop | 12,000 | 12,000 |
## SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

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## SEC. 4601. MILITARY CONSTRUCTION
### (In Thousands of Dollars)

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<th>FY 2020 Request</th>
<th>Senate Authorized</th>
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### CONSTRUCTION, AIR FORCE

| Construction, Air Force | Germany | Spangdahlem AB | Construct Deficit Military Family Housing | 53,584 | 53,584 |
| Construction, Air Force | Worldwide Unspecified | | Construction Improvements | 46,638 | 46,638 |
| Construction, Air Force | Worldwide Unspecified | Planning & Design | | 2,409 | 2,409 |
| **SUBTOTAL CONSTRUCTION, AIR FORCE** | | | | 103,631 | 103,631 |

### O&M, AIR FORCE

| O&M, Air Force | Worldwide Unspecified Locations | Housing Privatization | 22,593 | 87,593 |
| O&M, Air Force | Unspecified Worldwide Locations | Utilities | 42,732 | 42,732 |
| O&M, Air Force | Unspecified Worldwide Locations | Management | 56,022 | 56,022 |
| O&M, Air Force | Unspecified Worldwide Locations | Services | 7,770 | 7,770 |
| O&M, Air Force | Unspecified Worldwide Locations | Furnishings | 30,283 | 30,283 |
| O&M, Air Force | Unspecified Worldwide Locations | Miscellanous | 2,144 | 2,144 |
| O&M, Air Force | Unspecified Worldwide Locations | Leasing | 15,768 | 15,768 |
| O&M, Air Force | Unspecified Worldwide Locations | Maintenance | 117,704 | 117,704 |
| **SUBTOTAL O&M, AIR FORCE** | | | | 295,016 | 360,016 |

### O&M, DEFENSE-WIDE

| O&M, Defense-Wide | Worldwide Unspecified Locations | Utilities | 4,100 | 4,100 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Furnishings | 82 | 82 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Utilities | 13 | 13 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Leasing | 12,906 | 12,906 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Maintenance | 32 | 32 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Furnishings | 645 | 645 |
| O&M, Defense-Wide | Unspecified Worldwide Locations | Leasing | 39,222 | 39,222 |
| **SUBTOTAL O&M, DEFENSE-WIDE** | | | | 57,000 | 57,000 |

### IMPROVEMENT FUND

| Improvement Fund | Worldwide Unspecified Locations | Administrative Expenses—FHIF | 3,045 | 3,045 |
| **SUBTOTAL IMPROVEMENT FUND** | | | | 3,045 | 3,045 |

### UNACCMP HSG IMPROVEMENT FUND

| Unaccmp HSG Improvement Fund | Worldwide Unspecified Locations | Administrative Expenses—UHIF | 500 | 500 |
| **SUBTOTAL UNACCMP HSG IMPROVEMENT FUND** | | | | 500 | 500 |

### TOTAL FAMILY HOUSING

| | | | 1,324,002 | 1,535,002 |
### SEC. 4601. MILITARY CONSTRUCTION

**(In Thousands of Dollars)**

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### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**

**(In Thousands of Dollars)**

<table>
<thead>
<tr>
<th>Account</th>
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<th>Project Title</th>
<th>FY 2020 Request</th>
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### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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<th>Account</th>
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<th>FY 2020 Request</th>
<th>Senate Authorized</th>
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<td>EDI-P&amp;D</td>
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**SUBTOTAL AIR FORCE** ........................................................................................................... 314,738 1,840,438

**DEFENSE-WIDE**

Germany

†S 1790 ES18
### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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<tr>
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<th>Project Title</th>
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<td>EDI Logistics Distribution Center Annex</td>
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SUBTOTAL DEFENSE-WIDE ............................................................................................................. 46,000 3,721,313

### ARMY NATIONAL GUARD

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<td>North Carolina</td>
<td>MTA Fort Fisher Administrative Building, General Purpose</td>
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SUBTOTAL ARMY NATIONAL GUARD .............................................................................................. 50,000

### TOTAL MILITARY CONSTRUCTION .......................................................................................... 9,844,526 6,783,187

### TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(In Thousands of Dollars)

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<tr>
<td><strong>Discretionary Summary by Appropriation</strong></td>
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<tr>
<td><strong>Energy and Water Development and Related Agencies</strong></td>
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<tr>
<td><strong>Appropriation Summary:</strong></td>
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<tr>
<td><strong>Energy Programs</strong></td>
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<tr>
<td><strong>Atomic Energy Defense Activities</strong></td>
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<tr>
<td>National nuclear security administration:</td>
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Federal Salaries and Expenses
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<td>Alignment with FTEs authorized</td>
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**Weapons Activities**

**Directed stockpile work**

**Life extension programs and major alterations**

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<td>W76 Life extension program</td>
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<td>W88 Alteration program</td>
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<td>W98–4 Life extension program</td>
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<td>IW1</td>
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**Total, Life extension programs and major alterations**

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**Stockpile systems**

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<td>B61 Stockpile systems</td>
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<tr>
<td>W76 Stockpile systems</td>
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<td>W78 Stockpile systems</td>
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<td>W80 Stockpile systems</td>
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<td>W83 Stockpile systems</td>
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<td>W87 Stockpile systems</td>
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<td>W88 Stockpile systems</td>
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**Total, Stockpile systems**

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**Weapons dismantlement and disposition**

**Operations and maintenance**

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**Stockpile services**

**Production support**

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**Research and development support**

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**UFR list—technology maturation**

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**R&D certification and safety**

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**UFR list—technology maturation**

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**Management, technology, and production**

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**Total, Stockpile services**

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**Strategic materials**

**Uranium sustainment**

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**Plutonium sustainment**

**Plutonium sustainment**

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**Plutonium pit production project**

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**Total, Plutonium sustainment**

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**Tritium sustainment**

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**Domestic uranium enrichment**

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**Lithium sustainment**

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**Strategic materials sustainment**

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**Total, Strategic materials**

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**Total, Directed stockpile work**

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**Research, development, test, and evaluation (RDT&E)**

**Science**

**Advanced certification**

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**Primary assessment technologies**

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**Dynamic materials properties**

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**Advanced radiography**

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**Secondary assessment technologies**

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**Academic alliances and partnerships**

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**Enhanced Capabilities for Subcritical Experiments**

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**Total, Science**

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**Engineering**

**Enhanced surety**

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**UFR list—technology maturation**

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**Weapon systems engineering assessment technology**

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**Delivery environments (formerly Weapon systems engineering assessment technology)**

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† S 1790 ES1S
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### Operating

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#### Inertial confinement fusion ignition and high yield

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<tr>
<td>Support of other stockpile programs</td>
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<td>Diagnostics, cryogenics and experimental support</td>
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<td>Pulsed power inertial confinement fusion</td>
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<tr>
<td>Facility operations and target production</td>
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<td><strong>Total, Inertial confinement fusion and high yield</strong></td>
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#### Advanced simulation and computing

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<tr>
<td><strong>Construction:</strong></td>
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<td>18–D–670, Exascale Class Computer Cooling Equipment, LANL</td>
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<tr>
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#### Advanced manufacturing development

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<td>Component manufacturing</td>
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#### Total, RDT&E

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#### Infrastructure and operations

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#### Construction:

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<td>07–D–220-04, Transuranic liquid waste facility, LANL</td>
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<td>06–D–141, Uranium processing facility Y–12, Oak Ridge, TN</td>
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## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### (In Thousands of Dollars)

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<th>Program</th>
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<td>04–D–125–04, BLU-01 equipment installation</td>
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<td>04–D–125–05, PF–4 equipment installation</td>
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<td><strong>Defense nuclear security</strong></td>
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<td>Operations and maintenance</td>
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<tr>
<td><strong>Information technology and cybersecurity</strong></td>
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<td>Legacy contractor pensions</td>
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<td><strong>Subtotal, Weapons activities</strong></td>
<td><strong>12,408,603</strong></td>
<td><strong>12,478,403</strong></td>
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<tr>
<td><strong>Adjustments</strong></td>
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<td><strong>Total, Adjustments</strong></td>
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<tr>
<td><strong>Total, Weapons Activities</strong></td>
<td><strong>12,408,603</strong></td>
<td><strong>12,478,403</strong></td>
</tr>
</tbody>
</table>

### Defense Nuclear Nonproliferation Programs

#### Material management and minimization

- HEU reactor conversion                                                 | 114,000         | 114,000           |
- Nuclear material removal                                               | 32,925          | 32,925            |
- Material disposition                                                   | 186,608         | 186,608           |
- Laboratory and partnership support                                     | 0               | 0                 |

**Total, Material management & minimization**                           | **333,533**     | **333,533**       |

#### Global material security

- International nuclear security                                         | 48,839          | 48,839            |
- Domestic radiological security                                         | 90,513          | 90,513            |
- International radiological security                                    | 60,827          | 60,827            |
- Nuclear smuggling detection and deterrence                             | 142,171         | 142,171           |

**Total, Global material security**                                     | **342,350**     | **342,350**       |

- Nonproliferation and arms control                                     | 137,267         | 137,267           |

### Defense nuclear nonproliferation R&D

- Proliferation detection                                               | 304,040         | 284,540           |
- Nonproliferation Stewardship program strategic plan                   | [-19,500]       | [-19,500]         |
- Nuclear detonation detection                                          | 191,317         | 191,317           |
- Nonproliferation fuels development                                    | 0               | 0                 |

**Total, Defense Nuclear Nonproliferation R&D**                         | **495,357**     | **475,857**       |

#### Nonproliferation construction

- U. S. Construction: 18–D–150 Surplus Plutonium Disposition Project    | 79,000          | 79,000            |
- 99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS            | 220,000         | 220,000           |

**Total, U. S. Construction**                                           | **299,000**     | **299,000**       |

- Nonproliferation construction                                          | **299,000**     | **299,000**       |

**Total, Defense Nuclear Nonproliferation Programs**                   | **1,007,507**   | **1,588,007**     |

- Legacy contractor pensions                                            | 13,700          | 13,700            |

### Nuclear counterterrorism and incident response program

- Nuclear counterterrorism and incident response                         | 0               | 0                 |
- Emergency Operations                                                  | 35,545          | 25,945            |
SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2020 Request</th>
<th>Senate Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-defense function realignment</td>
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<td>Counterterrorism and Counterproliferation</td>
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<td><strong>362,495</strong></td>
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<td><strong>Subtotal, Defense Nuclear Nonproliferation</strong></td>
<td><strong>1,993,302</strong></td>
<td><strong>1,964,202</strong></td>
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<tr>
<td><strong>Adjustments</strong></td>
<td></td>
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<tr>
<td>Use of prior year balances</td>
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<tr>
<td><strong>Total, Adjustments</strong></td>
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<td><strong>Subtotal, Defense Nuclear Nonproliferation</strong></td>
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<td><strong>Rescission</strong></td>
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<tr>
<td><strong>Total, Defense Nuclear Nonproliferation</strong></td>
<td><strong>1,993,302</strong></td>
<td><strong>1,964,202</strong></td>
</tr>
</tbody>
</table>

**Naval Reactors**

- Naval reactors development: 531,205
- Columbia-Class reactor systems development: 75,500
- SSG Prototype refueling: 155,000
- Naval reactors operations and infrastructure: 553,591
- Program direction: 50,500
- **Construction:**
  - 20–D–931, KL Fuel development laboratory: 23,700
  - 19–D–930, KS Overhead Piping: 20,900
  - 17–D–911, BL Fire System Upgrade: 0
  - 15–D–904, NRF Overpack Storage Expansion 3: 0
  - 15–D–903, KL Fire System Upgrade: 0
  - 14–D–901, Spent fuel handling immobilization project, NRF: 238,000
- **Total, Construction:** 282,600
- Transfer to NE—Advanced Test Reactor (non-add): (0)
- **Total, Naval Reactors:** 1,648,396

**Defense Environmental Cleanup**

- **Closure sites:**
  - Closure sites administration: 4,987
- **Richland:**
  - River corridor and other cleanup operations:
    - River corridor and other cleanup operations: 139,750
  - Central plateau remediation:
    - Central plateau remediation: 472,949
- **Total, Central plateau remediation:** 472,949
- Richland community and regulatory support: 5,121
- **Construction:**
  - 18–D–404 WESF Modifications and Capsule Storage: 11,000
- **Total, Construction:** 11,000
- **Total, Richland:** 628,820

**Office of River Protection:**

- Waste Treatment Immobilization Plant Commissioning: 15,000
- Rad liquid tank waste stabilization and disposition: 677,460
- **Construction:**
  - 18–D–16 Waste treatment and immobilization plant -LH/L/Direct feed LAW: 640,000
  - 15–D–409 Low activity waste pretreatment system, ORP: 0
  - 01–D–16 D, High-level waste facility: 30,000
  - 01–D–16 E, Pretreatment Facility: 20,000
- **Total, Construction:** 690,000
- ORP Low-level waste offsite disposal: 10,000
- **Total, Office of River protection:** 1,392,460

**Idaho National Laboratory:**

- Idaho cleanup and waste disposition: 331,354
- ID Excess facilities R&D: 0
- Idaho community and regulatory support: 3,500
- **Total, Idaho National Laboratory:** 334,854

†S 1790 ES18
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<th>Program</th>
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<td><strong>Total, Defense Environmental Cleanup</strong></td>
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Other Defense Activities

Environment, health, safety and security
Environment, health, safety and security .............................. 139,628 139,628
Program direction ................................................................. 72,881 72,881
Total, Environment, Health, safety and security ................... 212,509 212,509

Independent enterprise assessments
Independent enterprise assessments ........................................ 24,068 24,068
Program direction ................................................................. 57,211 54,211
Non-defense function realignment ........................................... [–3,000]
Total, Independent enterprise assessments ............................. 81,279 78,279

Specialized security activities .................................................. 254,578 254,578

Office of Legacy Management
Legacy management ............................................................... 283,767 283,767
Program direction ................................................................. 19,262 19,262
Total, Office of Legacy Management ....................................... 303,029 303,029

Defense related administrative support
Chief financial officer ............................................................. 54,538 54,538
Chief information officer ........................................................ 124,554 124,554
Total, Defense related administrative support ........................... 179,092 179,092

Office of hearings and appeals ................................................ 4,852 4,852

Subtotal, Other defense activities ............................................ 1,035,339 1,032,339
Use of prior year balances (HA) .............................................. 0 0
Total, Other Defense Activities ................................................ 1,035,339 1,032,339

Defense Nuclear Waste Disposal
Yucca mountain and interim storage ..................................... 26,000 0
Total, Defense Nuclear Waste ................................................ 26,000 0

DIVISION E—ADDITIONAL PROVISIONS

TITLE LI—PROCUREMENT

SEC. 5101. BRIEFING ON PLANS TO INCREASE READINESS OF B–1 BOMBER AIRCRAFT.

(a) In General.—Not later than January 31, 2020, the Secretary of the Air Force shall provide the congres- sional defense committees a briefing on the Air Force’s plans to increase the readiness of the B–1 bomber aircraft.

(b) Elements.—The briefing required under subsection (a) shall include the following elements:

(1) A description of aircraft structural issues.
(2) A plan for continued structural deficiency data analysis and training.

(3) Projected repair timelines.

(4) Future mitigation strategies.

(5) An aircrew maintainer training plan, including a plan to ensure that the training pipeline remains steady, for any degradation period.

(6) A recovery timeline to meet future deployment tasking.

(7) A plan for continued upgrades and improvements.

SEC. 5126. LIMITATION ON AVAILABILITY OF FUNDS FOR THE LITTORAL COMBAT SHIP.

(a) LIMITATION.—The text of subsection (a) of section 126 is hereby deemed to read as follows:

“(a) LIMITATIONS.—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be used to exceed, and the Department may not otherwise exceed, the total procurement quantity of thirty-five Littoral Combat Ships, unless the Under Secretary of Defense for Acquisition and Sustainment submits to the congressional defense committees the certifications described in subsection (b).”.

(b) DEFINITION.—Subsection (e) of section 126 shall have no force or effect.
SEC. 5151. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMUNICATIONS SYSTEMS LACKING CERTAIN RESILIENCY FEATURES.

The text of subsection (a) of section 151 preceding paragraph (1) is hereby deemed to read as follows:

"(a) IN GENERAL.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be used for the procurement of a current or future Department of Defense communications program of records, and the Department may not otherwise procure a current or future communications program of record, unless the communications equipment—"

TITLE LII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 5201. ENERGETICS PLAN.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Research and Engineering shall, in coordination with the technical directors at defense laboratories and such other officials as the Under Secretary considers appropriate, develop an energetics research and development plan to ensure a long-term multi-domain research, development, prototyping, and experimentation effort that—
(1) maintains United States technological superiority in energetics technology critical to national security;

(2) efficiently develops new energetics technologies and transitions them into operational use, as appropriate; and

(3) maintains a robust industrial base and workforce to support Department of Defense requirements for energetic materials.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall brief the congressional defense committees on the plan developed under subsection (a).

SEC. 5202. AMENDMENTS TO RESEARCH PROJECT TRANSACTION AUTHORITIES TO ELIMINATE COST-SHARING REQUIREMENTS AND REDUCE BURDENS ON USE.

(a) COOPERATIVE AGREEMENTS FOR RESEARCH PROJECTS.—Section 2371(e) of title 10, United States Code, is amended—

(1) by striking paragraph (2);

(2) by striking paragraph (1)(B);

(3) in paragraph (1)(A), by striking “; and” and inserting a period; and
(4) by striking “(e) CONDITIONS.—(1) The Secretary of Defense” and all that follows through “(A) to the maximum extent practicable” and inserting “(e) CONDITIONS.—The Secretary of Defense, to the maximum extent practicable”.

(b) CONFORMING AMENDMENT.—Section 2371b(b) of title 10, United States Code, is amended by striking “(b) EXERCISE OF AUTHORITY.—” and all that follows through “(2) To the maximum extent practicable” and inserting “(b) EXERCISE OF AUTHORITY.—To the maximum extent practicable”.

SEC. 5203. COMPARATIVE CAPABILITIES OF ADVERSARIES IN ARTIFICIAL INTELLIGENCE.

(a) EXPANSION OF DUTIES OF OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR COORDINATION OF ACTIVITIES RELATING TO DEVELOPMENT AND DEMONSTRATION OF ARTIFICIAL INTELLIGENCE.—Section 238(c)(2)(I) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new clause:

“(iii) that appropriate entities in the Department are reviewing all open sources publications from both the United States and outside the United States that contribute, impact, or advance artificial intelligence research and development.”.

(b) Analysis of Comparative Capabilities of China in Artificial Intelligence.—The Secretary of Defense shall provide the congressional defense committees with an analysis and briefing that includes the following:

(1) A comprehensive and national-level—

(A) comparison of public and private investment differentiated by sector and industry;

(B) review of current trends in ability to set and determine global standards and norms for artificial intelligence technology in national security, including efforts in international standard setting bodies;

(C) assessment of access to artificial intelligence technology in national security; and

(D) assessment of areas and activities in which the United States should invest in order
to provide the United States with technical superiority over China in relevant areas of artificial intelligence.

(2) A comprehensive assessment of relative technical quality of activities in the United States and China.

(3) A comprehensive assessment of the likelihood that developments in artificial intelligence will successfully transition into military systems of China.

(4) Predicted effects on United States national security if current trends in China and the United States continue.

(5) Predicted effects of current trends on digital and technology export relationships of both countries with existing and new trading partners.

(6) Assessment of the relationships that are critical and in need of development in both private and public sector to ensure investment in artificial intelligence to keep pace with current global trends.

SEC. 5204. ADDITIONAL AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) Additional Amount for Workforce Transformation Cyber Initiative Pilot Program.—The amount authorized to be appropriated for fiscal year 2020
by section 201 for research, development, test, and evaluation is hereby increased by $25,000,000, with the amount of the increase to be available for Information Systems Security Program (PE 0303140D8Z) for the National Security Agency National Cryptologic School for cybersecurity and artificial intelligence curriculum development and establishment of a pilot program to enable workforce transformation certificate-based courses that are developed through this effort and then offered by Center of Academic Excellence Universities.

(b) ADDITIONAL AMOUNT FOR RESEARCH ON ADVANCED DIGITAL RADAR SYSTEMS.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for Navy research, development, test, and evaluation is hereby increased by $5,000,000, with the amount of the increase to be available for University Research Initiatives (PE 0601103N) for continued research on advanced digital radar systems to meet the evolving goals of the Department of Defense to improve threat detection at greater stand-off distances.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2020 by section 1405 for Defense Health Program is hereby decreased by $30,000,000, with the amount of the decrease to be taken from the amount

SEC. 5205. BRIEFING ON EXPLAINABLE ARTIFICIAL INTELLIGENCE.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the development and applications of explainable artificial intelligence.

(b) ELEMENTS.—The briefing required under subsection (a) shall address the following:

(1) The extent to which the Department of Defense currently uses and prioritizes explainable artificial intelligence.

(2) The limitations of explainable artificial intelligence and the plans of the Department to address those limitations.

(3) The future plans of the Department to require explainable artificial intelligence, particularly in technologies that have warfighting applications.

(4) Any potential roadblocks to the effective deployment of explainable artificial intelligence across the Department.

(5) Identification and description of programs and activities, including funding and schedule, to de-
velop or procure explainable artificial intelligence to meet defense requirements and technology development goals.

(6) Such other matters as the Secretary considers appropriate.

(c) Form of Briefing.—The briefing required under subsection (a) shall be provided in unclassified form, but may include a classified supplement.

(d) Definition of Explainable Artificial Intelligence.—In this section, the term “explainable artificial intelligence” means artificial intelligence that has the ability to demonstrate the rationale behind its decisions in order for its human user to comprehend and characterize the strengths and weaknesses of its decision-making process, as well as understand how it will behave in the future in the contexts in which it is used.

SEC. 5206. ADMINISTRATION OF CENTERS FOR MANUFACTURING INNOVATION FUNDED BY THE DEPARTMENT OF DEFENSE.

(a) In General.—The Secretary of Defense shall make such changes to the administration of covered centers so as—

(1) to encourage covered centers to leverage existing workforce development programs across the
Federal Government and State governments in order to build successful workforce development programs;

(2) to develop metrics to evaluate the workforce development performed by the covered centers, including metrics on job quality, career pathways, wages and benefits, and efforts to support veterans, and progress in aligning workforce skillsets with the current and long-term needs of the Department of Defense and the defense industrial base;

(3) to allow metrics to vary between covered centers and be updated and evaluated continuously in order to more accurately evaluate covered centers with different goals and missions;

(4) to encourage covered centers to consider developing technologies that were previously funded by Federal Government investment for early-stage research and development and expand cross-government coordination and collaboration to achieve this goal;

(5) to provide an opportunity for increased Department of Defense input and oversight from senior-level military and civilian personnel on future technology roadmaps produced by covered centers;

(6) to reduce the barriers to collaboration between and among multiple covered centers;
(7) to use contracting vehicles that can increase flexibility, reduce barriers for contracting with subject-matter experts and small and medium enterprises, enhance partnerships between covered centers, and reduce the time to award contracts at covered centers; and

(8) to overcome barriers to the adoption of manufacturing processes and technologies developed by the covered centers by the defense and commercial industrial base, particularly small and medium enterprises, by engaging with public and private sector partnerships and appropriate government programs and activities, including the Hollings Manufacturing Extension Partnership.

(b) COORDINATION WITH OTHER ACTIVITIES.—The Secretary shall carry out this section in coordination with activities undertaken under—

(1) the Manufacturing Technology Program established under section 2521 of title 10, United States Code;

(2) the Manufacturing Engineering Education Program established under section 2196 of such title;

(3) the Defense Manufacturing Community Support Program established under section 846 of
the John S. McCain National Defense Authorization
Act for Fiscal Year 2019 (Public Law 115–232);
(4) manufacturing initiatives of the Secretary of
Commerce, the head of the National Office of the
Network for Manufacturing Innovation Program, the
Secretary of Energy, and such other government and
private sector organizations as the Secretary of De-
fense considers appropriate; and
(5) such other activities as the Secretary con-
siders appropriate.
(c) DEFINITION OF COVERED CENTER.—In this sec-
tion, the term “covered center” means a manufacturing
innovation institute that is funded by the Department of
Defense.

SEC. 5207. COMMERCIAL EDGE COMPUTING TECH-
NOLOGIES AND BEST PRACTICES FOR DE-
PARTMENT OF DEFENSE WARFIGHTING SYS-
TEMS.

(a) REPORT REQUIRED.—Not later than 120 days
after the date of the enactment of this Act, the Under
Secretary of Defense for Acquisition and Sustainment
shall submit to the congressional defense committees a re-
port on commercial edge computing technologies and best
practices for Department of Defense warfighting systems.
(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Identification of initial warfighting system programs of record that will benefit most from accelerated insertion of commercial edge computing technologies and best practices, resulting in significant near-term improvement in system performance and mission capability.

(2) The plan of the Department of Defense to provide additional funding for the systems identified in paragraph (1) to achieve fielding of accelerated commercial edge computing technologies before or during fiscal year 2021.

(3) The plan of the Department to identify, manage, and provide additional funding for commercial edge computing technologies more broadly over the next four fiscal years where appropriate for—

(A) command, control, communications, and intelligence systems;

(B) logistics systems; and

(C) other mission-critical systems.

(4) A detailed description of the policies, procedures, budgets, and accelerated acquisition and contracting mechanisms of the Department for near-term insertion of commercial edge computing tech-
nologies and best practices into military mission-critical systems.

SEC. 5211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.

The text of subsection (c) of section 211 is hereby deemed to read as follows:

“(c) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2020 for operation and maintenance for the Office of the Secretary of the Air Force and for operation and maintenance for the Office of the Secretary of the Navy, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force and the Chief of Naval Operations, respectively, submit the development and acquisition strategy required by subsection (a).”.

SEC. 5213. LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2 DURING CAPABILITY.

The text of subsection (a) of section 213 preceding paragraph (1) is hereby deemed to read as follows:

“(a) LIMITATION AND REPORT.—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Army may be obligated or expended for re-
search, development, test, or evaluation for the Indirect Fire Protection Capability Increment 2 enduring capability, and the Department may not otherwise engage in the research, development, test, or evaluation on such capability, until the Secretary of the Army submits to the congressional defense committees a report on the Indirect Fire Protection Capability Increment 2 program that contains the following:

TITLE LIII—OPERATION AND MAINTENANCE

SEC. 5301. LIFE CYCLE SUSTAINMENT ANNUAL REPORT FOR MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) In general.—The Secretary of Defense shall provide the congressional defense committees with an annual report for the life cycle sustainment of each major weapon system as defined in (b).

(b) The Secretary of Defense shall ensure the report described in subsection (a)—

(1) identifies a goal for material availability, material reliability, and mean down time metrics for each weapons system and includes an explanation of factors that may preclude the Secretary of the military department concerned from meeting that goal; and
(2) reflects the period covered by the future-years defense program specified by section 221 of title 10, United States Code, with respect to the budget for which the budget exhibit is prepared.

(c) To be submitted by February 1st of each year.

**SEC. 5302. SENSE OF SENATE ON PRIORITIZING SURVIVABLE LOGISTICS FOR THE DEPARTMENT OF DEFENSE.**

It is the sense of the Senate that—

(1) resilient and agile logistics are necessary to implement the 2018 National Defense Strategy because it enables the United States to project power and sustain the fight against its strategic competitors in peacetime and during war;

(2) the joint logistics enterprise of the Armed Forces of the United States faces high-end threats from strategic competitors China, Russia, and Iran, all of whom have invested in anti-access area denial capabilities and gray zone tactics;

(3) there are significant logistics shortfalls, as outlined in the November 2018 final report of the Defense Science Board (DSB) Task Force on Survivable Logistics, which, if left unaddressed, would hamper the readiness and ability of the Armed
Forces of the United States to conduct operations globally;

(4) since the military departments have not shown a strong commitment to funding logistics, the Secretary of Defense should review the full list of recommendations listed in the report described in paragraph (3) and address the chronic underfunding of logistics relative to other priorities of the Department of Defense.

SEC. 5303. PLAN ON SUSTAINMENT OF ROUGH TERRAIN CONTAINER HANDLER FLEETS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall—

(1) jointly develop plans for sustainment of their respective RT240 Rough Terrain Container Handler (RTCH) fleets to ensure operational capability of such fleets into the 2030s;

(2) assess available modernization capabilities to enhance joint deployment of such fleets; and

(3) provide a joint briefing to the Committees on Armed Services of the Senate and the House of Representatives on the readiness of such fleets.
SEC. 5304. REQUIREMENT TO INCLUDE FOREIGN LANGUAGE PROFICIENCY IN READINESS REPORTING SYSTEMS OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of each military department shall include in the Global Readiness and Force Management Enterprise, for the appropriate billets with relevant foreign language requirements, measures of foreign language proficiency as a mandatory element of unit readiness reporting, to include the Defense Readiness Reporting Systems-Strategic (DRRS–S) and all other subordinate systems that report readiness data.

SEC. 5305. MONITORING OF NOISE FROM FLIGHTS AND TRAINING OF EA–18G GROWLERS ASSOCIATED WITH NAVAL AIR STATION WHIDBEY ISLAND.

(a) MONITORING.—

(1) IN GENERAL.—The Secretary of Defense shall provide for real-time monitoring of noise from local flights of EA–18G Growlers associated with Naval Air Station Whidbey Island, including field carrier landing practice at Naval Outlying Field (OLF) Coupeville and Ault Field.
(2) **Public Availability.**—The Secretary shall publish the results of monitoring conducted under paragraph (1) on a publicly available Internet website of the Department of Defense.

(3) **Report.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of monitoring conducted under paragraph (1) and the results of such monitoring.

(b) **Plan for Additional Monitoring.**—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for real-time monitoring described in subsection (a)(1) of noise relating to field carrier landing practice conducted above or adjacent to Olympic National Park, Olympic National Forest, and Ebey’s Landing National Historical Reserve.

(2) **Development of Plan.**—The Secretary shall work with the Director of the National Park Service and the Chief of the Forest Service in developing the plan under paragraph (1).
(c) **Funding.**—

(1) **In General.**—The amount authorized to be appropriated by this Act for Navy Operation and Maintenance is hereby increased by $1,000,000 and the amount of such increase shall be made available to carry out this section.

(2) **Offset.**—The amount authorized to be appropriated by this Act for Marine Corps Operation and Maintenance for SAG 4A4G is hereby reduced by $1,000,000.

**SEC. 5306. SENSE OF CONGRESS ON RESTORATION OF TYN- DALL AIR FORCE BASE.**

It is the sense of Congress that the Secretary of the Air Force should—

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) efficient ergonomic enterprise for members of the Air Force in the 21st century.
SEC. 5318. COOPERATIVE AGREEMENTS WITH STATES TO ADDRESS CONTAMINATION BY PERFLUORALKYL AND POLYFLUOROALKYL SUBSTANCES.

The text of section 318(a) is hereby deemed to include at the end the following:

“(3) Other authority.—In addition to the requirements under paragraph (1), when otherwise authorized to expend funds for the purpose of addressing ground or surface water contaminated by a perfluorinated compound, the Secretary of Defense may, to expend those funds, enter into a grant agreement, cooperative agreement, or contract with—

“(A) the local water authority with jurisdiction over the contamination site, including—

“(i) a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); and

“(ii) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)); or

“(B) a State, local, or Tribal government.”.
SEC. 5352. LIMITATION ON USE OF FUNDS REGARDING THE
BASING OF KC-46A AIRCRAFT OUTSIDE THE
CONTINENTAL UNITED STATES.

The text of subsection (b) of section 352 is hereby
described to read as follows:

“(b) LIMITATION ON USE OF FUNDS.—Not more
than 85 percent of the funds authorized to be appro-
priated by this Act for fiscal year 2020 for the Air Force
for operation and maintenance for the Management Head-
quarters Program (Program Element 92398F) may be ob-
ligated or expended until the Secretary of the Air Force
submits the report required by subsection (a) unless the
Secretary certifies to Congress that the use of additional
funds is mission essential.”.

TITLE LIV—MILITARY
PERSONNEL AUTHORIZATIONS

SEC. 5401. MODIFICATION OF AUTHORIZED STRENGTH OF
AIR FORCE RESERVE SERVING ON FULL-TIME
RESERVE COMPONENT DUTY FOR ADMINIS-
TRATION OF THE RESERVES OR THE NA-
TIONAL GUARD.

(a) IN GENERAL.—The table in section 12011(a)(1)
of title 10, United States Code, is amended by striking
the matter relating to the Air Force Reserve and inserting
the following new matter:
1,000 166 170 100
1,500 245 251 143
2,000 322 330 182
2,500 396 406 216
3,000 467 479 246
3,500 536 550 271
4,000 602 618 292
4,500 665 683 308
5,000 726 746 320
5,500 784 806 325
6,000 840 864 327
7,000 962 990 347
8,000 1,087 1,110 356
10,000 1,322 1,362 395

1 (b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

TITLE LV—MILITARY PERSONNEL POLICY

SEC. 5501. ANNUAL STATE REPORT CARD.

Section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) is amended by striking “on active duty (as defined in section 101(d)(5) of such title)”. 

†S 1790 ES1S
SEC. 5502. INFORMATION AND OPPORTUNITIES FOR REGISTRATION FOR VOTING AND ABSENTEE BALLOT REQUESTS FOR MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT OVERSEAS.

(a) In general.—Not later than 45 days prior to a general election for Federal office, a member of the Armed Forces shall be provided with the following:

(1) A Federal write-in absentee ballot prescribed pursuant to section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20303), together with instructions on the appropriate use of the ballot with respect to the State in which the member is registered to vote.

(2) In the case of a member intending to vote in a State that does not accept the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections, a briefing on, and an opportunity to fill out, the official post card form for absentee voter registration application and absentee ballot application prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)(2)).

(b) Personnel responsible of discharge.—Ballots and instructions pursuant to paragraph (1) of subsection (a), and briefings and forms pursuant to para-
graph (2) of such subsection, shall be provided by Voting Assistance Officers or such other personnel as the Secretary of the military department concerned shall designate.

(c) Sense of Congress Relating to the Use of the Federal Write-in Absentee Ballot.—

(1) Findings.—Congress makes the following findings:

(A) Servicemembers serving abroad are subject to disproportionate challenges in voting.

(B) As of May, 2019, only 28 States allow servicemembers to use the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections.

(2) Sense of Congress.—It is the sense of Congress that—

(A) Federal and State governments should remove all obstacles that would inhibit deployed servicemembers from voting; and

(B) States that do not allow servicemembers to use the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections should modify their laws to permit such use.
SEC. 5503. STUDY ON TWO-WAY MILITARY BALLOT BARCODE TRACKING.

(a) STUDY.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on the feasibility of a pilot program providing full ballot tracking of overseas military absentee ballots through the mail stream in a manner that is similar to the 2016 Military Ballot Tracking Pilot Program conducted by the Federal Voting Assistance Program.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Federal Voting Assistance Program shall submit to Congress a report on the results of the study conducted under subsection (a). Such report shall include—

(1) an estimate of the costs and requirements needed to conduct the pilot program described in subsection (a);

(2) a description of organizations that would provide substantial support for such a pilot program; and

(3) a time line for the phased implementation of the pilot program to all military personnel actively serving overseas.
SEC. 5504. SENSE OF SENATE ON THE HONORABLE AND
DISTINGUISHED SERVICE OF GENERAL JOSEPH F. DUNFORD, UNITED STATES MARINE
CORPS, TO THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) General Joseph F. Dunford was commissioned as a second lieutenant in the United States Marine Corps in 1977.

(2) Since 1977, General Dunford has served as an infantry officer at all levels and has held numerous leadership roles, including Commander of the 5th Marine Regiment during Operation IRAQI FREEDOM, Commander of the International Security Assistance Force and United States Forces-Afghanistan, and Commander, Marine Forces United States Central Command.

(3) General Dunford served as the 32nd Assistant Commandant of the Marine Corps from October 23, 2010, to December 15, 2012.

(4) General Dunford subsequently served as the 36th Commandant of the Marine Corps from October 17, 2014, to September 24, 2015.

(5) General Dunford became the highest-ranking military officer in the United States when he
was appointed as the 19th Chairman of the Joint Chiefs of Staff on October 1, 2015.

(6) General Dunford is only the second United States Marine to hold the position of Chairman of the Joint Chiefs of Staff.

(7) During his nearly four years as Chairman of the Joint Chiefs of Staff, General Dunford effectively and honorably executed the duties of the office to the highest degree.

(8) General Dunford has an extensive record of impeccable service to the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States deeply appreciates the decades of honorable service of General Joseph F. Dunford; and

(2) the indispensable leadership of General Dunford and his dedication to the men and women of the Armed Forces demonstrates the finest example of service to the United States.
SEC. 5505. PARTICIPATION OF OTHER FEDERAL AGENCIES IN THE SKILLBRIDGE APPRENTICESHIP AND INTERNSHIP PROGRAM FOR MEMBERS OF THE ARMED FORCES.

Section 1143(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) Any program under this subsection may be carried out at, through, or in consultation with such other departments or agencies of the Federal Government as the Secretary of the military department concerned considers appropriate.”.

SEC. 5506. PERSONNEL TEMPO OF THE ARMED FORCES AND THE UNITED STATES SPECIAL OPERATIONS COMMAND DURING PERIODS OF APPLICABILITY OF HIGH-DEPLOYMENT LIMITATIONS.

(a) IN GENERAL.—Section 991(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”;

and

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

†S 1790 ES18
“(2)(A) Whenever a waiver is in effect under paragraph (1), the member or group of members covered by the waiver shall be subject to specific and measurable deployment thresholds established and maintained for purposes of this subsection.

“(B) Thresholds under this paragraph may be applicable—

“(i) uniformly, Department of Defense-wide; or

“(ii) separately, with respect to each armed force and the United States Special Operations Command.

“(C) If thresholds under this paragraph are applicable Department-wide, such thresholds shall be established and maintained by the Under Secretary of Defense for Personnel and Readiness. If such thresholds are applicable only to a separate armed force or the United States Special Operations Command, such thresholds shall be established and maintained by the Secretary of the Army, the Secretary of the Navy (other than with respect to the Marine Corps), the Secretary of the Air Force, the Commandant of the Marine Corps (with respect to the Marine Corps), and the Commander of the United States Special Operations Command, as applicable.

“(D) In undertaking recordkeeping for purposes of subsection (c), the Under Secretary shall, in conjunction
with the other officials and officers referred to in subpara-
graph (C), collect complete and reliable personnel tempo
data of members described in subparagraph (A) in order
to ensure that the Department, the armed forces, and the
United States Special Operations Command fully and
completely monitor personnel tempo under a waiver under
paragraph (1) and its impact on the armed forces.”.

(b) Deadline for Implementation.—Paragraph
(2) of section 991(d) of title 10, United States Code, as
added by subsection (a), shall be fully implemented by not
later than March 1, 2020.

SEC. 5507. REPORT AND BRIEFING ON THE SENIOR RE-
SERVE OFFICERS’ TRAINING CORPS.

(a) Report on Various Expansions of the
Corps.—Not later than one year after the date of the en-
actment of this Act, the Secretary of Defense shall submit
to the Committees on Armed Services of the Senate and
the House of Representatives a report setting forth the
following:

(1) An assessment of the feasibility and advis-
ability of distance learning programs for the Senior
Reserve Officers’ Training Corps for students at
educational institutions who reside outside the viable
range for a cross-town program.
(2) An assessment of the feasibility and advisability of expanding the eligibility of institutions authorized to maintain a unit of the Senior Reserve Officers’ Training Corps to include community colleges.

(b) Briefing on Long-term Effects on the Corps of the Operation of Certain Recent Prohibitions.—

(1) Briefing Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the effects of the prohibitions in section 8032 of the Department of Defense Appropriations Act, 2019 (division A of Public Law 115–245) on the long-term viability of the Senior Reserve Officers’ Training Corps (SROTC).

(2) Elements.—The matters addressed by the briefing under paragraph (1) shall include an assessment of the effects of the prohibitions described in paragraph (1) on the following:

(A) Readiness.

(B) The efficient manning and administration of Senior Reserve Officers’ Training Corps units.
(C) The ability of the Armed Forces to commission on a yearly basis the number and quality of new officers they need and that are representative of the nation as a whole.

(D) The availability of Senior Reserve Officers’ Training Corps scholarships in rural areas.

(E) Whether the Senior Reserve Officers’ Training Corps program produces officers representative of the demographic and geographic diversity of the United States, especially with respect to urban areas, and whether restrictions on establishing or disestablishing units of the Corps affects the diversity of the officer corps of the Armed Forces.

SEC. 5508. REPORT ON SUICIDE PREVENTION PROGRAMS AND ACTIVITIES FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) Report Required.—Not later than 240 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the programs and activities of the Department of Defense and the Armed Forces for the prevention of suicide among members of
the Armed Forces (including the reserve components) and
their families.

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

(1) A description of the current programs and
activities of the Department and the Armed Forces
for the prevention of suicide among members of the
Armed Forces and their families.

(2) An assessment whether the programs and
activities described pursuant to paragraph (1)—

(A) are evidence-based and incorporate
best practices identified in peer-reviewed med-
ic literature;

(B) are appropriately resourced; and

(C) deliver outcomes that are appropriate
relative to peer activities and programs (includ-
ing those undertaken in the civilian community
and in military forces of other countries).

(3) A description and assessment of any im-
pediments to the effectiveness of such programs and
activities.

(4) Such recommendations as the Comptroller
General considers appropriate for improvements to
such programs and activities.
(5) Such recommendations as the Comptroller General considers appropriate for additional programs and activities for the prevention of suicide among members of the Armed Forces and their families.

SEC. 5509. SENSE OF CONGRESS ON LOCAL PERFORMANCE OF MILITARY ACCESSION PHYSICALS.

(a) Findings.—Congress makes the following findings:

(1) The United States Military Entrance Processing Command (USMEPCOM) consists of 65 Military Entrance Processing Stations (MEPS) dispersed throughout the contiguous United States, Alaska, Hawaii, and Puerto Rico.

(2) Applicants who must travel to the closest Processing Station are often driven by their military recruiter and receive free lodging at a nearby hotel paid by the Armed Force concerned.

(3) In fiscal year 2015, the United States Military Entrance Processing Command processed 473,000 applicants at its Processing Stations, with an aggregate total of 931,000 applicant visits to such Processing Stations in that fiscal year.

(b) Sense of Congress.—It is the sense of Congress that—
(1) permitting military accession physicals in local communities would allow recruiters to focus on their core recruiting mission; and

(2) the conduct of military accession physicals in local communities would permit the United States Military Entrance Processing Command to reduce costly and inefficient return visits by applicants to Military Entrance Processing Stations and increase efficiency in its processing times.

SEC. 5510. PERMANENT AUTHORITY TO DEFER PAST AGE 64 THE RETIREMENT OF CHAPLAINS IN GENERAL AND FLAG OFFICER GRADES.

Section 1253(c) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 5546. BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.

Part III of subtitle D of title V, and the amendments made by that part, shall have no force or effect.

SEC. 5585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JOHN J. DUFFY FOR ACTS OF VALOR IN VIETNAM.

Section 585 shall have no force or effect.
SEC. 5587. AUTHORITY TO AWARD OR PRESENT A DECORATION NOT PREVIOUSLY RECOMMENDED IN A TIMELY FASHION FOLLOWING A REVIEW REQUESTED BY CONGRESS.

Section 5587, and the amendments made by that section, shall have no force or effect.

TITLE LVI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 5601. INCLUSION OF CERTAIN VETERANS ON TEMPORARY DISABILITY OR PERMANENT DISABLED RETIREMENT LISTS IN MILITARY ADAPTIVE SPORTS PROGRAMS.

(a) Inclusion of Certain Veterans.—Subsection (a)(1) of section 2564a of title 10, United States Code, is amended by striking “for members of the armed forces who” and all that follows through the period at the end and inserting the following: “for—

“(A) any member of the armed forces who is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(B) any veteran (as defined in section 101 of title 38), during the one-year period following the veteran’s date of separation, who—
“(i) is on the Temporary Disability Retirement List or Permanently Disabled Retirement List;

“(ii) is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(iii) was enrolled in the program authorized under this section prior to the veteran’s date of separation.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by inserting “and veterans” after “members”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§2564a. Provision of assistance for adaptive sports programs: members of the armed forces; certain veterans”.

(2) TABLE OF SECTION.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2564a and inserting the following new item:

“2564a. Provision of assistance for adaptive sports programs: members of the armed forces; certain veterans.”.
SEC. 5602. REPORT ON EXTENSION TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF SPECIAL AND INCENTIVE PAYS FOR MEMBERS OF THE ARMED FORCES NOT CURRENTLY PAYABLE TO MEMBERS OF THE RESERVE COMPONENTS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Secretary for purposes of the report, on the feasibility and advisability of paying eligible members of the reserve components of the Armed Forces any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components.

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

(1) An estimate of the yearly cost of paying members of the reserve components risk pay and flight pay under sections 334, 334a, and 351 of title 37, United States Code, at the same rate as members on active duty, regardless of number of periods of instruction or appropriate duty participated in, so long as there is at least one such period of instruction or appropriate duty in the month.
(2) A statement of the number of members of the reserve components who qualify or potentially qualify for hazardous duty incentive pay based on current professions or required duties, broken out by hazardous duty categories set forth in section 351 of title 37, United States Code.

(3) If the Secretary determines that payment to eligible members of the reserve components of any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components is feasible and advisable, such recommendations as the Secretary considers appropriate for legislative or administrative action to authorize such payment.

SEC. 5642. TREATMENT OF FEES OF SERVICE PROVIDED AS SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.

Section 642, and the amendment made by that section, shall have no force or effect.

TITLE LVII—HEALTH CARE PROVISIONS

SEC. 5701. CONTRACEPTIVE PARITY UNDER THE TRICARE PROGRAM.

The text of subsection (c) of section 701 is hereby deemed to read as follows:
“(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2030.”.

SEC. 5702. EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS AS PART OF PERIODIC HEALTH ASSESSMENTS AND OTHER PHYSICAL EXAMINATIONS.

(a) Periodic Health Assessment.—The Secretary of Defense shall ensure that any periodic health assessment provided to members of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a location where an open burn pit was used; or

(2) exposed to toxic airborne chemicals, including any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(b) Separation History and Physical Examinations.—Section 1145(a)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (e) of section 201 of the Dignified Burial and Other Veterans’
Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”.

(c) DEPLOYMENT ASSESSMENTS.—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”.

(d) SHARING OF INFORMATION.—

(1) DOD–VA.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for
the sharing by the Department of Defense with the
Department of Veterans Affairs of the results of
covered evaluations regarding the exposure by a
member of the Armed Forces to toxic airborne
chemicals.

(2) Registry.—If a covered evaluation of a
member of the Armed Forces establishes that the
member was based or stationed at a location where
an open burn pit was used, or the member was ex-
posed to toxic airborne chemicals, the member shall
be enrolled in the Airborne Hazards and Open Burn
Pit Registry, unless the member elects to not so en-
roll.

(e) Rule of Construction.—Nothing in this sec-
tion may be construed to preclude eligibility for benefits
under the laws administered by the Secretary of Veterans
Affairs by reason of the open burn pit exposure history
of a veteran not being recorded in a covered evaluation.

(f) Definitions.—In this section:

(1) The term “Airborne Hazards and Open
Burn Pit Registry” means the registry established
by the Secretary of Veterans Affairs under section
201 of the Dignified Burial and Other Veterans’
Benefits Improvement Act of 2012 (Public Law
(2) The term “covered evaluation” means—

(A) a periodic health assessment conducted in accordance with subsection (a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by this section; and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by this section.

(3) The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 5703. PRESERVATION OF RESOURCES OF THE ARMY MEDICAL RESEARCH AND MATERIEL COMMAND AND TREATMENT OF REALIGNMENT OF SUCH COMMAND.

(a) IN GENERAL.—The Secretary of Defense shall preserve the resources of the Army Medical Research and Materiel Command for use by such command, which shall include manpower and funding, as such command realigns with the Army Futures Command in 2019 and the Defense Health Agency in 2020.
(b) Transfer of Funds.—Upon completion of the realignment described in subsection (a), all amounts available for the Army Medical Research and Materiel Command, at the baseline for such amounts for fiscal year 2019, shall be transferred from accounts for research, development, test, and evaluation for the Army to accounts for the Defense Health Program.

(c) Continuation as Center of Excellence.—After completion of the realignment described in subsection (a), the Army Medical Research and Materiel Command and Fort Detrick shall continue to serve as a Center of Excellence for Joint Biomedical Research, Development and Acquisition Management for efforts undertaken under the Defense Health Program.

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

SEC. 5801. REPORT ON CONTRACTS WITH ENTITIES AFFILIATED WITH THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describ-
ing all Department of Defense contracts with companies
or business entities that are owned or operated by, or af-
iliated with, the Government of the People’s Republic of
China or the Chinese Communist Party.

SEC. 5802. DOCUMENTATION OF MARKET RESEARCH RE-
LATED TO COMMERCIAL ITEM DETERMINA-
TIONS.

Section 3307(d) of title 41, United States Code, is
amended by adding at the end the following new para-
graph:

“(4) Agencies shall document the results of
market research in a manner appropriate to the size
and complexity of the acquisition.”.

SEC. 5803. ANALYSIS OF ALTERNATIVES PURSUANT TO MA-
TERIEL DEVELOPMENT DECISIONS.

(a) TIMELINE.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall update existing guidance for analyses of alternatives
conducted pursuant to a materiel development decision for
a major defense acquisition program to incorporate the
following:

(1) Study completion within nine months.

(2) Study guidance issued by the Director, Cost
Assessment and Program Evaluation of a scope de-
signed to provide for reasonable completion of the study within the nine-month period.

(3) Procedures for waiver of the timeline requirements of this subsection on a case-by-case basis if—

(A) the subject of the analysis is of extreme technical complexity;

(B) collection of additional intelligence is required to inform the analysis;

(C) insufficient technical expertise is available to complete the analysis; or

(D) the Secretary determines that there other sufficient reasons for delay of the analysis.

(b) REPORTING.—If an analysis of alternatives cannot be completed within the allotted time, or a waiver is used, the Secretary shall report to the congressional defense committees the following information:

(1) For a waiver, the basis for use of the waivers, including the reasons why the study cannot be completed within the allotted time.

(2) For a study estimated to take more than nine months—

(A) an estimate of when the analysis will be completed;
(B) an estimate of any additional costs to complete the analysis; and

(C) other relevant information pertaining to the analysis and its completion.

TITLE LIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 5901. INSTITUTIONALIZATION WITHIN DEPARTMENT OF DEFENSE OF RESPONSIBILITIES AND AUTHORITIES OF THE CHIEF MANAGEMENT OFFICER.

(a) MANNER OF DIRECTION OF BUSINESS-RELATED ACTIVITIES OF MILITARY DEPARTMENTS.—The Secretary of Defense shall determine the manner in which the Chief Management Officer directs the business-related activities of the military departments.

(b) RESPONSIBILITY FOR DEFENSE AGENCIES AND FIELD ACTIVITIES.—The Secretary shall determine the responsibilities and authorities, if any, of the Chief Management Officer for the Defense Agencies and the Department of Defense Field Activities, including a determination as to the following:

(1) Whether one or more additional Defense Agencies, Department of Defense Field Activities, or both should provide shared business services.
(2) Which Defense Agencies, Department of Defense Field Activities, or both should be required to submit their proposed budgets for enterprise business operations to the Chief Management Officer for review.

(c) ASSIGNMENT OF RESPONSIBILITIES AND AUTHORITIES.—The Secretary shall, in light of determinations under subsections (a) and (b), assign the responsibilities and authorities of the Chief Management Officer (whether specified in statute or otherwise), and the manner of the discharge of such responsibilities and authorities, applicable Department-wide, as appropriate.

(d) PLAN OF ACTION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan, including a timeline, for carrying out the requirements of this section.

SEC. 5902. ALLOCATION OF FORMER RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 129a(c)(3), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under
Secretary of Defense for Acquisition and Sustainment”.

(2) In section 134(c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”.

(3) In section 139—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in paragraph (2), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “, the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”;
(B) in subsection (c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”; and

(C) in subsection (h)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”.

(4) In section 139a(d)(6), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”.

(5) In section 171(a)—

(A) by striking paragraphs (3) and (8);

(B) by redesignating paragraphs (4), (5), (6), (7), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (11), (12), (13), (14), and (15), respectively;
(C) by inserting after paragraph (2) the following new paragraphs:

“(3) the Under Secretary of Defense for Research and Engineering;

“(4) the Under Secretary of Defense of Acquisition and Sustainment;”; and

(D) by inserting after paragraph (8), as redesignated by subparagraph (B), the following new paragraphs:

“(9) the Deputy Under Secretary of Defense for Research and Engineering;

“(10) the Deputy Under Secretary of Defense for Acquisition and Sustainment;”.

(6) In section 181(d)(1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(B) by striking subparagraph (C); and

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

“(C) The Under Secretary of Defense for Research and Engineering.

“(D) The Under Secretary of Defense for Acquisition and Sustainment.”.

(7) In section 393(b)(2)—
(A) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(B) by striking subparagraph (B); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

“(B) The Under Secretary of Defense for Research and Engineering.

“(C) The Under Secretary of Defense for Acquisition and Sustainment.”.

(8)(A) In section 1702—

(i) by striking the heading and inserting the following:

“§ 1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities”; and

(ii) in the text, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) The table of sections at the beginning of subchapter I of chapter 87 is amended by striking the item relating to section 1702 and inserting the following new item:
“1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities.”.

(9) In section 1705, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(10) In section 1722, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(11) In section 1722a, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(12) In section 1722b(a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(13) In section 1723, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting...
“the Under Secretary of Defense for Acquisition and Sustainment”.

(14) In section 1725(e)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(15) In section 1735(c)(1), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(16) In section 1737(c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(17) In section 1741(b), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(18) In section 1746(a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

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(19) In section 1748, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(20) In section 2222, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(21) In section 2272, by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering”.

(22) In section 2275(a), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(23) In section 2279(d), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(24) In section 2279b—

(A) in subsection (b)—
(i) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;
(ii) by striking paragraph (2); and
(iii) by inserting after paragraph (1) the following new paragraphs:

“(2) The Under Secretary of Defense for Research and Engineering.

“(3) The Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (c) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”

(25) In section 2304, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(26) In section 2306b(i)(7), by striking “of Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “of Under Secretary of Defense for Acquisition and Sustainment”.
(27) In section 2311(e), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(28) In section 2326(g), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(29) In section 2330, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(30) In section 2334, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(31) In section 2350a(b)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research
and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment”.

(32) In section 2359(b), by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The Under Secretary of Defense for Research and Engineering.”.

(33) In section 2359b, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Research and Engineering”.

(34) In section 2365(d)(3)(A), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(35) In section 2375, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(36) In section 2399(b)(3)—

(A) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of De-
fense for Research and Engineering, the Under
Secretary of Defense for Acquisition and
Sustainment”; and

(B) by striking “and Under Secretary”
and inserting “and the Under Secretaries”.

(37) In section 2419(a)(1), by striking “The
Under Secretary of Defense for Acquisition, Tech-
nology, and Logistics” and inserting “The Under
Secretary of Defense for Acquisition and
Sustainment”.

(38) In section 2431a(b), by striking “the
Under Secretary of Defense for Acquisition, Tech-
nology, and Logistics” and inserting “the Under
Secretary of Defense for Acquisition and
Sustainment”.

(39) In section 2435, by striking “the Under
Secretary of Defense for Acquisition, Technology,
and Logistics” each place it appears and inserting
“the Under Secretary of Defense for Acquisition and
Sustainment”.

(40) In section 2438(b), by striking “the Under
Secretary of Defense for Acquisition, Technology
and Logistics” each place it appears and inserting
“the Under Secretary of Defense for Acquisition and
Sustainment”.

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(41) In section 2503(b)—

(A) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment”; and

(B) by striking “the Under Secretary shall” and inserting “the Under Secretaries shall”.

(42) In section 2508(b), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(43) In section 2521, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Research and Engineering”.

(44) In section 2533b(k)(2)(A), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the
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Under Secretary of Defense for Acquisition and Sustainment”.

(45) In section 2546—

(A) in the heading of subsection (a), by striking “UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS” and inserting “UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT”; and

(B) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(46) In section 2548, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(47) In section 2902(b)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The official within the Office of the Under Secretary of Defense for Research and Engineering who is responsible for science and technology.”;
(B) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(C) by striking paragraph (3); and

(D) by inserting after paragraph (2) the following new paragraphs:

“(3) The official within the Office of the Under Secretary of Defense for Research and Engineering who is responsible for environmental security.

“(4) The official within the Office of the Under Secretary of Defense for Acquisition and Sustainment who is responsible for environmental security.”.

(48) In section 2926(e)(5)(D), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(b) NATIONAL DEFENSE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 115–232.—Section 338 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1728) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and
Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(2) PUBLIC LAW 115–91.—Section 136(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(3) PUBLIC LAW 114–328.—The National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended as follows:

(A) In section 829(b) (10 U.S.C. 2306 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 874(b)(1) (10 U.S.C. 2375 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 875 (10 U.S.C. 2305 note)—
(i) in subsections (b), (c), (e), and (f), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in subsection (d), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Research and Engineering”.

(D) In section 898(a)(2)(A) (10 U.S.C. 2302 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(E) In section 1652(a) (130 Stat. 2609), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(F) In section 1689(d) (130 Stat. 2631), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and in-
serting “the Under Secretary of Defense for Research and Engineering”.

(4) PUBLIC LAW 114–92.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(A) In section 131 (129 Stat. 754), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 856(a)(2)(B) (10 U.S.C. 2377 note), by striking “the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Office of the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 1111(b)(1) (10 U.S.C. 1701 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(D) In section 1675(a) (129 Stat. 1131), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and
inserting "The Under Secretary of Defense for Research and Engineering".

(5) PUBLIC LAW 113–291.—Section 852 of the Carl Levin and Howard P. "Buck" McKeon Na-

(6) PUBLIC LAW 112–239.—Section 157(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public law 112–239; 126 Stat. 1668) is amended by striking "The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "The Under Secretary of Defense for Acquisition and Sustainment".

(7) PUBLIC LAW 112–81.—The National De-
fense Authorization Act for Fiscal Year 2012 (Pub-
lic Law 112–81) is amended as follows:

(A) In section 144 (125 Stat. 1325)—

(i) in subsection (a), by striking "the Under Secretary of Defense for Acquisi-
tion, Technology, and Logistics" and in-
serting “the Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in subsection (b)(4), by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering”.

(B) In section 836(a)(2) (22 U.S.C. 2767 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering,” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”.

(C) In section 838(2)(B) (125 Stat. 1509), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.


(A) in subsection (b)(2)—

(i) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(ii) by striking subparagraph (A); and

(iii) by inserting before subparagraph (C), as redesignated by clause (i), the following new subparagraphs:

“(A) The Office of the Under Secretary of Defense for Research and Engineering.

“(B) The Office of the Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (e)(5), in the flush matter following subparagraph (B), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees, and includes” and inserting “the Under Secretary of Defense for Research and Engineering and the Under
Secretary of Defense for Acquisition and Sustainment jointly certify to the congressional defense committees, and include”.

(10) PUBLIC LAW 110–181.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(A) In section 231(a) (10 U.S.C. 1701 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 802(a)(3)(C) (10 U.S.C. 2410p note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 821(a) (10 U.S.C. 2304 note), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(D) In section 2864 (10 U.S.C. 2911 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the
Under Secretary of Defense for Acquisition and Sustainment”.

(c) Recommendations for Legislative Action.—Not later than 14 days after the President submits to Congress the budget for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees such recommendations for legislative action as the Under Secretary considers appropriate to implement the recommendations of the report required by section 901 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1920).

TITLE LX—GENERAL MATTERS

SEC. 6001. UTILIZING SIGNIFICANT EMISSIONS WITH INNOVATIVE TECHNOLOGIES.

(a) Short Title.—This section may be cited as the “Utilizing Significant Emissions with Innovative Technologies Act” or the “USE IT Act”.

(b) Research, Investigation, Training, and Other Activities.—Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended—

(1) in subsection (c)(3), in the first sentence of the matter preceding subparagraph (A), by striking “perceursors” and inserting “precursors”; and
(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(B) in the undesignated matter following subparagraph (D) (as so redesignated)—

(i) in the second sentence, by striking “The Administrator” and inserting the following:

“(5) COORDINATION AND AVOIDANCE OF DUPLICATION.—The Administrator”; and

(ii) in the first sentence, by striking “Nothing” and inserting the following:

“(4) EFFECT OF SUBSECTION.—Nothing”;

(C) in the matter preceding subparagraph (A) (as so redesignated)—

(i) in the third sentence, by striking “Such program” and inserting the following:

“(3) PROGRAM INCLUSIONS.—The program under this subsection”;

(ii) in the second sentence—

(I) by inserting “States, institutions of higher education,” after “scientists,”; and
(II) by striking “Such strategies and technologies shall be developed” and inserting the following:

“(2) PARTICIPATION REQUIREMENT.—Such strategies and technologies described in paragraph (1) shall be developed”; and

(iii) in the first sentence, by striking “In carrying out” and inserting the following:

“(1) IN GENERAL.—In carrying out”; and

(D) by adding at the end the following:

“(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

“(A) IN GENERAL.—In carrying out paragraph (3)(A) with respect to carbon dioxide, the Administrator shall carry out the activities described in each of subparagraphs (B), (C), (D), and (E).

“(B) DIRECT AIR CAPTURE RESEARCH.—

“(i) DEFINITIONS.—In this subpara-

graph:

“(I) BOARD.—The term ‘Board’ means the Direct Air Capture Technology Advisory Board established by clause (iii)(I).
“(II) DILUTE.—The term ‘dilute’ means a concentration of less than 1 percent by volume.

“(III) DIRECT AIR CAPTURE.—

“(aa) IN GENERAL.—The term ‘direct air capture’, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

“(bb) EXCLUSION.—The term ‘direct air capture’ does not include any facility, technology, or system that captures carbon dioxide—

“(AA) that is deliberately released from a naturally occurring subsurface spring; or

“(BB) using natural photosynthesis.
“(IV) INTELLECTUAL PROPERTY.—The term ‘intellectual property’ means—

“(aa) an invention that is patentable under title 35, United States Code; and

“(bb) any patent on an invention described in item (aa).

“(ii) TECHNOLOGY PRIZES.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of the USE IT Act, the Administrator, in consultation with the Secretary of Energy, shall establish a program to provide, and shall provide, financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

“(II) DUTIES.—In carrying out this clause, the Administrator shall—

“(aa) subject to subclause (III), develop specific requirements for—
“(AA) the competition process; and
“(BB) the demonstration of performance of approved projects;
“(bb) offer financial awards for a project designed—
“(AA) to the maximum extent practicable, to capture more than 10,000 tons of carbon dioxide per year; and
“(BB) to operate in a manner that would be commercially viable in the foreseeable future (as determined by the Board); and
“(cc) to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—
“(AA) 1 project in a coastal State; and
“(BB) 1 project in a rural State.
“(III) Public participation.—

In carrying out subclause (II)(aa), the Administrator shall—

“(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (II)(aa); and

“(bb) take into account public comments received in developing the final version of those requirements.

“(iii) Direct air capture technology advisory board.—

“(I) Establishment.—There is established an advisory board to be known as the ‘Direct Air Capture Technology Advisory Board’.

“(II) Composition.—The Board shall be composed of 9 members appointed by the Administrator, who shall provide expertise in—

“(aa) climate science;
“(bb) physics;
“(cc) chemistry;
“(dd) biology;
“(ee) engineering;
“(ff) economics;
“(gg) business management;
and
“(hh) such other disciplines as the Administrator determines to be necessary to achieve the purposes of this subparagraph.

“(III) TERM; VACANCIES.—
“(aa) TERM.—A member of the Board shall serve for a term of 6 years.

“(bb) VACANCIES.—A vacancy on the Board—
“(AA) shall not affect the powers of the Board; and
“(BB) shall be filled in the same manner as the original appointment was made.
“(IV) Initial Meeting.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

“(V) Meetings.—The Board shall meet at the call of the Chairperson or on the request of the Administrator.

“(VI) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(VII) Chairperson and Vice Chairperson.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(VIII) Compensation.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States
Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

“(IX) DUTIES.—The Board shall advise the Administrator on carrying out the duties of the Administrator under this subparagraph.

“(X) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

“(iv) INTELLECTUAL PROPERTY.—

“(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

“(II) RESERVATION OF LICENSE.—The United States—

“(aa) may reserve a non-exclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the
United States, in connection with any intellectual property described in subclause (I); but

“(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

“(III) Transfer of Title.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

“(v) Authorization of Appropriations.—

“(I) In general.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $35,000,000 shall be available to carry out this subparagraph, to remain available until expended.
“(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

“(vi) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subparagraph shall terminate not later than 10 years after the date of enactment of the USE IT Act.

“(C) CARBON DIOXIDE UTILIZATION RESEARCH.—

“(i) DEFINITION OF CARBON DIOXIDE UTILIZATION.—In this subparagraph, the term ‘carbon dioxide utilization’ refers to technologies or approaches that lead to the use of carbon dioxide—

“(I) through the fixation of carbon dioxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria;

“(II) through the chemical conversion of carbon dioxide to a material or chemical compound in which the carbon dioxide is securely stored; or
“(III) through the use of carbon
dioxide for any other purpose for
which a commercial market exists, as
determined by the Administrator.
“(ii) PROGRAM.—The Administrator,
in consultation with the Secretary of En-
ergy, shall carry out a research and devel-
opment program for carbon dioxide utiliza-
tion to promote existing and new tech-
ologies that transform carbon dioxide
generated by industrial processes into a
product of commercial value, or as an
input to products of commercial value.
“(iii) TECHNICAL AND FINANCIAL AS-
sistance.—Not later than 2 years after
the date of enactment of the USE IT Act,
in carrying out this subsection, the Admin-
istrator, in consultation with the Secretary
of Energy, shall support research and in-
frastructure activities relating to carbon
dioxide utilization by providing technical
assistance and financial assistance in ac-
cordance with clause (iv).
“(iv) ELIGIBILITY.—To be eligible to
receive technical assistance and financial
assistance under clause (iii), a carbon dioxide utilization project shall—

“(I) have access to an emissions stream generated by a stationary source within the United States that is capable of supplying not less than 250 metric tons per day of carbon dioxide for research;

“(II) have access to adequate space for a laboratory and equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test bays for scale-up; and

“(III) have existing partnerships with institutions of higher education, private companies, States, or other government entities.

“(v) COORDINATION.—In supporting carbon dioxide utilization projects under this paragraph, the Administrator shall consult with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency, States, the private sector, and institutions of higher edu-
cation to develop methods and technologies to account for the carbon dioxide emissions avoided by the carbon dioxide utilization projects.

“(vi) Authorization of Appropriations.—

“(I) In general.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) Requirement.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

“(D) Deep Saline Formation Report.—

“(i) Definition of Deep Saline Formation.—

“(I) In general.—In this subparagraph, the term ‘deep saline formation’ means a formation of sub-
surface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

“(II) CLARIFICATION.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.

“(ii) REPORT.—In consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency and relevant stakeholders, not later than 1 year after the date of enactment of the USE IT Act, the Administrator shall prepare, submit to Congress, and make publicly available a report that includes—

“(I) a comprehensive identification of potential risks and benefits to project developers associated with increased storage of carbon dioxide captured from stationary sources in deep
saline formations, using existing research;

"(II) recommendations, if any, for managing the potential risks identified under subclause (I), including potential risks unique to public land; and

"(III) recommendations, if any, for Federal legislation or other policy changes to mitigate any potential risks identified under subclause (I).

"(E) REPORT ON CARBON DIOXIDE NON-REGULATORY STRATEGIES AND TECHNOLOGIES.—

"(i) IN GENERAL.—Not less frequently than once every 2 years, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(I) the recipients of assistance under subparagraphs (B) and (C); and
“(I) a plan for supporting additional nonregulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies.

“(ii) INCLUSIONS.—The plan submitted under clause (i) shall include—

“(I) a methodology for evaluating and ranking technologies based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

“(II) a description of any nonair-related environmental or energy considerations regarding the technologies.

“(F) GAO REPORT.—The Comptroller General of the United States shall submit to Congress a report that—

“(i) identifies all Federal grant programs in which a purpose of a grant under the program is to perform research on carbon capture and utilization technologies,
including direct air capture technologies;
and
“(ii) examines the extent to which the Federal grant programs identified pursuant to clause (i) overlap or are duplicative.”.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall submit to Congress a report describing how funds appropriated to the Administrator during the 5 most recent fiscal years have been used to carry out section 103 of the Clean Air Act (42 U.S.C. 7403), including a description of—

(1) the amount of funds used to carry out specific provisions of that section; and

(2) the practices used by the Administrator to differentiate funding used to carry out that section, as compared to funding used to carry out other provisions of law.

(d) INCLUSION OF CARBON CAPTURE INFRASTRUCTURE PROJECTS.—Section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)) is amended—

(1) in subparagraph (A)—
(A) in the matter preceding clause (i), by inserting “carbon capture,” after “manufacturing;”;

(B) in clause (i)(III), by striking “or” at the end;

(C) by redesignating clause (ii) as clause (iii); and

(D) by inserting after clause (i) the following:

“(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or”; and

(2) by adding at the end the following:

“(C) INCLUSION.—For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

“(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and

“(ii) carbon dioxide pipelines.”.
(e) Development of Carbon Capture, Utilization, and Sequestration Report, Permitting Guidance, and Regional Permitting Task Force.—

(1) Definitions.—In this subsection:

(A) Carbon capture, utilization, and sequestration projects.—The term “carbon capture, utilization, and sequestration projects” includes projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(B) Efficient, orderly, and responsible.—The term “efficient, orderly, and responsible” means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that is completed in an expeditious manner while maintaining environmental, health, and safety protections.

(2) Report.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the Chair of the Council on Environmental Quality (referred to in this section as the “Chair”), in consultation with the Adminis-
the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—

(i) compiles all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(I) the appropriate points of interaction with Federal agencies;

(II) clarification of the permitting responsibilities and authorities among Federal agencies; and

(III) best practices and templates for permitting;

(ii) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value,
or as an input to products of commercial value;

(iii) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(iv) identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(v) identifies Federal financing mechanisms available to project developers.

(B) Submission; Publication.—The Chair shall—

(i) submit the report under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.
(3) **GUIDANCE.—**

(A) **IN GENERAL.—** After submission of the report under paragraph (2)(B), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(i) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(ii) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) **REQUIREMENTS.—**

(i) **IN GENERAL.—** The guidance under subparagraph (A) shall address requirements under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
(III) the Clean Air Act (42 U.S.C. 7401 et seq.);

(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(V) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(VI) division A of subtitle III of title 54, United States Code (formerly known as the “National Historic Preservation Act”);

(VII) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(VIII) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald and Golden Eagle Protection Act”); and

(IX) any other Federal law that the Chair determines to be appropriate.

(ii) ENVIRONMENTAL REVIEWS.—The guidance under subparagraph (A) shall include direction to States and other interested parties for the development of programmatic environmental reviews under the National Environmental Policy Act of

(iii) **Public Involvement.**—The guidance under subparagraph (A) shall be subject to the public notice, comment, and solicitation of information procedures under section 1506.6 of title 40, Code of Federal Regulations (or a successor regulation).

(C) **Submission; Publication.**—The Chair shall—

(i) submit the guidance under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the guidance publicly available.

(D) **Evaluation.**—The Chair shall—

(i) periodically evaluate the reports of the task forces under paragraph (4)(E) and, as necessary, revise the guidance under subparagraph (A); and
(ii) each year, submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce of the House of Representatives, and relevant Federal agencies a report that describes any recommendations for legislation, rules, revisions to rules, or other policies that would address the issues identified by the task forces under paragraph (4)(E).

(4) TASK FORCE.—

(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces, which shall each cover a different geographical area with differing demographic, land use, or geological issues—

(i) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face; and

(ii) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development
of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) MEMBERS AND SELECTION.—

(i) IN GENERAL.—The Chair shall—

(I) develop criteria for the selection of members to each task force; and

(II) select members for each task force in accordance with subclause (I) and clause (ii).

(ii) MEMBERS.—Each task force—

(I) shall include not less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(ce) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate;
(ee) any State that requests participation in the geographical area covered by the task force;

(ff) developers or operators of carbon capture, utilization, and sequestration projects or carbon dioxide pipelines; and

(gg) nongovernmental membership organizations, the primary mission of which concerns protection of the environment; and

(II) at the request of a Tribal or local government, may include a representative of—

(aa) not less than 1 local government in the geographical area covered by the task force; and

(bb) not less than 1 Tribal government in the geographical area covered by the task force.

(C) MEETINGS.—

(i) IN GENERAL.—Each task force shall meet not less than twice each year.
(ii) JOINT MEETING.—To the maximum extent practicable, the task forces shall meet collectively not less than once each year.

(D) DUTIES.—Each task force shall—

(i) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—

(I) avoid duplicative reviews;

(II) engage stakeholders early in the permitting process; and

(III) make the permitting process efficient, orderly, and responsible;

(ii) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;

(iii) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory
requirements and any models developed under clause (ii);

(iv) inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(v) identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(vi) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(vii) identify Federal and State financing mechanisms available to project developers; and

(viii) develop recommendations for relevant Federal agencies on how to develop and research technologies that—

(I) can capture carbon dioxide; and
(II) would be able to be deployed within the region covered by the task force, including any projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)).

(E) REPORT.—Each year, each task force shall prepare and submit to the Chair and to the other task forces a report that includes—

(i) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law described in paragraph (3)(B)(i); and

(ii) any other nationally relevant information that the task force has collected in carrying out the duties under subparagraph (D).

(F) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Chair shall—

(i) reevaluate the need for the task forces; and
(ii) submit to Congress a recommendation as to whether the task forces should continue.

SEC. 6002. REPORTING REGARDING CANCELLED APPROPRIATIONS.

(a) ASSESSMENTS REQUIRED.—

(1) Fiscal years 2009 through 2018.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress described in paragraph (3) a report that assesses the amount of appropriations cancelled under section 1552 of title 31, United States Code, during each of fiscal years 2009 through 2018.

(2) Fiscal year 2019.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress described in paragraph (3) a report that assesses the amount of appropriations cancelled under section 1552 of title 31, United States Code, during fiscal year 2019.

(3) COMMITTEES.—The committees of Congress described in this paragraph are—
(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget of the House of Representatives.

(b) ELEMENTS OF ASSESSMENT.—Each assessment conducted under subsection (a) shall address the following:

(1) The amount of appropriations for each agency that were cancelled during each fiscal year covered by the report, including—

(A) the name of each appropriation account from which amounts were cancelled;

(B) for each cancelled appropriation, the fiscal year for which the appropriation was made, the period of availability of the appropriation, and the fiscal year during which the appropriation was cancelled;

(C) for each fiscal year for which appropriations made to the agency were cancelled, the percentage of the appropriations made available to the agency for the fiscal year that were cancelled; and
(D) whether there was an adjustment made with respect to the cancelled appropriation under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) or the cancelled appropriation was otherwise excluded from being taken into account for purposes of the discretionary spending limits (as defined in section 250 of such Act (2 U.S.C. 900)).

(2) The extent to which canceled appropriations different significantly across agencies or over time.

(3) The extent to which canceled appropriations are correlated with obligation rates or the length of time.

(4) The extent to which canceled appropriations are correlated with the length of continuing resolutions in the original year of the appropriation.

SEC. 6003. INCLUSION OF PROGRESS OF THE DEPARTMENT OF DEFENSE IN ACHIEVING AUDITABLE FINANCIAL STATEMENTS IN ANNUAL REPORTS ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.

Section 240b(b)(1)(B) of title 10, United States Code, is amended by adding at the end the following new clause:
“(ix) A ranking each of the military departments and Defense Agency in order of its current progress in achieving auditable financial statements as required by law, and for each military department or Defense Agency that is so ranked in the bottom quartile, separate information from the head of such department or Defense Agency on the following:

“(I) A description of the material weaknesses of such military department or Defense Agency in achieving auditable financial statements.

“(II) The underlying causes of each such weakness.

“(III) A plan for remediating each such weakness.”.

SEC. 6004. EXEMPTION FROM CALCULATION OF MONTHLY INCOME, FOR PURPOSES OF BANKRUPTCY LAWS, CERTAIN PAYMENTS FROM THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

Section 101(10A) of title 11, United States Code, is amended by striking subparagraph (B) and inserting the following:
“(B)(i) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor’s spouse), on a regular basis for the household expenses of the debtor or the debtor’s dependents (and, in a joint case, the debtor’s spouse if not otherwise a dependent); and

“(ii) excludes—

“(I) benefits received under the Social Security Act (42 U.S.C. 301 et seq.);

“(II) payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;

“(III) payments to victims of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, on account of their status as victims of such terrorism; and

“(IV) any monthly compensation, pension, pay, annuity, or allowance paid under title 10, 37, or 38 in connection with a disability, combat-re-
lated injury or disability, or death of
a member of the uniformed services,
except that any retired pay excluded
under this subclause shall include re-

tired pay paid under chapter 61 of
title 10 only to the extent that such
retired pay exceeds the amount of re-
tired pay to which the debtor would
otherwise be entitled if retired under
any provision of title 10 other than
chapter 61 of that title.”.

SEC. 6005. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

(1) Congress is committed to honoring the sac-
rifices of wounded and ill members of the Armed
Forces.

(2) The Silver Star Service Banner recognizes
the members of the Armed Forces and veterans who
were wounded or became ill while serving in combat
for the United States.

(3) The sacrifices made by members of the
Armed Forces and veterans on behalf of the United
States should never be forgotten.

(4) May 1 is an appropriate date to designate
as “Silver Star Service Banner Day”.

†S 1790 ES1S
(b) DESIGNATION.—

(1) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

“§ 146. Silver Star Service Banner Day

“(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

“(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 145 the following:

“146. Silver Star Service Banner Day.”.

SEC. 6006. ELECTROMAGNETIC PULSES AND GEOMAGNETIC DISTURBANCES.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 320 of the Homeland Security Act of 2002, as added by subsection (b) of this section; and
(2) the terms “critical infrastructure”, “EMP”, and “GMD” have the meanings given such terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) HOMELAND SECURITY.—Section 320 of the Homeland Security Act of 2002 (6 U.S.C. 195f) is amend—

(1) in the section heading, by inserting “AND THREAT ASSESSMENT, RESPONSE, AND RECOVERY” after “DEVELOPMENT”; and

(2) by adding at the end the following:

“(d) THREAT ASSESSMENT, RESPONSE, AND RECOVERY.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘appropriate congressional committees’ means—

“(i) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Homeland Security, the Committee on Armed Services,
and the Committee on Energy and Commerce of the House of Representatives;

“(B) the terms ‘prepare’ and ‘preparedness’ mean the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the homeland, including the prediction and notification of impending EMPs and GMDs; and

“(C) the term ‘Sector-Specific Agency’ has the meaning given that term in section 2201.

“(2) Roles and Responsibilities.—

“(A) Distribution of Information.—

“(i) In general.—Beginning not later than June 19, 2020, the Secretary shall provide timely distribution of information on EMPs and GMDs to Federal, State, and local governments, owners and operators of critical infrastructure, and other persons determined appropriate by the Secretary.

“(ii) Briefing.—The Secretary shall brief the appropriate congressional com-
mittees on the effectiveness of the distribution of information under clause (i).

“(B) RESPONSE AND RECOVERY.—

“(i) IN GENERAL.—The Secretary shall—

“(I) coordinate the response to and recovery from the effects of EMPs and GMDs on critical infrastructure, in coordination with the heads of appropriate Sector-Specific Agencies, and on matters related to the bulk power system, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission; and

“(II) incorporate events that include EMPs and extreme GMDs as a factor in preparedness scenarios and exercises.

“(ii) IMPLEMENTATION.—The Secretary and the Administrator of the Federal Emergency Management Agency, and on matters related to the bulk power system, the Secretary of Energy and the Fed-
eral Energy Regulatory Commission, shall—

“(I) not later than June 19, 2020, develop plans and procedures to coordinate the response to and recovery from EMP and GMD events; and

“(II) not later than December 21, 2020, conduct a national exercise to test the preparedness and response of the Nation to the effect of an EMP or extreme GMD event.

“(C) RESEARCH AND DEVELOPMENT.—

“(i) IN GENERAL.—The Secretary, in coordination with the heads of relevant Sector-Specific Agencies, shall—

“(I) without duplication of existing or ongoing efforts, conduct research and development to better understand and more effectively model the effects of EMPs and GMDs on critical infrastructure (which shall not include any system or infrastructure of the Department of Defense or any system or infrastructure of the De-
part of Energy associated with nuclear weapons activities); and

“(II) develop technologies to enhance the resilience of and better protect critical infrastructure.

“(ii) PLAN.—Not later than March 26, 2020, and in coordination with the heads of relevant Sector-Specific Agencies, the Secretary shall submit to the appropriate congressional committees a research and development action plan to rapidly address modeling shortfall and technology development.

“(D) EMERGENCY INFORMATION SYSTEM.—

“(i) IN GENERAL.—The Secretary, in coordination with relevant stakeholders, shall implement a network of systems that are capable of providing appropriate emergency information to the public before (if possible), during, and in the aftermath of an EMP or GMD.

“(ii) BRIEFING.—Not later than December 21, 2020, the Secretary, in coordination with the Administrator of the Fed-
eral Emergency Management Agency, shall brief the appropriate congressional committees regarding the system required under clause (i).

“(E) QUADRENNIAL RISK ASSESSMENTS.—

“(i) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce, and informed by intelligence-based threat assessments, shall conduct a quadrennial EMP and GMD risk assessment.

“(ii) BRIEFINGS.—Not later than March 26, 2020, and every 4 years thereafter until 2032, the Secretary, the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall provide a briefing to the appropriate congressional committees regarding the quadrennial EMP and GMD risk assessment.

“(iii) ENHANCING RESILIENCE.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other relevant Sector-Specific Agencies,
shall use the results of the quadrennial EMP and GMD risk assessments to better understand and to improve resilience to the effects of EMPs and GMDs across all critical infrastructure sectors, including coordinating the prioritization of critical infrastructure at greatest risk to the effects of EMPs and GMDs.

“(3) COORDINATION.—

“(A) REPORT ON TECHNOLOGICAL OPTIONS.—Not later than December 21, 2020, and every 4 years thereafter until 2032, the Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the heads of other appropriate agencies, and, as appropriate, private-sector partners, shall submit to the appropriate congressional committees, a report that—

“(i) assesses the technological options available to improve the resilience of critical infrastructure to the effects of EMPs and GMDs; and

“(ii) identifies gaps in available technologies and opportunities for technological
developments to inform research and development activities.

“(B) TEST DATA.—

“(i) IN GENERAL.—Not later than December 20, 2020, the Secretary, in coordination with the heads of Sector-Specific Agencies, the Secretary of Defense, and the Secretary of Energy, shall—

“(I) review test data regarding the effects of EMPs and GMDs on critical infrastructure systems, networks, and assets representative of those throughout the Nation; and

“(II) identify any gaps in the test data.

“(ii) PLAN.—Not later than 180 days after identifying gaps in test data under clause (i), the Secretary, in coordination with the heads of Sector-Specific Agencies and in consultation with the Secretary of Defense and the Secretary of Energy, shall use the sector partnership structure identified in the National Infrastructure Protection Plan to develop an integrated cross-sector plan to address the identified gaps.
“(iii) IMPLEMENTATION.—The heads of each agency identified in the plan developed under clause (ii) shall implement the plan in collaboration with the voluntary efforts of the private sector, as appropriate.

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect in any manner the authority, existing on the day before the date of enactment of this subsection, of any other component of the Department or any other Federal department or agency, including the authority provided to the Sector-Specific Agency specified in section 61003(e) of division F of the Fixing America’s Surface Transportation Act (6 U.S.C. 121 note), including the authority under section 215 of the Federal Power Act (16 U.S.C. 824o), and including the authority of independent agencies to be independent.”.

(c) NATIONAL ESSENTIAL FUNCTIONS.—

(1) DEFINITION.—In this subsection, the term “national essential functions” means the overarching responsibilities of the Federal Government to lead and sustain the Nation before, during, and in the aftermath of a catastrophic emergency, such as an EMP or GMD that adversely affects the performance of the Federal Government.
(2) Updated operational plans.—Not later than March 20, 2020, each agency that supports a national essential function shall prepare updated operational plans documenting the procedures and responsibilities of the agency relating to preparing for, protecting against, and mitigating the effects of EMPs and GMDs.

(d) Benchmarks.—Not later than March 26, 2020, and as appropriate thereafter, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and, as appropriate, the private sector, may develop or update, as necessary, quantitative and voluntary benchmarks that sufficiently describe the physical characteristics of EMPs, including waveform and intensity, in a form that is useful to and can be shared with owners and operators of critical infrastructure. Nothing in this subsection shall affect the authority of the Electric Reliability Organization to develop and enforce, or the authority of the Federal Energy Regulatory Commission to approve, reliability standards.

(e) Pilot test by DHS to evaluate engineering approaches.—

(1) In general.—Not later than September 22, 2020, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the
Secretary of Energy, and in consultation with the private sector, as appropriate, shall develop and implement a pilot test to evaluate available engineering approaches for mitigating the effects of EMPs and GMDs on the most vulnerable critical infrastructure systems, networks, and assets.

(2) BRIEFING.—Not later than 90 days after the date on which the pilot test described in paragraph (1) is completed, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Secretary of Energy, shall jointly brief the appropriate congressional committees on the cost and effectiveness of the evaluated approaches.

(f) PILOT TEST BY DOD TO EVALUATE ENGINEERING APPROACHES.—

(1) IN GENERAL.—Not later than September 22, 2020, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Energy, shall conduct a pilot test to evaluate engineering approaches for hardening a strategic military installation, including infrastructure that is critical to supporting that installation, against the effects of EMPs and GMDs.

(2) REPORT.—Not later than 180 days after completing the pilot test described in paragraph (1),
the Secretary of Defense shall submit to the appropriate congressional committees a report regarding the cost and effectiveness of the evaluated approaches.

(g) COMMUNICATIONS OPERATIONAL PLANS.—Not later than December 21, 2020, the Secretary of Homeland Security, after holding a series of joint meetings with the Secretary of Defense, the Secretary of Commerce, the Federal Communications Commission, and the Secretary of Transportation shall submit to the appropriate congressional committees a report—

(1) assessing the effects of EMPs and GMDs on critical communications infrastructure; and

(2) recommending any necessary changes to operational plans to enhance national response and recovery efforts after an EMP or GMD.

(h) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 320 and inserting the following:

“Sec. 320. EMP and GMD mitigation research and development and threat assessment, response, and recovery.”
SEC. 6007. TERMINATION OF LEASES OF PREMISES AND
MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.

(a) CATASTROPHIC INJURIES AND ILLNESSES.—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955), as amended by section 301 of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407), is further amended by adding at the end the following new paragraph:

“(4) CATASTROPHIC INJURY OR ILLNESS OF LESSEE.—The spouse of the lessee on a lease described in subsection (b) may terminate the lease during the one-year period beginning on the date on which the lessee incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the lessee incurs the catastrophic injury or illness during a period of military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

(b) DEATHS.—Paragraph (3) of such subsection is amended by striking “in subsection (b)(1)” and inserting “in subsection (b)”.
SEC. 6008. IMPROVEMENTS TO NETWORK FOR MANUFACTURING INNOVATION PROGRAM.

(a) ALTERNATE PROGRAM NAME.—Subsection (a) of section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended by inserting “or as ‘Manufacturing USA’” after “as the ‘Network for Manufacturing Innovation Program’”.

(b) CENTERS FOR MANUFACTURING INNOVATION.—Subsection (c) of such section is amended—

(1) in subparagraphs (B) and (C)(i) of paragraph (1), by striking “and tool development for microelectronics” both places it appears and inserting “tool development for microelectronics, food manufacturing, superconductors, advanced battery technologies, robotics, advanced sensors, quantum information science, supply chain water optimization, aeronautics and advanced materials, and graphene and graphene commercialization”;  

(2) in paragraph (2)(D), by striking “and minority” and inserting “, minority, and veteran”; and  

(3) in paragraph (3)(A), by striking “, but such” and all that follows through “under subsection (d)”.

(c) FINANCIAL ASSISTANCE TO ESTABLISH AND SUPPORT CENTERS FOR MANUFACTURING INNOVATION.—Subsection (d) of such section is amended—
(1) in paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—In carrying out the Program, the Secretary shall award financial assistance to the following:

“(A) To a person or group of persons to assist the person or group of persons in planning, establishing, or supporting a center for manufacturing innovation.

“(B) To a center for manufacturing innovation, including a center that was not established using Federal funds, to support workforce development, cross-center projects, and other efforts which support the purposes of the Program.”;

(2) in paragraphs (2), (3), and (4), by striking “under paragraph (1)” each place it appears and inserting “under paragraph (1)(A)”;

(3) in paragraph (4)—

(A) in subparagraph (C)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii)—

(I) by inserting “, including appropriate measures for assessing the
effectiveness of the activities funded
with regards to the center’s success in
advancing the current state of the ap-
plicable advanced manufacturing tech-
nology area such as technology readi-
ness level and manufacturing readi-
ness level,” after “measures”; and

(II) by striking the period at the
end and inserting a semicolon; and

(iii) by adding at the end the fol-
lowing:

“(iii) establish standards for the per-
formance of centers for manufacturing in-
novation that are based on the measures
developed under clause (ii); and

“(iv) for each center for manufac-
turing innovation supported by the award,
5 years after the initial award and every 5
years thereafter until Federal funding is
discontinued, conduct an assessment of the
center to confirm whether the performance
of the center is meeting the standards for
performance established under clause
(iii).”;}
(B) in subparagraph (D), by inserting ‘‘,
including, as appropriate, the Department of
Agriculture, the Department of Defense, the
Department of Education, the Department of
Energy, the Department of Labor, the Food
and Drug Administration, the National Aero-
nautics and Space Administration, the National
Institutes of Health, and the National Science
Foundation’’ after ‘‘manufacturing’’; and

(C) in subparagraph (E)—

(i) in clause (ii), by striking ‘‘without
the need for long-term Federal funding’’;

(ii) in clause (iii), by striking ‘‘signifi-
cantly’’;

(iii) in clause (v), by inserting ‘‘and to
improve the domestic supply chain’’ after
‘‘technologies’’; and

(iv) in clause (ix), by inserting ‘‘indus-
trial, research, entrepreneurship, and
other’’ after ‘‘leverage the’’;

(4) in paragraph (5)—

(A) by striking subparagraph (A) and in-
serting the following:

‘‘(A) PERFORMANCE DEFICIENCY.—
“(i) NOTICE OF DEFICIENCY.—If the Secretary finds that a center for manufacturing innovation does not meet the standards for performance established under clause (iii) of paragraph (4)(C) during an assessment pursuant to clause (iv) of such paragraph, the Secretary shall notify the center of any deficiencies in the performance of the center and provide the center one year to remedy such deficiencies.

“(ii) FAILURE TO REMEDY.—If a center for manufacturing innovation fails to remedy a deficiency identified under clause (i) or to show significant improvement in performance one year after notification of a performance deficiency identified under clause (i), the Secretary shall notify the center that the center is ineligible for further financial assistance awarded under paragraph (1).”;

(B) in subparagraph (B), in the first sentence, by striking “large capital facilities or equipment purchases” and inserting “satellite centers, large capital facilities, equipment pur-
chases, workforce development, or general operations”; and

(C) by striking subparagraph (C); and

(5) by adding at the end the following:

“(6) USE OF FINANCIAL ASSISTANCE.—Financial assistance awarded under paragraph (1)(B) may be used to carry out Program-wide activities directed by the Secretary, such as activities targeting workforce development.”.

(d) FUNDING.—Subsection (e)(2) of such section is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) NIST-industrial technical services account.—To the extent provided for in advance by appropriations Acts, the Secretary may use amounts appropriated to the Institute for Industrial Technical Services account to carry out this section as follows:

“(i) For each of the fiscal years 2015 through 2019, an amount not to exceed $5,000,000.

“(ii) For each of fiscal years 2020 through 2030, such amounts as may be necessary to carry out this section.”; and
(2) in subparagraph (B), by striking “through 2024” and inserting “through 2019”.

(e) NATIONAL PROGRAM OFFICE.—Subsection (f) of such section is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting “coordinate with and, as appropriate,” before “enter”; and

(ii) by inserting “including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Labor, the Food and Drug Administration, the National Aeronautics and Space Administration, the National Institutes of Health, and the National Science Foundation,” after “manufacturing,”;

(B) in subparagraph (E), by striking “; and” and inserting a semicolon;

(C) by redesignating subparagraph (F) as subparagraph (J); and

(D) by inserting after subparagraph (E) the following:

“(F) to carry out pilot programs in collaboration with the centers for manufacturing
innovation such as a laboratory-embedded entrepreneurship program;

“(G) to provide support services and funding as necessary to promote workforce development activities;

“(H) to coordinate with centers for manufacturing innovation to develop best practices for the membership agreements and coordination of similar project solicitations;

“(I) to collaborate with the Department of Labor, the Department of Education, industry, career and technical education schools, local community colleges, universities, and labor organizations to provide input for the development of national certifications for advanced manufacturing workforce skills in the technology areas of the centers for manufacturing innovation; and”;

(2) in paragraph (3), by inserting “State, Tribal, and local governments,” after “community colleges,”; and

(3) in paragraph (5)—

(A) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and
(B) by adding at the end the following:

“(B) LIAISONS.—

“(i) IN GENERAL.—The Secretary may provide financial assistance to a manufacturing extension center established as part of the Hollings Manufacturing Extension Partnership to support the purposes of the Program by providing services in one or more of the following areas:

“(I) Cybersecurity awareness and support services for small- and medium-sized manufacturers.

“(II) Assistance with workforce development.

“(III) Technology transfer for small and medium-sized manufacturers.

“(IV) Such other areas as the Secretary determines appropriate to support the purposes of the Program.

“(ii) SUPPORT.—Support under clause (i) may include the designation of a liaison.”.

(f) REPORTING AND AUDITING.—Subsection (g) of such section is amended—
(1) in paragraphs (1) and (2), by striking “under subsection (d)(1)” and inserting “under subsection (d)(1)(A)”; 
(2) in paragraph (2)(A), by striking “December 31, 2024” and inserting “December 31, 2030”; and 
(3) in paragraph (3)—
(A) in subparagraph (A)—
(i) by striking “2 years” and inserting “3 years”; and
(ii) by striking “2-year” and inserting “3-year”; and
(B) in subparagraph (B), by striking “December 31, 2024” and inserting “December 31, 2030”.
(g) EXPANSION.—Subject to the availability of appropriations, the Secretary of Commerce shall increase the number of centers for manufacturing innovation that participate in the Network for Manufacturing Innovation Program.

SEC. 6009. REGIONAL INNOVATION PROGRAM.
Section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) is amended to read as follows:

“SEC. 27. REGIONAL INNOVATION PROGRAM.
“(a) DEFINITIONS.—In this section:
“(1) Eligible recipient defined.—The term ‘eligible recipient’ means—

“(A) a State;

“(B) an Indian tribe;

“(C) a city or other political subdivision of a State;

“(D) an entity that is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, a venture development organization, or an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship; or

“(E) a consortium of any of the entities described in subparagraphs (A) through (D).

“(2) Regional innovation initiative.—The term ‘regional innovation initiative’ means a geographically-bounded public or nonprofit activity or program to address issues in the local innovation systems in order to—

“(A) increase the success of innovation-driven industry;
“(B) strengthen the competitiveness of industry through new product innovation and new technology adoption;

“(C) improve the pace of market readiness and overall commercialization of innovative research;

“(D) enhance the overall innovation capacity and long-term resilience of the region; and

“(E) leverage the region’s unique competitive strengths to stimulate innovation and to create jobs.

“(3) STATE.—The term ‘State’ means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

“(4) VENTURE DEVELOPMENT ORGANIZATION.—The term ‘venture development organization’ means a State or nonprofit organization that contributes to regional or sector-based economic prosperity by providing services for the purposes of—

“(A) accelerating the commercialization of research;
“(B) strengthening the competitive position of industry through the development, commercial adoption, or deployment of technology; and

“(C) providing financial grants, loans, or direct financial investment to commercialize technology.

“(b) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies designed to increase innovation-driven economic opportunity within their respective regions.

“(c) REGIONAL INNOVATION GRANTS.—

“(1) AUTHORIZATION OF GRANTS.—As part of the program established pursuant to subsection (b), the Secretary may award grants, on a competitive basis, to eligible recipients for activities designed to develop and support a regional innovation initiative.

“(2) PERMISSIBLE ACTIVITIES.—A grant awarded under this subsection shall be used for multiple activities determined appropriate by the Secretary, including—

“(A) improving the connectedness and strategic orientation of the region through planning, technical assistance, and communication
among participants of a regional innovation initiative;

“(B) attracting additional participants to a regional innovation initiative;

“(C) increasing the availability and investment of private and philanthropic financing that supports innovation-based business ventures;

“(D) completing the research, development and introduction of new products, processes, and services into the commercial market;

“(E) increasing the number of full-time equivalent employment opportunities within innovation-based business ventures in the geographic region; and

“(F) achieving quantifiable, positive benefits to, or measurable enhancements for, the economic performance of the geographic region.

“(3) **RESTRICTED ACTIVITIES.**—Grants awarded under this subsection may not be used to pay for—

“(A) costs related to the recruitment, inducement, or associated financial or tangible incentives that might be offered to relocate an ex-
isting business from a geographic area to another geographic area; or

“(B) costs associated with offsetting revenues forgone by one or more taxing authorities through tax incentives, tax increment financing, special improvement districts, tax abatements for private development within designated zones or geographic areas, or other reduction in revenues resulting from tax credits affecting the geographic region of the eligible recipients.

“(4) APPLICATIONS.—

“(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(B) COMPONENTS.—Each application submitted under subparagraph (A) shall—

“(i) describe the regional innovation initiative;

“(ii) indicate whether the regional innovation initiative is supported by the private sector, State and local governments, and other relevant stakeholders;
“(iii) identify what activities the regional innovation initiative will undertake;

“(iv) describe the expected outcomes of the regional innovation initiative and how the eligible recipient will measure progress toward those outcomes;

“(v) indicate whether the participants in the regional innovation initiative have access to, or contribute to, a well-trained workforce and other innovation assets that are critical to the successful outcomes specified in the application;

“(vi) indicate whether the participants in the regional innovation initiative are capable of attracting additional funds from non-Federal sources; and

“(vii) if appropriate for the activities proposed in the application, analyze the likelihood that the participants in the regional innovation initiative will be able to sustain activities after grant funds received under this subsection have been expended.

“(C) FEEDBACK.—The Secretary shall provide feedback to program applicants that are
not awarded grants to help them improve future applications.

“(D) SPECIAL CONSIDERATIONS.—The Secretary shall give special consideration to—

“(i) applications proposing to include workforce or training related activities in their regional innovation initiative from eligible recipients who agree to collaborate with local workforce investment area boards; and

“(ii) applications from regions that contain communities negatively impacted by trade.

“(5) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

“(6) OUTREACH TO RURAL COMMUNITIES.—

“(A) IN GENERAL.—The Secretary shall conduct outreach to public and private sector entities in rural communities to encourage those entities to participate in regional innovation initiatives under this subsection.

“(B) JUSTIFICATION.—As part of the program established pursuant to subsection (b), the Secretary, through the Economic Develop-
ment Administration, shall submit an annual report to Congress that explains the balance in the allocation of grants to eligible recipients under this subsection between rural and urban areas.

“(7) FUNDING.—The Secretary may accept funds from other Federal agencies to support grants and activities under this subsection.

“(d) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

“(1) IN GENERAL.—As part of the program established pursuant to subsection (b), the Secretary shall establish a regional innovation research and information program—

“(A) to gather, analyze, and disseminate information on best practices for regional innovation initiatives, including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

“(B) to provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation initiatives;
“(C) to support the development of relevant metrics and measurement standards to evaluate regional innovation initiatives, including the extent to which such strategies stimulate innovation, productivity, and economic development; and

“(D) to collect and make available data on regional innovation initiatives in the United States, including data on—

“(i) the size, specialization, and competitiveness of regional innovation initiatives;

“(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation initiatives; and

“(iii) supply chain product and service flows within and between regional innovation initiatives.

“(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to sup-
port and further the goals of the program established under this section.

“(3) Dissemination of Information.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

“(4) Regional Innovation Grant Program.—The Secretary shall incorporate data and analysis relating to any grant awarded under subsection (c) into the program established under this subsection.

“(e) Interagency Coordination.—

“(1) In general.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or at other Federal agencies.

“(2) Collaboration.—

“(A) In general.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multi-agency funding opportunities, on regional innovation strategies.
“(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

“(f) EVALUATION.—

“(1) IN GENERAL.—Not later than 5 years after Congress first appropriates funds to carry out this section, the Secretary shall competitively award a contract with an independent entity to conduct an evaluation of programs established under this section.

“(2) REQUIREMENTS.—The evaluation conducted under paragraph (1) shall include—

“(A) an assessment of whether the program is achieving its goals;

“(B) the program’s efficacy in providing awards to geographically diverse entities;

“(C) any recommendations for how the program may be improved; and

“(D) a recommendation as to whether the program should be continued or terminated.

“(g) REPORTING REQUIREMENT.—Not later than 5 years after the first grant is awarded under subsection (c), and every 5 years thereafter until 5 years after the last grant recipient completes the regional innovation initiative
for which such grant was awarded, the Secretary shall
submit a report to Congress that describes the outcome
of each regional innovation initiative that was completed
during the previous 5 years.

“(h) FUNDING.—From amounts appropriated by
Congress for economic development assistance authorized
under section 27 of the Stevenson-Wydler Technology In-
novation Act of 1980 (15 U.S.C. 3722), the Secretary may
use up to $50,000,000 in each of the fiscal years 2020
through 2024 to carry out this section.”.

SEC. 6010. REPORT ON NATIONAL GUARD AND UNITED
STATES NORTHERN COMMAND CAPACITY TO
MEET HOMELAND DEFENSE AND SECURITY
INCIDENTS.

Not later than September 30, 2020, the Chief of the
National Guard Bureau shall, in consultation with the
Commander of United States Northern Command, submit
to the congressional defense committees a report setting
forth the following:

(1) A clarification of the roles and missions,
structure, capabilities, and training of the National
Guard and the United States Northern Command,
and an identification of emerging gaps and shortfalls
in light of current homeland security threats to our
country.
(2) A list of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident, with particular focus on a multi-State electromagnetic pulse event.

(3) The readiness and resourcing status of forces listed pursuant to paragraph (2).

(4) The current strengths and areas of improvement in working with State and Federal interagency partners.

(5) The current assessments that address National Guard readiness and resourcing of regular United States Northern Command forces postured to respond to homeland defense and security incidents.

(6) A roadmap to 2040 that addresses readiness across the spectrum of long-range emerging threats facing the United States.

SEC. 6011. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE EFFECTS OF CONTINUING RESOLUTIONS ON READINESS AND PLANNING OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Com-
troller General of the United States shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of continuing resolutions on readiness and planning of the Department of Defense.

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

(1) The extent to which the acquisition of goods and services, the support of operational systems, and the stewardship of installations and facilities by the Department of Defense are impacted by continuing resolutions, including the following:

(A) The extent to which continuing resolutions negatively impact contract fidelity, including Department purchasing power, and Department leverage in non-pecuniary contract terms such as contract type and delivery date.

(B) The extent to which the Department pays more, all other things being equal, because of frequent continuing resolutions.

(C) An estimate of the total decrease in Department purchasing power as a result of continuing resolutions.
(D) The extent to which continuing resolutions negatively impact Department maintenance work.

(2) The effects of preparations for and operations of Department personnel under continuing resolutions, including the following:

(A) The time spent by Senior Executive Service personnel and general and flag officers in preparations for and responses to the enactment of continuing resolutions, set forth by average per year and average per continuing resolution.

(B) The time spent by other Department personnel in preparations for and implementation of continuing resolutions.

(C) The extent to which Department personnel take more time to focus on budget execution under a continuing resolution when compared with a full year appropriation.

(D) The extent to which continuing resolutions negatively impact the ability of managers at the Department to hire.

(3) The funding issues of the Department associated with continuing resolutions, including the extent to which the Department has requested so-
called “anomalies” or exceptions to limitations on duration, amount, or purposes of funds that otherwise apply to interim funding under continuing resolutions, including the following (beginning with fiscal year 2010):

   (A) The number and absolute value of programs affected by continuing resolutions restrictions on new starts.

   (B) The number and absolute value of programs affected by continuing resolutions restrictions on production increases.

   (C) The number and absolute value of such exceptions requested by the Department.

   (D) The percentage of such exceptions, in both numbers and dollar amount, included in continuing resolutions.

   (E) The total cumulative delay due to continuing resolutions in programs funded through procurement or research, development, test, and evaluation.

   (F) The amount by which the budget of the Department has been misaligned either between or within accounts due to continuing resolutions, set forth by budget category 050 and
amount, together with adjustments for length of
the continuing resolution concerned.

(c) **CONTINUING RESOLUTION DEFINED.**—In this
section, the term “continuing resolution” means a con-
tinuing resolution or similar partial-year appropriation
providing funds for the Department of Defense pending
enactment of a full-year appropriation for the Depart-
ment.

**SEC. 6012. INTEGRATED PUBLIC ALERT AND WARNING SYS-
TEM.**

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Ad-
ministrator of the Agency;

(2) the term “Agency” means the Federal
Emergency Management Agency;

(3) the term “public alert and warning system”
means the integrated public alert and warning sys-
tem of the United States described in section 526 of
321o);

(4) the term “Secretary” means the Secretary
of Homeland Security; and

(5) the term “State” means any State of the
United States, the District of Columbia, the Com-
monwealth of Puerto Rico, the Virgin Islands,
Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop minimum requirements for State, Tribal, and local governments to participate in the public alert and warning system and that are necessary to maintain the integrity of the public alert and warning system, including—

(A) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(B) the procedures for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—
(i) the initiation, or prohibition on the
initiation, of alerts by a single authorized
or unauthorized individual;

(ii) testing a State, Tribal, or local
government incident management and
warning tool without accidentally initiating
an alert through the public alert and warn-
ing system; and

(iii) steps a State, Tribal, or local gov-
ernment official should take to mitigate
the possibility of the issuance of a false>alert through the public alert and warning
system;

(C) the standardization, functionality, and
interoperability of incident management and
warning tools used by State, Tribal, and local
governments to notify the public of an emer-
gency through the public alert and warning sys-
tem;

(D) the annual training and recertification
of emergency management personnel on re-
quirements for originating and transmitting an>alert through the public alert and warning sys-
tem;
(E) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments shall issue to the public following an alert issued under the public alert and warning system;

(F) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments shall issue to the public following a false alert issued under the public alert and warning system;

(G) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alert System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(H) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(2) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure
that the minimum requirements developed under paragraph (1) do not conflict with recommendations made for improving the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–143; 130 Stat. 332).

(3) Public Consultation.—In developing the minimum requirements under paragraph (1), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate the development of the requirements with stakeholders of the public alert and warning system, including—

(A) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Agency, and the Federal Communications Commission;

(B) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;
(C) representatives of Federally recognized
Indian tribes and national Indian organizations;
(D) communications service providers;
(E) vendors, developers, and manufactur-
ers of systems, facilities, equipment, and capa-
bilities for the provision of communications
services;
(F) third-party service bureaus;
(G) the national organization representing
the licensees and permittees of noncommercial
broadcast television stations;
(H) technical experts from the broad-
casting industry;
(I) educators from the Emergency Man-
agement Institute; and
(J) other individuals with technical exper-
tise as the Administrator determines appro-
priate.

(4) INAPPLICABILITY OF FACA.—The Federal
Advisory Committee Act (5 U.S.C. App.) shall not
apply to the public consultation with stakeholders
under paragraph (3).

(c) INCIDENT MANAGEMENT AND WARNING TOOL
VALIDATION.—
(1) **IN GENERAL.**—The Administrator shall es-
establish a process to ensure that an incident manage-
ment and warning tool used by a State, Tribal, or
local government to originate and transmit an alert
through the public alert and warning system meets
the requirements developed by the Administrator
under subsection (b)(1).

(2) **REQUIREMENTS.**—The process required to
be established under paragraph (1) shall include—

(A) the ability to test an incident manage-
ment and warning tool in the public alert and
warning system lab;

(B) the ability to certify that an incident
management and warning tool complies with
the applicable cyber frameworks of the Depart-
ment of Homeland Security and the National
Institute of Standards and Technology;

(C) a process to certify developers of emer-
gency management software; and

(D) requiring developers to provide the Ad-
ministrator with a copy of and rights of use for
ongoing testing of each version of incident man-
agement and warning tool software before the
software is first used by a State, Tribal, or local
government.
(d) Review and Update of Memoranda of Understanding.—

(1) In General.—The Administrator shall review the memoranda of understanding between the Agency and State, Tribal, and local governments with respect to the public alert and warning system to ensure that all agreements ensure compliance with the requirements developed by the Administrator under subsection (b)(1).

(e) Future Memoranda.—The Administrator shall ensure that any new memorandum of understanding entered into between the Agency and a State, Tribal, or local government on or after the date of enactment of this Act with respect to the public alert and warning system ensures that the agreement requires compliance with the requirements developed by the Administrator under subsection (b)(1).

(f) Missile Alert and Warning Authorities.—

(1) In General.—

(A) Authority.—On and after the date that is 120 days after the date of enactment of this Act, the authority to originate an alert warning the public of a missile launch directed against a State using the public alert and warn-
ing system shall reside primarily with the Federal Government.

(B) **Delegation of Authority.**—The Secretary may delegate the authority described in subparagraph (A) to a State, Tribal, or local entity if, not later than 180 days after the date of enactment of this Act, the Secretary submits a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(i) it is not feasible for the Federal Government to alert the public of a missile threat against a State; or

(ii) it is not in the national security interest of the United States for the Federal Government to alert the public of a missile threat against a State.

(C) **Activation of System.**—Upon verification of a missile threat, the President, utilizing established authorities, protocols and procedures, may activate the public alert and warning system.

(D) **Rule of Construction.**—Nothing in this paragraph shall be construed to change the
command and control relationship between entities of the Federal Government with respect to the identification, dissemination, notification, or alerting of information of missile threats against the United States that was in effect on the day before the date of enactment of this Act.

(2) REQUIRED PROCESSES.—The Secretary, acting through the Administrator, shall establish a process to promptly notify a State warning point, and any State entities that the Administrator determines appropriate, following the issuance of an alert described in paragraph (1)(A) so the State may take appropriate action to protect the health, safety, and welfare of the residents of the State.

(3) GUIDANCE.—The Secretary, acting through the Administrator, shall work with the Governor of a State warning point to develop and implement appropriate protective action plans to respond to an alert described in paragraph (1)(A) for that State.

(4) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) examine the feasibility of establishing an alert designation under the public alert and
warning system that would be used to alert and warn the public of a missile threat while concurrently alerting a State warning point so that a State may activate related protective action plans; and

(B) submit a report of the findings under subparagraph (A), including of the costs and timeline for taking action to implement an alert designation described in subparagraph (A), to—

(i) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives; and

(iv) the Committee on Homeland Security of the House of Representatives.

(g) USE OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM LAB.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) develop a program to increase the utilization of the public alert and warning system lab of
the Agency by State, Tribal, and local governments
to test incident management and warning tools and
train emergency management professionals on alert
origination protocols and procedures; and

(2) submit to the Committee on Homeland Se-
curity and Governmental Affairs of the Senate and
the Committee on Homeland Security of the House
of Representatives a report describing—

(A) the impact on utilization of the public
alert and warning system lab by State, Tribal,
and local governments resulting from the pro-
gram developed under paragraph (1); and

(B) any further recommendations that the
Administrator would make for additional statu-
tory or appropriations authority necessary to
increase the utilization of the public alert and
warning system lab by State, Tribal, and local
governments.

(h) AWARENESS OF ALERTS AND WARNINGS.—Not
later than 1 year after the date of enactment of this Act,
the Administrator shall—

(1) conduct a review of the National Watch
Center and each Regional Watch Center of the
Agency; and
(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the review conducted under paragraph (1), which shall include—

(A) an assessment of the technical capability of the National and Regional Watch Centers described in paragraph (1) to be notified of alerts and warnings issued by a State through the public alert and warning system;

(B) a determination of which State alerts and warnings the National and Regional Watch Centers described in paragraph (1) should be aware of; and

(C) recommendations for improving the ability of the National and Regional Watch Centers described in paragraph (1) to receive any State alerts and warnings that the Administrator determines are appropriate.

(i) TIMELINE FOR COMPLIANCE.—Each State shall be given a reasonable amount of time to comply with any new rules, regulations, or requirements imposed under this section.
SEC. 6013. REPORT ON IMPACT OF LIBERIAN NATIONALS
ON THE NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC AND HUMANITARIAN INTERESTS OF THE UNITED STATES AND A JUSTIFICATION FOR ADJUSTMENT OF STATUS OF QUALIFYING LIBERIANS TO THAT OF LAWFUL PERMANENT RESIDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1989, a seven-year civil war broke out in Liberia that—

(A) claimed the lives of an estimated 200,000 people;

(B) displaced over 1/2 of the Liberian population;

(C) halted food production; and

(D) destroyed the infrastructure and economy of Liberia.

(2) A second civil war then followed from 1999 to 2003, further destabilizing Liberia and creating more turmoil and hardship for Liberians.

(3) In total, the two civil wars in Liberia killed up to an estimated 1/4 million individuals.

(4) From 2014 to 2016, Liberia faced an Ebola virus outbreak that devastated the fragile health system of Liberia and killed nearly 5,000 individuals.
(5) As a result of these devastating events, thousands of Liberians sought refuge in the United States, living and working here under Temporary Protected Status (TPS) and Deferred Enforced Departure (DED), extended under both Republican and Democratic administrations beginning in 1991 with the administration of President George H. W. Bush.

(6) These law-abiding and taxpaying Liberians have made homes in the United States, have worked hard, played by the rules, paid their dues, and submitted to rigorous vetting. Many such Liberians have United States citizen children who have served in the Armed Forces, and in some cases have themselves served in that capacity.

(7) The Liberian community in the United States has also contributed greatly to private sector investment and socioeconomic assistance in Liberia by providing remittances to relatives in Liberia.

(8) While there was a positive development in 2017 with the first democratic transfer of power in more than 70 years, the Department of State has identified the capital and most populous city of Liberia, Monrovia, as being a critical-threat location for crime. Access to healthcare remains limited, critical
infrastructure is lacking, and widespread corruption
coupled with low wages and a weak economic recov-
er has left the country vulnerable to civil unrest.
(b) REPORT.—
(1) IN GENERAL.—Not later than December 31, 2019, the Secretary of Defense, in consultation with
the Secretary of State, shall submit to the congres-
sional defense committees a report on the impact of
Liberian nationals on the national security, foreign
policy, and economic, and humanitarian interests of
the United States and a justification for adjustment
of status of qualifying Liberians to that of lawful
permanent residents.
(2) ELEMENTS.—The report required by para-
graph (1) shall include the following:
(A) The number of current or former Libe-
rian nationals and their children who have
served or are currently serving in the Armed
Forces.
(B) The amount of remittances sent by
current or former Liberian nationals to relatives
in Liberia and an assessment of the impact on
the economic development of Liberia if these re-
mittances were to cease.
(C) The economic and tax contributions that Liberian nationals and their children have made to the United States.

(D) An assessment of the impact on the United States of adjusting the status of Liberian nationals who have continuous physical presence in the United States beginning on November 20, 2014, and ending on the date of the enactment of this Act, or for adjusting the status of the spouses, children, and unmarried sons or daughters of such Liberian nationals.

(c) QUALIFYING LIBERIAN.—

(1) IN GENERAL.—In this section, the term "qualifying Liberian" means an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) who—

(A)(i) is a national of Liberia; and

(ii) has been continuously present in the United States during the period beginning on November 20, 2014, and ending on the date of the enactment of this Act;

(B) is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A);
(C) is otherwise eligible to receive an immigrant visa; and

(D) is admissible to the United States for permanent residence, except that the grounds of inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) EXCEPTIONS.—The term “qualifying Liberian” does not include any alien who—

(A) has been convicted of any aggravated felony;

(B) has been convicted of 2 or more crimes involving moral turpitude (other than a purely political offense); or

(C) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(3) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical
presence based on 1 or more absences from the
United States for 1 or more periods amounting, in
the aggregate, to not more than 180 days.

SEC. 6014. IMPROVING QUALITY OF INFORMATION IN
BACKGROUND INVESTIGATION REQUEST
PACKAGES.

(a) REPORT ON METRICS AND BEST PRACTICES.—
Not later than 180 days after the date of the enactment
of this Act, the Director of the Defense Counterintelli-
gence and Security Agency, which serves as the primary
executive branch service provider for background inves-
tigations for eligibility for access to classified information,
eligibility to hold a sensitive position, and for suitability
and fitness for other matters pursuant to Executive Order
13467 (50 U.S.C. 3161 note; relating to reforming proc-
esses related to suitability for Government employment,
fitness for contractor employees, and eligibility for access
to classified national security information), shall, in con-
sultation with the Security, Suitability, and Credentialing
Performance Accountability Council established under
such executive order, submit to Congress a report on—

(1) metrics for assessing the completeness and
quality of packages for background investigations
submitted by agencies requesting background inves-
tigations from the Defense Counterintelligence and Security Agency;

(2) rejection rates of background investigation submission packages due to incomplete or erroneous data, by agency; and

(3) best practices for ensuring full and complete information in background investigation requests.

(b) ANNUAL REPORT ON PERFORMANCE.—Not later than 270 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Security, Suitability, and Credentialing Performance Accountability Council shall submit to Congress a report on performance against the metrics and return rates identified in paragraphs (1) and (2) of subsection (a).

(c) IMPROVEMENT PLANS.—

(1) IDENTIFICATION.—Not later than one year after the date of the enactment of this Act, executive agents under Executive Order 13467 (50 U.S.C. 3161 note) shall identify agencies in need of improvement with respect to the quality of the information in the background investigation submissions of the agencies as reported in subsection (b).

(2) PLANS.—Not later than 90 days after an agency is identified under paragraph (1), the head of the agency shall provide the executive agents re-
ferred to in such paragraph with a plan to improve
the performance of the agency with respect to the
quality of the information in the agency’s back-
ground investigation submissions.

SEC. 6015. LIMITATION ON CERTAIN ROLLING STOCK PRO-
CUREMENTS; CYBERSECURITY CERTIFI-
CATION FOR RAIL ROLLING STOCK AND OP-
ERATIONS.

Section 5323 of title 49, United States Code, is
amended by adding at the end the following:

“(u) LIMITATION ON CERTAIN ROLLING STOCK PRO-
CUREMENTS.—

“(1) IN GENERAL.—Except as provided in para-
graph (5), financial assistance made available under
this chapter shall not be used in awarding a contract
or subcontract to an entity on or after the date of
enactment of this subsection for the procurement of
rolling stock for use in public transportation if the
manufacturer of the rolling stock—

“(A) is incorporated in or has manufac-
turing facilities in the United States; and

“(B) is owned or controlled by, is a sub-
sidiary of, or is otherwise related legally or fi-
nancially to a corporation based in a country
that—
“(i) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

“(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

“(iii) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

“(2) EXCEPTION.—For purposes of paragraph (1), the term ‘otherwise related legally or financially’ does not include a minority relationship or investment.

“(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) CERTIFICATION FOR RAIL ROLLING STOCK.—
“(A) IN GENERAL.—Except as provided in paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5337, a recipient that operates rail fixed guideway service shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in paragraph (1).

“(B) SEPARATE CERTIFICATION.—The certification required under this paragraph shall be in addition to any certification the Secretary establishes to ensure compliance with the requirements of paragraph (1).

“(5) EXCEPTION.—This subsection, including the certification requirement under paragraph (4), shall not apply to the award of a contract or subcontract made by a public transportation agency with a rail rolling stock manufacturer described in paragraph (1) if the manufacturer and the public transportation agency have a contract for rail rolling stock that was executed before the date of enactment of this subsection.
“(v) Cybersecurity Certification for Rail Rolling Stock and Operations.—

“(1) Certification.—As a condition of financial assistance made available under this chapter, a recipient that operates a rail fixed guideway public transportation system shall certify that the recipient has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks.

“(2) Compliance.—For the process required under paragraph (1), a recipient of assistance under this chapter shall—

“(A) utilize the approach described by the voluntary standards and best practices developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)), as applicable;

“(B) identify hardware and software that the recipient determines should undergo third-party testing and analysis to mitigate cybersecurity risks, such as hardware or software for rail rolling stock under proposed procurements; and

“(C) utilize the approach described in any voluntary standards and best practices for rail
fixed guideway public transportation systems
developed under the authority of the Secretary
of Homeland Security, as applicable.

“(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed
to interfere with the authority of—

“(A) the Secretary of Homeland Security
to publish or ensure compliance with require-
ments or standards concerning cybersecurity for
rail fixed guideway public transportation sys-
tems; or

“(B) the Secretary of Transportation
under section 5329 to address cybersecurity
issues as those issues relate to the safety of rail
fixed guideway public transportation systems.”.

SEC. 6016. SENSE OF CONGRESS ON THE NAMING OF A
NAVAL VESSEL IN HONOR OF SENIOR CHIEF
PETTY OFFICER SHANNON KENT.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) Senior Chief Petty Officer Shannon M.
Kent was born in Owego, New York.

(2) Senior Chief Petty Officer Kent enlisted in
the United States Navy on December 10, 2003.
(3) Senior Chief Petty Officer Kent was fluent in four languages and four dialects of Arabic.

(4) Senior Chief Petty Officer Kent served five combat tours throughout 15 years of service in the Navy.

(5) On January 16, 2019, at 35 years of age, Senior Chief Petty Officer Kent was killed in a suicide bombing in Manbij, Syria, while supporting Joint Task Force-Operation Inherent Resolve.

(6) Senior Chief Petty Officer Kent was the recipient of the Bronze Star, the Purple Heart, two Joint Service Commendation Medals, the Navy and Marine Corps Commendation Medal, the Army Commendation Medal, and the Joint Service Achievement Medal, among other decorations and awards.

(7) Senior Chief Petty Officer Kent was among the first women to deploy with Special Operations Forces and was the first female to graduate from the hard skills program for non-SEALs.

(8) Senior Chief Petty Officer Kent is survived by her husband and two children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name the next available naval vessel appropriate for such name in honor of Senior Chief Petty Officer Shannon Kent.
SEC. 6017. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE PRODUCTION ACT OF 1950.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. 4561) is amended by striking “$133,000,000” and all that follows and inserting the following: “for the carrying out of the provisions and purposes of this Act by the President and such agencies as he may designate or create—

“(1) $250,000,000 for each of fiscal years 2020 through 2024; and

“(2) $133,000,000 for fiscal year 2025 and each fiscal year thereafter.”.

SEC. 6018. INVESTMENT IN SUPPLY CHAIN SECURITY UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—Section 303 of the Defense Production Act of 1950 (50 U.S.C. 4533) is amended by adding at the end the following:

“(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

“(1) IN GENERAL.—The President may make available to an eligible entity described in paragraph (2) payments to increase the security of supply chains and supply chain activities, if the President certifies to Congress not less than 30 days before making such a payment that the payment is in the national security interests of the United States.
“(2) Eligible entity.—An eligible entity described in this paragraph is an entity that—

“(A) is organized under the laws of the United States or any jurisdiction within the United States; and

“(B) produces—

“(i) one or more critical components;

“(ii) critical technology; or

“(iii) one or more products for the increased security of supply chains or supply chain activities.

“(3) Definitions.—In this subsection, the terms ‘supply chain’ and ‘supply chain activities’ have the meanings given those terms by the President by regulation under section 6019(b) of the National Defense Authorization Act for Fiscal Year 2020.”.

(b) Regulations.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations setting forth definitions for the terms “supply chain” and “supply chain activities” for the purposes of section 303(h) of the Defense Production Act of 1950 (50 U.S.C. 4533(h)), as added by subsection (a).
(2) **Scope of definitions.**—The definitions required by paragraph (1)—

(A) shall encompass—

(i) the organization, people, activities, information, and resources involved in the delivery and operation of a product or service used by the Government; or

(ii) critical infrastructure as defined in Presidential Policy Directive 21 (February 12, 2013; relating to critical infrastructure security and resilience); and

(B) may include variations for specific sectors or Government functions.

**SEC. 6019. AVIATION WORKFORCE DEVELOPMENT.**

(a) **In general.**—Section 625(c)(1) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended—

(1) in subparagraph (C), by striking “or” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(E) an organization representing aircraft users, aircraft owners, or aircraft pilots.”.
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254).

SEC. 6020. LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA.

(a) FINDINGS.—Congress finds that—

(1) the Little Shell Tribe of Chippewa Indians is a political successor to signatories of the Pembina Treaty of 1863, under which a large area of land in the State of North Dakota was ceded to the United States;

(2) the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, which also are political successors to the signatories of the Pembina Treaty of 1863, have been recognized by the Federal Government as distinct Indian tribes;

(3) the members of the Little Shell Tribe continue to live in the State of Montana, as their ancestors have for more than 100 years since ceding land in the State of North Dakota as described in paragraph (1);

(4) in the 1930s and 1940s, the Tribe repeatedly petitioned the Federal Government for reorga-
nization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(5) Federal agents who visited the Tribe and Commissioner of Indian Affairs John Collier attested to the responsibility of the Federal Government for the Tribe and members of the Tribe, concluding that members of the Tribe are eligible for, and should be provided with, trust land, making the Tribe eligible for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(6) due to a lack of Federal appropriations during the Depression, the Bureau of Indian Affairs lacked adequate financial resources to purchase land for the Tribe, and the members of the Tribe were denied the opportunity to reorganize;

(7) in spite of the failure of the Federal Government to appropriate adequate funding to secure land for the Tribe as required for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), the Tribe continued to exist as a separate community, with leaders exhibiting clear political authority;
(8) the Tribe, together with the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy's Reservation of Montana, filed 2 law suits under the Act of August 13, 1946 (60 Stat. 1049) (commonly known as the "Indian Claims Commission Act"), to petition for additional compensation for land ceded to the United States under the Pembina Treaty of 1863 and the McCumber Agreement of 1892;

(9) in 1971 and 1982, pursuant to Acts of Congress, the tribes received awards for the claims described in paragraph (8);

(10) in 1978, the Tribe submitted to the Bureau of Indian Affairs a petition for Federal recognition, which is still pending as of the date of enactment of this Act; and

(11) the Federal Government, the State of Montana, and the other federally recognized Indian tribes of the State have had continuous dealings with the recognized political leaders of the Tribe since the 1930s.

(b) DEFINITIONS.—In this section:

(1) MEMBER.—The term "member" means an individual who is enrolled in the Tribe pursuant to subsection (f).
(2) Secretary.—The term “Secretary” means the Secretary of the Interior.

(3) Tribe.—The term “Tribe” means the Little Shell Tribe of Chippewa Indians of Montana.

(c) Federal Recognition.—

(1) In general.—Federal recognition is extended to the Tribe.

(2) Effect of Federal Laws.—Except as otherwise provided in this section, all Federal laws (including regulations) of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), shall apply to the Tribe and members.

(d) Federal Services and Benefits.—

(1) In general.—Beginning on the date of enactment of this Act, the Tribe and each member shall be eligible for all services and benefits provided by the United States to Indians and federally recognized Indian tribes, without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any member on or near an Indian reservation.
(2) **SERVICE AREA.**—For purposes of the delivery of services and benefits to members, the service area of the Tribe shall be considered to be the area comprised of Blaine, Cascade, Glacier, and Hill Counties in the State of Montana.

(e) **REAFFIRMATION OF RIGHTS.**—

(1) **IN GENERAL.**—Nothing in this section diminishes any right or privilege of the Tribe or any member that existed before the date of enactment of this Act.

(2) **CLAIMS OF TRIBE.**—Except as otherwise provided in this section, nothing in this section alters or affects any legal or equitable claim of the Tribe to enforce any right or privilege reserved by, or granted to, the Tribe that was wrongfully denied to, or taken from, the Tribe before the date of enactment of this Act.

(f) **MEMBERSHIP ROLL.**—

(1) **IN GENERAL.**—As a condition of receiving recognition, services, and benefits pursuant to this section, the Tribe shall submit to the Secretary, by not later than 18 months after the date of enactment of this Act, a membership roll consisting of the name of each individual enrolled as a member of the Tribe.
(2) Determination of Membership.—The qualifications for inclusion on the membership roll of the Tribe shall be determined in accordance with sections 1 through 3 of article 5 of the constitution of the Tribe dated September 10, 1977 (including amendments to the constitution).

(3) Maintenance of Roll.—The Tribe shall maintain the membership roll under this subsection.

(g) Acquisition of Land.—

(1) Homeland.—The Secretary shall acquire, for the benefit of the Tribe, trust title to 200 acres of land within the service area of the Tribe to be used for a tribal land base.

(2) Additional Land.—The Secretary may acquire additional land for the benefit of the Tribe pursuant to section 5 of the Act of June 18, 1934 (25 U.S.C. 5108) (commonly known as the “Indian Reorganization Act”).

SEC. 6021. PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.

(a) Purpose.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) Definitions.—In this section:
(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **CONSERVATION POOL.**—The term “conservation pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, below elevation 745 feet (Pensacola Datum).

(3) **FLOOD POOL.**—The term “flood pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, between elevation 745 feet and elevation 755 feet (Pensacola Datum).

(4) **PROJECT.**—The term “project” means the Pensacola Hydroelectric Project (FERC No. 1494).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Army.

(c) **CONSERVATION POOL MANAGEMENT.**—

(1) **FEDERAL LAND.**—Notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)), Federal land within the project boundary, including any right, title, or interest in or to land held by the United States for any purpose, shall not be considered to be—

(A) a reservation for purposes of section 4(e) of that Act (16 U.S.C. 797(e));

(B) land or other property of the United States for purposes of recompensing the United States.
States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(e)(1)); or

(C) land of the United States for purposes of section 24 of that Act (16 U.S.C. 818).

(2) LICENSE CONDITIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall not include in any license for the project any condition or other requirement relating to—

(i) surface elevations of the conservation pool; or

(ii) the flood pool (except to the extent it references flood control requirements prescribed by the Secretary); or

(iii) land or water above an elevation of 750 feet (Pensacola Datum)

(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the Commission shall, in consultation with the licensee, prescribe flexible target surface elevations of the conservation pool to the extent necessary for the protection of life, health, property, or the environment.

(3) PROJECT SCOPE.—
(A) Licensing Jurisdiction.—The licensing jurisdiction of the Commission for the project shall not extend to any land or water outside the project boundary.

(B) Outside Infrastructure.—Any land, water, or physical infrastructure or other improvement outside the project boundary shall not be considered to be part of the project.

(C) Boundary Amendment.—

(i) In General.—The Commission shall amend the project boundary only on request of the project licensee.

(ii) Denial of Request.—The Commission may deny a request to amend a project boundary under clause (i) if the Commission determines that the request is inconsistent with the requirements of part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(d) Flood Pool Management.—

(1) Exclusive Jurisdiction.—Notwithstanding any other provision of law, the Secretary shall have exclusive jurisdiction and responsibility for management of the flood pool for flood control operations at Grand Lake O’ the Cherokees.
(2) **PROPERTY ACQUISITION.**—If a feasibility study or other investigation determines that flood control operations at or associated with Pensacola Dam, including any backwater effect, may result in the inundation of, or damage to, land outside the project boundary to which the United States does not hold flowage rights or holds insufficient flowage rights, the project licensee shall not have any obligation to obtain or enhance those flowage rights.

(e) **SAVINGS PROVISION.**—Nothing in this section affects, with respect to the project—

1. any authority or obligation of the Secretary or the Chief of Engineers pursuant to section 2 of the Act of June 28, 1938 (commonly known as the “Flood Control Act of 1938”) (33 U.S.C. 701c–1);

2. any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 709);

3. any obligation of the United States to obtain flowage or other property rights pursuant to the Act of July 31, 1946 (60 Stat. 743, chapter 710);

4. any obligation of the United States to acquire flowage or other property rights for additional reservoir storage pursuant to Executive Order 9839.
(12 Fed. Reg. 2447; relating to the Grand River
Dam Project);

(5) any authority of the Secretary to acquire
real property interest pursuant to section 560 of the
Water Resources Development Act of 1996 (Public
Law 104–303; 110 Stat. 3783);

(6) any obligation of the Secretary to conduct
and pay the cost of a feasibility study pursuant to
section 449 of the Water Resources Development
Act of 2000 (Public Law 106–541; 114 Stat. 2641);

(7) the National Flood Insurance Program es-
established under the National Flood Insurance Act of
1968 (42 U.S.C. 4001 et seq.), including any policy
issued under that Act; or

(8) any disaster assistance made available
under the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5121 et seq.)
or other Federal disaster assistance program.

**TITLE LXII—MATTERS RELATING TO FOREIGN NATIONS**

**SEC. 6201. STATEMENT OF POLICY AND SENSE OF SENATE**

**ON MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF THE PHILIPPINES.**

(a) Statement of Policy.—It is the policy of the
United States that—
(1) while the United States has long adopted an approach that takes no position on the ultimate dis-
position of the disputed sovereignty claims in the South China Sea, disputing States should—

(A) resolve their disputes peacefully with-
out the threat or use of force; and

(B) ensure that their maritime claims are consistent with international law; and

(2) an attack on the armed forces, public ves-
sels, or aircraft of the Republic of the Philippines in the Pacific, including the South China Sea, would trigger the mutual defense obligations of the United States under Article IV of the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington Au-
gust 30, 1951, “to meet common dangers in accord-
ance with its constitutional processes”.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of State and the Secretary of Defense should—

(1) affirm the commitment of the United States to the Mutual Defense Treaty between the United States and the Republic of the Philippines;

(2) preserve and strengthen the alliance of the United States with the Republic of the Philippines;
(3) prioritize efforts to develop a shared understanding of alliance commitments and defense planning; and

(4) provide appropriate support to the Republic of the Philippines to strengthen the self-defense capabilities of the Republic of the Philippines, particularly in the maritime domain.

SEC. 6202. SENSE OF SENATE ON ENHANCED COOPERATION WITH PACIFIC ISLAND COUNTRIES TO ESTABLISH OPEN-SOURCE INTELLIGENCE FUSION CENTERS IN THE INDO-PACIFIC REGION.

It is the sense of the Senate that—

(1) the Pacific Island countries in the Indo-Pacific region are critical partners of the United States;

(2) the United States should take steps to enhance collaboration with Pacific Island countries;

(3) United States Indo-Pacific Command should pursue the establishment of one or more open-source intelligence fusion centers in the Indo-Pacific region to enhance cooperation with Pacific Island countries, which may include participation in an existing fusion center of a partner or ally in lieu of establishing an entirely new fusion center; and
(4) the United States should continue to support the political, economic, and security partnerships among Australia, New Zealand, and other Pacific Island countries.

SEC. 6203. TWO-YEAR EXTENSION OF PROGRAM AUTHORITY FOR GLOBAL SECURITY CONTINGENCY FUND.

(a) Ineffectiveness of Section 1203.—Section 1203, and the amendments made by that section, shall have no force or effect.

(b) Two-Year Extension and Availability of Funds.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i)—

(A) in paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2021”; and

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

“(2) Exception.—Amounts appropriated and transferred to the Fund before September 30, 2019, shall remain available for obligation and expenditure after that date, but only for activities under programs commenced under subsection (b) before September 30, 2019.”; and
(2) in subsection (o)—

(A) in the first sentence, by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) in the second sentence, by striking “through 2019” and inserting “through 2021”.

SEC. 6204. REPEAL OF PROHIBITION ON TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.

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

(1) allowing for the export, re-export or transfer of arms subject to the United States Munitions List (part 121 of title 22, Code of Federal Regulations) to the Republic of Cyprus would advance United States security interests in Europe by helping to reduce the dependence of the Government of the Republic of Cyprus on other countries, including countries that pose challenges to United States interests around the world, for defense-related materiel; and

(2) it is in the interest of the United States—

(A) to continue to support United Nations-facilitated efforts toward a comprehensive solution to the division of Cyprus; and
(B) for the Republic of Cyprus to join NATO’s Partnership for Peace program.

(b) MODIFICATION OF PROHIBITION.—Section 620C(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373(e)) is amended—

(1) in paragraph (1), by striking “Any agreement” and inserting “Except as provided in paragraph (3), any agreement”; and

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

“(3) The requirement under paragraph (1) shall not apply to any sale or other provision of any defense article or defense service to Cyprus if the end-user of such defense article or defense service is the Government of the Republic of Cyprus.”.

(c) EXCLUSION OF THE GOVERNMENT OF THE REPUBLIC OF CYPRUS FROM CERTAIN RELATED REGULATIONS.—

(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), beginning on the date of the enactment of this Act, the Secretary of State shall not apply a policy of denial for exports, re-exports, or transfers of defense articles and defense services destined for or originating in the Republic of Cyprus if—
(A) the request is made by or on behalf of
the Government of the Republic of Cyprus; and

(B) the end-user of such defense articles or
defense services is the Government of the Re-
public of Cyprus.

(2) EXCEPTION.—This exclusion shall not apply
to any denial based upon credible human rights con-
cerns.

(d) LIMITATIONS ON THE TRANSFER OF ARTICLES
ON THE UNITED STATES MUNITIONS LIST TO THE RE-
PUBLIC OF CYPRUS.—

(1) IN GENERAL.—The policy of denial for ex-
ports, re-exports, or transfers of defense articles on
the United States Munitions List to the Republic of
Cyprus shall remain in place unless the President
determines and certifies to the appropriate congres-
sional committees not less than annually that—

(A) the Government of the Republic of Cy-
prus is continuing to cooperate with the United
States Government in efforts to implement re-
forms on anti-money laundering regulations and
financial regulatory oversight; and

(B) the Government of the Republic of Cy-
prus has made and is continuing to take the
steps necessary to deny Russian military vessels
access to ports for refueling and servicing.

(2) **Waiver.**—The President may waive the
limitations contained in this subsection for one fiscal
year if the President determines that it is essential
to the national security interests of the United
States to do so.

(3) **Appropriate congressional committees defined.**—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations
and the Committee on Armed Services of the
Senate; and

(B) the Committee on Foreign Affairs and
the Committee on Armed Services of the House
of Representatives.

**SEC. 6205. UNITED STATES-INDIA DEFENSE COOPERATION**

**IN THE WESTERN INDIAN OCEAN.**

(a) **Report.**—

(1) **In general.**—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the relevant con-
gressional committees a report on defense coopera-
tion between the United States and India in the
Western Indian Ocean.
(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of military activities of the United States and India, separately, in the Western Indian Ocean.

(B) A description of military cooperation activities between the United States and India in the areas of humanitarian assistance, counter terrorism, counter piracy, maritime security, and other areas as the Secretary determines appropriate.

(C) A description of how the relevant geographic combatant commands coordinate their activities with the Indian military in the Western Indian Ocean.

(D) A description of the mechanisms in place to ensure the relevant geographic combatant commands maximize defense cooperation with India in the Western Indian Ocean.

(E) Areas of future opportunity to increase military engagement with India in the Western Indian Ocean.
(3) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) Military Cooperation Agreements; Conduct of Regular Joint Military Training and Operations.—The Secretary of Defense is authorized to enter into military cooperation agreements and to conduct regular joint military training and operations with India in the Western Indian Ocean on behalf of the United States Government, and after consultation with the Secretary of State.

(c) Mechanisms to Maximize Defense Cooperation.—The Secretary of Defense shall ensure that the relevant geographic combatant commands have proper mechanisms in place to maximize defense cooperation with India in the Western Indian Ocean.

(d) Definitions.—In this section:

(1) Relevant Congressional Committees.—The term “relevant congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and
(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) Relevant Geographic Combatant Commands.—The term “relevant geographic combatant commands” means the United States Indo-Pacific Command, United States Central Command, and United States Africa Command.

(3) Western Indian Ocean.—The term “Western Indian Ocean” means the area in the Indian Ocean extending from the west coast of India to the east coast of Africa.

SEC. 6206. EXPANSION OF AVAILABILITY OF FINANCIAL ASSETS OF IRAN TO VICTIMS OF TERRORISM.

(a) Findings.—Congress makes the following findings:

(1) On October 23, 1983, terrorists sponsored by the Government of Iran bombed the United States Marine barracks in Beirut, Lebanon. The terrorists killed 241 servicemen and injured scores more.

(2) Those servicemen were killed or injured while on a peacekeeping mission.
(3) Terrorism sponsored by the Government of Iran threatens the national security of the United States.

(4) The United States has a vital interest in ensuring that members of the Armed Forces killed or injured by such terrorism, and the family members of such members, are able to seek justice.

(b) AMENDMENTS.—Section 502 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8772) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “in the United States” and inserting “by or”;

(B) in subparagraph (B), by inserting “, or an asset that would be blocked if the asset were located in the United States,” after “unblocked”); and

(C) in the flush text at the end—

(i) by inserting after “in aid of execution” the following: “, or to an order directing that the asset be brought to the State in which the court is located and subsequently to execution or attachment in aid of execution,”; and
(ii) by inserting “, without regard to concerns relating to international comity” after “resources for such an act”;

(2) in subsection (b)—

(A) by striking “that are identified” and inserting the following: “that are—

“(1) identified”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) identified in and the subject of proceedings in the United States District Court for the Southern District of New York in Peterson et al. v. Islamic Republic of Iran et al., Case No. 13 Civ. 9195 (LAP).”; and

(3) by striking subsection (e).

SEC. 6207. REPORT ON EXPORT OF CERTAIN SATELLITES TO ENTITIES WITH CERTAIN BENEFICIAL OWNERSHIP STRUCTURES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on addressing the threat or potential threat posed by the export, reexport, or in-country transfer of
satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 22 U.S.C. 2778 note) to entities described in subsection (b).

(b) ENTITIES DESCRIBED.—

(1) IN GENERAL.—An entity described in this subsection is an entity the beneficial owner of which is—

(A) an individual who is a citizen or national of a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013;

(B) an entity organized under the laws of or otherwise subject to the jurisdiction of such a country;

(C) the government of such a country; or

(D) any other individual or entity the Secretary determines may detrimentally affect the national security of the United States.

(2) DETERMINATION OF BENEFICIAL OWNERSHIP.—For purposes of paragraph (1), the Secretary shall identify a person as the beneficial owner of an entity—

(A) in a manner that is not less stringent than the manner set forth in section 240.13d—
3 of title 17, Code of Federal Regulations (as in effect on the date of the enactment of this Act); and

(B) based on a threshold, to be determined by the Secretary, based on an assessment of whether the person’s position would give the person an opportunity to control the use of a satellite described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 and exported, reexported, or transferred in country to the entity.

(c) Elements.—The report required by subsection (a) shall include the following:

(1) An evaluation of whether satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 have been exported, reexported, or transferred in-country, directly or indirectly, to entities described in subsection (b).

(2) An examination of the effect on national security of the potential export, reexport, or in-country transfer of satellites in compliance with section 1261(c) of the National Defense Authorization Act for Fiscal Year 2013 in circumstances in which the services, bandwidth, or functions of the satellites
could subsequently be leased or sold to, or otherwise used by, an entity described in subsection (b).

(3) An examination of the effect on national security of not limiting the export, reexport, or in-country transfer of such satellites to entities described in subsection (b).

(4) Recommendations for, and an assessment of the effectiveness of, a licensing condition that would prohibit or limit the export, reexport, or in-country transfer of such satellites to, or the use of such satellites by, entities described in subsection (b).

(5) An assessment, based on realistic and justifiable assumptions and forecasts, of the economic implications of and potential harm caused by a licensing condition described in paragraph (4) on the United States industries that develop or produce satellites and commercial telecommunications equipment that do not have direct national security ties, including any costs identified under paragraph (3).

(6) An evaluation of the resources necessary to ensure the ability of the Bureau of Industry and Security of the Department of Commerce—

(A) to adequately identify and analyze the beneficial owners of entities in decisions relating to—
(i) issuing licenses for the export, re-export, or in-country transfer of such satellites to such entities; or

(ii) the ultimate end uses and end-users of such satellites; and

(B) when evaluating such a decision—

(i) to have full knowledge of the potential end-user of the satellite and the current beneficial owner of the entity; and

(ii) to be able to determine whether issuing the license would be inconsistent with the goal of preventing entities described in subsection (b) from accessing or using such satellites.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Rela-

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tions, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 6208. SENSE OF CONGRESS ON HONG KONG PORT VISITS.

It is the sense of Congress that the Department of Defense should continue to make regular requests to the Government of the People’s Republic of China for the Navy to conduct port calls to Hong Kong, including United States aircraft carrier visits.

SEC. 6209. SENSE OF CONGRESS ON POLICY TOWARD HONG KONG.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States policy toward Hong Kong is guided by the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 106 Stat. 1448) (referred to in this section as the “Act”), which reaffirms that “The Hong Kong Special Administrative Region of the People’s Republic of China, beginning on July 1, 1997, will continue to
enjoy a high degree of autonomy on all matters other than defense and foreign affairs.”.

(2) The Act furthermore states that “The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong.”.

(3) Pursuant to section 301 of the Act (22 U.S.C. 5731), the annual report issued by the Department of State on developments in Hong Kong (referred to in this section as the “Report”), released on March 21, 2019, states that “Cooperation between the United States Government and the Hong Kong government remains broad and effective in many areas, providing significant benefits to the United States economy and homeland security.”.

(4) The Report states that “the Chinese mainland central government implemented or instigated a number of actions that appeared inconsistent with China’s commitments in the Basic Law, and in the Sino-British Joint Declaration of 1984, to allow Hong Kong to exercise a high degree of autonomy.”.

(5) The Report furthermore states that the “Hong Kong authorities took actions aligned with mainland priorities at the expense of human rights
and fundamental freedoms. There were particular
setbacks in democratic electoral processes, freedom
of expression, and freedom of association.”.

(6) On June 10, 2019, the spokesperson for the
Department of State issued a statement expressing
“grave concern about the Hong Kong government’s
proposed amendments to its Fugitive Offenders Or-
dinance, which, if passed, would permit Chinese au-
thorities to request the extradition of individuals to
mainland China.”.

(7) According to media reports, in June 2019,
over 1,000,000 residents of Hong Kong have taken
part in demonstrations against the proposed amend-
ments to the Fugitive Offenders Ordinance.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the government of the People’s Republic of
China and the Hong Kong Special Administrative
Region of the People’s Republic of China authorities
should immediately cease taking all actions that un-
dermine Hong Kong’s autonomy and negatively im-
pact the protections of fundamental human rights,
freedoms, and democratic values of the people of
Hong Kong, as enshrined in the Act, Hong Kong’s

(2) the Hong Kong Special Administrative Region of the People’s Republic of China authorities should immediately withdraw from consideration the proposed amendments to its Fugitive Offenders Ordinance and refrain from any unwarranted use of force against the protestors that is inconsistent with internationally recognized law enforcement best practices; and

(3) the United States should impose financial sanctions, visa bans, and other punitive economic measures against all individuals or entities violating the fundamental human rights and freedoms of the people of Hong Kong, consistent with United States and international law.

SEC. 6210. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), as most recently amended by section 1247 of the John S. McCain National Defense Authorization
Act for Fiscal Year 2019 (Public Law 115–232), is further amended—

(1) in the matter preceding paragraph (1), by striking “fiscal year 2017, 2018, or 2019” and inserting “fiscal year 2017, 2018, 2019, or 2020”;

(2) in paragraph (1) by striking “; and”;

(3) in paragraph (2) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(3) the Russian Federation has released the 24 Ukrainian sailors captured in the Kerch Strait on November 25, 2018.”.

SEC. 6211. REVIEW AND REPORT ON OBLIGATIONS OF THE UNITED STATES UNDER TAIWAN RELATIONS ACT.

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

(1) Taiwan is a vital partner of the United States and a critical element of the free and open Indo-Pacific region;

(2) for 40 years, the Taiwan Relations Act (22 U.S.C. 3301 et seq.) has secured peace, stability, and prosperity and provided enormous benefits to
the United States, Taiwan, and the Indo-Pacific region; and

(3) the United States should reaffirm that the policy of the United States toward diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, as described in that Act (22 U.S.C. 3301 et seq.).

(b) REVIEW.—The Secretary of Defense, in coordination with the Secretary of State, shall conduct a review of—

(1) whether, and the means by which, as applicable, the Government of the People’s Republic of China is affecting, including through military, economic, information, digital, diplomatic, or any other form of coercion—

(A) the security, or the social and economic system, of the people of Taiwan;

(B) the military balance of power between the People’s Republic of China and Taiwan; or

(C) the expectation that the future of Taiwan will continue to be determined by peaceful means; and

(2) the role of United States policy toward Taiwan with respect to the implementation of the 2017

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate committees of Congress a report on the review under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) Recommendations on legislative changes or Department of Defense or Department of State policy changes necessary to ensure that the United States continues to meet its obligations to Taiwan under the Taiwan Relations Act (22 U.S.C. 3301 et seq.).

(B) Guidelines for—

(i) new defense requirements, including requirements relating to information and digital space;

(ii) exchanges between senior-level civilian and military officials of the United States and Taiwan; and
(iii) the regular transfer of defense articles, especially defense articles that are mobile, survivable, and cost effective, to most effectively deter attacks and support the asymmetric defense strategy of Taiwan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 6212. IMPLEMENTATION OF THE ASIA REASSURANCE INITIATIVE ACT WITH REGARD TO TAIWAN ARMS SALES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense Indo-Pacific Strategy Report, released on June 1, 2019, states: “[T]he Asia Reassurance Initiative Act, a major bipartisan legislation, was signed into law by President Trump on December 31, 2018. This legislation enshrines a generational whole-of-government policy
framework that demonstrates U.S. commitment to a free and open Indo-Pacific region and includes initiatives that promote sovereignty, rule of law, democracy, economic engagement, and regional security.”.

(2) The Indo-Pacific Strategy Report further states: “The United States has a vital interest in upholding the rules-based international order, which includes a strong, prosperous, and democratic Taiwan. . .The Department [of Defense] is committed to providing Taiwan with defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.”.

(3) Section 209(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), signed into law on December 31, 2018—

(A) builds on longstanding commitments enshrined in the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan with defense articles; and

(B) states: “The President should conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People’s Republic of
China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) has recommitted the United States to support the close, economic, political, and security relationship between the United States and Taiwan; and

(2) the United States should fully implement the provisions of that Act with regard to regular defensive arms sales to Taiwan.

(c) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense, or their designees, shall brief the appropriate committees of Congress on the efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representa-
tives.

SEC. 6213. NORTH ATLANTIC TREATY ORGANIZATION JOINT FORCES COMMAND.

(a) IN GENERAL.—Subchapter II of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

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§ 314 North Atlantic Treaty Organization Joint Forces Command

(a) AUTHORIZATION.—The Secretary of Defense shall authorize the establishment of, and the participation by members of the armed forces in, the North Atlantic Treaty Organization Joint Forces Command (in this section referred to as the ‘Joint Forces Command’), to be established in the United States.

(b) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—The Secretary may use facilities and equipment of the Department of Defense to support the Joint Forces Command.

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated to the Department of Defense for fiscal
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year 2020 shall be available to carry out the purposes of this section.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item:


SEC. 6214. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE’S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate committees of Congress the following:

(1) A report on the military activities of the Russian Federation in the Arctic region.

(2) A report on the military activities of the People’s Republic of China in the Arctic region.

(b) MATTERS TO BE INCLUDED.—The reports under subsection (a) shall include, with respect to the Russian Federation or the People’s Republic of China, as applicable, the following:

(1) A description of military activities of such country in the Arctic region, including—
(A) the emplacement of military infrastructure, equipment, or forces;
(B) any exercises or other military activities; and
(C) activities that are non-military in nature, but are considered to have military implications.

(2) An assessment of—
(A) the intentions of such activities;
(B) the extent to which such activities affect or threaten the interests of the United States and allies in the Arctic region; and
(C) any response to such activities by the United States or allies.

(3) A description of future plans and requirements with respect to such activities.

(c) Form.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified executive summary.

(d) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on
Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 6215. EFFORTS TO ENSURE MEANINGFUL PARTICIPATION OF AFGHAN WOMEN IN PEACE NEGOTIATIONS IN AFGHANISTAN.

(a) In General.—The Secretary of State, in coordination with the Secretary of Defense, shall carry out activities to ensure the meaningful participation of Afghan women in the ongoing peace process in Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (22 U.S.C. 2151 note; Public Law 115–68), which shall include—

(1) continued United States Government advocacy for the inclusion of Afghan women leaders in ongoing and future negotiations to end the conflict in Afghanistan; and

(2) support for the inclusion of constitutional protections on women’s and girls’ human rights that ensure their freedom of movement, rights to education and work, political participation, and access
to healthcare and justice in any agreement reached through intra-Afghan negotiations, including negotiations with the Taliban.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report describing the steps taken to fulfill the duties of the Secretary of State and the Secretary of Defense under subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 6216. UPDATED STRATEGY TO COUNTER THE THREAT OF MALIGN INFLUENCE BY THE RUSSIAN FEDERATION AND OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of State, in coordination with the appropriate United States Government officials, shall jointly update, with the additional elements described in subsection (b),
the comprehensive strategy to counter the threat of malign
influence developed pursuant to section 1239A of the Na-
tional Defense Authorization Act for Fiscal Year 2018
(Public Law 115–91; 131 Stat. 1667).

(b) ADDITIONAL ELEMENTS.—The updated strategy
required under subsection (a) shall include the following:

(1) With respect to each element specified in
paragraphs (1) through (7) of subsection (b) of such
section 1239A, actions to counter the threat of ma-
lign influence operations by the People’s Republic of
China and any other country engaged in significant
malign influence operations.

(2) A description of the interagency organiza-
tional structures and procedures for coordinating the
implementation of the comprehensive strategy for
countering malign influence by the Russian Federa-
tion, the People’s Republic of China, and any other
country engaged in significant malign influence op-

(c) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense and
the Secretary of State shall jointly submit to the appro-
priate committees of Congress a report detailing the up-
dated strategy required under subsection (a).
(d) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” has the meaning given the term in subsection (e) of such section 1239A.

SEC. 6217. MODIFICATION OF SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

Paragraph (1) of section 1225(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3550) is amended—

(1) in the paragraph heading by inserting “AND TAKING INTO ACCOUNT THE AUGUST 2017 STRATEGY OF THE UNITED STATES” after “2014”; and

(2) in subparagraph (B)—

(A) by striking the period at the end and inserting a semicolon;

(B) by striking “in the assessment of any such” and inserting “in the assessment of—

“(i) any such”; and

(C) by adding at the end the following new clauses:

“(ii) the United States counterterrorism mission; and
“(iii) efforts by the Department of Defense to support reconciliation efforts and develop conditions for the expansion of the reach of the Government of Afghanistan throughout Afghanistan.”.

SEC. 6218. SENSE OF CONGRESS ON ACQUISITION BY TURKEY OF S–400 AIR DEFENSE SYSTEM.

It is the sense of Congress that—

(1) Turkey is an important North Atlantic Treaty Organization ally and military partner;

(2) the acquisition by the Government of Turkey of the S–400 air defense system from the Russian Federation—

(A) undermines—

(i) the security interests of the United States; and

(ii) the air defense of Turkey;

(B) weakens the interoperability of the North Atlantic Treaty Organization; and

(C) is incompatible with the plan of the Government of Turkey—

(i) to accept delivery of and operate the F–35 aircraft; and

(ii) to continue to participate in F–35 aircraft production and maintenance;
(3) the United States and other member countries of the North Atlantic Treaty Organization have put forth several viable and competitive proposals to protect the vulnerable airspace of Turkey and to ensure the security and integrity of Turkey as a North Atlantic Treaty Organization ally;

(4) Russian Federation aggression on the periphery of Turkey, including in Georgia, Ukraine, the Black Sea, and Syria, and especially the indiscriminate bombing by the Russian Federation of the Idlib province of Syria on the border of Turkey and the incursions of Russian Federation warplanes into the airspace of Turkey on November 24, 2015, and other occasions, endangers the security of Turkey;

(5) the termination of the participation of Turkey in the F–35 program and supply chain, which may still be avoided if the Government of Turkey abandons its planned acquisition of the S–400 air defense system, would cause significant harm to the growing defense industry and economy of Turkey; and

(6) if the Government of Turkey accepts delivery of the S–400 air defense system—

(A) such acceptance would—
(i) constitute a significant transaction within the meaning of section 231(a) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9525(a));

(ii) endanger the integrity of the North Atlantic Treaty Organization Alliance and pose a significant threat to Turkey;

(iii) adversely affect ongoing operations of the United States Armed Forces, including coalition operations in which the United States Armed Forces participate;

(iv) result in a significant impact to defense cooperation between the United States and Turkey; and

(v) significantly increase the risk of compromising United States defense systems and operational capabilities; and

(B) the President should fully implement the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 131 Stat. 886) by imposing and applying sanctions under section 235 of that Act (22 U.S.C. 9529) with respect to any individual or entity
1225
determined to have engaged in such significant transaction as if such person were a sanctioned person for purposes of such section.

SEC. 6219. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Paragraph (2) of section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended to read as follows:

“(2) Training, developed and delivered in consultation with academic institutions, and other support to academic institutions to promote security and limit undue influence on institutions and personnel, including financial support for execution for such activities, that—

“(A) emphasizes best practices for protection of sensitive national security information; and

“(B) includes the dissemination of unclassified publications and resources for identifying and protecting against emerging threats to academic research institutions, including specific counterintelligence guidance developed for fac-
ulty and academic researchers based on specific threats.”.

SEC. 6231. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

The text of subsection (a) of section 1231 is hereby deemed to read as follows:

“(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea, and the Department may not otherwise implement any such activity.”.

SEC. 6236. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO THE REPUBLIC OF TURKEY.

The text of subsection (a) of section 1236 preceding paragraph (1) is hereby deemed to read as follows:

“(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense, may be used to do the following, and the Department may not otherwise do the following:”.

†S 1790 ES18
TITLE LXIV—OTHER AUTHORIZATIONS

SEC. 6401. ASSESSMENT OF RARE EARTH SUPPLY CHAIN ISSUES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Defense Logistics Agency, shall submit to Congress a report assessing issues relating to the supply chain for rare earth materials.

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

(1) An assessment of the rare earth materials in the reserves held by the United States.

(2) A estimate of the needs of the United States for such materials—

(A) in general; and

(B) to support a major near-peer conflict such as is outlined in war game scenarios included in the 2018 National Defense Strategy.

(3) An assessment of the extent to which substitutes for such materials are available.

SEC. 6422. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCE RETIREMENT HOME.

Section 1422, and the amendments made by that section, shall have no force or effect.
TITLE LXV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—General Provisions

SEC. 6501. REVIEW OF JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION RESEARCH RELATING TO HUMANITARIAN DEMINING EFFORTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the research of the Joint Improvised-Threat Defeat Organization to identify information that may be released to United States humanitarian demining organizations for the purpose of improving the efficiency and effectiveness of humanitarian demining efforts.

(b) Report to Congress.—The Secretary shall submit a report to the congressional defense committees detailing the research identified under subsection (a).
Subtitle B—Inspectors General Matters

SEC. 6511. ESTABLISHMENT OF LEAD INSPECTOR GENERAL FOR AN OVERSEAS CONTINGENCY OPERATION BASED ON SECRETARY OF DEFENSE NOTIFICATION.

(a) Notification on Commencement of OCO.—Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(n) Notification of Certain Overseas Contingency Operations for Purposes of Inspector General Act of 1978.—The Secretary of Defense shall provide the Chair of the Council of Inspectors General on Integrity and Efficiency written notification of the commencement or designation of a military operation as an overseas contingency operation upon the earlier of—

“(1) a determination by the Secretary that the overseas contingency operation is expected to exceed 60 days; or

“(2) the date on which the overseas contingency operation exceeds 60 days.”.

(b) Establishment of Lead Inspector General Based on Notification.—Section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—
(A) by striking “Upon the commencement” and all that follows through “the Chair” and inserting “The Chair”; and

(B) by inserting before the period at the end the following: “upon the earlier of—

“(1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or

“(2) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”; and

(2) in subsection (d)(1), by striking “the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days” and inserting “the earlier of—

“(A) the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days; or

“(B) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”.

†S 1790 ES1S
SEC. 6512. CLARIFICATION OF AUTHORITY OF INSPECTORS GENERA L FOR OVERSEAS CONTINGENCY OPERATIONS.

Section 8L(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking “to exercise” and all that follows through “such matter” and inserting “to identify and coordinate with the Inspector General who has principal jurisdiction over the matter to ensure effective oversight”;

and

(B) by adding at the end the following:

“(iii)(I) Upon written request by the Inspector General with principal jurisdiction over a matter with respect to the contingency operation, and with the approval of the lead Inspector General, an Inspector General specified in subsection (c) may provide investigative support or conduct an independent investigation of an allegation of criminal activity by any United States personnel, contractor, subcontractor, grantee, or vendor in the applicable theater of operations.

“(II) In the case of a determination by the lead Inspector General that no Inspector Gen-
eral has principal jurisdiction over a matter with respect to the contingency operation, the lead Inspector General may—

“(aa) conduct an independent investigation of an allegation described in subclause (I); or

“(bb) request that an Inspector General specified in subsection (c) conduct such investigation.”; and

(2) by adding at the end the following:

“(I) To enhance cooperation among Inspectors General and encourage comprehensive oversight of the contingency operation, any Inspector General responsible for conducting oversight of any program or operation performed in support of the contingency operation may, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of such Inspector General—

“(i) coordinate such oversight activities with the lead Inspector General; and

“(ii) provide information requested by the lead Inspector General relating to the responsibilities of the lead Inspector Gen-
eral described in subparagraphs (B), (C), and (G).”.

SEC. 6513. EMPLOYMENT STATUS OF ANNUITANTS FOR IN-
SPECTORS GENERAL FOR OVERSEAS CONTIN-
GENCY OPERATIONS.

Section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2)(E), by inserting “(without regard to subsection (b)(2) of such section)” after “United States Code,”;

(2) in paragraph (3), by amending subparagraph (C) to read as follows:

“(C)(i) An annuitant receiving an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System under chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) who is reemployed under this subsection—

“(I) shall continue to receive the annuity;

and

“(II) shall not be considered a participant for purposes of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) or an employee for purposes of subchapter
III of chapter 83 or chapter 84 of title 5, United States Code.

“(ii) An annuitant described in clause (i) may elect in writing for the reemployment of the annuitant under this subsection to be subject to section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064). A reemployed annuitant shall make an election under this clause not later than 90 days after the date of the reemployment of the annuitant.”;

and

(3) by adding at the end the following:

“(5)(A) A person employed by a lead Inspector General for an overseas contingency operation under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

“(B) No person who is first employed as described in subparagraph (A) more than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 may acquire competitive status under subparagraph (A).”.
TITLE LXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

SEC. 6601. ANNUAL REPORT ON DEVELOPMENT OF GROUND-BASED STRATEGIC DETERRENT WEAPON.

(a) Report Required.—Not later than February 15, 2020, and annually thereafter until the date on which the ground-based strategic deterrent weapon receives Milestone C approval (as defined in section 2366 of title 10, United States Code), the Secretary of the Air Force, in coordination with the Administrator for Nuclear Security and the Chairman of the Nuclear Weapons Council, shall submit to the congressional defense committees a report describing the joint development of the ground-based strategic deterrent weapon, including the missile developed by the Air Force and the W87–1 warhead modification program conducted by the National Nuclear Security Administration.

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

(1) An estimate of the date on which the ground-based strategic deterrent weapon will reach initial operating capability.
(2) A description of any development milestones for the missile developed by the Air Force or the warhead developed by the National Nuclear Security Administration that depend on corresponding progress at the other agency.

(3) A description of coordination efforts between the Air Force and the National Nuclear Security Administration during the year preceding submission of the report.

(4) A description of any schedule delays projected by the Air Force or the National Nuclear Security Administration, including delays related to infrastructure capacity and subcomponent production, and the anticipated effect such delays would have on the schedule of work of the other agency.

(5) Plans to mitigate the effects of any delays described in paragraph (4).

(6) A description of any ways, including through the availability of additional funding or authorities, in which the development milestones described in paragraph (2) or the estimated date of initial operating capability referred to in paragraph (1) could be achieved more quickly.
(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6602. SENSE OF SENATE ON SUPPORT FOR A ROBUST AND MODERN ICBM FORCE TO MAXIMIZE THE VALUE OF THE NUCLEAR TRIAD OF THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Land-based intercontinental ballistic missiles (in this section referred to as “ICBMs”) have been a critical part of the strategic deterrent of the United States for 6 decades in conjunction with air and sea-based strategic delivery systems.

(2) President John F. Kennedy referred to the deployment of the first Minuteman missile during the Cuban Missile Crisis as his “ace in the hole”.

(3) The Minuteman III missile entered service in 1970 and is still deployed in 2019, well beyond its originally intended service life.

(4) The ICBM force of the United States peaked at more than 1,200 deployed missiles during the Cold War.

(5) The ICBM force of the United States currently consists of approximately 400 Minuteman III
missiles deployed across 450 operational missile silos, each carrying a single warhead.

(6) The Russian Federation currently deploys at least 300 ICBMs with multiple warheads loaded on each missile and has announced plans to replace its Soviet-era systems with modernized ICBMs.

(7) The People’s Republic of China currently deploys at least 75 ICBMs and plans to grow its ICBM force through the deployment of modernized, road-mobile ICBMs that carry multiple warheads.

(8) The Russian Federation and the People’s Republic of China deploy nuclear weapons across a variety of platforms in addition to their ICBM forces.

(9) Numerous countries possess or are seeking to develop nuclear weapons capabilities that pose challenges to the nuclear deterrence of the United States.

(10) The nuclear deterrent of the United States is comprised of a triad of delivery systems for nuclear weapons, including submarine-launched ballistic missiles (in this subsection referred to as “SLBMs”), air-delivered gravity bombs and cruise missiles, and land-based ballistic missiles that pro-
vide interlocking and mutually reinforcing attributes that enhance strategic deterrence.

(11) Weakening one leg of the triad limits the deterrent value of the other legs of the triad.

(12) In the nuclear deterrent of the United States, ICBMs provide commanders with the most prompt response capability, SLBMs provide stealth and survivability, and aircraft armed with nuclear weapons provide flexibility.

(13) The ICBM force of the United States forces any would-be attacker to confront more than 400 discrete targets, thus creating an effectively insurmountable targeting problem for a potential adversary.

(14) The size, dispersal, and global reach of the ICBM force of the United States ensures that no adversary can escalate a crisis beyond the ability of the United States to respond.

(15) A potential attacker would be forced to expend far more warheads to destroy the ICBMs of the United States than the United States would lose in an attack, because of the deployment of a single warhead on each ICBM of the United States.

(16) The ICBM force provides a persistent deterrent capability that reinforces strategic stability.
(17) ICBMs are the cheapest delivery system for nuclear weapons for the United States to operate and maintain.

(18) United States Strategic Command has validated military requirements for the unique capabilities of ICBMs.

(19) In a 2014 analysis of alternatives, the Air Force concluded that replacing the Minuteman III missile would provide upgraded capabilities at lower cost when compared with extending the service life of the Minuteman III missile.

(20) The Minuteman III replacement program, known as the ground-based strategic deterrent, is expected to provide a land-based strategic deterrent capability for 5 decades after the program enters service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) land-based ICBMs have certain characteristics, including responsiveness, persistence, and dispersal, that enhance strategic stability and magnify the deterrent value of the air and sea-based legs of the nuclear triad of the United States;
(2) ICBMs have played and continue to play a role in deterring attacks on the United States and its allies;

(3) while arms control agreements have reduced the size of the ICBM force of the United States, adversaries of the United States continue to enhance, enlarge, and modernize their ICBM forces;

(4) the modernization of the ICBM force of the United States through the ground-based strategic deterrent program should be supported;

(5) ICBMs have the lowest operation, maintenance, and modernization costs of any part of the nuclear deterrent of the United States; and

(6) unilaterally reducing the size of the ICBM force of the United States or delaying the implementation of the ground-based strategic deterrent program would degrade the deterrent capabilities of a fully operational and modernized nuclear triad and should not take place at the present time.

SEC. 6603. REPORTS BY MILITARY DEPARTMENTS ON OPERATION OF CONVENTIONAL FORCES UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the
Air Force, the Secretary of the Army, the Secretary of the Navy, and the Commandant of the Marine Corps shall each submit to the congressional defense committees a report detailing the measures taken by the appropriate Secretary or the Commandant to ensure the ability of conventional forces to operate effectively under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States.

(b) Form of Report.—Each report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

SEC. 6604. REPORTS BY UNITED STATES EUROPEAN COMMAND AND UNITED STATES INDO-PACIFIC COMMAND ON OPERATION OF CERTAIN CONVENTIONAL FORCES UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Commander of the United States European Command and the Commander of the United States Indo-Pacific Command, in consultation with the Commander of the United States Strategic Command, shall each submit to the congressional defense
committees a report detailing the measures taken by the Commander to ensure the ability of conventional forces under the authority of the Commander to execute contingency plans under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

SEC. 6605. JOINT ASSESSMENT OF DEPARTMENT OF DEFENSE CYBER RED TEAM CAPABILITIES, CAPACITY, DEMAND, AND REQUIREMENTS.

(a) JOINT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Chief Information Officer of the Department of Defense, Principal Cyber Advisor, and the Director of Operational Test and Evaluation—

(1) conduct a joint assessment of Department cyber red team capabilities, capacity, demand, and future requirements that affect the Department’s ability to develop, test, and maintain secure systems in a cyber environment; and
(2) brief the congressional defense committees on the results of the joint assessment.

(b) ELEMENTS.—The joint assessment required by subsection (a)(1) shall—

(1) specify demand for cyber red team support for acquisition and operations;

(2) specify shortfalls in meeting demand and future requirements, disaggregated by the Department of Defense and by each of the military departments;

(3) examine funding and retention initiatives to increase cyber red team capacity to meet demand and future requirements identified to support the testing, training, and development communities;

(4) examine the feasibility and benefit of developing and procuring a common Red Team Integrated Capabilities Stack that better utilizes increased capacity of cyber ranges and better models the capabilities and tactics, techniques, and procedures of adversaries;

(5) examine the establishment of oversight and assessment metrics for Department cyber red teams;

(6) assess the implementation of common development for tools, techniques, and training;
(7) assess potential industry and academic partnerships and services;

(8) assess the mechanisms and procedures in place to deconflict red-team activities and defensive cyber operations on active networks;

(9) assess the use of Department cyber personnel in training as red team support;

(10) assess the use of industry and academic partners and contractors as red team support and the cost- and resource-effectiveness of such support; and

(11) assess the need for permanent, high-end dedicated red-teaming activities to model sophisticated adversaries’ attacking critical Department systems and infrastructure.

SEC. 6606. REPORT ON THE EXPANDED PURVIEW OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Defense Counterintelligence and Security Agency.

(b) Contents.—The report submitted under subsection (a) shall include the following:
(1) Identification of the resources and authorities appropriate for the Inspector General for the expanded purview of the Defense Counterintelligence and Security Agency.

(2) Identification of the resources and authorities needed to perform the civil liberties and privacy officer function of the Defense Counterintelligence and Security Agency.

(3) An assessment of the security protocols in effect for personally identifiable information held by the Defense Counterintelligence and Security Agency.

(4) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to the Department of Defense, including with respect to status, authorities, and leadership.

(5) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to interagency partners, including the Office of Management and Budget, the Office of the Director of National Intelligence, and the Office of Personnel Management.

(6) The methodology the Defense Counterintelligence and Security Agency will prioritize requests
for background investigation requests from government agencies and industry.

SEC. 6664. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

The text of subsection (a) of section 1664 is hereby deemed to read as follows:

“(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

“(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

“(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.”.
TITLE LXVII—PFAS RELEASE DISCLOSURE, DETECTION, AND SAFE DRINKING WATER ASSISTANCE

SEC. 6701. DEFINITION OF ADMINISTRATOR.

In this title, the term “Administrator” means the Administrator of the Environmental Protection Agency.

Subtitle A—PFAS Release Disclosure

SEC. 6711. ADDITIONS TO TOXICS RELEASE INVENTORY.

(a) Definition of Toxics Release Inventory.—

In this section, the term “toxics release inventory” means the toxics release inventory under section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

(b) Immediate Inclusion.—

(1) In General.—Subject to subsection (e), beginning January 1 of the calendar year following the date of enactment of this Act, the following chemicals shall be deemed to be included in the toxics release inventory:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335–67–1).
(B) The salt associated with the chemical described in subparagraph (A) (Chemical Abstracts Service No. 3825–26–1).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763–23–1).


(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)); and

(ii) on the date of enactment of this Act, subject to the provisions of—

(I) section 721.9582 of title 40, Code of Federal Regulations; or

(2) Threshold for reporting.—

(A) In general.—Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) is 100 pounds.

(B) Revisions.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted; and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

(c) Inclusion Following Assessment.—

(1) In general.—Subject to subsection (e), a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances shall be automatically included in the toxics release inven-
tory beginning January 1 of the calendar year after any of the following dates:

(A) **Establishment of Toxicity Value.**—The date on which the Administrator establishes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(B) **Significant New Use Rule.**—The date on which the Administrator finalizes a significant new use rule under subsection (a)(2) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section, for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(C) **Addition to Existing Significant New Use Rule.**—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a significant new use rule previously promulgated under subsection (a)(2) of section 5 of
the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section.

(D) Addition as active chemical substance.—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is on a list of substances covered by a significant new use rule under subsection (a)(2) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section, is—

(i) added to the inventory under subsection (b)(1) of section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) and designated as an active chemical substance under subsection (b)(5)(A) of that section; or

(ii) designated as an active chemical substance on the inventory in accordance with subsection (b)(5)(B) of that section.

(2) Threshold for reporting.—
(A) In general.—Subject to subparagraph (B), the threshold for reporting under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11203(f)(1)) the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

(B) Revisions.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

   (i) determine whether revision of the thresholds under subparagraph (A) is warranted; and

   (ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

(d) Inclusion following determination.—

   (1) In general.—To the extent not already subject to subsection (b), not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and
classes of substances described in paragraph (2) meet the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)) for inclusion in the toxics release inventory.

(2) SUBSTANCES DESCRIBED.—The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances, including—

(A) hexafluoropropylene oxide dimer acid (Chemical Abstracts Service No. 13252–13–6);

(B) the compounds associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 62037–80–3 and 2062–98–8);

(C) perfluoro[(2-pentafluoroethoxyethoxy)acetic acid] ammonium salt (Chemical Abstracts Service No. 908020–52–0);

(D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluoride (Chemical Abstracts Service No. 2479–75–6);
(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
hexafluoro)2-(trifluoromethoxy) propionic acid
(Chemical Abstracts Service No. 2479–73–4);

(F) 3H-perfluoro-3-[(3-methoxy-propoxy)
propanoic acid] (Chemical Abstracts Service
No. 919005–14–4);

(G) the salts associated with the chemical
described in subparagraph (F) (Chemical Ab-
stracts Service Nos. 958445–44–8, 1087271–
46–2, and NOCAS__892452);

(H) 1-octanesulfonic acid
3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium
salt (Chemical Abstracts Service No. 59587–
38–1);

(I) perfluorobutanesulfonic acid (Chemical
Abstracts Service No. 375–73–5);

(J) 1-Butanesulfonic acid,
1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt
(Chemical Abstracts Service No. 29420–49–3);

(K) the component associated with the
chemical described in subparagraph (J) (Chem-
ical Abstracts Service No. 45187–15–3);

(L) heptafluorobutyric acid (Chemical Ab-
stracts Service No. 375–22–4);
(M) perfluorohexanoic acid (Chemical Abstracts Service No. 307–24–4);

(N) each perfluoroalkyl or polyfluoroalkly substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluoropolymers, as determined by the Administrator.

(3) ADDITION TO TOXICS RELEASE INVENTORY.—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Administrator shall revise the toxics release inventory to include that substance or class of substances not later than 2 years after the
date on which the Administrator makes the determination.

(e) CONFIDENTIAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, United States Code, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review that claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 14(f) of the Toxic Substances Control Act (15 U.S.C. 2613(f)).

(2) NONDISCLOSURE OF PROTECTION INFORMATION.—If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure under paragraph (1), the Adminis-
tractor shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(f) EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended—

(1) by striking the period at the end and inserting ‘‘; and’’;

(2) by striking ‘‘are those chemicals’’ and inserting the following: ‘‘are—

“(1) the chemicals”; and

(3) by adding at the end the following:

“(2) the chemicals included under subsections (b)(1), (c)(1), and (d)(3) of section 6711 of the National Defense Authorization Act for Fiscal Year 2020.”.

Subtitle B—Drinking Water

SEC. 6721. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)) is amended by adding at the end the following:
“(D) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

“(I) perfluorooctanoic acid (commonly referred to as ‘PFOA’); and

“(II) perfluorooctane sulfonic acid (commonly referred to as ‘PFOS’).

“(ii) ALTERNATIVE PROCEDURES.—

“(I) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with that national primary drinking water regulation to measure the levels described in subclause (II) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking
water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in that national primary drinking water regulation by publishing the procedure or method in the Federal Register.

“(II) Levels described.—The levels referred to in subclause (I) are—

“(aa) the level of a perfluoroalkyl or polyfluoroalkyl substance;

“(bb) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(cc) the total levels of organic fluorine.

“(iii) Inclusions.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—
“(I) the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i).

“(iv) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under clause (i) or clause (vi)(II), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

“(v) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to 1 or
more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(vi) Regulation of additional substances.—

“(I) Determination.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under clause (i) not later than 18 months after the later of—

“(aa) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl
substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(bb) the date on which—

“(AA) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substance; or

“(BB) the Administrator has received finished water data or finished water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be sufficient to make a determina-
tion under paragraph (1)(A).

“(II) PRIMARY DRINKING WATER REGULATIONS.—

“(aa) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under subclause (I), the Administrator—

“(AA) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(BB) may publish the proposed national primary
drinking water regulation described in subitem (AA) concurrently with the publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(bb) DEADLINE.—

“(AA) IN GENERAL.—

Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under item (aa)(AA) and subject to subitem (BB), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(BB) EXTENSION.—

The Administrator, on publication of notice in the Fed-
eral Register, may extend the deadline under subitem (AA) by not more than 6 months.

“(vii) LIFETIME DRINKING WATER HEALTH ADVISORY.—

“(I) IN GENERAL.—Subject to subclause (II), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of—

“(aa) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or
class of perfluoroalkyl or polyfluoroalkyl substance, if such a procedure did not exist on the date on which the toxicity value described in item (aa) was finalized.

“(II) WAIVER.—The Administrator may waive the requirements of subclause (I) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water.”.

SEC. 6722. MONITORING AND DETECTION.

(a) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section

(2) SUBSTANCES DESCRIBED.—The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances—

(A) for which a method to measure the level in drinking water has been validated by the Administrator; and

(B) that are not subject to a national primary drinking water regulation under clause (i) or (vi)(II) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)).

(3) EXCEPTION.—The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)) under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY.—
(1) IN GENERAL.—The Administrator shall—

(A) require public water systems serving more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor for the substances described in subsection (a)(2).

(2) REQUIREMENT.—If the Administrator determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(3) FUNDS.—The Administrator shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under paragraph (1) from—
(A) funds made available under subsection (a)(2)(H) or (j)(5) of section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4); or

(B) any other funds made available for that purpose.

SEC. 6723. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been promulgated under clause (i) or (vi) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)) earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

SEC. 6724. DRINKING WATER STATE REVOLVING FUNDS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(G) EMERGING CONTAMINANTS.—”
“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), amounts deposited under subsection (t) in a State loan fund established under this section may only be used to provide grants for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

“(ii) REQUIREMENTS.—

“(I) SMALL AND DISADVANTAGED COMMUNITIES.—Not less than 25 percent of the amounts described in clause (i) shall be used to provide grants to—

“(aa) disadvantaged communities (as defined in subsection (d)(3)); or

“(bb) public water systems serving fewer than 25,000 persons.

“(II) PRIORITIES.—In selecting the recipient of a grant using amounts described in clause (i), a State shall
use the priorities described in subsection (b)(3)(A).

“(iii) No increased bonding authority.—The amounts deposited in the State loan fund of a State under subsection (t) may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.”;

(2) in subsection (m)(1), in the matter preceding subparagraph (A), by striking “this section” and inserting “this section, except for subsections (a)(2)(G) and (t)”;

(3) by adding at the end the following:

“(t) Emerging contaminants.—

“(1) In general.—Amounts made available under this subsection shall be allotted to a State as if allotted under subsection (a)(1)(D) as a capitalization grant, for deposit into the State loan fund of the State, for the purposes described in subsection (a)(2)(G).

“(2) Authorization of appropriations.—There is authorized to be appropriated to carry out
this subsection $100,000,000 for each of fiscal years 2020 through 2024, to remain available until ex-

朼ed.”.

**Subtitle C—PFAS Detection**

**SEC. 6731. DEFINITIONS.**

In this subtitle:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(2) **PERFLUORINATED COMPOUND.**—

(A) **IN GENERAL.**—The term “perfluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance that is manmade with at least 1 fully fluorinated carbon atom.

(B) **DEFINITIONS.**—In this definition:

(i) **FULLY FLUORINATED CARBON ATOM.**—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been re-

placed by fluorine.

(ii) **NONFLUORINATED CARBON ATOM.**—The term “nonfluorinated carbon atom” means a carbon atom on which no hydrogen substituents have been replaced by fluorine.
(iii) Partially fluorinated carbon atom.—The term “partially fluorinated carbon atom” means a carbon atom on which some, but not all, of the hydrogen substituents have been replaced by fluorine.

(iv) Perfluoroalkyl substance.—The term “perfluoroalkyl substance” means a manmade chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(v) Polyfluoroalkyl substance.—The term “polyfluoroalkyl substance” means a manmade chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

SEC. 6732. PERFORMANCE STANDARD FOR THE DETECTION OF PERFLUORINATED COMPOUNDS.

(a) In General.—The Director shall establish a performance standard for the detection of perfluorinated compounds.

(b) Emphasis.—

(1) In General.—In developing the performance standard under subsection (a), the Director
shall emphasize the ability to detect as many perfluorinated compounds present in the environment as possible using analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002);

and

(B) are as sensitive as is feasible and practicable.

(2) REQUIREMENT.—In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of perfluorinated compounds; and

(C) coordinate with the Administrator, including, if appropriate, coordinating to develop media-specific, validated analytical methods to
detect individual and different perfluorinated compounds simultaneously.

**SEC. 6733. NATIONWIDE SAMPLING.**

(a) IN GENERAL.—The Director shall carry out a nationwide sampling to determine the concentration of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 6732(a).

(b) REQUIREMENTS.—In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of perfluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to any treatment of the water;

(3) survey for ecological exposure to perfluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and

(B) the Administrator—
(i) to enhance coverage of the sampling; and

(ii) to avoid unnecessary duplication.

(c) REPORT.—Not later than 90 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—

(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives;

(3) the Senators of each State in which the Director carried out the sampling; and

(4) each Member of the House of Representatives that represents a district in which the Director carried out the sampling.

SEC. 6734. DATA USAGE.

(a) IN GENERAL.—The Director shall provide the sampling data collected under section 6733 to—

(1) the Administrator; and

(2) other Federal and State regulatory agencies on request.

(b) USAGE.—The sampling data provided under subsection (a) shall be used to inform and enhance assess-
ments of exposure, likely health and environmental im-
2 pacts, and remediation priorities.
3 SEC. 6735. COLLABORATION.
4 In carrying out this subtitle, the Director shall col-
5 laborate with—
6 (1) appropriate Federal and State regulators;
7 (2) institutions of higher education;
8 (3) research institutions; and
9 (4) other expert stakeholders.
10 SEC. 6736. AUTHORIZATION OF APPROPRIATIONS.
11 There are authorized to be appropriated to the Direc-
12 tor to carry out this subtitle—
13 (1) $5,000,000 for fiscal year 2020; and
14 (2) $10,000,000 for each of fiscal years 2021
15 through 2024.
16 Subtitle D—Safe Drinking Water
17 Assistance
18 SEC. 6741. DEFINITIONS.
19 In this subtitle:
20 (1) CONTAMINANT.—The term “contaminant”
21 means any physical, chemical, biological, or radio-
22 logical substance or matter in water.
23 (2) CONTAMINANT OF EMERGING CONCERN;
24 EMERGING CONTAMINANT.—The terms “contami-
nant of emerging concern’’ and ‘‘emerging contaminant’’ mean a contaminant—

(A) for which the Administrator has not promulgated a national primary drinking water regulation; and

(B) that may have an adverse effect on the health of individuals.

(3) Federal research strategy.—The term ‘‘Federal research strategy’’ means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the adverse health effects of emerging contaminants in drinking water developed by the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1662 of the 115th Congress (S. Rept. 115–139).

(4) Technical assistance and support.—The term ‘‘technical assistance and support’’ includes—

(A) assistance with—

(i) identifying appropriate analytical methods for the detection of contaminants;
(ii) understanding the strengths and limitations of the analytical methods described in clause (i);

(iii) troubleshooting the analytical methods described in clause (i);

(B) providing advice on laboratory certification program elements;

(C) interpreting sample analysis results;

(D) providing training with respect to proper analytical techniques;

(E) identifying appropriate technology for the treatment of contaminants; and

(F) analyzing samples, if—

(i) the analysis cannot be otherwise obtained in a practicable manner otherwise; and

(ii) the capability and capacity to perform the analysis is available at a Federal facility.

(5) WORKING GROUP.—The term “Working Group” means the Working Group established under section 6742(b)(1).
SEC. 6742. RESEARCH AND COORDINATION PLAN FOR ENHANCED RESPONSE ON EMERGING CONTAMINANTS.

(a) IN GENERAL.—The Administrator shall—

(1) review Federal efforts—

(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and

(B) to assist States in responding to the human health risks posed by contaminants of emerging concern; and

(2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal efforts referred to in paragraph (1).

(b) INTERAGENCY WORKING GROUP ON EMERGING CONTAMINANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal Government to identify and analyze the public health effects of drinking water contaminants of emerging concern.

(2) MEMBERSHIP.—The Working Group shall include representatives of the following:
(A) The Environmental Protection Agency, appointed by the Administrator.

(B) The following agencies, appointed by the Secretary of Health and Human Services:

   (i) The National Institutes of Health.

   (ii) The Centers for Disease Control and Prevention.

   (iii) The Agency for Toxic Substances and Disease Registry.

(C) The United States Geological Survey, appointed by the Secretary of the Interior.

(D) Any other Federal agency the assistance of which the Administrator determines to be necessary to carry out this subsection, appointed by the head of the respective agency.

(3) EXISTING WORKING GROUP.—The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) NATIONAL EMERGING CONTAMINANT RESEARCH INITIATIVE.—

(1) FEDERAL RESEARCH STRATEGY.—

   (A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Tech-
the “Director”) shall coordinate with the heads of the agencies described in subparagraph (C) to establish a research initiative, to be known as the “National Emerging Contaminant Research Initiative”, that shall—

(i) use the Federal research strategy to improve the identification, analysis, monitoring, and treatment methods of contaminants of emerging concern; and

(ii) develop any necessary program, policy, or budget to support the implementation of the Federal research strategy, including mechanisms for joint agency review of research proposals, for interagency co-funding of research activities, and for information sharing across agencies.

(B) RESEARCH ON EMERGING CONTAMINANTS.—In carrying out subparagraph (A), the Director shall—

(i) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and
(ii) in consultation with the Administrator, identify priority emerging contaminants for research emphasis.

(C) FEDERAL PARTICIPATION.—The agencies referred to in subparagraph (A) include—

(i) the National Science Foundation;
(ii) the National Institutes of Health;
(iii) the Environmental Protection Agency;
(iv) the National Institute of Standards and Technology;
(v) the United States Geological Survey; and
(vi) any other Federal agency that contributes to research in water quality, environmental exposures, and public health, as determined by the Director.

(D) PARTICIPATION FROM ADDITIONAL ENTITIES.—In carrying out subparagraph (A), the Director shall consult with nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in the National Emerging Contaminant Research Initiative.
(2) **Implementation of research recommendations.**—

(A) **In general.**—Not later than 1 year after the date on which the Director and heads of the agencies described in paragraph (1)(C) establish the National Emerging Contaminant Research Initiative under paragraph (1)(A), the head of each agency described in paragraph (1)(C) shall—

(i) issue a solicitation for research proposals consistent with the Federal research strategy; and

(ii) make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with subparagraph (B).

(B) **Selection of research proposals.**—The National Emerging Contaminant Research Initiative shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the Director, including the likelihood that the proposed research will result in significant
progress toward achieving the objectives identified in the Federal research strategy.

(C) ELIGIBLE ENTITIES. — Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including —

(i) State and local agencies;
(ii) public institutions, including public institutions of higher education;
(iii) private corporations; and
(iv) nonprofit organizations.

(d) FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES. —

(1) Study. —

(A) IN GENERAL. — Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study on actions the Administrator can take to increase technical assistance and support for States with respect to emerging contaminants in drinking water samples.
(B) CONTENTS OF STUDY.—In carrying out the study described in subparagraph (A), the Administrator shall identify—

(i) methods and effective treatment options to increase technical assistance and support with respect to emerging contaminants to States, including identifying opportunities for States to improve communication with various audiences about the risks associated with emerging contaminants;

(ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(iii) actions to be carried out at existing Federal laboratory facilities, including the research facilities of the Administrator, to provide technical assistance and support for States that require testing facilities for emerging contaminants.

(C) AVAILABILITY OF ANALYTICAL RESOURCES.—In carrying out the study described in subparagraph (A), the Administrator shall consider—
(i) the availability of—

(I) Federal and non-Federal laboratory capacity; and

(II) validated methods to detect and analyze contaminants; and

(ii) other factors determined to be appropriate by the Administrator.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).

(3) PROGRAM TO PROVIDE FEDERAL ASSISTANCE TO STATES.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.

(B) APPLICATION.—

(i) IN GENERAL.—To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in
such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—

(I) the laboratory facilities available to the State;

(II) the availability and applicability of existing analytical methodologies;

(III) the potency and severity of the emerging contaminant, if known; and

(IV) the prevalence and magnitude of the emerging contaminant.

(iii) PRIORITIZATION.—In selecting States to receive technical assistance and support under this paragraph, the Administrator—

(I) shall give priority to States with affected areas primarily in financially distressed communities;
(II) may—

(aa) waive the application process in an emergency situation; and

(bb) require an abbreviated application process for the continuation of work specified in a previously approved application that continues to meet the criteria described in clause (ii); and

(III) shall consider the relative expertise and availability of—

(aa) Federal and non-Federal laboratory capacity available to the State;

(bb) analytical resources available to the State; and

(cc) other types of technical assistance available to the State.

(C) DATABASE OF AVAILABLE RESOURCES.—The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—
(i) is—

(I) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—

(aa) drinking water and wastewater utilities;

(bb) laboratories;

(cc) Federal and State emergency responders;

(dd) State primacy agencies;

(ee) public health agencies;

and

(ff) water associations;

(II) searchable; and

(III) accessible through the website of the Administrator; and

(ii) includes a description of—

(I) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(II) the resources available in Federal laboratory facilities to test for emerging contaminants.
(D) WATER CONTAMINANT INFORMATION TOOL.—The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.

(4) FUNDING.—Of the amounts available to the Administrator, the Administrator may use not more than $15,000,000 in a fiscal year to carry out this subsection.

(e) REPORT.—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.

(f) EFFECT.—Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment methods for, or testing or monitoring of, drinking water.

Subtitle E—Miscellaneous

SEC. 6751. PFAS DATA CALL.

Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following:

“(7) PFAS DATA.—Not later than January 1, 2023, the Administrator shall promulgate a rule in accordance with this subsection requiring each per-
son who has manufactured a chemical substance
that is a perfluoroalkyl or polyfluoroalkyl substance
in any year since January 1, 2006, to submit to the
Administrator a report that includes, for each year
since January 1, 2006, the information described in
paragraph (2).”.

SEC. 6752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN
PFAS.

Not later than June 22, 2020, the Administrator
shall take final action on the significant new use rule pro-
posed by the Administrator under the Toxic Substances
Control Act (15 U.S.C. 2601 et seq.) in the proposed rule
entitled “Long-Chain Perfluoroalkyl Carboxylate and
Perfluoroalkyl Sulfonate Chemical Substances; Significant
New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

SEC. 6753. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Administrator shall
publish interim guidance on the destruction and disposal
of perfluoroalkyl and polyfluoroalkyl substances and mate-
rials containing perfluoroalkyl and polyfluoroalkyl sub-
stances, including—

(1) aqueous film-forming foam;

(2) soil and biosolids;
(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and
(4) spent filters, membranes, and other waste from water treatment.

(b) CONSIDERATIONS; INCLUSIONS.—The interim guidance under subsection (a) shall—

(1) take into consideration—

(A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and

(B) potentially vulnerable populations living near likely destruction or disposal sites; and

(2) provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for releases described in paragraph (1)(A).

(c) REVISIONS.—The Administrator shall publish revisions to the interim guidance under subsection (a) as the Administrator determines to be appropriate, but not less frequently than once every 3 years.
SEC. 6754. PFAS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Administrator, acting through the Assistant Administrator for the Office of Research and Development, shall—

(1)(A) further examine the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and

(B) make publicly available information relating to the findings under subparagraph (A);

(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—

(A) the potential for human exposure to the substances or classes of substances;

(B) the potential toxicity of the substances or classes of substances; and

(C) information available about the substances or classes of substances;

(3) develop new tools to characterize and identify perfluoroalkyl and polyfluoroalkyl substances in the environment, including in drinking water, wastewater, surface water, groundwater, solids, and the air;
(4) evaluate approaches for the remediation of contamination by perfluoroalkyl and polyfluoroalkyl substances in the environment; and

(5) develop and implement new tools and materials to communicate with the public about perfluoroalkyl and polyfluoroalkyl substances.

(b) FUNDING.—There is authorized to be appropriated to the Administrator to carry out this section $15,000,000 for each of fiscal years 2020 through 2024.

TITLE LXVIII—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIOIDS

SEC. 6801. SHORT TITLE.

This title may be cited as the “Fentanyl Sanctions Act”.

SEC. 6802. FINDINGS.

Congress makes the following findings:

(1) The Centers for Disease Control and Prevention estimate that from September 2017 through September 2018 more than 48,200 people in the United States died from an opioid overdose, with synthetic opioids (excluding methadone), contributing to a record 31,900 overdose deaths. While drug overdose death estimates from methadone,
semi-synthetic opioids, and heroin have decreased in recent months, overdose deaths from synthetic opioids have continued to increase.

(2) Congress and the President have taken a number of actions to combat the demand for illicit opioids in the United States, including enacting into law the SUPPORT for Patients and Communities Act (Public Law 115–271; 132 Stat. 3894). While new statutes and regulations have reduced the rate of opioid prescriptions in recent years, fully addressing the United States opioid crisis will involve dramatically restricting the foreign supply of illicit opioids.

(3) The People’s Republic of China is the world’s largest producer of illicit fentanyl, fentanyl analogues, and their immediate precursors. From the People’s Republic of China, those substances are shipped primarily through express consignment carriers or international mail directly to the United States, or, alternatively, shipped directly to transnational criminal organizations in Mexico, Canada, and the Caribbean.

(4) The United States and the People’s Republic of China, Mexico, and Canada have made important strides in combating the illicit flow of opioids
through bilateral efforts of their respective law enforcement agencies.

(5) The objective of preventing the proliferation of illicit opioids though existing multilateral and bilateral initiatives requires additional efforts to deny illicit actors the financial means to sustain their markets and distribution networks.

(6) The implementation on May 1, 2019, of the regulations of the People’s Republic of China to schedule all fentanyl analogues as controlled substances is a major step in combating global opioid trafficking and represents a major achievement in United States-China law enforcement dialogues. However, that step will effectively fulfill the commitment that President Xi Jinping of the People’s Republic of China made to President Donald Trump at the Group of Twenty meeting in December 2018 only if the Government of the People’s Republic of China devotes sufficient resources to full implementation and strict enforcement of the new regulations. The effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People’s Republic of China into the United States, so it is in the interests of both the United States and the People’s Republic
of China to support the effective enforcement of the regulations.

(7) While the Department of the Treasury used the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.) to sanction the first synthetic opioid trafficking entity in April 2018, additional economic and financial sanctions policy tools are needed to help combat the flow of synthetic opioids into the United States.

SEC. 6803. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States and the health of the people of the United States;

(2) it is imperative that the People’s Republic of China follow through on full implementation of the new regulations, adopted May 1, 2019, to treat all fentanyl analogues as controlled substances under the laws of the People’s Republic of China, including by devoting sufficient resources for implementation and strict enforcement of the new regulations; and

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit opioids.
fentanyl originating from the People’s Republic of China into the United States, so it is in the interests of both the United States and the People’s Republic of China to support full, effective, and strict enforcement of the regulations.

6 SEC. 6804. DEFINITIONS.

In this title:

(1) ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.—The terms “alien”, “national”, and “national of the United States” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees and leadership” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and
(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms “controlled substance”, “listed chemical”, “narcotic drug”, and “opioid” have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(4) ENTITY.—The term “entity” means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(5) FOREIGN OPIOID TRAFFICKER.—The term “foreign opioid trafficker” means any foreign person that the President determines plays a significant role in opioid trafficking.

(6) FOREIGN PERSON.—The term “foreign person”—

(A) means—
(i) any citizen or national of a foreign country; or

(ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(7) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) OPIOID TRAFFICKING.—The term “opoid trafficking” means any illicit activity—

(A) to produce, manufacture, distribute, sell, or knowingly finance or transport illicit synthetic opioids, controlled substances that are synthetic opioids, listed chemicals that are synthetic opioids, or active pharmaceutical ingredients or chemicals that are used in the production of controlled substances that are synthetic opioids;

(B) to attempt to carry out an activity described in subparagraph (A); or
(C) to assist, abet, conspire, or collude
with other persons to carry out such an activity.

(9) PERSON.—The term “person” means an in-
dividual or entity.

(10) UNITED STATES PERSON.—The term
“United States person” means—

(A) any citizen or national of the United
States;

(B) any alien lawfully admitted for perma-
nent residence in the United States;

(C) any entity organized under the laws of
the United States or any jurisdiction within the
United States (including a foreign branch of
such an entity); or

(D) any person located in the United
States.

Subtitle A—Sanctions With Respect
to Foreign Opioid Traffickers

SEC. 6811. IDENTIFICATION OF FOREIGN OPIOID TRAF-

ICKERS.

(a) PUBLIC REPORT.—

(1) IN GENERAL.—The President shall submit
to the appropriate congressional committees and
leadership, in accordance with subsection (e), a re-
port—
(A) identifying the foreign persons that the President determines are foreign opioid traffickers;

(B) detailing progress the President has made in implementing this subtitle; and

(C) providing an update on cooperative efforts with the Governments of Mexico and the People’s Republic of China with respect to combating foreign opioid traffickers.

(2) IDENTIFICATION OF ADDITIONAL PERSONS.—If, at any time after submitting a report required by paragraph (1) and before the submission of the next such report, the President determines that a foreign person not identified in the report is a foreign opioid trafficker, the President shall submit to the appropriate congressional committees and leadership an additional report containing the information required by paragraph (1) with respect to the foreign person.

(3) EXCLUSION.—The President shall not be required to include in a report under paragraph (1) or (2) any persons with respect to which the United States has imposed sanctions before the date of the report under this subtitle or any other provision of law with respect to opioid trafficking.
(4) **FORM OF REPORT.**—

(A) **IN GENERAL.**—Each report required by paragraph (1) or (2) shall be submitted in unclassified form but may include a classified annex.

(B) **AVAILABILITY TO PUBLIC.**—The unclassified portion of a report required by paragraph (1) or (2) shall be made available to the public.

(b) **CLASSIFIED REPORT.**—

(1) **IN GENERAL.**—The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report, in classified form—

(A) describing in detail the status of sanctions imposed under this subtitle, including the personnel and resources directed toward the imposition of such sanctions during the preceding fiscal year;

(B) providing background information with respect to persons newly identified as foreign opioid traffickers and their illicit activities;

(C) describing actions the President intends to undertake or has undertaken to implement this subtitle; and
(D) providing a strategy for identifying additional foreign opioid traffickers.

(2) Effect on other reporting requirements.—The report required by paragraph (1) is in addition to the obligations of the President to keep Congress fully and currently informed pursuant to the provisions of the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(c) Submission of reports.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until the date that is 5 years after such date of enactment, the President shall submit the reports required by subsections (a) and (b) to the appropriate congressional committees and leadership.

(d) Exclusion of certain information.—

(1) Intelligence.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) Law enforcement.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity
of any person if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of the Treasury, the Secretary of State, and the head of any other appropriate Federal law enforcement agency, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall
notify the appropriate congressional committees and
leadership of the determination and the reasons for
the determination.

(4) Rule of Construction.—Nothing in this
section may be construed to authorize or compel the
disclosure of information determined by the Presi-
dent to be law enforcement information, national se-
curity information, or other information the disclo-
sure of which is prohibited by any other provision of
law.

(e) Provision of Information Required for Re-
ports.—The Secretary of the Treasury, the Attorney
General, the Secretary of Defense, the Secretary of State,
the Secretary of Homeland Security, and the Director of
National Intelligence shall consult among themselves and
provide to the President and the Director of the Office
of National Drug Control Policy the appropriate and nec-
essary information to enable the President to submit the
reports required by subsection (a).

SEC. 6812. SENSE OF CONGRESS ON INTERNATIONAL
OPIOID CONTROL REGIME.

It is the sense of Congress that, in order to apply
economic and other financial sanctions to foreign traf-
fickers of illicit opioids to protect the national security,
foreign policy, and economy of the United States—
(1) the President should instruct the Secretary of State to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, the Group of Seven, the Group of Twenty, and trilaterally and bilaterally with partners of the United States, to combat foreign opioid trafficking, including by working to establish a multilateral sanctions regime with respect to foreign opioid trafficking; and

(2) the Secretary of State, in consultation with the Secretary of the Treasury, should intensify efforts to maintain and strengthen the coalition of countries formed to combat foreign opioid trafficking.

**SEC. 6813. IMPOSITION OF SANCTIONS.**

The President shall impose five or more of the sanctions described in section 6814 with respect to each foreign person that is an entity, and four or more of such sanctions with respect to each foreign person that is an individual, that—

(1) is identified as a foreign opioid trafficker in a report submitted under section 6811(a); or

(2) the President determines is owned, controlled, directed by, knowingly supplying or sourcing
precursors for, or acting for or on behalf of, such a foreign opioid trafficker.

SEC. 6814. DESCRIPTION OF SANCTIONS.

(a) In General.—The sanctions that may be imposed with respect to a foreign person under section 6813 are the following:

(1) Loans from United States financial institutions.—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign person.

(2) Prohibitions on financial institutions.—The following prohibitions may be imposed with respect to a foreign person that is a financial institution:

(A) Prohibition on designation as primary dealer.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) Prohibition on service as a repository of government funds.—The fi-
nancial institution may not serve as agent of
the United States Government or serve as re-
pository for United States Government funds.

The imposition of either sanction under subpara-
graph (A) or (B) shall be treated as one sanction for
purposes of section 6813, and the imposition of both
such sanctions shall be treated as 2 sanctions for
purposes of that section.

(3) PROCUREMENT BAN.—The United States
Government may not procure, or enter into any con-
tract for the procurement of, any goods or services
from the foreign person.

(4) FOREIGN EXCHANGE.—The President may,
pursuant to such regulations as the President may
prescribe, prohibit any transactions in foreign ex-
change that are subject to the jurisdiction of the
United States and in which the foreign person has
any interest.

(5) BANKING TRANSACTIONS.—The President
may, pursuant to such regulations as the President
may prescribe, prohibit any transfers of credit or
payments between financial institutions or by,
through, or to any financial institution, to the extent
that such transfers or payments are subject to the
jurisdiction of the United States and involve any interest of the foreign person.

(6) Property Transactions.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, or transporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) Ban on Investment in Equity or Debt of Sanctioned Person.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) Exclusion of Corporate Officers.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Secu-
rity to exclude from the United States, any alien
that the President determines is a corporate officer
or principal of, or a shareholder with a controlling
interest in, the foreign person.

(9) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the prin-
cipal executive officer or officers of the foreign per-
son, or on individuals performing similar functions
and with similar authorities as such officer or offi-
cers, any of the sanctions described in paragraphs
(1) through (8) that are applicable.

(b) PENALTIES.—A person that violates, attempts to
violate, conspires to violate, or causes a violation of any
regulation, license, or order issued to carry out subsection
(a) shall be subject to the penalties set forth in subsections
(b) and (c) of section 206 of the International Emergency
Economic Powers Act (50 U.S.C. 1705) to the same ex-
tent as a person that commits an unlawful act described
in subsection (a) of that section.

(c) EXCEPTIONS.—

(1) INTELLIGENCE AND LAW ENFORCEMENT
ACTIVITIES.—Sanctions under this section shall not
apply with respect to—
(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence and law enforcement activities of the United States.

(2) Exception to comply with United Nations Headquarters agreement.—Sanctions under subsection (a)(8) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(d) Implementation; Regulatory Authority.—

(1) Implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.
(2) **Regulatory Authority.**—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

**SEC. 6815. WAIVERS.**

(a) **Waiver for State-Owned Financial Institutions in Countries That Cooperate in Multilateral Anti-Trafficking Efforts.**—

(1) **In General.**—The President may waive for a period of not more than 12 months the application of sanctions under this subtitle with respect to a financial institution that is owned or controlled, directly or indirectly, by a foreign government or any political subdivision, agency, or instrumentality of a foreign government, if, not less than 15 days before the waiver is to take effect, the President certifies to the appropriate congressional committees and leadership that the foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking.

(2) **Certification.**—The President may certify under paragraph (1) that a foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking if that government is—
(A) implementing domestic laws to schedule all fentanyl analogues as controlled substances; and

(B) doing two or more of the following:

(i) Implementing substantial improvements in regulations involving the chemical and pharmaceutical production and export of illicit opioids.

(ii) Implementing substantial improvements in judicial regulations to combat transnational criminal organizations that traffic opioids.

(iii) Increasing efforts to prosecute foreign opioid traffickers.

(iv) Increasing intelligence sharing and law enforcement cooperation with the United States with respect to opioid trafficking.

(3) Subsequent renewal of waiver.—The President may renew a waiver under paragraph (1) for subsequent periods of not more than 12 months each if, not less than 15 days before the renewal is to take effect, the Director of National Intelligence certifies to the appropriate congressional committees and leadership that the government of the country
to which the waiver applies has effectively implemented and is effectively enforcing the measures that formed the basis for the certification under paragraph (2).

(b) WAIVERS FOR NATIONAL SECURITY AND ACCESS TO PRESCRIPTION MEDICATIONS.—

(1) IN GENERAL.—The President may waive the application of sanctions under this subtitle if the President determines that the application of such sanctions would harm—

(A) the national security interests of the United States; or

(B) subject to paragraph (2), the access of United States persons to prescription medications.

(2) MONITORING.—The President shall establish a monitoring program to verify that a person that receives a waiver under paragraph (1)(B) is not trafficking illicit opioids.

(3) NOTIFICATION.—Not later than 15 days after making a determination under paragraph (1), the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.
(c) **Humanitarian Waiver.**—The President may waive, for renewable periods of 180 days, the application of the sanctions under this subtitle if the President certifies to the appropriate congressional committees and leadership that the waiver is necessary for the provision of humanitarian assistance.

SEC. 6816. PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.

(a) In general.—If a finding under this subtitle, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court ex parte and in camera.

(b) Rule of construction.—Nothing in this section shall be construed to confer or imply any right to judicial review of any finding under this subtitle, or any prohibition, condition, or penalty imposed as a result of any such finding.

SEC. 6817. BRIEFINGS ON IMPLEMENTATION.

Not later than 90 days after the date of the enactment of the Fentanyl Sanctions Act, and every 180 days thereafter until the date that is 5 years after such date
of enactment, the President, acting through the Secretary of State, in coordination with the Secretary of the Treasury, shall provide to the appropriate congressional committees and leadership a comprehensive briefing on efforts to implement this subtitle.

SEC. 6818. INCLUSION OF ADDITIONAL MATERIAL IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by adding at the end the following:

“(9)(A) An assessment conducted by the Secretary of State, in consultation with the Secretary of the Treasury, of the extent to which any diplomatic efforts described in section 6812 of the Fentanyl Sanctions Act have been successful.

“(B) Each assessment required by subparagraph (A) shall include an identification of—

“(i) the countries the governments of which have agreed to undertake measures to apply economic or other financial sanctions to foreign traffickers of illicit opioids and a description of those measures; and

“(ii) the countries the governments of which have not agreed to measures described in
clause (i), and, with respect to those countries, other measures the Secretary of State recom-
mands that the United States take to apply economic and other financial sanctions to for-

Subtitle B—Commission on Com-
bating Synthetic Opioid Traf-
ficking

SEC. 6821. COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.

(a) Establishment.—

(1) In general.—There is established a com-
mission to develop a consensus on a strategic ap-
proach to combating the flow of synthetic opioids into the United States.

(2) Designation.—The commission estab-
lished under paragraph (1) shall be known as the “Commission on Synthetic Opioid Trafficking” (in this section referred to as the “Commission”).

(b) Membership.—

(1) Composition.—

(A) In general.—Subject to subpara-
graph (B), the Commission shall be composed of the following members:
(i) The Administrator of the Drug Enforcement Administration.

(ii) The Secretary of Homeland Security.

(iii) The Secretary of Defense.

(iv) The Secretary of the Treasury.

(v) The Secretary of State.

(vi) Two members appointed by the majority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(vii) Two members appointed by the minority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(viii) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.

(ix) Two members appointed by the minority leader of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.
(B)(i) The members of the Commission who are not Members of Congress and who are appointed under clauses (vi) through (ix) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) transnational criminal organizations conducting synthetic opioid trafficking;

(II) the production, manufacturing, distribution, sale, or transportation of synthetic opioids; or

(III) relations between—

(aa) the United States; and

(bb) the People’s Republic of China, Mexico, or any other country of concern with respect to trafficking in synthetic opioids.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.
(iii)(I) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(II) For the purpose of facilitating the activities of the Commission, the Director of National Intelligence shall expedite to the fullest degree possible the processing of security clearances that are necessary for members of the Commission.

(2) CO-CHAIRS.—

(A) IN GENERAL.—The Commission shall have 2 co-chairs, selected from among the members of the Commission, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(B) SELECTION.—The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.
(c) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategic approach described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to combat the flow of synthetic opioids from the People’s Republic of China, Mexico, and other countries.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within the strategic approach described in subsection (a)(1).

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish to encourage the effective regulation of dangerous synthetic opioids.

(5) To report on efforts by actors in the People’s Republic of China to subvert United States laws and to supply illicit synthetic opioids to persons in the United States, including up-to-date estimates
of the scale of illicit synthetic opioids flows from the
People’s Republic of China.

(6) To report on the deficiencies in the regula-
tion of pharmaceutical and chemical production of
controlled substances and export controls with re-
spect to such substances in the People’s Republic of
China and other countries that allow opioid traff-
fickers to subvert such regulations and controls to
traffic illicit opioids into the United States.

(7) To report on the scale of contaminated or
counterfeit drugs originating from the People’s Re-
public of China and India.

(8) To report on how the United States could
work more effectively with provincial and local offi-
cials in the People’s Republic of China and other
countries to combat the illicit production of synthetic
opioids.

(9) In weighing the options for defending the
United States against the dangers of trafficking in
synthetic opioids, to consider possible structures and
authorities that need to be established, revised, or
augmented within the Federal Government.

(d) FUNCTIONING OF COMMISSION.—The provisions
of subsections (e), (d), (e), (g), (h), (i), and (m) of section
1652 of the John S. McCain National Defense Authoriza-
tion Act for Fiscal Year 2019 (Public Law 115–232) shall apply to the Commission to the same extent and in the same manner as such provisions apply to the commission established under that section, except that—

(1) subsection (e)(1) of that section shall be applied and administered by substituting “30 days” for “45 days”;

(2) subsection (g)(4)(A) of that section shall be applied and administered by inserting “and the Attorney General” after “Secretary of Defense”; and

(3) subsections (h)(2)(A) and (i)(1)(A) of that section shall be applied and administered by substituting “level V of the Executive Schedule under section 5316” for “level IV of the Executive Schedule under section 5315”.

(e) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.
(2) INFORMATION PROVIDED BY CONGRESS.—
Any information related to the national security of
the United States that is provided to the Commiss-
ion by the appropriate congressional committees
and leadership may not be further provided or re-
leased without the approval of the chairperson of the
committee, or the Member of Congress, as the case
may be, that provided the information to the Com-
mission.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law,
after the termination of the Commission under sub-
section (h), only the members and designated staff
of the appropriate congressional committees and
leadership, the Director of National Intelligence (and
the designees of the Director), and such other offi-
cials of the executive branch as the President may
designate shall have access to information related to
the national security of the United States that is re-
ceived, considered, or used by the Commission.

(f) REPORTS.—The Commission shall submit to the
appropriate congressional committees and leadership—

(1) not later than 270 days after the date of
the enactment of this Act, an initial report on the
activities and recommendations of the Commission
under this section; and

(2) not later than 270 days after the submission of the initial report under paragraph (1), a final
report on the activities and recommendations of the
Commission under this section.

(g) Authorization of Appropriations.—There
are authorized to be appropriated $5,000,000 for each of
fiscal years 2020 through 2023 to carry out this section.

(h) Termination.—

(1) In general.—The Commission, and all the
authorities of this section, shall terminate at the end
of the 120-day period beginning on the date on
which the final report required by subsection (f)(2)
is submitted to the appropriate congressional com-
mittees and leadership.

(2) Winding up of affairs.—The Commission
may use the 120-day period described in para-
graph (1) for the purposes of concluding its activi-
ties, including providing testimony to Congress con-
cerning the final report required by subsection (f)(2)
and disseminating the report.
Subtitle C—Other Matters

SEC. 6831. DIRECTOR OF NATIONAL INTELLIGENCE PROGRAM ON USE OF INTELLIGENCE RESOURCES IN EFFORTS TO SANCTION FOREIGN OPIOID TRAFFICKERS.

(a) Program Required.—

(1) In general.—The Director of National Intelligence shall, with the concurrence of the Director of the Office of National Drug Control Policy, carry out a program to allocate and enhance use of resources of the intelligence community, including intelligence collection and analysis, to assist the Secretary of the Treasury, the Secretary of State, and the Administrator of the Drug Enforcement Administration in efforts to identify and impose sanctions with respect to foreign opioid traffickers under subtitle A.

(2) Focus on illicit finance.—To the extent practicable, efforts described in paragraph (1) shall—

(A) take into account specific illicit finance risks related to narcotics trafficking; and

(B) be developed in consultation with the Undersecretary of the Treasury for Terrorism and Financial Crimes, appropriate officials of
the Office of Intelligence and Analysis of the
Department of the Treasury, the Director of
the Financial Crimes Enforcement Network,
and appropriate Federal law enforcement agen-
cies.

(b) REVIEW OF COUNTERNARCOTICS EFFORTS OF
THE INTELLIGENCE COMMUNITY.—The Director of Na-
tional Intelligence shall, in coordination with the Director
of the Office of National Drug Control Policy, carry out
a comprehensive review of the current intelligence collec-
tion priorities of the intelligence community for counter-
narcotics purposes in order to identify whether such prior-
ities are appropriate and sufficient in light of the number
of lives lost in the United States each year due to use
of illegal drugs.

(c) REPORTS.—

(1) QUARTERLY REPORTS ON PROGRAM.—Not
later than 90 days after the date of the enactment
of this Act, and every 90 days thereafter, the Direc-
tor of National Intelligence and the Director of the
Office of National Drug Control Policy shall jointly
submit to the appropriate congressional committees
and leadership a report on the status and accom-
plishments of the program required by subsection
(a) during the 90-day period ending on the date of
the report. The first report under this paragraph shall also include a description of the amount of funds devoted by the intelligence community to the efforts described in subsection (a) during each of fiscal years 2017 and 2018.

(2) REPORT ON REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a comprehensive description of the results of the review required by subsection (b), including whether the priorities described in that subsection are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs. If the report concludes that such priorities are not so appropriate and sufficient, the report shall also include a description of the actions to be taken to modify such priorities in order to assure than such priorities are so appropriate and sufficient.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).
SEC. 6832. DEPARTMENT OF DEFENSE FUNDING.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Defense to carry out the operations and activities described in subsection (b) $25,000,000 for each of fiscal years 2020 through 2025.

(b) Operations and Activities.—The operations and activities described in this subsection are the operations and activities of the Department of Defense in support of any other department or agency of the United States Government solely for purposes of carrying out this title.

(c) Supplement Not Supplant.—Amounts made available under subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) Notification Requirement.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.

(e) Concurrence of Secretary of State.—Operations and activities described in subsection (b) carried out with foreign persons shall be conducted with the concurrence of the Secretary of State.
SEC. 6833. DEPARTMENT OF STATE FUNDING.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of State to carry out the operations and activities described in subsection (b) $25,000,000 for each of fiscal years 2020 through 2025.

(b) Operations and Activities Described.—The operations and activities described in this subsection are the operations and activities of the Department of State in carrying out this title.

(c) Supplement Not Supplant.—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) Notification Requirement.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.

SEC. 6834. DEPARTMENT OF THE TREASURY FUNDING.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Treasury to carry out the operations and activities described in subsection (b) $25,000,000 for each of fiscal years 2020 through 2025.
(b) OPERATIONS AND ACTIVITIES DESCRIBED.—The operations and activities described in this subsection are the operations and activities of the Department of the Treasury in carrying out this title.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) NOTIFICATION REQUIREMENT.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.

SEC. 6835. TERMINATION.

The provisions of this title, and any sanctions imposed pursuant to this title, shall terminate on the date that is 7 years after the date of the enactment of this Act.

SEC. 6836. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.
(b) **GOOD DEFINED.**—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

**SEC. 6837. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**

In this subtitle, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

**TITLE LXIX—OTTO WARMBIER BANKING RESTRICTIONS INVOLVING NORTH KOREA ACT OF 2019**

**SEC. 6901. SHORT TITLE.**

This title may be cited as the “Otto Warmbier Banking Restrictions Involving North Korea Act of 2019”.

†S 1790 ES1S
Subtitle A—Sanctions With Respect to North Korea

SEC. 6911. FINDINGS.

Congress finds the following:

(1) Since 2006, the United Nations Security Council has adopted 10 resolutions imposing sanctions against North Korea under chapter VII of the United Nations Charter, which—

(A) prohibit the use, development, and proliferation of weapons of mass destruction by North Korea;

(B) prohibit the supply, sale, or transfer of arms and related materiel to or from North Korea;

(C) prohibit the transfer of luxury goods to North Korea;

(D) restrict access by North Korea to financial services that could contribute to nuclear, missile, or other programs related to the development of weapons of mass destruction;

(E) restrict North Korean shipping, including the registration, reflagging, or insuring of North Korean ships;
(F) prohibit, with limited exceptions, North Korean exports of coal, precious metals, iron, vanadium, and rare earth minerals;

(G) prohibit the transfer to North Korea of rocket, aviation, or jet fuel, as well as gasoline, condensates, and natural gas liquids;

(H) prohibit new work authorization for North Korean laborers and require the repatriation of all North Korean laborers by December 2019;

(I) prohibit exports of North Korean food and agricultural products, including seafood;

(J) prohibit joint ventures or cooperative commercial entities or expanding joint ventures with North Korea;

(K) prohibit exports of North Korean textiles;

(L) require member countries of the United Nations to seize, inspect, and impound any ship in its jurisdiction that is suspected of violating Security Council resolutions with respect to North Korea and to interdict and inspect all cargo heading to or from North Korea by land, sea, or air;
(M) limit the transfer to North Korea of refined petroleum products and crude oil;

(N) ban the sale or transfer to North Korea of industrial machinery, transportation vehicles, electronics, iron, steel, and other metals;

(O) reduce North Korean diplomatic staff numbers in member countries of the United Nations and expel any North Korean diplomats found to be working on behalf of a person subject to sanctions or assisting in sanctions evasion;

(P) limit North Korean diplomatic missions abroad with respect to staff size and access to banking privileges and prohibit commerce from being conducted out of North Korean consular or diplomatic offices;

(Q) require member states of the United Nations to close representative offices, subsidiaries, and bank accounts in North Korea;

(R) prohibit countries from providing or receiving military training to or from North Korea or hosting North Koreans for specialized teaching or training that could contribute to the
programs of North Korea related to the development of weapons of mass destruction;
(S) ban countries from granting landing and flyover rights to North Korean aircraft;
and
(T) prohibit trade in statuary of North Korean origin.

(2) The Government of North Korea has threatened to carry out nuclear attacks against the United States, South Korea, and Japan.

(3) The Government of North Korea tested its sixth and largest nuclear device on September 3, 2017.

(4) According to a report by the International Atomic Energy Agency released in August 2018, “The continuation and further development of the DPRK’s nuclear programme and related statements by the DPRK are a cause for grave concern. The DPRK’s nuclear activities, including those in relation to the Yongbyon Experimental Nuclear Power Plant (5 MW(e)) reactor, the use of the building which houses the reported centrifuge enrichment facility and the construction at the light water reactor, as well as the DPRK’s sixth nuclear test, are clear violations of relevant UN Security Council resolu-
tions, including resolution 2375 (2017) and are deeply regrettable.”.

(5) In July 2018, Secretary of State Mike Pompeo testified to the Committee on Foreign Relations of the Senate that North Korea “continue[s] to produce fissile material” despite public pledges by North Korean leader Kim Jong-un to denuclearize.

(6) The 2019 Missile Defense Review conducted by the Department of Defense states that North Korea “continues to pose an extraordinary threat and the United States must remain vigilant. In the past, North Korea frequently issued explicit nuclear missile threats against the United States and allies, all the while working aggressively to field the capability to strike the U.S. homeland with nuclear-armed ballistic missiles. Over the past decade, it has invested considerable resources in its nuclear and ballistic missile programs, and undertaken extensive nuclear and missile testing in order to realize the capability to threaten the U.S. homeland with missile attack. As a result, North Korea has neared the time when it could credibly do so.”.

(7) Financial transactions and investments that provide financial resources to the Government of North Korea, and that fail to incorporate adequate
safeguards against the misuse of those financial re-

sources, pose an undue risk of contributing to—

(A) weapons of mass destruction programs

of that Government; and

(B) efforts to evade restrictions required

by the United Nations Security Council on im-

ports or exports of arms and related materiel,

services, or technology by that Government.

(8) The Federal Bureau of Investigation has
determined that the Government of North Korea
was responsible for cyberattacks against entities in
the United States, South Korea, and around the
world.

(9) In November 2017, President Donald
Trump designated the government of North Korea
as a state sponsor of terrorism pursuant to authori-
ties under the Export Administration Act of 1979
(50 U.S.C. App. 2401 et seq.), as continued in effect
at the time under the International Emergency Eco-

nomic Powers Act (50 U.S.C. 1701 et seq.), the
Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
seq.), and the Arms Export Control Act (22 U.S.C.
2751 et seq.);

(10) On February 22, 2018, the Secretary of
State determined that the Government of North
Korea was responsible for the lethal nerve agent at-
tack in 2017 on Kim Jong Nam, the half-brother of
North Korean leader Kim Jong-un, in Malaysia,
triggering sanctions required under the Chemical
and Biological Weapons Control and Warfare Elimi-

(11) The strict enforcement of sanctions is es-
ternal to the efforts of the international community
to achieve the peaceful, complete, verifiable, and ir-
reversible dismantlement of weapons of mass de-
struction programs of the Government of North
Korea.

SEC. 6912. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States is committed to working
with its allies and partners to halt the nuclear and
ballistic missile programs of North Korea through a
policy of maximum pressure and diplomatic engage-
ment;

(2) the imposition of sanctions, including those
under this title, should not be construed to limit the
authority of the President to fully engage in diplo-
matic negotiations to further the policy objective de-
scribed in paragraph (1);
(3) the successful use of sanctions to halt the nuclear and ballistic missile programs of North Korea is part of a broader diplomatic and economic strategy that relies on effective coordination among relevant Federal agencies and officials, as well as with international partners of the United States; and

(4) the coordination described in paragraph (3) should include proper vetting of external messaging and communications from all parts of the Executive branch to ensure that those communications are an intentional component of and aligned with the strategy of the United States with respect to North Korea.

SEC. 6913. DEFINITIONS.

In this subtitle, the terms “applicable Executive order”, “applicable United Nations Security Council resolution”, “appropriate congressional committees”, “Government of North Korea”, “North Korea”, and “North Korean financial institution” have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).
PART I—EXPANSION OF SANCTIONS AND RELATED MATTERS

SEC. 6921. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS.

(a) IN GENERAL.—Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting after the item relating to section 201A the following:

“SEC. 201B. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS.

“(a) IN GENERAL.—The Secretary of the Treasury shall impose one or more of the sanctions described in subsection (b) with respect to a foreign financial institution that the Secretary determines, on or after the date that is 90 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, knowingly provides significant financial services to any person designated for the imposition of sanctions under—

“(1) subsection (a) or (b) of section 104;

“(2) an applicable Executive order; or
“(3) an applicable United Nations Security Council resolution.

“(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a foreign financial institution subject to subsection (a) are the following:

“(1) ASSET BLOCKING.—The Secretary may block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of the foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) RESTRICTIONS ON CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—The Secretary may prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by the foreign financial institution.

“(c) IMPLEMENTATION; PENALTIES.—

“(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic
Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(2) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(d) Regulations.—Not later than 180 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, the President shall, as appropriate, prescribe regulations to carry out this section.

“(e) Exception relating to importation of goods.—

“(1) In general.—Notwithstanding section 404(b) or any provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.
“(2) GOOD DEFINED.—In this subsection, the term ‘good’ means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(f) DEFINITIONS.—In this section:

“(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ‘account’, ‘correspondent account’, and ‘payable-through account’ have the meanings given those terms in section 5318A of title 31, United States Code.

“(2) FINANCIAL INSTITUTION.—The term ‘financial institution’ means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

“(3) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ shall have the meaning of that term as determined by the Secretary of the Treasury.

“(4) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should...
have known, of the conduct, the circumstance, or the
result.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the North Korea Sanctions and Policy Enhancement
Act of 2016 is amended by inserting after the item relat-
ing to section 201A the following:

“201B. Sanctions with respect to foreign financial institutions that provide fi-
nancial services to certain sanctioned persons.”.

SEC. 6922. EXTENSION OF APPLICABILITY PERIOD OF PRO-
LIFERATION PREVENTION SANCTIONS.

Section 203(b)(2) of the North Korea Sanctions and
Policy Enhancement Act of 2016 (22 U.S.C. 9223(b)(2))
is amended by striking “2 years” and inserting “5 years”.

SEC. 6923. SENSE OF CONGRESS ON IDENTIFICATION AND
BLOCKING OF PROPERTY OF NORTH KOREAN
OFFICIALS.

It is the sense of Congress that the President
should—

(1) encourage international collaboration
through the Financial Action Task Force and its
global network to utilize its standards and apply
means at its disposal to counter the money laun-
dering, terrorist financing, and proliferation financ-
ing threats emanating from North Korea; and

(2) prioritize multilateral efforts to identify and
block—
(A) any property owned or controlled by a North Korean official; and

(B) any significant proceeds of kleptocracy by the Government of North Korea or a North Korean official.

SEC. 6924. MODIFICATION OF REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

Section 317 of the Korean Interdiction and Modernization of Sanctions Act (title III of Public Law 115–44; 131 Stat. 950) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years,” and inserting “Not later than 180 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, and annually thereafter for 5 years,”;

(B) in paragraph (3), by striking “; or” and inserting a semicolon;

(C) by redesignating paragraph (4) as paragraph (8); and
(D) by inserting after paragraph (3) the following:

“(4) prohibit, in the territories of such countries or by persons subject to the jurisdiction of such governments, the opening of new joint ventures or cooperative entities with North Korean persons or the expansion of existing joint ventures through additional investments, whether or not for or on behalf of the Government of North Korea, unless such joint ventures or cooperative entities have been approved by the Committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006);

“(5) prohibit the unauthorized clearing of funds by North Korean financial institutions through financial institutions subject to the jurisdiction of such governments;

“(6) prohibit the unauthorized conduct of commercial trade with North Korea that is prohibited under applicable United Nations Security Council resolutions;

“(7) prevent the provision of financial services to North Korean persons or the transfer of financial services to North Korean persons to, through, or from the territories of such countries or by persons
subject to the jurisdiction of such governments; or”;
and
(2) by amending subsection (e) to read as fol-

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(c) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES AND LEADERSHIP.—The term ‘appropriate
congressional committees and leadership’ means—

“(A) the Committee on Foreign Relations,
the Committee on Banking, Housing, and
Urban Affairs, and the majority and minority
leaders of the Senate; and

“(B) the Committee on Foreign Affairs,
the Committee on Financial Services, the Com-
mittee on Ways and Means, and the Speaker,
the majority leader, and the minority leader of
the House of Representatives.

“(2) APPLICABLE UNITED NATIONS SECURITY
COUNCIL RESOLUTION; NORTH KOREAN FINANCIAL
INSTITUTION; NORTH KOREAN PERSON.—The terms
‘applicable United Nations Security Council resolu-
tion’, ‘North Korean financial institution’, and
‘North Korean person’ have the meanings given
those terms in section 3 of the North Korea San-
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SEC. 6925. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) ELEMENTS.—The Secretary shall include in the report required under subsection (a) proposals for such legislative and administrative action as the Secretary considers appropriate to combat the abuse by the Government of North Korea of shell companies and other similar entities to avoid or evade sanctions.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.
PART II—CONGRESSIONAL REVIEW AND
OVERSIGHT

SEC. 6931. NOTIFICATION OF TERMINATION OR SUSPENSION OF SANCTIONS.
Not less than 15 days before taking any action to terminate or suspend the application of sanctions under this subtitle or an amendment made by this subtitle, the President shall notify the appropriate congressional committees of the President’s intent to take the action and the reasons for the action.

SEC. 6932. REPORTS ON CERTAIN LICENSING ACTIONS.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the operation of the system for issuing licenses for transactions under covered regulatory provisions during the preceding 180-day period that includes—
(1) the number and types of such licenses applied for during that period; and
(2) the number and types of such licenses issued during that period.
(b) COVERED REGULATORY PROVISION DEFINED.—In this section, the term “covered regulatory provision” means any of the following provisions, as in effect on the
day before the date of the enactment of this Act and as such provisions relate to North Korea:


(3) Any other provision of title 31, Code of Federal Regulations.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 6933. BRIEFINGS ON IMPLEMENTATION AND ENFORCEMENT OF SANCTIONS.

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on efforts relating to the implementation and enforcement of United States sanctions with respect to North Korea, including appropriate updates on the efforts of the Department of the Treasury to address compliance with such sanctions by foreign financial institutions.
SEC. 6934. REPORT ON FINANCIAL NETWORKS AND FINAN- 
CIAL METHODS OF THE GOVERNMENT OF 
NORTH KOREA.

(a) Report Required.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and an-
ually thereafter through 2025, the President shall submit to the appropriate congressional committees a report on sources of external support for the Gov-
ernment of North Korea that includes—

(A) a description of the methods used by the Government of North Korea to deal in, transact in, or conceal the ownership, control, or origin of goods and services exported by North Korea;

(B) an assessment of the relationship be-
tween the proliferation of weapons of mass de-
struction by the Government of North Korea and the financial industry or financial institu-
tions;

(C) an assessment of the relationship be-
tween the acquisition by the Government of North Korea of military expertise, equipment, and technology and the financial industry or fi-
nancial institutions;
(D) a description of the export by any person to the United States of goods, services, or technology that are made with significant amounts of North Korean labor, material, or goods, including minerals, manufacturing, seafood, overseas labor, or other exports from North Korea;

(E) an assessment of the involvement of any person in human trafficking involving citizens or nationals of North Korea;

(F) a description of how the President plans to address the flow of funds generated by activities described in subparagraphs (A) through (E), including through the use of sanctions or other means;

(G) an assessment of the extent to which the Government of North Korea engages in criminal activities, including money laundering, to support that Government;

(H) information relating to the identification, blocking, and release of property described in section 201B(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016, as added by section 1721;
(I) a description of the metrics used to measure the effectiveness of law enforcement and diplomatic initiatives of Federal, State, and foreign governments to comply with the provisions of applicable United Nations Security Council resolutions; and

(J) an assessment of the effectiveness of programs within the financial industry to ensure compliance with United States sanctions, applicable United Nations Security Council resolutions, and applicable Executive orders.

(2) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) INTERAGENCY COORDINATION.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the Federal departments and agencies involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).
SEC. 6935. REPORT ON COUNTRIES OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO NORTH KOREA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2023, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, to an entity owned or controlled by the Government of North Korea.

(b) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

PART III—GENERAL MATTERS

SEC. 6941. RULEMAKING.

The President shall prescribe such rules and regulations as may be necessary to carry out this subtitle and amendments made by this subtitle.
SEC. 6942. AUTHORITY TO CONSOLIDATE REPORTS.

(a) In General.—Any and all reports required to be submitted to the appropriate congressional committees under this subtitle or an amendment made by this subtitle that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) Contents.—Any reports consolidated under subsection (a) shall contain all information required under this subtitle or an amendment made by this subtitle and any other elements that may be required by existing law.

SEC. 6943. WAIVERS, EXEMPTIONS, AND TERMINATION.


(b) Suspension.—

(1) In General.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle, and any sanctions imposed pursuant to this subtitle or any such amendment, may be suspended for up to one year if the President makes the certification described in section 401 of the North Korea Sanctions
and Policy Enhancement Act of 2016 (22 U.S.C. 9251) to the appropriate congressional committees.

(2) RENEWAL.—A suspension under paragraph (1) may be renewed in accordance with section 401(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9251(b)).

(c) TERMINATION.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle, and any sanctions imposed pursuant to this subtitle or any such amendment, shall terminate on the date on which the President makes the certification described in section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

SEC. 6944. PROCEDURES FOR REVIEW OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—If a finding under this subtitle or an amendment made by this subtitle, a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under this subtitle or an amendment made by this subtitle, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or
penalty, the Secretary of the Treasury may submit such
information to the court ex parte and in camera.

(b) Rule of Construction.—Nothing in this sec-
tion shall be construed to confer or imply any right to judi-
cial review of any finding under this subtitle or an amend-
ment made by this subtitle, any prohibition, condition, or
penalty imposed as a result of any such finding, or any
penalty imposed under this subtitle or an amendment
made by this subtitle.

SEC. 6945. BRIEFING ON RESOURCING OF SANCTIONS PRO-
GRAMS.
Not later than 30 days after the date of the enact-
ment of this Act, the Secretary of the Treasury shall pro-
vide to the appropriate congressional committees a brief-
ing on—

(1) the resources allocated by the Department
of the Treasury to support each sanctions program
administered by the Department; and

(2) recommendations for additional authorities
or resources necessary to expand the capacity or ca-
pability of the Department related to implementation
and enforcement of such programs.

SEC. 6946. BRIEFING ON PROLIFERATION FINANCING.
(a) In General.—Not later than 60 days after the
date of the enactment of this Act, the Secretary of the
Treasury shall provide to the appropriate congressional committees a briefing on addressing proliferation finance.

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

(1) The Department of the Treasury’s definition and description of an appropriate risk-based approach to combating financing of the proliferation of weapons of mass destruction.

(2) An assessment of—

(A) Federal financial regulatory agency oversight, including by the Financial Crimes Enforcement Network, of United States financial institutions and the adoption by their foreign subsidiaries, branches, and correspondent institutions of a risk-based approach to proliferation financing; and

(B) whether financial institutions in foreign jurisdictions known by the United States intelligence and law enforcement communities to be jurisdictions through which North Korea moves substantial sums of licit and illicit finance are applying a risk-based approach to proliferation financing, and if that approach is comparable to the approach required by United States financial institution supervisors.
(3) A survey of the technical assistance the Office of Technical Assistance of the Department of the Treasury, and other appropriate Executive branch offices, currently provide foreign institutions on implementing counter-proliferation financing best practices.

(4) An assessment of the ability of foreign subsidiaries, branches, and correspondent institutions of United States financial institutions to implement a risk-based approach to proliferation financing.

Subtitle B—Divestment From North Korea

SEC. 6951. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM COMPANIES THAT INVEST IN NORTH KOREA.

(a) Sense of Congress.—It is the sense of Congress that the United States should support the decision of any State or local government made for moral, prudential, or reputational reasons, to divest from, or prohibit the investment of assets of the State or local government in, a person that engages in investment activities described in subsection (c) if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.
(b) Authority To Divest.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (e).

(c) Investment Activities Described.—Investment activities described in this subsection are activities of a value of more than $10,000 relating to an investment in North Korea or in goods or services originating in North Korea that are not conducted pursuant to a license issued by the Department of the Treasury.

(d) Requirements.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) Notice.—The State or local government shall provide written notice to each person with respect to which a measure under this section is to be applied.

(2) Timing.—The measure applied under this section shall apply to a person not earlier than the date that is 90 days after the date on which written
notice under paragraph (1) is provided to the person.

(3) Opportunity to demonstrate compliance.—

(A) In general.—The State or local government shall provide to each person with respect to which a measure is to be applied under this section an opportunity to demonstrate to the State or local government that the person does not engage in investment activities described in subsection (c).

(B) Nonapplication.—If a person with respect to which a measure is to be applied under this section demonstrates to the State or local government under subparagraph (A) that the person does not engage in investment activities described in subsection (c), the measure shall not apply to that person.

(4) Sense of Congress on avoiding erroneous targeting.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has—

(A) made every effort to avoid erroneously targeting the person; and
(B) verified that the person engages in investment activities described in subsection (c).

(e) **NOTICE TO DEPARTMENT OF JUSTICE.**—Not later than 30 days before a State or local government applies a measure under this section, the State or local government shall notify the Attorney General of that measure.

(f) **AUTHORIZATION FOR PRIOR APPLIED MEASURES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) applied by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (c) that are identified in that measure.

(2) **APPLICATION OF NOTICE REQUIREMENTS.**—A measure described in paragraph (1)
shall be subject to the requirements of paragraphs (1), (2), and (3)(A) of subsection (d) on and after the date that is 2 years after the date of the enactment of this Act.

(g) No Preemption.—A measure applied by a State or local government that is consistent with subsection (b) or (f) is not preempted by any Federal law.

(h) Definitions.—In this section:

(1) Asset.—

(A) In General.—Except as provided in subparagraph (B), the term “asset” means public monies, and includes any pension, retirement, annuity, endowment fund, or similar instrument, that is controlled by a State or local government.

(B) Exception.—The term “asset” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) Investment.—The term “investment” includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and
(C) the entry into or renewal of a contract for goods or services.

(i) **Effective Date.**—

(1) *In General.*—Except as provided in paragraph (2) and subsection (f), this section applies to measures applied by a State or local government before, on, or after the date of the enactment of this Act.

(2) *Notice Requirements.*—Except as provided in subsection (f), subsections (d) and (e) apply to measures applied by a State or local government on or after the date of the enactment of this Act.

**SEC. 6952. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”;

(3) by adding at the end the following:

“(C) engage in investment activities described in section 1751(c) of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019.”.
SEC. 6953. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities described in section 6951(e), if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the result of that divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), the fiduciary is not breaching the responsibilities, obliga-
tions, or duties imposed upon the fiduciary by sub-
paragraph (A) or (B) of section 404(a)(1) of the
Employee Retirement Income Security Act of 1974
(29 U.S.C. 1104(a)(1)).

SEC. 6954. RULE OF CONSTRUCTION.

Nothing in this subtitle, an amendment made by this
subtitle, or any other provision of law authorizing san-
tions with respect to North Korea shall be construed to
affect or displace—

(1) the authority of a State or local government
to issue and enforce rules governing the safety,
soundness, and solvency of a financial institution
subject to its jurisdiction; or

(2) the regulation and taxation by the several
States of the business of insurance, pursuant to the
Act of March 9, 1945 (59 Stat. 33, chapter 20; 15
U.S.C. 1011 et seq.) (commonly known as the
“McCarran-Ferguson Act”).

Subtitle C—Financial Industry
Guidance to Halt Trafficking

SEC. 6961. SHORT TITLE.

This subtitle may be cited as the “Financial Industry
Guidance to Halt Trafficking Act” or the “FIGHT Act”.

SEC. 6962. FINDINGS.

Congress finds the following:
(1) The terms “human trafficking” and “traf- 
ficking in persons” are used interchangeably to de- 
scribe crimes involving the exploitation of a person 
for the purposes of compelled labor or commercial 
sex through the use of force, fraud, or coercion. 

(2) According to the International Labour Or- 
ganization, there are an estimated 24,900,000 peo- 
ple worldwide who are victims of forced labor, in- 
cluding human trafficking victims in the United 
States. 

(3) Human trafficking is perpetrated for finan- 
cial gain. 

(4) According to the International Labour Or- 
ganization, of the estimated $150,000,000,000 or 
more in global profits generated annually from 
human trafficking—

(A) approximately 2⁄3 are generated by 
commercial sexual exploitation, exacted by 
 fraud or by force; and 

(B) approximately 1⁄3 are generated by 
forced labor. 

(5) Most purchases of commercial sex acts are 
paid for with cash, making trafficking proceeds dif- 
ficult to identify in the financial system. Nonethe- 
less, traffickers rely heavily on access to financial in-
stitutions as destinations for trafficking proceeds
and as conduits to finance every step of the traf-
fiicking process.

(6) Under section 1956 of title 18, United
States Code (relating to money laundering), human
trafficking is a “specified unlawful activity” and
transactions conducted with proceeds earned from
trafficking people, or used to further trafficking op-
erations, can be prosecuted as money laundering of-
fenses.

SEC. 6963. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should aggressively apply, as
appropriate, existing sanctions for human traffick-
ing authorized under section 111 of the Trafficking Vic-
tims Protection Act of 2000 (22 U.S.C. 7108);

(2) the Financial Crimes Enforcement Network
of the Department of the Treasury should con-
tinue—

(A) to monitor reporting required under
subchapter II of chapter 53 of title 31, United
States Code (commonly known as the “Bank
Secrecy Act”) and to update advisories, as war-
ranted;
(B) to periodically review its advisories to provide covered financial institutions, as appropriate, with a list of new “red flags” for identifying activities of concern, particularly human trafficking;

(C) to encourage entities covered by the advisories described in subparagraph (B) to incorporate relevant elements provided in the advisories into their current transaction and account monitoring systems or in policies, procedures, and training on human trafficking to enable financial institutions to maintain ongoing efforts to examine transactions and accounts;

(D) to use geographic targeting orders, as appropriate, to impose additional reporting and recordkeeping requirements under section 5326(a) of title 31, United States Code, to carry out the purposes of, and prevent evasions of the Bank Secrecy Act; and

(E) to utilize the Bank Secrecy Act Advisory Group and other relevant entities to identify opportunities for nongovernmental organizations to share relevant actionable information on human traffickers’ use of the financial sector for nefarious purposes;
(3) Federal banking regulators, the Department of the Treasury, relevant law enforcement agencies, and the Human Smuggling and Trafficking Center, in partnership with representatives from the United States financial community, should adopt regular forms of sharing information to disrupt human trafficking, including developing protocols and procedures to share actionable information between and amongst covered institutions, law enforcement, and the United States intelligence community;

(4) training front line bank and money service business employees, school teachers, law enforcement officers, foreign service officers, counselors, and the general public is an important factor in identifying trafficking victims;

(5) the Department of Homeland Security’s Blue Campaign, training by the BEST Employers Alliance, and similar efforts by industry, human rights, and nongovernmental organizations focused on human trafficking provide good examples of current efforts to educate employees of critical sectors to save victims and disrupt trafficking networks;

(6) the President should intensify diplomatic efforts, bilaterally and in appropriate international fora, such as the United Nations, to develop and im-
plement a coordinated, consistent, multilateral strategy for addressing the international financial networks supporting human trafficking; and

(7) in deliberations between the United States Government and any foreign country, including through participation in the Egmont Group of Financial Intelligence Units, regarding money laundering, corruption, and transnational crimes, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying the extent to which the proceeds from human trafficking are being used to facilitate terrorist financing, corruption, or other illicit financial crimes;

(B) encourage cooperation by foreign governments and relevant international fora in identifying the nexus between human trafficking and money laundering;

(C) advance policies that promote the cooperation of foreign governments, through information sharing, training, or other measures, in the enforcement of this subtitle;

(D) encourage the Financial Action Task Force to update its July 2011 typology reports
entitled, “Laundering the Proceeds of Corrup-
tion” and “Money Laundering Risks Arising
from Trafficking in Human Beings and Smugg-
gling of Migrants”, to identify the money laun-
dering risk arising from the trafficking of
human beings; and
(E) encourage the Egmont Group of Fi-
nancial Intelligence Units to study the extent to
which human trafficking operations are being
used for money laundering, terrorist financing,
or other illicit financial purposes.

SEC. 6964. COORDINATION OF HUMAN TRAFFICKING
ISSUES BY THE OFFICE OF TERRORISM AND
FINANCIAL INTELLIGENCE.

(a) Functions.—Section 312(a)(4) of title 31,
United States Code, is amended—
(1) by redesignating subparagraphs (E), (F),
and (G) as subparagraphs (F), (G), and (H), respec-
tively; and
(2) by inserting after subparagraph (D) the fol-
lowing:
“(E) combating illicit financing relating to
human trafficking;”.

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(b) INTERAGENCY COORDINATION.—Section 312(a) of such title is amended by adding at the end the following:

“(8) INTERAGENCY COORDINATION.—The Secretary of the Treasury, after consultation with the Undersecretary for Terrorism and Financial Crimes, shall designate an office within the OTFI that shall coordinate efforts to combat the illicit financing of human trafficking with—

“(A) other offices of the Department of the Treasury;

“(B) other Federal agencies, including—

“(i) the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

“(ii) the Interagency Task Force to Monitor and Combat Trafficking;

“(C) State and local law enforcement agencies; and

“(D) foreign governments.”.
SEC. 6965. STRENGTHENING THE ROLE OF ANTI-MONEY LAUNDERING AND OTHER FINANCIAL TOOLS IN COMBATING HUMAN TRAFFICKING.

(a) INTERAGENCY TASK FORCE RECOMMENDATIONS TARGETING MONEY LAUNDERING RELATED TO HUMAN TRAFFICKING.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Interagency Task Force to Monitor and Combat Trafficking shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, the Secretary of the Treasury, and each appropriate Federal banking agency—

(A) an analysis of anti-money laundering efforts of the United States Government, United States financial institutions, and multilateral development banks related to human trafficking; and

(B) appropriate legislative, administrative, and other recommendations to strengthen efforts against money laundering relating to human trafficking.
(2) Required recommendations.—The recommendations under paragraph (1) shall include—

(A) best practices based on successful anti-human trafficking programs currently in place at domestic and international financial institutions that are suitable for broader adoption;

(B) feedback from stakeholders, including victims of severe trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Human Trafficking, civil society organizations, and financial institutions on policy proposals derived from the analysis conducted by the task force referred to in paragraph (1) that would enhance the efforts and programs of financial institutions to detect and deter money laundering related to human trafficking, including any recommended changes to internal policies, procedures, and controls related to human trafficking;

(C) any recommended changes to training programs at financial institutions to better equip employees to deter and detect money laundering related to human trafficking; and
(D) any recommended changes to expand human trafficking-related information sharing among financial institutions and between such financial institutions, appropriate law enforce-
ment agencies, and appropriate Federal agen-
cies.

(b) ADDITIONAL REPORTING REQUIREMENT.—Se-
tion 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “the Committee on Finan-
cial Services,” after “the Committee on Foreign Affairs”; and

(B) by inserting “the Committee on Bank-
ing, Housing, and Urban Affairs,” after “the Committee on Foreign Relations,”;

(2) in subparagraph (Q)(vii), by striking “; and” and inserting a semicolon;

(3) in subparagraph (R), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(S) the efforts of the United States to eliminate money laundering related to human trafficking and the number of investigations, arrests, indictments, and convictions in money
laundering cases with a nexus to human trafficking.”.

(c) REQUIRED REVIEW OF PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with the Secretary of the Treasury, victims of severe forms of trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Trafficking, civil society organizations, the private sector, and appropriate law enforcement agencies, shall—

(1) review and enhance training and examinations procedures to improve the surveillance capabilities of anti-money laundering and countering the financing of terrorism programs to detect human trafficking-related financial transactions;

(2) review and enhance procedures for referring potential human trafficking cases to the appropriate law enforcement agency; and

(3) determine, as appropriate, whether requirements for financial institutions and covered financial institutions are sufficient to detect and deter money laundering related to human trafficking.

(d) LIMITATIONS.—Nothing in this section shall be construed to—
grant rulemaking authority to the Inter-
agency Task Force to Monitor and Combat Traff-
ficking; or

(2) authorize financial institutions to deny serv-
ices to or violate the privacy of victims of trafficking,
victims of severe forms of trafficking, or individuals
not responsible for promoting severe forms of traf-
ficking in persons.

SEC. 6966. SENSE OF CONGRESS ON RESOURCES TO COM-
BAT HUMAN TRAFFICKING.

It is the sense of Congress that—

(1) adequate funding should be provided for
critical Federal efforts to combat human trafficking;

(2) the Department of the Treasury should
have the appropriate resources to vigorously inves-
tigate human trafficking networks under section 111
of the Trafficking Victims Protection Act of 2000
(22 U.S.C. 7108) and other relevant statutes and
Executive orders;

(3) the Department of the Treasury and the
Department of Justice should each have the capacity
and appropriate resources to support technical as-
sistance to develop foreign partners’ ability to com-
bat human trafficking through strong national anti-
money laundering and countering the financing of
terrorism programs;

(4) each United States Attorney’s Office should
be provided appropriate funding to increase the
number of personnel for community education and
outreach and investigative support and forensic anal-
ysis related to human trafficking; and

(5) the Department of State should be provided
additional resources, as necessary, to carry out the
Survivors of Human Trafficking Empowerment Act

Subtitle D—Other Matters

SEC. 6971. EXCEPTION RELATING TO IMPORTATION OF
GOODS.

(a) IN GENERAL.—The authorities and requirements
to impose sanctions authorized under this title or the
amendments made by this title shall not include the au-
thority or requirement to impose sanctions on the importa-
tion of goods.

(b) GOOD DEFINED.—In this section, the term
“good” means any article, natural or manmade substance,
material, supply, or manufactured product, including in-
spection and test equipment, and excluding technical data.
TITLE LXXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SEC. 7801. PRIORITIZATION OF PROJECTS IN ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS.

Section 2806 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 222a note) is amended—

(1) by striking “Assistant Secretary of Defense for Energy, Installations, and Environment” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(2) by striking “reporting” and inserting “report”; and

(3) by inserting “in prioritized order, with specific accounts and program elements identified,” after “evaluation facilities,”.
SEC. 7802. PROHIBITION ON USE OF FUNDS TO REDUCE AIR
BASE RESILIENCY OR DEMOLISH PROTECTED
AIRCRAFT SHELTERS IN THE EUROPEAN
THEATER WITHOUT CREATING A SIMILAR
PROTECTION FROM ATTACK.

(a) Ineffectiveness of Section 2802.—Section 2802 shall have no force or effect.

(b) Prohibition.—No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity, without creating a similar protection from attack in the European theater until such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

SEC. 7803. PROHIBITION ON USE OF FUNDS TO CLOSE OR RETURN TO THE HOST NATIONAL ANY EXISTING AIR BASE.

(a) Ineffectiveness of Section 2803.—Section 2803 shall have no force or effect.

(b) Prohibition.—No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to imple-
ment any activity that closes or returns to the host nation any existing air base, and the Department may not otherwise implement any such activity, until such time as the Secretary of Defense certifies that there is no longer a need for a rotational military presence in the European theater.

SEC. 7804. REPORT ON UNFUNDED REQUIREMENTS FOR MAJOR AND MINOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS OF THE DEPARTMENT OF DEFENSE AND INCREASE OF MAXIMUM AMOUNTS FOR SUCH MINOR PROJECTS.

(a) Report.—

(1) In general.—The Under Secretary of Defense for Personnel and Readiness, in coordination with the Assistant Secretary for Energy, Installations, and Environment for each military department, shall submit to the congressional defense committees each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report, in priority order, listing unfunded requirements for major and minor military construction projects for child development centers of the Department of Defense.
(2) Inclusion of Form.—Each report submitted under paragraph (1) shall include a Department of Defense Form DD1391 for each major and minor military construction project included in the report.

(b) Increased Maximum Amounts Applicable to Minor Construction Projects for Child Development Centers.—

(1) In General.—For the purpose of any minor military construction project for a child development center carried out on or after the date of the enactment of this Act, the amount specified in section 2805(a)(2) of title 10, United States Code, is deemed to be $15,000,000.

(2) Sunset.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

(c) Sense of the Senate.—It is the Sense of the Senate that the Senate recognizes the need for additional investment in child development centers and remains committed to ensuring that future executable requirements for child development centers are funded as much as possible beginning in fiscal year 2020 based on the list of unfunded requirements included in the report submitted under subsection (a).
SEC. 7805. MODIFICATION OF AUTHORIZED USES OF CERTAIN PROPERTY CONVEYED BY THE UNITED STATES IN LOS ANGELES, CALIFORNIA.

(a) In General.—Section 2 of Public Law 85–236 (71 Stat. 517) is amended in the first sentence by inserting after “for other military purposes” the following: “and for purposes of meeting the needs of the homeless (as that term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)).”

(b) Modification of Use.—

(1) Application.—The State of California may submit to the Administrator of General Services an application for use of the property conveyed pursuant to section 2 of Public Law 85–236 for purposes of meeting the needs of the homeless in accordance with the amendment made by subsection (a).

(2) Review of Application.—

(A) In General.—Not later than 60 days after the date of receipt of an application pursuant to paragraph (1), the Administrator and the Secretary of Health and Human Services shall jointly determine whether the use of the property described in the application is a use for purposes of meeting the needs of the homeless.
(B) CONCURRENCE BY SECRETARY OF THE ARMY.—If the Administrator and the Secretary of Health and Human Services jointly determine that the use of the property described in the application is for purposes of meeting the needs of the homeless, the Administrator shall request concurrence by the Secretary of the Army that the proposed use to meet the needs of the homeless does not preclude current and anticipated future use of the property for training of the National Guard and for other military purposes.

(3) MODIFICATION OF INSTRUMENT OF CONVEYANCE.—If the Secretary of the Army concurs that the proposed use to meet the needs of the homeless does not preclude current and anticipated future use of the property for training of the National Guard and for other military purposes, the Administrator shall execute and record in the appropriate office an instrument of modification of the deed of conveyance executed pursuant to Public Law 85–236 in order to authorize such use of the property. The instrument shall include such additional terms and conditions as the Administrator considers
appropriate to protect the interests of the United States.

TITLE LXXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 8101. IMPLEMENTATION OF COMMON FINANCIAL REPORTING SYSTEM FOR NUCLEAR SECURITY ENTERPRISE.

Not more than 90 percent of the funds authorized to be appropriated by section 3101 for the National Nuclear Security Administration for fiscal year 2020 for Federal salaries and expenses and available for travel and transportation may be obligated or expended before the date on which the Administrator for Nuclear Security completes implementation of the common financial reporting system for the nuclear security enterprise as required by section 3113(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2512 note).

SEC. 8102. MODIFICATION TO CERTAIN REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION CAPACITY.

(a) Sense of the Senate.—It is the sense of the Senate that—
(1) rebuilding a robust plutonium pit production infrastructure with a capacity of up to 80 pits per year is critical to maintaining the viability of the nuclear stockpile;

(2) that effort will require cooperation from experts across the nuclear security enterprise; and

(3) any further delay to achieving a plutonium sustainment capability to support the planned stockpile life extension programs will result in an unacceptable capability gap to our deterrent posture.

(b) MODIFICATION TO REQUIREMENTS.—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is amended—

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

“(5) during 2030, produces not less than 80 war reserve plutonium pits.”;

(2) by striking subsection (b);

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

(4) in subsection (b), as redesignated by paragraph (2), by striking “2027 (or, if the authority under subsection (b) is exercised, 2029)” and inserting “2030”; and
(5) in subsection (c), as redesignated by paragraph (2), by striking “subsection (c)” and inserting “subsection (b)”.

TITLE LXXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 8202. MEMBERSHIP OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

The text of section 3202(b)(1)(A) is hereby deemed to read as follows:

“(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ‘A member may be reappointed for a second term only if the member was confirmed by the Senate more than two years into the member’s first term. A member may not be reappointed for a third term.’.”

TITLE LXXXV—MARITIME ADMINISTRATION

SEC. 8500. INEFFECTIVENESS OF TITLE XXXV.

Title XXXV and the amendment made by that title shall have no force or effect.

SEC. 8501. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization and Enhancement Act of 2019”.

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Subtitle A—Maritime Administration

SEC. 8511. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) In General.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2020, 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, $95,944,000, of which—

(A) $77,944,000 shall remain available until September 30, 2021 for Academy operations; and

(B) $18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $50,280,000, of which—

(A) $2,400,000 shall remain available until September 30, 2021, for the Student Incentive Program;
(B) $6,000,000 shall remain available until expended for direct payments to such academies;

(C) $30,080,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $3,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $8,000,000 shall remain available until expended for offsetting the costs of training ship sharing.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $600,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,442,000, of which $5,000,000 shall remain available until expended for activities authorized under section 50307 of title 46, United States Code.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag Merchant Marine to
serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program, which shall remain available until expended; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, $40,000,000, which shall remain available until expended.

(9) For expenses necessary to implement the Port and Intermodal Improvement Program, $600,000,000, except that no funds shall be used for a grant award to purchase fully automated cargo handling equipment that is remotely operated or re-
motely monitored with or without the exercise of
human intervention or control, if the Secretary de-
termines such equipment would result in a net loss
of jobs that relate to the movement of goods through
a port and its intermodal connections.

SEC. 8512. MARITIME SECURITY PROGRAM.

(a) Award of Operating Agreements.—Section
53103 of title 46, United States Code, is amended by
striking “2025” each place it appears and inserting
“2035”.

(b) Effectiveness of Operating Agreements.—Section 53104(a) of title 46, United States
Code, is amended by striking “2025” and inserting
“2035”.

(c) Payments.—Section 53106(a)(1) of title 46,
United States Code, is amended—

(1) in subparagraph (B), by striking “and”
after the semicolon;

(2) in subparagraph (C), by striking
“$3,700,000 for each of fiscal years 2022, 2023,
2024, and 2025.” and inserting “$5,233,463 for
each of fiscal years 2022, 2023, 2024, and 2025;
and”; and

(3) by adding at the end the following:
“(D) $5,233,463 for each of fiscal years 2026 through 2035.”.

(d) Authorization of Appropriations.—Section 53111 of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

(2) in paragraph (3), by striking “$222,000,000 for each fiscal year thereafter through fiscal year 2025.” and inserting “$314,007,780 for each of fiscal years 2022, 2023, 2024, and 2025; and”; and

(3) by adding at the end the following:

“(4) $314,007,780 for each of fiscal years 2026 through 2035.”.

SEC. 8513. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.

The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration’s actions to address only those recommendations from Chapter 3 and recommendations 5–1, 5–2, 5–3, 5–4, 5–5, and 5–6 identified by a National Academy of Public Administration panel in the November 2017 report entitled “Maritime Ad-
ministration: Defining its Mission, Aligning its Programs, and Meeting its Objectives”; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

SEC. 8514. APPOINTMENT OF CANDIDATES ATTENDING SPONSORED PREPARATORY SCHOOL.

Section 51303 of title 46, United State Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) APPOINTMENT OF CANDIDATES SELECTED FOR PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of Transportation may appoint each year as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals sponsored by the Academy to attend preparatory school during the academic year prior to entrance in the Academy, and who have successfully met the terms and conditions of sponsorship set by the Academy.”.
SEC. 8515. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “Academy”) to carry out the activities described in this section.

(b) STUDY ELEMENTS.—In accordance with the agreement described in subsection (a), the Academy shall conduct a study of the United States Merchant Marine Academy that consists of the following:

(1) A comprehensive assessment of the United States Merchant Marine Academy’s systems, training, facilities, infrastructure, information technology, and stakeholder engagement.

(2) Identification of needs and opportunities for modernization to help the United States Merchant Marine Academy keep pace with more modern campuses.

(3) Development of an action plan for the United States Merchant Marine Academy with specific recommendations for—

(A) improvements or updates relating to the opportunities described in paragraph (2); and
(B) systemic changes needed to help the United States Merchant Marine Academy achieve its mission of inspiring and educating the next generation of the mariner workforce on a long-term basis.

(c) DEADLINE AND REPORT.—Not later than 1 year after the date of the agreement described in subsection (a), the Academy shall prepare and submit to the Administrator of the Maritime Administration a report containing the action plan described in subsection (b)(3), including specific findings and recommendations.

SEC. 8516. GENERAL SUPPORT PROGRAM.

Section 51501 of title 46, United States Code, is amended by adding at the end the following: "(c) NATIONAL MARITIME CENTERS OF EXCELLENCE.—The Secretary shall designate each State maritime academy as a National Maritime Center of Excellence.”.

SEC. 8517. MILITARY TO MARINER.

(a) CREDENTIALING SUPPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, the Secretary of Commerce, and the Secretary of Health and Human Services, with respect to the applicable services in their respective departments,
and in coordination with one another and with the United States Committee on the Marine Transportation System, and in consultation with the Merchant Marine Personnel Advisory Committee, shall, consistent with applicable law, identify all training and experience within the applicable service that may qualify for merchant mariner credentialing, and submit a list of all identified training and experience to the United States Coast Guard National Maritime Center for a determination of whether such training and experience counts for credentialing purposes.

(b) REVIEW OF APPLICABLE SERVICE.—The United States Coast Guard Commandant shall make a determination of whether training and experience counts for credentialing purposes, as described in subsection (a), not later than 6 months after the date on which the United States Coast Guard National Maritime Center receives a submission under subsection (a) identifying a training or experience and requesting such a determination.

(c) FEES AND SERVICES.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, and the Secretary of Commerce, with respect to the applicable services in their respective departments, shall—

(1) take all necessary and appropriate actions to provide for the waiver of fees through the Na-
tional Maritime Center license evaluation, issuance, and examination for members of the uniformed services on active duty, if a waiver is authorized and appropriate, and, if a waiver is not granted, take all necessary and appropriate actions to provide for the payment of fees for members of the uniformed services on active duty by the applicable service to the fullest extent permitted by law;

(2) direct the applicable services to take all necessary and appropriate actions to provide for Transportation Worker Identification Credential cards for members of the uniformed services on active duty pursuing or possessing a mariner credential, such as implementation of an equal exchange process for active duty service members at no or minimal cost;

(3) ensure that members of the applicable services who are to be discharged or released from active duty and who request certification or verification of sea service be provided such certification or verification no later than one month after discharge or release;

(4) ensure the applicable services have developed, or continue to operate, as appropriate, the online resource known as Credentialing Opportunities On-Line to support separating members of the uni-
formed services who are seeking information and assistance on merchant mariner credentialing; and

(5) not later than 1 year after the date of enactment of this section, take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements.

(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, and the Secretary of Commerce shall have direct hiring authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including the Army Corps of Engineers, U.S. Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

(2) APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of
a separated member of the uniformed services under paragraph (1).

(e) SEPARATED MEMBER OF THE UNIFORMED SERVICES.—In this section, the term “separated member of the uniformed services” means an individual who—

(1) is retiring or is retired as a member of the uniformed services;

(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge characterization.

SEC. 8518. SALVAGE RECOVERIES OF FEDERALLY OWNED CARGOES.

Section 57100 of title 46, United States Code, is amended by adding at the end the following:

“(h) FUNDS TRANSFER AUTHORITY RELATED TO THE USE OF NATIONAL DEFENSE RESERVE FLEET VESSELS AND THE PROVISION OF MARITIME-RELATED SERVICES.—

“(1) IN GENERAL.—When the Secretary of Transportation provides for the use of its vessels or maritime-related services and goods under a reim-

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bursable agreement with a Federal entity, or State
or local entity, authorized to receive goods and serv-
ices from the Maritime Administration for programs,
projects, activities, and expenses related to the Na-
tional Defense Reserve Fleet or maritime-related
services:

“(A) Federal entities are authorized to
transfer funds to the Secretary in advance of
expenditure or upon providing the goods or
services ordered, as determined by the Sec-
retary.

“(B) The Secretary shall determine all
other terms and conditions under which such
payments should be made and provide such
goods and services using its existing or new
contracts, including general agency agreements,
memoranda of understanding, or similar agree-
ments.

“(2) REIMBURSABLE AGREEMENT WITH A FED-
ERAL ENTITY.—

“(A) IN GENERAL.—The Maritime Admin-
istration is authorized to provide maritime-re-
lated services and goods under a reimbursable
agreement with a Federal entity.
“(B) MARITIME-RELATED SERVICES DEFINED.—For the purposes of this subsection, maritime-related services includes the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation related to the maritime operations of a Federal entity.

“(3) SALVAGING CARGOES.—

“(A) IN GENERAL.—The Maritime Administration may provide services and purchase goods relating to the salvaging of cargoes aboard vessels in the custody or control of the Maritime Administration or its predecessor agencies and receive and retain reimbursement from Federal entities for all such costs as it may incur.

“(B) REIMBURSEMENT.—Reimbursement as provided for in subparagraph (A) may come from—

“(i) the proceeds recovered from such salvage; or
“(ii) the Federal entity for which the Maritime Administration has or will provide such goods and services, depending on the agreement of the parties involved.

“(4) Amounts received. — Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Secretary or, if the period of availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

“(5) Advance payments. — Payments made in advance shall be for any part of the estimated cost as determined by the Secretary of Transportation. Adjustments to the amounts paid in advance shall be made as agreed to by the Secretary of Transportation and the head of the ordering agency or unit based on the actual cost of goods or services provided.
“(6) BILL OR REQUEST FOR PAYMENT.—A bill submitted or a request for payment is not subject to audit or certification in advance of payment.”.

SEC. 8519. SALVAGE RECOVERIES FOR SUBROGATED OWNERSHIP OF VESSELS AND CARGOES.

Section 53909 of title 46, United States Code, is amended by adding at the end the following:

“(e) SALVAGE AGREEMENTS.—The Secretary of Transportation is authorized to enter into marine salvage agreements for the recoveries, sale, and disposal of sunken or damaged vessels, cargoes, or properties owned or insured by or on behalf of the Maritime Administration, the United States Shipping Board, the U.S. Shipping Bureau, the United States Maritime Commission, or the War Shipping Administration.

“(f) MILITARY CRAFT.—The Secretary of Transportation shall consult with the Secretary of the military department concerned prior to engaging in or authorizing any activity under subsection (e) that will disturb sunken military craft, as defined in title XIV of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note).

“(g) RECOVERIES.—Notwithstanding other provisions of law, the net proceeds from salvage agreements entered into as authorized in subsection (e) shall remain
available until expended and be distributed as follows for marine insurance-related salvages:

“(1) Fifty percent of the net funds recovered shall be deposited in the war risk revolving fund and shall be available for the purposes of the war risk revolving fund.

“(2) Fifty percent of the net funds recovered shall be deposited in the Vessel Operations Revolving Fund as established by section 50301(a) of this title and shall be available until expended as follows:

“(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

“(B) Twenty-five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.
“(C) The remainder shall be distributed for maritime heritage preservation to the Department of the Interior for grants as authorized by section 308703 of title 54.”.

SEC. 8520. PORT OPERATIONS, RESEARCH, AND TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the “Ports Improvement Act”.

(b) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

“(1) GENERAL AUTHORITY.—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to eligible applicants to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports.

“(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

“(A) A State.
“(B) A political subdivision of a State, or a local government.

“(C) A public agency or publicly chartered authority established by 1 or more States.

“(D) A special purpose district with a transportation function.

“(E) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization), or a consortium of Indian Tribes.

“(F) A multistate or multijurisdictional group of entities described in this paragraph.

“(G) A lead entity described in subparagraph (A), (B), (C), (D), (E), or (F) jointly with a private entity or group of private entities.

“(3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection—

“(A) for a project, or package of projects, that—

“(i) is either—

“(I) within the boundary of a port; or
“(II) outside the boundary of a port, but is directly related to port operations or to an intermodal connection to a port; and
“(ii) will be used to improve the safety, efficiency, or reliability of—
“(I) the loading and unloading of goods at the port, such as for marine terminal equipment;
“(II) the movement of goods into, out of, around, or within a port, such as for highway or rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems; or
“(III) environmental mitigation measures and operational improvements directly related to enhancing the efficiency of ports and intermodal connections to ports; or
“(B) notwithstanding paragraph (6)(A)(v), to provide financial assistance to 1 or more projects under subparagraph (A) for development phase activities, including planning, feasibility analysis, revenue forecasting, environ-
mental review, permitting, and preliminary engineering and design work.

“(4) PROHIBITED USES.—A grant award under this subsection may not be used—

“(A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for such assistance under chapter 537, unless the Secretary determines such vessel—

“(i) is necessary for a project described in paragraph (3)(A)(ii)(III) of this subsection; and

“(ii) is not receiving assistance under chapter 537; or

“(B) for any project within a small shipyard (as defined in section 54101).

“(5) APPLICATIONS AND PROCESS.—

“(A) APPLICATIONS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary considers appropriate.

“(B) SOLICITATION PROCESS.—Not later than 60 days after the date that amounts are
made available for grants under this subsection for a fiscal year, the Secretary shall solicit grant applications for eligible projects in accordance with this subsection.

“(6) PROJECT SELECTION CRITERIA.—

“(A) IN GENERAL.—The Secretary may select a project described in paragraph (3) for funding under this subsection if the Secretary determines that—

“(i) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port;

“(ii) the project is cost effective;

“(iii) the eligible applicant has authority to carry out the project;

“(iv) the eligible applicant has sufficient funding available to meet the matching requirements under paragraph (8);

“(v) the project will be completed without unreasonable delay; and

“(vi) the project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor.
“(B) ADDITIONAL CONSIDERATIONS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall give substantial weight to—

“(i) the utilization of non-Federal contributions;

“(ii) the net benefits of the funds awarded under this subsection, considering the cost-benefit analysis of the project, as applicable; and

“(iii) the public benefits of the funds awarded under this subsection.

“(C) SMALL PROJECTS.—The Secretary may waive the cost-benefit analysis under subparagraph (A)(ii), and establish a simplified, alternative basis for determining whether a project is cost effective, for a small project described in paragraph (7)(B).

“(7) ALLOCATION OF FUNDS.—

“(A) GEOGRAPHIC DISTRIBUTION.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State.
“(B) SMALL PROJECTS.—The Secretary shall reserve 25 percent of the amounts made available for grants under this subsection each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

“(i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or

“(ii) $11,000,000.

“(C) DEVELOPMENT PHASE ACTIVITIES.—Not more than 10 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

“(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

“(A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environ-
mental analyses, and information on the expected use of equipment or facilities.

“(B) Federal share.—

“(i) In general.—Except as provided in clause (ii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.

“(ii) Rural areas.—The Secretary may increase the Federal share of costs above 80 percent for a project located in a rural area.

“(9) Procedural safeguards.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

“(A) grant funds are used for the purposes for which those funds were made available;

“(B) each grantee properly accounts for all expenditures of grant funds; and

“(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

“(10) Conditions.—
“(A) IN GENERAL.—The Secretary shall require as a condition of making a grant under this subsection that a grantee—

“(i) maintain such records as the Secretary considers necessary;

“(ii) make the records described in clause (i) available for review and audit by the Secretary; and

“(iii) periodically report to the Secretary such information as the Secretary considers necessary to assess progress.

“(B) LABOR.—The Federal wage rate requirements of subchapter IV of chapter 31 of title 40 shall apply, in the same manner as such requirements apply to contracts subject to such subchapter, to—

“(i) each project for which a grant is provided under this subsection; and

“(ii) all portions of a project described in clause (i), regardless of whether such a portion is funded using—

“(I) other Federal funds; or

“(II) non-Federal funds.

“(11) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed
to affect existing authorities to conduct port infra-
structure programs in—

“(A) Hawaii, as authorized by section
9008 of the SAFETEA–LU Act (Public Law
109–59; 119 Stat. 1926);

“(B) Alaska, as authorized by section
10205 of the SAFETEA–LU Act (Public Law
109–59; 119 Stat. 1934); or

“(C) Guam, as authorized by section 3512
of the Duncan Hunter National Defense Au-
thorization Act for Fiscal Year 2009 (48 U.S.C.
1421r).

“(12) ADMINISTRATION.—

“(A) ADMINISTRATIVE AND OVERSIGHT
COSTS.—The Secretary may retain not more
than 2 percent of the amounts appropriated for
each fiscal year under this subsection for the
administrative and oversight costs incurred by
the Secretary to carry out this subsection.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Amounts appro-
priated for carrying out this subsection
shall remain available until expended.

“(ii) UNEXPENDED FUNDS.—

Amounts awarded as a grant under this
subsection that are not expended by the
grantee during the 5-year period following
the date of the award shall remain avail-
able to the Secretary for use for grants
under this subsection in a subsequent fis-
cal year.

“(13) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CON-
GRESS.—The term ‘appropriate committees of
Congress’ means—

“(i) the Committee on Commerce,
Science, and Transportation of the Senate;
and

“(ii) the Committee on Transportation
and Infrastructure of the House of Rep-
resentatives.

“(B) PORT.—The term ‘port’ includes—

“(i) a seaport; and

“(ii) an inland waterways port.

“(C) PROJECT.—The term ‘project’ in-
cludes construction, reconstruction, environ-
mental rehabilitation, acquisition of property,
including land related to the project and im-
provements to the land, equipment acquisition,
and operational improvements.
“(D) RURAL AREA.—The term ‘rural area’ means an area that is outside an urbanized area.

“(d) ADDITIONAL AUTHORITY OF THE SECRETARY.—In carrying out this section, the Secretary may—

“(1) receive funds from a Federal or non-Federal entity that has a specific agreement with the Secretary to further the purposes of this section;

“(2) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

“(3) seek to coordinate all reviews or requirements with appropriate Federal, State, and local agencies; and

“(4) in addition to any financial assistance provided under subsection (c), provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.”.
(c) SAVINGS CLAUSE.—A repeal made by subsection (b) of this section shall not affect amounts apportioned or allocated before the effective date of the repeal. Such apportioned or allocated funds shall continue to be subject to the requirements to which the funds were subject under section 50302(c) of title 46, United States Code, as in effect on the day before the date of enactment of this title.

SEC. 8521. ASSESSMENT AND REPORT ON STRATEGIC SEAPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Secretary of Defense shall submit to the congressional defense committees a report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

(b) ELEMENTS.—The report required by subsection (a) shall include, with respect to port facilities included in the report, the following:

(1) An assessment whether there are structural integrity or other deficiencies in such facilities.

(2) If there are such deficiencies—

(A) an assessment of infrastructure improvements to such facilities that would be needed to meet, directly or indirectly, national security and readiness requirements;
(B) an assessment of the impact on operational readiness of the Armed Forces if such improvements are not undertaken; and

(C) an identification of, to the maximum extent practical, all potential funding sources for such improvements from existing authorities.

(3) An identification of the support that would be appropriate for the Department of Defense to provide in the execution of the Secretary of Transportation’s responsibilities under section 50302 of title 46, United States Code, with respect to such facilities.

(4) If additional statutory or administrative authorities would be required for the provision of support as described in paragraph (3), recommendations for legislative or administrative action to establish such authorities.

(c) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and the individual responsible for each port facility described in such subsection.
Section 50307 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “The Secretary of Transportation may engage in the environmental study” and inserting “The Maritime Administrator, on behalf of the Secretary of Transportation, shall engage in the study”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “may” and inserting “shall”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “that are likely to achieve environmental improvements by” and inserting “to improve”;

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(iii) by inserting before clause (i), the following:

“(A) environmental performance to meet United States Federal and international standards and guidelines, including—”;

and

(iv) in clause (iii), as redesignated by clause (ii), by striking “species; and” and
all that follows through the end of the sub-
section and inserting “species; or
“(iv) reducing propeller cavitation;
and
“(B) the efficiency and safety of domestic
maritime industries; and
“(2) coordinate with the Environmental Protec-
tion Agency, the Coast Guard, and other Federal,
State, local, or tribal agencies, as appropriate.”.
(3) in subsection (e)(2), by striking “benefits”
and inserting “or other benefits to domestic mari-
time industries”; and
(4) by adding at the end the following:
“(e) LIMITATIONS ON THE USE OF FUNDS.—Not
more than 3 percent of funds appropriated to carry out
this program may be used for administrative purposes.”.

SEC. 8523. REQUIREMENT FOR SMALL SHIPYARD GRANT-
EES.

Section 54101(d) of title 46, United States Code, is
amended—
(1) by striking “Grants awarded” and inserting
the following:
“(1) IN GENERAL.—Grants awarded”; and
(2) by adding at the end the following:
“(2) BUY AMERICA.—
“(A) IN GENERAL.—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—

“(i) an unmanufactured article, material, or supply that has been mined or produced in the United States; or

“(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if the Administrator determines—
“(I) that the application of those requirements would be inconsistent with the public interest;

“(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

“(III) that inclusion of a domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee’s supplier.

“(ii) Federal Register.—A determination made by the Administrator under this subparagraph shall be published in the Federal Register.

“(C) Definitions.—In this paragraph:

“(i) The term ‘commercially available off-the-shelf item’ means—

“(I) any item of supply (including construction material) that is—

“(aa) a commercial item, as defined by section 2.101 of title...
48, Code of Federal Regulations (as in effect on the date of enactment of the Maritime Administration Authorization and Enhancement Act of 2019); and

“(bb) sold in substantial quantities in the commercial marketplace; and

“(II) does not include bulk cargo, as defined in section 40102(4) of this title, such as agricultural products and petroleum products.

“(ii) The term ‘product or material’ means an article, material, or supply brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct
construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

“(iii) The term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.”.

SEC. 8524. IMPROVEMENT OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) ADDITIONAL MEANS OF ACHIEVEMENT OF GOALS OF PROGRAM THROUGH OCEANOGRAPHIC EFFORTS.—Section 8931(b)(2)(A) of title 10, United States Code, is amended—

(1) by inserting “, creating,” after “identifying”; and

(2) by inserting “science,” after “areas of”.

(b) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL MEMBERSHIP.—Section 8932 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively;

(2) in subsection (b)—

(A) by striking paragraph (10);
(B) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:


“(11) The Director of the Bureau of Safety and Environmental Enforcement of the Department of the Interior.”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking “broad participation within the oceanographic community” and inserting “appropriate participation within the oceanographic community, which may include public, academic, commercial, and private participation or support”; and

(ii) in subparagraph (E), by striking “peer”; and

(B) in paragraph (3), by striking subparagraph (D) and inserting the following:
“(D) Preexisting facilities, such as regional
data centers operated by the Integrated Ocean
Observing System, and expertise.”;

(4) in subsection (e)—

(A) in the subsection heading by striking
“REPORT” and inserting “BRIEFING”;

(B) in the matter preceding paragraph (1),
by striking “to Congress a report” and insert-
ing “to the Committee on Commerce, Science,
and Transportation of the Senate, the Com-
mittee on Armed Services of the Senate, the
Committee on Energy and Natural Resources of
the Senate, the Committee on Natural Re-
sources of the House of Representatives, and
the Committee on Armed Services of the House
of Representatives a briefing”;

(C) by striking “report” and inserting
“briefing” each place the term appears;

(D) by striking paragraph (4) and insert-
ing the following:

“(4) A description of the involvement of Fed-
eral agencies and non-Federal contributors partici-
pating in the program.”; and

(E) in paragraph (5), by striking “and the
estimated expenditures under such programs,
projects, and activities during such following fiscal year” and inserting “and the estimated expenditures under such programs, projects, and activities of the program during such following fiscal year”;

(5) by inserting after subsection (e) the following:

“(f) REPORT.—Not later than March 1 of each year, the Council shall publish on a publically available website a report summarizing the briefing described in subsection (e).”;

(6) in subsection (g), as redesignated by paragraph (1)—

(A) by striking paragraph (1) and inserting the following:

“(1) The Secretary of the Navy shall establish an office to support the National Oceanographic Partnership Program. The Council shall use competitive procedures in selecting an operator for the partnership program office.”; and

(B) in paragraph (2)(B), by inserting “, where appropriate,” before “managing”; and

(7) by amending subsection (h), as redesignated by paragraph (1), to read as follows:

“(h) CONTRACT AND GRANT AUTHORITY.—
“(1) IN GENERAL.—To carry out the purposes of the National Oceanographic Partnership Program, the Council shall have, in addition to other powers otherwise given it under this chapter, the following authorities:

“(A) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants or cooperative agreements, and establish and manage new collaborative programs as considered appropriate, to address emerging science priorities using both donated and appropriated funds.

“(B) To authorize the program office under subsection (g), on behalf of and subject to the direction and approval of the Council, to accept funds, including fines and penalties, from other Federal and State departments and agencies.

“(C) To authorize the program office, on behalf of and subject to the direction and approval of the Council, to award grants and enter into contracts for purposes of the National Oceanographic Partnership Program.
“(D) To transfer funds to other Federal and State departments and agencies in furtherance of the purposes of the National Oceanographic Partnership Program.

“(E) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants, for the purpose of implementing the National Oceanographic Partnership Program and carrying out the responsibilities of the Council.

“(F) To use, with the consent of the head of the agency or entity concerned, on a non-reimbursable basis, the land, services, equipment, personnel, facilities, advice, and information provided by a Federal agency or entity, State, local government, Tribal government, territory, or possession, or any subdivisions thereof, or the District of Columbia as may be helpful in the performance of the duties of the Council.

“(2) FUNDS TRANSFERRED.—Funds identified for direct support of National Oceanographic Partnership Program grants are authorized for transfer between agencies and are exempt from section 1535 of title 31 (commonly known as the “Economy Act of 1932”).”
(c) OCEAN RESEARCH ADVISORY PANEL.—Section 8933(a)(4) of title 10, United States Code, is amended by striking “State governments” and inserting “State and Tribal governments”.

SEC. 8525. IMPROVEMENTS TO THE MARITIME GUARANTEE LOAN PROGRAM.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively; and

(3) by adding at the end the following:

“(15) VESSEL OF NATIONAL INTEREST.—The term ‘Vessel of National Interest’ means a vessel deemed to be of national interest that meets characteristics determined by the Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard Operates, or the heads of other Federal agencies, as described in section 53703(d).”.

(b) PREFERRED LENDER.—Section 53702(a) of title 46, United States Code, is amended by adding at the end the following:
“(2) PREFERRED ELIGIBLE LENDER.—The Federal Financing Bank shall be the preferred eligible lender of the principal and interest of the guaranteed obligations issued under this chapter.”.

(c) APPLICATION AND ADMINISTRATION.—Section 53703 of title 46, United States Code, is amended—

(1) in the section heading, by striking “procedures” and inserting “and administration”; 

(2) by adding at the end the following:

“(c) INDEPENDENT ANALYSIS.—

“(1) IN GENERAL.—To assess and mitigate the risks due to factors associated with markets, technology, financial, or legal structures related to an application or guarantee under this chapter, the Secretary or Administrator may utilize third party experts, including legal counsel, to—

“(A) process and review applications under this chapter, including conducting independent analysis and review of aspects of an application;

“(B) represent the Secretary or Administrator in structuring and documenting the obligation guarantee;

“(C) analyze and review aspects of, structure, and document the obligation guarantee during the term of the guarantee;
“(D) recommend financial covenants or financial ratios to be met by the applicant during the time a guarantee under this chapter is outstanding that are—

“(i) based on the financial covenants or financial ratios, if any, that are then applicable to the obligor under private sector credit agreements; and

“(ii) in lieu of other financial covenants applicable to the obligor under this chapter with respect to requirements regarding long-term debt-to-equity, minimum working capital, or minimum amount of equity; and

“(E) represent the Secretary or Administrator to protect the security interests of the Government relating to an obligation guarantee.

“(2) PRIVATE SECTOR EXPERT.—Independent analysis, review, and representation conducted under this subsection shall be performed by a private sector expert in the applicable field who is selected by the Secretary or Administrator.

“(d) VESSELS OF NATIONAL INTEREST.—

“(1) NOTICE OF FUNDING.—The Secretary or Administrator may post a notice in the Federal Reg-
ister regarding the availability of funding for obliga-
tion guarantees under this chapter for the construc-
tion, reconstruction, or reconditioning of a Vessel of
National Interest and include a timeline for the sub-
mission of applications for such vessels.

“(2) VESSEL CHARACTERISTICS.—

“(A) IN GENERAL.—The Secretary or Ad-
ministrator, in consultation with the Secretary
of Defense, the Secretary of the Department in
which the Coast Guard Operates, or the heads
of other Federal agencies, shall develop and
publish a list of vessel types that would be con-
sidered Vessels of National Interest.

“(B) REVIEW.—Such list shall be reviewed
and revised every 4 years or as necessary, as
determined by the Administrator.”.

(d) FUNDING LIMITS.—Section 53704 of title 46,
United States Code, is amended—

(1) in subsection (a)—

(A) by striking “that amount” and all the
follows through “$850,000,000” and inserting
“that amount, $850,000,000”; and

(B) by striking “facilities” and all that fol-
low through the end of the subsection and in-
serting “facilities.”; and
(2) in subsection (c)(4)—
  (A) by striking subparagraph (A); and
  (B) by redesignating subparagraphs (B) through (K), as subparagraphs (A) through (J), respectively.

(e) ELIGIBLE PURPOSES OF OBLIGATIONS.—Section 53706 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A)—
  (A) in the matter preceding clause (i), by striking “(including an eligible export vessel);”
  (B) in clause (iv) by adding “or” after the semicolon;
  (C) in clause (v), by striking “; or” and inserting a period; and
  (D) by striking clause (vi); and

(2) in subsection (c)(1)—
  (A) in subparagraph (A), by striking “and” after the semicolon;
  (B) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and
  (C) by adding at the end the following:
    “(C) after applying subparagraphs (A) and (B), Vessels of National Interest.”.
(f) **AMOUNT OF OBLIGATIONS.**—Section 53709(b) of title 46, United States Code, is amended—

(1) by striking paragraphs (3) and (6); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(g) **CONTENTS OF OBLIGATIONS.**—Section 53710 of title 46, United States Code, is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by striking “or, in the case of” and all that follows through “party”; and

(ii) by striking “and” after the semi-colon; and

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) documented under the laws of the United States for the term of the guarantee of the obligation or until the obligation is paid in full, whichever is sooner.”; and

(2) in subsection (e)—

(A) in the subsection heading, by inserting “AND PROVIDE FOR THE FINANCIAL STABILITY OF THE OBLIGOR” after “INTERESTS”;
(B) by striking “provisions for the protection of” and inserting “provisions, which shall include—

“(1) provisions for the protection of”;

(C) by striking “, and other matters that the Secretary or Administrator may prescribe.” and inserting, “; and”; and

(D) by adding at the end the following:

“(2) any other provisions that the Secretary or Administrator may prescribe.”.

(h) A DMINISTRATIVE FEES.—Section 53713 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “reasonable for—” and inserting “ reasonable for processing the application and monitoring the loan guarantee, including for—”;

(B) in paragraph (4), by striking “; and” and inserting “or a deposit fund under section 53716 of this title;”;}

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:
“(6) monitoring and providing services related
to the obligor’s compliance with any terms related to
the obligations, the guarantee, or maintenance of the
Secretary or Administrator’s security interests under
this chapter.”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “under
section 53708(d) of this title” and inserting
“under section 53703(c) of this title”;

(B) by redesignating paragraphs (1)
through (3) as subparagraphs (A) through (C),
respectively;

(C) by striking “The Secretary” and in-
serting the following:

“(1) IN GENERAL.—The Secretary”; and

(D) by adding at the end the following:

“(2) FEE LIMITATION INAPPLICABLE.—Fees
collected under this subsection are not subject to the
limitation of subsection (b).”.

(i) BEST PRACTICES; ELIGIBLE EXPORT VESSELS.—

Chapter 537 of title 46, United States Code, is further
amended—

(1) in subchapter I, by adding at the end the
following new section:
§ 53719. Best practices

“The Secretary or Administrator shall ensure that all standard documents and agreements that relate to loan guarantees made pursuant to this chapter are reviewed and updated every four years to ensure that such documents and agreements meet the current commercial best practices to the extent permitted by law.”; and

(2) in subchapter III, by striking section 53732.

(j) Express Consideration of Low-risk Applications.—Not later than 180 days after the date of enactment of this title, the Administrator of the Maritime Administration shall, in consultation with affected stakeholders, create a process for express processing of low-risk maritime guaranteed loan applications under chapter 537 of title 46, United States Code, based on Federal and industry best practices, including proposals to better assist applicants to submit complete applications within 6 months of the initial application.

(k) Congressional Notification.—

(1) Notification.—Not less than 60 days before reorganizing or consolidating the activities or personnel covered under chapter 537 of title 46, United States Code, the Secretary of Transportation shall notify, in writing, the Committee on Commerce, Science, and Transportation of the Senate...
and the Committee on Transportation and Infrastructure of the House of Representatives of the proposed reorganization or consolidation.

(2) CONTENTS.—Each notification under paragraph (1) shall include an evaluation of, and justification for, the reorganization or consolidation.

(1) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 537 of title 46, United States Code, is amended by inserting after the item relating to section 53718 the following new item:

"53719. Best practices."

(2) The table of sections at the beginning of chapter 537 of title 46, United States Code, is further amended by striking the item relating to section 53732.

SEC. 8526. TECHNICAL CORRECTIONS.

(a) OFFICE OF PERSONNEL MANAGEMENT GUIDANCE.—Not later than 120 days after the date of enactment of this title, the Director of the Office of Personnel Management, in consultation with the Administrator of the Maritime Administration, shall identify key skills and competencies necessary to maintain a balance of expertise in merchant marine seagoing service and strategic sealift military service in each of the following positions within the Office of the Commandant:
(1) Commandant.

(2) Deputy Commandant.

(3) Tactical company officers.

(4) Regimental officers.

(b) SEA YEAR COMPLIANCE.—Section 3514(a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is amended by inserting “domestic and international” after “criteria that”.

SEC. 8527. UNITED STATES MERCHANT MARINE ACADEMY’S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Transportation shall ensure that, not later than 180 days after the date of enactment of this title, the recommendations in the Inspector General of the Department of Transportation’s report on the effectiveness of the United States Merchant Marine Academy’s Sexual Assault Prevention and Response program (mandated under section 3512 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2786)), are fully implemented.

(b) REPORT.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall submit a report to Congress—
(1) confirming that the recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented; or

(2) if such recommendations have not been fully implemented as of the date of the report, including an explanation of why such recommendations have not been fully implemented and a description of the resources that are needed to fully implement such recommendations.

SEC. 8528. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of other relevant agencies as appropriate, shall prepare and submit a report on the need for vessels to install, operate, and maintain emerging offshore energy infrastructure, including offshore wind energy.

(b) CONTENTS.—Such report shall include—

(1) an inventory of vessels (including existing vessels and vessels that have the potential to be refurbished) to install, operate, and maintain such emerging offshore energy infrastructure;
(2) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years; and

(3) policy recommendations to ensure the vessel capacity to support such emerging offshore energy.

(c) TRANSMITTAL.—Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle B—Maritime SAFE Act

SEC. 8531. SHORT TITLES.

(a) SHORT TITLES.—This subtitle may be cited as the “Maritime Security and Fisheries Enforcement Act” or the “Maritime SAFE Act”.

SEC. 8532. DEFINITIONS.

In this subtitle:

(1) AIS.—The term “AIS” means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or a similar successor regulation).

(2) COMBINED MARITIME FORCES.—The term “Combined Maritime Forces” means the 33-nation
naval partnership, originally established in February 2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

(3) EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is rep-
resented by a line equidistant between
the United States and the other coun-
try.

(B) INNER BOUNDARY.—Without affecting
any Presidential Proclamation with regard to
the establishment of the United States terri-
torial sea or exclusive economic zone, the inner
boundary of the exclusive economic zone is—

(i) in the case of coastal States, a line
coterminous with the seaward boundary of
each such State (as described in section 4
of the Submerged Lands Act (43 U.S.C.
1312));

(ii) in the case of the Commonwealth
of Puerto Rico, a line that is 3 marine
leagues from the coastline of the Common-
wealth of Puerto Rico;

(iii) in the case of American Samoa,
the United States Virgin Islands, Guam,
and the Northern Mariana Islands, a line
that is 3 geographic miles from the coast-
lines of American Samoa, the United
States Virgin Islands, Guam, or the North-
ern Mariana Islands, respectively; or
(iv) for any possession of the United States not referred to in clause (ii) or (iii), the coastline of such possession.

(C) Rule of construction.—Nothing in this paragraph may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) Food security.—The term “food security” means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(5) Global record of fishing vessels, refrigerated transport vessels, and supply vessels.—The term “global record of fishing vessels, refrigerated transport vessels, and supply vessels” means the Food and Agriculture Organization of the United Nations’ initiative to rapidly make available certified data from state authorities about vessels and vessel related activities.

(6) IUU fishing.—The term “IUU fishing” means illegal fishing, unreported fishing, or unregulated fishing (as such terms are defined in paragraph 3 of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and
Unregulated Fishing, adopted at the 24th Session of
the Committee on Fisheries in Rome on March 2,
2001).

(7) Port State Measures Agreement.—The
term “Port State Measures Agreement” means the
Agreement on Port State Measures to Prevent,
Deter, and Eliminate Illegal, Unreported, and Un-
regulated Fishing set forth by the Food and Agri-
culture Organization of the United Nations, done at
Rome, Italy November 22, 2009, and entered into
force June 5, 2016, which offers standards for re-
porting and inspecting fishing activities of foreign-
flagged fishing vessels at port.

(8) Priority Flag State.—The term “priority
flag state” means a country selected in accordance
with section 8552(b)(3)—

(A) whereby the flagged vessels of which
actively engage in, knowingly profit from, or are
complicit in IUU fishing; and

(B) that is willing, but lacks the capacity,
to monitor or take effective enforcement action
against its fleet.

(9) Priority Region.—The term “priority re-
region” means a region selected in accordance with
section 8552(b)(2)—
(A) that is at high risk for IUU fishing activity or the entry of illegally caught seafood into the markets of countries in the region; and

(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

(10) **Regional Fisheries Management Organization.**—The term “Regional Fisheries Management Organization” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures.

(11) **Seafood.**—The term “seafood”—

(A) means marine finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, including those grown, produced, or reared through marine aquaculture operations or techniques; and

(B) does not include marine mammals, turtles, or birds.

(12) **Transnational Organized Illegal Activity.**—The term “transnational organized illegal activity” means criminal activity conducted by self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power,
influence, or monetary or commercial gains, wholly
or in part by illegal means, while protecting their ac-
tivities through a pattern of corruption or violence
or through a transnational organizational structure
and the exploitation of transnational commerce or
communication mechanisms.

(13) TRANSSHIPMENT.—The term “trans-
shipment” means the use of refrigerated vessels
that—

(A) collect catch from multiple fishing
boats;

(B) carry the accumulated catches back to
port; and

(C) deliver supplies to fishing boats, which
allows fishing vessels to remain at sea for ex-
tended periods without coming into port.

SEC. 8533. PURPOSES.

The purposes of this subtitle are—

(1) to support a whole-of-government approach
across the Federal Government to counter IUU fish-
ing and related threats to maritime security;

(2) to improve data sharing that enhances sur-
veillance, enforcement, and prosecution against IUU
fishing and related activities at a global level;
(3) to support coordination and collaboration to counter IUU fishing within priority regions;

(4) to increase and improve global transparency and traceability across the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) a tool for strengthening fisheries management and food security;

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States; and

(6) to prevent the use of IUU fishing as a financing source for transnational organized groups that undermine United States and global security interests.

SEC. 8534. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to take action to curtail the global trade in seafood and seafood products derived from IUU fishing, including its links to forced labor and transnational organized illegal activity;

(2) to develop holistic diplomatic, military, law enforcement, economic, and capacity-building tools to counter IUU fishing;
(3) to provide technical assistance to countries in priority regions and priority flag states to combat IUU fishing, including assistance—

(A) to increase local, national, and regional level capacities to counter IUU fishing through the engagement of law enforcement and security forces;

(B) to enhance port capacity and security, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement;

(C) to combat corruption and increase transparency and traceability in fisheries management and trade;

(D) to enhance information sharing within and across governments and multilateral organizations through the development and use of agreed standards for information sharing; and

(E) to support effective, science-based fisheries management regimes that promote legal and safe fisheries and act as a deterrent to IUU fishing;

(4) to promote global maritime security through improved capacity and technological assistance to support improved maritime domain awareness;
(5) to engage with priority flag states to encourage the use of high quality vessel tracking technologies where existing enforcement tools are lacking;

(6) to engage with multilateral organizations working on fisheries issues, including Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, to combat and deter IUU fishing;

(7) to advance information sharing across governments and multilateral organizations in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to declassify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;
(11) to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to recognize and respond to poor working conditions, labor abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and food security; and

(14) to promote technological investment and innovation to combat IUU fishing.

PART I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

SEC. 8541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS.

The Secretary of State, in conjunction with the Secretary of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with other relevant international governmental or
nongovernmental organizations, or the private sector, as appropriate, to enhance regional responses to IUU fishing and related transnational organized illegal activities.

**SEC. 8542. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE UNITED STATES.**

Not later than 1 year after the date of the enactment of this title, each chief of mission (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) to a relevant country in a priority region or to a priority flag state may, if the Secretary of State determines such action is appropriate—

(1) convene a working group, led by Department of State officials, to examine IUU fishing, which may include stakeholders such as—

(A) United States officials from relevant agencies participating in the interagency Working Group identified in section 8551, foreign officials, nongovernmental organizations, the private sector, and representatives of local fishermen in the region; and

(B) experts on IUU fishing, law enforcement, criminal justice, transnational organized illegal activity, defense, intelligence, vessel movement monitoring, and international devel-
opment operating in or with knowledge of the
region; and
(2) designate a counter-IUU Fishing Coordi-
nator from among existing personnel at the mission
if the chief of mission determines such action is ap-
propriate.

SEC. 8543. ASSISTANCE BY FEDERAL AGENCIES TO IM-
PROVE LAW ENFORCEMENT WITHIN PRI-
ORITY REGIONS AND PRIORITY FLAG STATES.

(a) IN GENERAL.—The Secretary of State, in collabo-
ration with the Secretary of Commerce and the Com-
mandant of the Coast Guard when the Coast Guard is
operating in, or as a component of, the Department of
Homeland Security, as well as any other relevant depart-
ment or agency, shall provide assistance, as appropriate,
in accordance with this section.

(b) LAW ENFORCEMENT TRAINING AND COORDINA-
TION ACTIVITIES.—The officials referred to in subsection
(a) shall evaluate opportunities to provide assistance, as
appropriate, to countries in priority regions and priority
flag states to improve the effectiveness of IUU fishing en-
forcement, with clear and measurable targets and indica-
tors of success, including—
(1) by assessing and using existing resources,
nate efforts to combat IUU fishing with efforts to
combat other illegal trade, including weapons, drugs,
and human trafficking;

(2) by expanding existing IUU fishing enforce-
ment training;

(3) by providing targeted, country- and region-
specific training on combating IUU fishing, includ-
ing in those countries that have not adopted the
Port State Measures Agreement;

(4) by supporting increased effectiveness and
transparency of the fisheries enforcement sectors of
the governments of such countries; and

(5) by supporting increased outreach to stake-
holders in the affected communities as key partners
in combating and prosecuting IUU fishing.

(c) PORT SECURITY ASSISTANCE.—The officials re-
ferred to in subsection (a) shall evaluate opportunities to
provide assistance, as appropriate, to countries in priority
regions and priority flag states to help those states imple-
ment programs related to port security and capacity for
the purposes of preventing IUU fishing products from en-
tering the global seafood market, including by supporting
other countries in working toward the adoption and imple-
mentation of the Port State Measures Agreement.
(d) Capacity Building for Investigations and Prosecutions.—The officials referred to in subsection (a), in collaboration with the governments of countries in priority regions and of priority flag states, shall evaluate opportunities to assist those countries in designing and implementing programs in such countries, as appropriate, to increase the capacity of IUU fishing enforcement and customs and border security officers to improve their ability—

(1) to conduct effective investigations, including using law enforcement techniques such as undercover investigations and the development of informer networks and actionable intelligence;

(2) to conduct vessel boardings and inspections at sea and associated enforcement actions;

(3) to exercise existing shiprider agreements and to enter into and implement new shiprider agreements, as appropriate, including in those countries that have not adopted the Port State Measures Agreement;

(4) to conduct vessel inspections at port and associated enforcement actions;

(5) to assess technology needs and promote the use of technology to improve monitoring, enforcement, and prosecution of IUU fishing;
(6) to conduct DNA-based and forensic identification of seafood used in trade;

(7) to conduct training on techniques, such as collecting electronic evidence and using computer forensics, for law enforcement personnel involved in complex investigations related to international matters, financial issues, and government corruption that include IUU fishing;

(8) to assess financial flows and the use of financial institutions to launder profits related to IUU fishing;

(9) to conduct training on the legal mechanisms that can be used to prosecute those identified in the investigations as alleged perpetrators of IUU fishing and other associated crimes such as trafficking and forced labor; and

(10) to conduct training to raise awareness of the use of whistleblower information and ways to incentivize whistleblowers to come forward with original information related to IUU fishing.

(e) CAPACITY BUILDING FOR INFORMATION SHARING.—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to key countries in priority regions and priority flag states in the form of training, equipment, and systems de-
development to build capacity for information sharing related to maritime enforcement and port security.

(f) **COORDINATION WITH OTHER RELEVANT AGENCIES.**—The Secretary of State, in collaboration with the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, and the Secretary of Commerce, shall coordinate with other relevant agencies, as appropriate, in accordance with this section.

**SEC. 8544. EXPANSION OF EXISTING MECHANISMS TO COMBAT IUU FISHING.**

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

1. Including counter-IUU fishing in existing shiprider agreements in which the United States is a party.
2. Entering into shiprider agreements that include counter-IUU fishing with priority flag states
and countries in priority regions with which the United States does not already have such an agree-
ment.

(3) Including counter-IUU fishing as part of the mission of the Combined Maritime Forces.

(4) Including counter-IUU fishing exercises in the annual at-sea exercises conducted by the Depart-
ment of Defense, in coordination with the United States Coast Guard.

(5) Creating partnerships similar to the Oce-
ania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

SEC. 8545. IMPROVEMENT OF TRANSPARENCY AND TRACEABILITY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall work, as appropriate, with priority flag states and key countries in priority regions—

(1) to increase knowledge within such countries about the United States transparency and
traceability standards for imports of seafood and seafood products;

(2) to improve the capacity of seafood industries within such countries through information sharing and training to meet the requirements of transparency and traceability standards for seafood and seafood product imports, including catch documentation and trade tracking programs adopted by relevant regional fisheries management organizations;

(3) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness;

and

(4) to support the implementation of seafood traceability standards in such countries to prevent IUU fishing products from entering the global seafood market and assess capacity and training needs in those countries.

SEC. 8546. TECHNOLOGY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the
Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, and the heads of other Federal agencies, as appropriate, shall pursue programs to expand the role of technology for combating IUU fishing, including by—

(1) promoting the use of technology to combat IUU fishing;
(2) assessing the technology needs, including vessel tracking technologies and data sharing, in priority regions and priority flag states;
(3) engaging with priority flag states to encourage the mandated use of vessel tracking technologies, including vessel monitoring systems, AIS, or other vessel movement monitoring technologies on fishing vessels and transshipment vessels at all times, as appropriate, while at sea as a means to identify IUU fishing activities and the shipment of illegally caught fish products; and
(4) building partnerships with the private sector, including universities, nonprofit research organizations, the seafood industry, and the technology, transportation and logistics sectors, to leverage new
and existing technologies and data analytics to address IUU fishing.

SEC. 8547. SAVINGS CLAUSE.

No provision of section 8532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of Defense, the Department of the Navy, or any official or component of either.

PART II—ESTABLISHMENT OF INTERAGENCY WORKING GROUP ON IUU FISHING

SEC. 8551. INTERAGENCY WORKING GROUP ON IUU FISHING.

(a) IN GENERAL.—There is established a collaborative interagency working group on maritime security and IUU fishing (referred to in this subtitle as the “Working Group”).

(b) MEMBERS.—The members of the Working Group shall be composed of—

(1) 1 chair, who shall rotate between the Coast Guard, the Department of State, and the National Oceanographic and Atmospheric Administration on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by their respective agency heads and shall be from a different Department than that of the chair, from—
(A) the Coast Guard;

(B) the Department of State; and

(C) the National Oceanic and Atmospheric Administration;

(3) 11 members, who shall be appointed by their respective agency heads, from—

(A) the Department of Defense;

(B) the United States Navy;

(C) the United States Agency for International Development;

(D) the United States Fish and Wildlife Service;

(E) the Department of Justice;

(F) the Department of the Treasury;

(G) U.S. Customs and Border Protection;

(H) U.S. Immigration and Customs Enforcement;

(I) the Federal Trade Commission;

(J) the Department of Agriculture;

(K) the Food and Drug Administration;

and

(L) the Department of Labor;

(4) 5 members, who shall be appointed by the President, from—

(A) the National Security Council;
(B) the Council on Environmental Quality;

(C) the Office of Management and Budget;

(D) the Office of Science and Technology Policy; and

(E) the Office of the United States Trade Representative.

(c) RESPONSIBILITIES.—The Working Group shall ensure an integrated, Federal Government-wide response to IUU fishing globally, including by—

(1) improving the coordination of Federal agencies to identify, interdict, investigate, prosecute, and dismantle IUU fishing operations and organizations perpetrating and knowingly benefitting from IUU fishing;

(2) assessing areas for increased interagency information sharing on matters related to IUU fishing and related crimes;

(3) establishing standards for information sharing related to maritime enforcement;

(4) developing a strategy to determine how military assets and intelligence can contribute to enforcement strategies to combat IUU fishing;

(5) increasing maritime domain awareness relating to IUU fishing and related crimes and developing a strategy to leverage awareness for enhanced
enforcement and prosecution actions against IUU fishing;

(6) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;

(7) outlining a strategy to coordinate, increase, and use shiprider agreements between the Department of Defense or the Coast Guard and relevant countries;

(8) enhancing cooperation with partner governments to combat IUU fishing;

(9) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;

(10) consulting and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;

(11) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;

(12) supporting the identification and certification procedures to address IUU fishing in accord-
ance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and
(13) publishing annual reports summarizing nonsensitive information about the Working Group’s efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

SEC. 8552. STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this title, the Working Group, after consultation with the relevant stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) IDENTIFICATION OF PRIORITY REGIONS AND PRIORITY FLAG STATES.—

(1) IN GENERAL.—The strategic plan submitted under subsection (a) shall identify priority regions
and priority flag states to be the focus of assistance coordinated by the Working Group under section 8551.

(2) **Priority region selection criteria.**—

In selecting priority regions under paragraph (1), the Working Group shall select regions that—

(A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and

(B) lack the capacity to fully address the issues described in subparagraph (A).

(3) **Priority flag states selection criteria.**—In selecting priority flag states under paragraph (1), the Working Group shall select countries—

(A) the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that lack the capacity to police their fleet.

**SEC. 8553. Reports.**

Not later than 5 years after the submission of the 5-year integrated strategic plan under section 8552, and 5 years after, the Working Group shall submit a report to the Committee on Commerce, Science, and Transpor-
tation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a summary of global and regional trends in IUU fishing;

(2) an assessment of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(3) an assessment of the topics, data sources, and strategies that would benefit from increased information sharing and recommendations regarding harmonization of data collection and sharing;

(4) an assessment of assets, including military assets and intelligence, which can be used for either enforcement operations or strategies to combat IUU fishing;
(5) summaries of the situational threats with respect to IUU fishing in priority regions and an assessment of the capacity of countries within such regions to respond to those threats;

(6) an assessment of the progress of countries in priority regions in responding to those threats as a result of assistance by the United States pursuant to the strategic plan developed under section 8552, including—

(A) the identification of—

(i) relevant supply routes, ports of call, methods of landing and entering illegally caught product into legal supply chains, and financial institutions used in each country by participants engaging in IUU fishing; and

(ii) indicators of IUU fishing that are related to money laundering;

(B) an assessment of the adherence to, or progress toward adoption of, international treaties related to IUU fishing, including the Port State Measures Agreement, by countries in priority regions;

(C) an assessment of the implementation by countries in priority regions of seafood
traceability or capacity to apply traceability to verify the legality of catch and strengthen fisheries management;

(D) an assessment of the capacity of countries in priority regions to implement shiprider agreements;

(E) an assessment of the capacity of countries in priority regions to increase maritime domain awareness; and

(F) an assessment of the capacity of governments of relevant countries in priority regions to sustain the programs for which the United States has provided assistance under this subtitle;

(7) an assessment of the capacity of priority flag states to track the movement of and police their fleet, prevent their flagged vessels from engaging in IUU fishing, and enforce applicable laws and regulations; and

SEC. 8554. GULF OF MEXICO IUU FISHING SUBWORKING GROUP.

(a) In General.—Not later than 90 days after the date of the enactment of this title, the Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Coast Guard and the Department of State, shall establish a subworking group to address IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico.

(b) Functions.—The subworking group established under subsection (a) shall identify—

(1) Federal actions taken and policies established during the 5-year period immediately preceding the date of the enactment of this title with respect to IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico, including such actions and policies related to—

(A) the surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing; and

(B) the application of the provisions of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.) to any relevant nation, including the status of any past or ongoing consultations and certification procedures;
(2) actions and policies, in addition to the actions and policies described in paragraph (1), each of the Federal agencies described in subsection (a) can take, using existing resources, to combat IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico; and

(3) any additional authorities that could assist each such agency in more effectively addressing such IUU fishing.

(c) REPORT.—Not later than 1 year after the IUU Fishing Subworking Group is established under subsection (a), the group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives that contains—

(1) the findings identified pursuant to subsection (b); and

(2) a timeline for each of the Federal agencies described in subsection (a) to implement each action or policy identified pursuant to subsection (b)(2).
PART III—COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE CATCHING AND PROCESSING OF SEAFOOD PRODUCTS

SEC. 8561. FINDING.

Congress finds that human trafficking, including forced labor, is a pervasive problem in the catching and processing of certain seafood products imported into the United States, particularly seafood products obtained through illegal, unreported, and unregulated fishing.

SEC. 8562. ADDING THE SECRETARY OF COMMERCE TO THE INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting “the Secretary of Commerce,” after “the Secretary of Education,”.

SEC. 8563. HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration shall jointly submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Rep-
resentatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes the existence of human trafficking, including forced labor, in the supply chains of seafood products imported into the United States.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall include—

(1) a list of the countries at risk for human trafficking, including forced labor, in their seafood catching and processing industries, and an assessment of such risk for each listed country;

(2) a description of the quantity and economic value of seafood products imported into the United States from the countries on the list compiled pursuant to paragraph (1);

(3) a description and assessment of the methods, if any, in the countries on the list compiled pursuant to paragraph (1) to trace and account for the manner in which seafood is caught;

(4) a description of domestic and international enforcement mechanisms to deter illegal practices in the catching of seafood in the countries on the list compiled pursuant to paragraph (1); and
(5) such recommendations as the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration jointly consider appropriate for legislative or administrative action to enhance and improve actions against human trafficking, including forced labor, in the catching and processing of seafood products outside of United States waters.

PART IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 8571. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Amounts made available to carry out this subtitle shall be derived from amounts appropriated or otherwise made available to the relevant agencies and departments.

(b) NO INCREASE IN CONTRIBUTIONS.—Nothing in this subtitle shall be construed to authorize an increase in required or voluntary contributions paid by the United States to any multilateral or international organization.

SEC. 8572. ACCOUNTING OF FUNDS.

By not later than 180 days after the date of enactment of this title, the head of each Federal agency receiving or allocating funds to carry out activities under this subtitle shall, to the greatest extent practicable, prepare and submit to Congress a report that provides an account-
DIVISION F—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2020

SEC. 9001. SHORT TITLE.
This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Year 2020”.

SEC. 9002. DEFINITIONS.
In this division:

(1) Congressional intelligence committees.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) Intelligence community.—The term “intelligence community” has the meaning given such term in such section.

TITLE XCI—INTELLIGENCE ACTIVITIES

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2020 for the conduct of the intelligence and
intelligence-related activities of the following elements of
the United States Government:

(1) The Office of the Director of National Intel-
ligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.


(6) The Department of the Army, the Depart-
ment of the Navy, and the Department of the Air
Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.


(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agen-
cy.


**SEC. 9102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) Specifications of Amounts.—The amounts
authorized to be appropriated under section 9101 for the
conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 9101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) Availability of Classified Schedule of Authorizations.—

1. Availability.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

2. Distribution by the President.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

3. Limits on Disclosure.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));
(B) to the extent necessary to implement
the budget; or
(C) as otherwise required by law.

SEC. 9103. INTELLIGENCE COMMUNITY MANAGEMENT AC-
COUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated for the Intelligence Commu-
nity Management Account of the Director of National In-
telligence for fiscal year 2020 the sum of $558,000,000.
(b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
tions.—In addition to amounts authorized to be appro-
priated for the Intelligence Community Management Ac-
count by subsection (a), there are authorized to be appro-
priated for the Intelligence Community Management Ac-
count for fiscal year 2020 such additional amounts as are
specified in the classified Schedule of Authorizations re-
ferred to in section 9102(a).

TITLE XCII—CENTRAL INTEL-
LIGENCE AGENCY RETIRE-
MENT AND DISABILITY SYS-
TEM

SEC. 9201. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated for the Cen-
tral Intelligence Agency Retirement and Disability Fund
$514,000,000 for fiscal year 2020.
TITLE XCIII—INTELLIGENCE
COMMUNITY MATTERS
Subtitle A—General Intelligence
Community Matters

SEC. 9301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 9302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 9303. IMPROVING THE ONBOARDING METHODOLOGY FOR CERTAIN INTELLIGENCE PERSONNEL.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) COVERED ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The term “covered elements of the intelligence community” means the elements of the intelligence community that are within the following:

(A) The Department of Energy.

(B) The Department of Homeland Security.

(C) The Department of Justice.

(D) The Department of State.

(E) The Department of the Treasury.

(b) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in
covered elements of the intelligence community, in-
including human resources and security processes;

(2) not later than 1 year after the date of the
enactment of this Act, issue metrics for assessing
key phases in the onboarding described in paragraph
(1) for which results will be reported by the date
that is 90 days after the date of such issuance;

(3) not later than 180 days after the date of
the enactment of this Act, submit to the appropriate
committees of Congress a report on collaboration
among covered elements of the intelligence commu-
nity on their onboarding processes;

(4) not later than 180 days after the date of
the enactment of this Act, submit to the appropriate
committees of Congress a report on employment of
automated mechanisms in covered elements of the
intelligence community, including for tracking per-
sonnel as they pass through each phase of the
onboarding process; and

(5) not later than December 31, 2020, dis-
tribute surveys to human resources offices and appli-
cants about their experiences with the onboarding
process in covered elements of the intelligence com-
community.
SEC. 9304. INTELLIGENCE COMMUNITY PUBLIC-PRIVATE TALENT EXCHANGE.

(a) POLICIES, PROCESSES, AND PROCEDURES REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall develop policies, processes, and procedures to facilitate the rotation of personnel of the intelligence community to the private sector, and personnel from the private sector to the intelligence community.

(b) DETAIL AUTHORITY.—Under policies developed by the Director pursuant to subsection (a), with the agreement of a private-sector organization, and with the consent of the employee, a head of an element of the intelligence community may arrange for the temporary detail of an employee of such element to such private-sector organization, or from such private-sector organization to such element under this section.

(c) AGREEMENTS.—

(1) IN GENERAL.—A head of an element of the intelligence community exercising the authority of the head under subsection (a) shall provide for a written agreement among the element of the intelligence community, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee’s detail under this section. The agreement—
(A) shall require that the employee of the element, upon completion of the detail, serve in the element, or elsewhere in the civil service if approved by the head of the element, for a period of at least equal to the length of the detail;

(B) shall provide that if the employee of the element fails to carry out the agreement, such employee shall be liable to the United States for payment of all non-salary and benefit expenses of the detail, unless that failure was for good and sufficient reason, as determined by the head of the element;

(C) shall contain language informing such employee of the prohibition on improperly sharing or using non-public information that such employee may be privy to or aware of related to element programming, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization; and

(D) shall contain language requiring the employee to acknowledge the obligations of the employee under section 1905 of title 18, United States Code (relating to trade secrets).
(2) Amount of Liability.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

(3) Waiver.—The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

(d) Termination.—A detail under this section may, at any time and for any reason, be terminated by the head of the element of the intelligence community concerned or the private-sector organization concerned.

(e) Duration.—

(1) In general.—A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.

(2) Longer periods.—A detail under this section may be for a period in excess of 2 years, but not more than 3 years, if the head of the element making the detail determines that such detail is nec-
necessary to meet critical mission or program requirements.

(3) LIMITATION.—No employee of an element of the intelligence community may be detailed under this section for more than a total of 5 years, inclusive of all such details.

(f) STATUS OF FEDERAL EMPLOYEES DETAILED TO PRIVATE-SECTOR ORGANIZATIONS.—

(1) IN GENERAL.—An employee of an element of the intelligence community who is detailed to a private-sector organization under this section shall be considered, during the period of detail, to be on a regular work assignment in the element for all purposes. The written agreement established under subsection (c)(1) shall address the specific terms and conditions related to the employee’s continued status as a Federal employee.

(2) REQUIREMENTS.—In establishing a temporary detail of an employee of an element of the intelligence community to a private-sector organization, the head of the element shall—

(A) certify that the temporary detail of such employee shall not have an adverse or negative impact on mission attainment or organiza-
tional capabilities associated with the detail; and

(B) in the case of an element of the intelligence community in the Department of Defense, ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary detail, performed or augmented by contractor personnel in violation of the provisions of section 2461 of title 10, United States Code.

(g) Terms and Conditions for Private-sector Employees.—An employee of a private-sector organization who is detailed to an element of the intelligence community under this section—

(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is detailed and shall not receive pay or benefits from the element, except as provided in paragraph (2);

(2) is deemed to be an employee of the element for the purposes of—

(A) chapters 73 and 81 of title 5, United States Code;
(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(F) chapter 21 of title 41, United States Code;

(3) may perform work that is considered inherently governmental in nature only when requested in writing by the head of the element;

(4) may not be used to circumvent any limitation or restriction on the size of the workforce of the element;

(5) shall be subject to the same requirements applicable to an employee performing the same functions and duties proposed for performance by the private sector employee; and

(6) in the case of an element of the intelligence community in the Department of Defense, may not
be used to circumvent the provisions of section 2461
of title 10, United States Code.

(h) Prohibition Against Charging Certain Costs to the Federal Government.—A private-sector organization may not charge an element of the intelligence community or any other agency of the Federal Government, as direct costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community under this section for the period of the detail and any subsequent renewal periods.

(i) Additional Administrative Matters.—In carrying out this section, the Director, pursuant to procedures developed under subsection (a)—

(1) shall, to the degree practicable, ensure that small business concerns are represented with respect to details authorized by this section;

(2) may, notwithstanding any other provision of law, establish criteria for elements of the intelligence community to use appropriated funds to reimburse small business concerns for the salaries and benefits of its employees during the periods when the small business concern agrees to detail its employees to the intelligence community under this section;
(3) shall take into consideration the question of how details under this section might best be used to help meet the needs of the intelligence community, including with respect to the training of employees;

(4) shall take into consideration areas of private-sector expertise that are critical to the intelligence community; and

(5) shall establish oversight mechanisms to determine whether the public-private exchange authorized by this section improves the efficiency and effectiveness of the intelligence community.

(j) DEFINITIONS.—In this section:

(1) DETAIL.—The term "detail" means, as appropriate in the context in which such term is used—

(A) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization without a change of position from the intelligence community element that employs the individual; or

(B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual.
(2) **PRIVATE-SECTOR ORGANIZATION.**—The term “private-sector organization” means—

(A) a for-profit organization; or

(B) a not-for-profit organization.

(3) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given such term in section 3703(e)(2) of title 5, United States Code.

**SEC. 9305. EXPANSION OF SCOPE OF PROTECTIONS FOR IDENTITIES OF COVERT AGENTS.**

Section 605(4) of the National Security Act of 1947 (50 U.S.C. 3126(4)) is amended—

(1) in subparagraph (A)—

(A) by striking clause (ii);

(B) in clause (i), by striking “, and” and inserting “; or”; and

(C) by striking “agency—” and all that follows through “whose identity” and inserting “agency whose identity”; and

(2) in subparagraph (B)(i), by striking “resides and acts outside the United States” and inserting “acts”.

†S 1790 ES1S
SEC. 9306. INCLUSION OF SECURITY RISKS IN PROGRAM
MANAGEMENT PLANS REQUIRED FOR ACQUISITION OF MAJOR SYSTEMS IN NATIONAL INTELLIGENCE PROGRAM.

Section 102A(q)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(q)(1)(A)) is amended by inserting “security risks,” after “schedule,”.

SEC. 9307. PAID PARENTAL LEAVE.

(a) PURPOSE.—The purpose of this section is to—

(1) help the intelligence community recruit and retain a dynamic, multi-talented, and diverse workforce capable of meeting the security goals of the United States; and

(2) establish best practices and processes for other elements of the Federal Government seeking to pursue similar policies.

(b) AUTHORIZATION OF PAID PARENTAL LEAVE FOR INTELLIGENCE COMMUNITY EMPLOYEES.—

(1) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 304 the following:

“SEC. 305. PAID PARENTAL LEAVE.

“(a) PAID PARENTAL LEAVE.—Notwithstanding any other provision of law, a civilian employee of an element of the intelligence community shall have available a total
of 12 administrative workweeks of paid parental leave in
the event of the birth of a son or daughter to the employee,
or placement of a son or daughter with the employee for
adoption or foster care, and in order to care for such son
or daughter, to be used during the 12-month period begin-
ing on the date of the birth or placement.

“(b) TREATMENT OF PARENTAL LEAVE REQUEST.—
Notwithstanding any other provision of law—

“(1) an element of the intelligence community
shall accommodate an employee’s leave schedule re-
quest under subsection (a), including a request to
use such leave intermittently or on a reduced leave
schedule, to the extent that the requested leave
schedule does not unduly disrupt agency operations;
and

“(2) to the extent that an employee’s requested
leave schedule as described in paragraph (1) is based
on medical necessity related to a serious health con-
dition connected to the birth of a son or daughter,
the employing element shall handle the scheduling
consistent with the treatment of employees who are
using leave under subparagraph (C) or (D) of sec-
tion 6382(a)(1) of title 5, United States Code.

“(c) RULES RELATING TO PAID LEAVE.—Notwith-
standing any other provision of law—
“(1) an employee may not be required to first use all or any portion of any unpaid leave available to the employee before being allowed to use the paid parental leave described in subsection (a); and

“(2) paid parental leave under subsection (a)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing element;

“(B) may not be considered to be annual or vacation leave for purposes of section 5551 or 5552 of title 5, United States Code, or for any other purpose;

“(C) if not used by the employee before the end of the 12-month period described in subsection (a) to which the leave relates, may not be available for any subsequent use and may not be converted into a cash payment;

“(D) may be granted only to the extent that the employee does not receive a total of more than 12 weeks of paid parental leave in any 12-month period beginning on the date of a birth or placement;

“(E) may not be granted—

“(i) in excess of a lifetime aggregate total of 30 administrative workweeks based
on placements of a foster child for any individual employee; or

“(ii) in connection with temporary foster care placements expected to last less than 1 year;

“(F) may not be granted for a child being placed for foster care or adoption if such leave was previously granted to the same employee when the same child was placed with the employee for foster care in the past;

“(G) shall be used in increments of hours (or fractions thereof), with 12 administrative workweeks equal to 480 hours for employees with a regular full-time work schedule and converted to a proportional number of hours for employees with part-time, seasonal, or uncommon tours of duty; and

“(H) may not be used during off-season (nonpay status) periods for employees with seasonal work schedules.

“(d) Implementation Plan.—Not later than 1 year after the date of enactment of this section, the Director of National Intelligence shall provide the congressional intelligence committees with an implementation plan that includes—
“(1) processes and procedures for implementing the paid parental leave policies under subsections (a) through (c);

“(2) an explanation of how the implementation of subsections (a) through (c) will be reconciled with policies of other elements of the Federal Government, including the impact on elements funded by the National Intelligence Program that are housed within agencies outside the intelligence community;

“(3) the projected impact of the implementation of subsections (a) through (c) on the workforce of the intelligence community, including take rates, retention, recruiting, and morale, broken down by each element of the intelligence community; and

“(4) all costs or operational expenses associated with the implementation of subsections (a) through (c).

“(e) DIRECTIVE.—Not later than 90 days after the Director of National Intelligence submits the implementation plan under subsection (d), the Director of National Intelligence shall issue a written directive to implement this section, which directive shall take effect on the date of issuance.
“(f) Annual Report.—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report that—

“(1) details the number of employees of each element of the intelligence community who applied for and took paid parental leave under subsection (a) during the year covered by the report; and

“(2) includes updates on major implementation challenges or costs associated with paid parental leave.

“(g) Definition of Son or Daughter.—For purposes of this section, the term ‘son or daughter’ has the meaning given the term in section 6381 of title 5, United States Code.”.

(2) Clerical Amendment.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 304 the following:

“Sec. 305. Paid parental leave.”.

(c) Applicability.—Section 305 of the National Security Act of 1947, as added by subsection (b), shall apply with respect to leave taken in connection with the birth or placement of a son or daughter that occurs on or after the date on which the Director of National Intelligence
issues the written directive under subsection (e) of such section 305.

Subtitle B—Office of the Director of National Intelligence

SEC. 9311. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES.

(a) EXCLUSIVITY OF PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

“(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.”.

(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

“(d) PUBLICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall—

“(A) publish in the Federal Register the procedures established pursuant to subsection (a); or
(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as described in subsection (a)—

“(i) are published in the Federal Register; and

“(ii) comply with the requirements of subsection (a).

“(2) Updates.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.”.

(c) Consistency.—

(1) In general.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

“SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.

“(a) Definitions.—In this section:

“(1) Agency.—The term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.
“(2) Classified information.—The term ‘classified information’ includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

“(3) Eligibility for access to classified information.—The term ‘eligibility for access to classified information’ has the meaning given such term in the procedures established pursuant to section 801(a).

“(b) In general.—Each head of an agency that makes a determination regarding eligibility for access to classified information shall ensure that in making the determination, the head of the agency or any person acting on behalf of the agency—

“(1) does not violate any right or protection enshrined in the Constitution of the United States, including rights articulated in the First, Fifth, and Fourteenth Amendments;

“(2) does not discriminate for or against an individual on the basis of race, color, religion, sex, national origin, age, or handicap;

“(3) is not carrying out—

“(A) retaliation for political activities or beliefs; or
“(B) a coercion or reprisal described in section 2302(b)(3) of title 5, United States Code; and “

“(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).”.

(2) Clerical Amendment.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

“Sec. 801A. Decisions relating to access to classified information.”.

SEC. 9312. LIMITATION ON TRANSFER OF NATIONAL INTELLIGENCE UNIVERSITY.

(a) LIMITATION.—Neither the Secretary of Defense nor the Director of National Intelligence may commence any activity to transfer the National Intelligence University out of the Defense Intelligence Agency until the Secretary and the Director jointly certify each of the following:

(1) The National Intelligence University has positively adjudicated its warning from the Middle States Commission on Higher Education and had its regional accreditation fully restored.

(2) The National Intelligence University will serve as the exclusive means by which advanced in-
intelligence education is provided to personnel of the Department of Defense.

(3) Military personnel will receive joint professional military education from a National Intelligence University location at a non-Department of Defense agency.

(4) The Department of Education will allow the Office of the Director of National Intelligence to grant advanced educational degrees.

(5) A governance model jointly led by the Director and the Secretary of Defense is in place for the National Intelligence University.

(b) COST ESTIMATES.—

(1) Definition of appropriate committees of Congress.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate; and

(C) the Committee on Armed Services of the House of Representatives.

(2) In general.—Before commencing any activity to transfer the National Intelligence University out of the Defense Intelligence Agency, the Sec-
retary of Defense and the Director of National Intel-
ligence shall jointly submit to the appropriate com-
mittees of Congress an estimate of the direct and in-
direct costs of operating the National Intelligence
University and the costs of transferring the National
Intelligence University to another agency.

(3) CONTENTS.—The estimate submitted under
paragraph (2) shall include all indirect costs, includ-
ing with respect to human resources, security, facili-
ties, and information technology.

SEC. 9313. IMPROVING VISIBILITY INTO THE SECURITY
CLEARANCE PROCESS.

(a) DEFINITION OF SECURITY EXECUTIVE AGENT.—
In this section, the term “Security Executive Agent”
means the officer serving as the Security Executive Agent
pursuant to section 803 of the National Security Act of
1947, as added by section 10605 of division G.

(b) POLICY REQUIRED.—Not later than 90 days after
the date of the enactment of this Act, the Security Execu-
tive Agent shall issue a policy that requires the head of
each Federal agency to create, not later than December
31, 2023, an electronic portal that can be used by human
resources personnel and applicants for security clearances
to view information about the status of an application for
a security clearance and the average time required for each phase of the security clearance process.

SEC. 9314. MAKING CERTAIN POLICIES AND EXECUTION PLANS RELATING TO PERSONNEL CLEARANCES AVAILABLE TO INDUSTRY PARTNERS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE INDUSTRY PARTNER.—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program), as in effect on the day before the date of the enactment of this Act) that is participating in the National Industrial Security Program established by such Executive Order.

(2) SECURITY EXECUTIVE AGENT.—The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 10605 of division G.

(b) SHARING OF POLICIES AND PLANS REQUIRED.—Each head of a Federal agency shall share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of national se-
security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 12829 (50 U.S.C. 3161 note; relating to the National Industrial Security Program).

(c) Development of Policies and Procedures Required.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Director of the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (b) that directly affect those industry partners.

Subtitle C—Inspector General of the Intelligence Community

Sec. 9321. Definitions.

In this subtitle:

(1) Whistleblower.—The term “whistleblower” means a person who makes a whistleblower disclosure.

(2) Whistleblower Disclosure.—The term “whistleblower disclosure” means a disclosure that is protected under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or section
SEC. 9322. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

(a) Authority to Convene External Review Panels.—

(1) In general.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

"SEC. 1105. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

"(a) Request for Review.—An individual with a claim described in subsection (b) may submit to the Inspector General of the Intelligence Community a request for a review of such claim by an external review panel convened under subsection (c).

"(b) Claims and Individuals Described.—A claim described in this subsection is any—

"(1) claim by an individual—

"(A) that the individual has been subjected to a personnel action that is prohibited under section 1104; and
“(B) who has exhausted the applicable re-
view process for the claim pursuant to enforce-
ment of such section; or
“(2) claim by an individual—
“(A) that he or she has been subjected to
a reprisal prohibited by paragraph (1) of sec-
tion 3001(j) of the Intelligence Reform and
Terrorism Prevention Act of 2004 (50 U.S.C.
3341(j)); and
“(B) who received a decision on an appeal
regarding that claim under paragraph (4) of
such section.
“(c) EXTERNAL REVIEW PANEL CONVENED.—
“(1) DISCRETION TO CONVENE.—Upon receipt
of a request under subsection (a) regarding a claim,
the Inspector General of the Intelligence Community
may, at the discretion of the Inspector General, con-
vene an external review panel under this subsection
to review the claim.
“(2) MEMBERSHIP.—
“(A) COMPOSITION.—An external review
panel convened under this subsection shall be
composed of three members as follows:
“(i) The Inspector General of the In-
telligence Community.
“(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

“(I) The Department of Defense.

“(II) The Department of Energy.


“(IV) The Department of Justice.

“(V) The Department of State.

“(VI) The Department of the Treasury.

“(VII) The Central Intelligence Agency.

“(VIII) The Defense Intelligence Agency.

“(IX) The National Geospatial-Intelligence Agency.

“(X) The National Reconnaissance Office.

“(B) Limitation.—An inspector general of an agency may not be selected to sit on the panel under subparagraph (A)(ii) to review any matter relating to a decision made by such agency.

“(C) Chairperson.—

“(i) In general.—Except as provided in clause (ii), the chairperson of any panel convened under this subsection shall be the Inspector General of the Intelligence Community.

“(ii) Conflicts of interest.—If the Inspector General of the Intelligence Community finds cause to recuse himself or herself from a panel convened under this subsection, the Inspector General of the Intelligence Community shall—

“(I) select a chairperson from inspectors general of the elements listed under subparagraph (A)(ii) whom the Inspector General of the Intelligence Community considers appropriate; and
“(II) notify the congressional intelligence committees of such selection.

“(3) Period of Review.—Each external review panel convened under this subsection to review a claim shall complete review of the claim no later than 270 days after the date on which the Inspector General convenes the external review panel.

“(d) Remedies.—

“(1) Panel Recommendations.—If an external review panel convened under subsection (c) determines, pursuant to a review of a claim submitted by an individual under subsection (a), that the individual was the subject of a personnel action prohibited under section 1104 or was subjected to a reprisal prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), the panel may recommend that the agency head take corrective action—

“(A) in the case of an employee or former employee—

“(i) to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or
former employee would have held had the reprisal not occurred; or

“(ii) reconsider the employee’s or former employee’s eligibility for access to classified information consistent with national security; or

“(B) in any other case, such other action as the external review panel considers appropriate.

“(2) AGENCY ACTION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the head of an agency receives a recommendation from an external review panel under paragraph (1), the head shall—

“(i) give full consideration to such recommendation; and

“(ii) inform the panel and the Director of National Intelligence of what action the head has taken with respect to the recommendation.

“(B) FAILURE TO INFORM.—The Director shall notify the President of any failures to comply with subparagraph (A)(ii).

“(e) ANNUAL REPORTS.—

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“(1) IN GENERAL.—Not less frequently than once each year, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees and the Director of National Intelligence a report on the activities under this section during the previous year.

“(2) CONTENTS.—Subject to such limitations as the Inspector General of the Intelligence Community considers necessary to protect the privacy of an individual who has made a claim described in subsection (b), each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

“(A) The determinations and recommendations made by the external review panels convened under this section.

“(B) The responses of the heads of agencies that received recommendations from the external review panels.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by adding at the end the following new item:

“Sec. 1105. Inspector General external review panel.”.
(b) RECOMMENDATION ON ADDRESSING WHISTLEBLOWER APPEALS RELATING TO REPRISAL COMPLAINTS AGAINST INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a recommendation on how to ensure that—

(A) a whistleblower in the intelligence community who has a complaint against an inspector general in the intelligence community and who alleges a reprisal, has available the agency adjudication and appellate review provided under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234); and

(B) any such whistleblower who has exhausted the applicable review process may request an external review panel and receive one, at the discretion of the Inspector General of the Intelligence Community.

(2) CONTENTS.—The recommendation submitted pursuant to paragraph (1) shall include the following:

(A) A discussion of whether and to what degree section 1105 of the National Security
Act of 1947, as added by subsection (a)(1), provides appropriate authorities and mechanisms to provide an external review panel as described in paragraph (1) of this subsection and for the purposes described in such paragraph.

(B) Such recommendations for legislative or administrative action as the Inspector General may have with respect to providing an external review panel as described in paragraph (1) and for the purposes described in such paragraph.

SEC. 9323. HARMONIZATION OF WHISTLEBLOWER PROCESSES AND PROCEDURES.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Intelligence Community Inspectors General Forum, shall develop recommendations, applicable to all inspectors general of elements of the intelligence community, regarding the harmonization of instructions, policies, and directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 1104 of the National Security Act of 1947 or reprisals prohibited by section 3001(j)(1)
of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).

(b) TRANSPARENCY AND PROTECTION.—In developing recommendations under subsection (a), the Inspector General of the Intelligence Community shall make efforts to maximize transparency and protect whistleblowers.

SEC. 9324. INTELLIGENCE COMMUNITY OVERSIGHT OF AGENCY WHISTLEBLOWER ACTIONS.

(a) Feasibility Study.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall complete a feasibility study on establishing a hotline whereby all complaints of whistleblowers relating to the intelligence community are automatically referred to the Inspector General of the Intelligence Community.

(2) ELEMENTS.—The feasibility study conducted pursuant to paragraph (1) shall include the following:

(A) The anticipated number of annual whistleblower complaints received by all elements of the intelligence community.
(B) The additional resources required to implement the hotline, including personnel and technology.

(C) The resulting budgetary effects.

(D) Findings from the system established pursuant to subsection (b).

(b) OVERSIGHT SYSTEM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall establish a system whereby the Inspector General is provided, in near real time, the following:

(1) All information relating to complaints by whistleblowers relating to the programs and activities under the jurisdiction of the Director of National Intelligence.

(2) Any inspector general actions relating to such complaints.

(c) PRIVACY PROTECTIONS.—

(1) POLICIES AND PROCEDURES REQUIRED.—Before establishing the system required by subsection (b), the Inspector General of the Intelligence Community shall establish policies and procedures to protect the privacy of whistleblowers and protect against further dissemination of whistleblower information without consent of the whistleblower.
(2) Control of distribution.—The system established under subsection (b) shall provide whistleblowers the option of prohibiting distribution of their complaints to the Inspector General of the Intelligence Community.

Sec. 9325. Report on Cleared Whistleblower Attorneys.

(a) Report required.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on access to cleared attorneys by whistleblowers in the intelligence community.

(b) Contents.—The report submitted pursuant to subsection (a) shall include the following:

(1) The number of whistleblowers in the intelligence community who sought to retain a cleared attorney and at what stage they sought such an attorney.

(2) For the 3-year period preceding the report, the following:

(A) The number of limited security agreements (LSAs).

(B) The scope and clearance levels of such limited security agreements.
(C) The number of whistleblowers represented by cleared counsel.

(3) Recommendations for legislative or administrative action to ensure that whistleblowers in the intelligence community have access to cleared attorneys, including improvements to the limited security agreement process and such other options as the Inspector General of the Intelligence Community considers appropriate.

(c) SURVEY.—The Inspector General of the Intelligence Community shall ensure that the report submitted under subsection (a) is based on—

(1) data from a survey of whistleblowers whose claims are reported to the Inspector General of the Intelligence Community by means of the oversight system established pursuant to section 9324;

(2) information obtained from the inspectors general of the intelligence community; or

(3) information from such other sources as may be identified by the Inspector General of the Intelligence Community.
TITLE XCIV—REPORTS AND OTHER MATTERS

SEC. 9401. STUDY ON FOREIGN EMPLOYMENT OF FORMER PERSONNEL OF INTELLIGENCE COMMUNITY.

(a) Study.—The Director of National Intelligence, in coordination with the Secretary of Defense and the Secretary of State, shall conduct a study of matters relating to the foreign employment of former personnel of the intelligence community.

(b) Elements.—The study conducted pursuant to subsection (a) shall address the following:

(1) Issues that pertain to former employees of the intelligence community working with, or in support of, foreign governments, and the nature and scope of those concerns.

(2) Such legislative or administrative action as may be necessary for both front-end screening and in-progress oversight by the Director of Defense Trade Controls of licenses issued by the Director for former employees of the intelligence community working for foreign governments.

(3) How increased requirements could be imposed for periodic compliance reporting when licenses are granted for companies or organizations that employ former personnel of the intelligence community.
community to execute contracts with foreign governments.

(c) Report and Plan.—

(1) Definition of Appropriate Committees of Congress.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) In General.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

(A) a report on the findings of the Director with respect to the study conducted pursuant to subsection (a); and

(B) a plan to carry out such administrative actions as the Director considers appropriate pursuant to the findings described in subparagraph (A).
SEC. 9402. COMPREHENSIVE ECONOMIC ASSESSMENT OF INVESTMENT IN KEY UNITED STATES TECHNOLOGIES BY COMPANIES OR ORGANIZATIONS LINKED TO CHINA.

(a) Assessment Required.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of the Treasury, and the heads of such other Federal agencies as the Director of National Intelligence considers appropriate, shall submit to the congressional intelligence committees a comprehensive economic assessment of investment in key United States technologies, including emerging technologies, by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) Form of Assessment.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 9403. ANALYSIS OF AND PERIODIC BRIEFINGS ON MAJOR INITIATIVES OF INTELLIGENCE COMMUNITY IN ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.

(a) Analysis.—
(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate—

(A) complete a comprehensive analysis of the major initiatives of the intelligence community in artificial intelligence and machine learning; and

(B) submit to the congressional intelligence committees a report on the findings of the Director with respect to the analysis conducted pursuant to subparagraph (A).

(2) **ELEMENTS.**—The analysis conducted under paragraph (1)(A) shall include analyses of how the initiatives described in such paragraph—

(A) correspond with the strategy of the intelligence community entitled “Augmenting Intelligence Using Machines”;

(B) complement each other and avoid unnecessary duplication;

(C) are coordinated with the efforts of the Defense Department on artificial intelligence, including efforts at the Joint Artificial Intelligence Center (JAIC) and Project Maven; and
(D) leverage advances in artificial intelligence and machine learning in the private sector.

(b) PERIODIC BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, not less frequently than twice each year thereafter until the date that is 2 years after the date of the enactment of this Act, and not less frequently than once each year thereafter until the date that is 7 years after the date of the enactment of this Act, the Director and the Chief Information Officer of the Department of Defense shall jointly provide to the congressional intelligence committees and congressional defense committees (as defined in section 101 of title 10, United States Code) briefings with updates on activities relating to, and the progress of, their respective artificial intelligence and machine learning initiatives, particularly the Augmenting Intelligence Using Machines initiative and the Joint Artificial Intelligence Center.

SEC. 9404. ENCOURAGING COOPERATIVE ACTIONS TO DETECT AND COUNTER FOREIGN INFLUENCE OPERATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Federation, through military intelligence units, also known as the “GRU,” and
Kremlin-linked troll organizations often referred to as the “Internet Research Agency”, deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a threat to the national security of the United States and that of the allies and partners of the United States. As Director of National Intelligence Dan Coats stated, “These actions are persistent, they are pervasive and they are meant to undermine America’s democracy.”.

(4) These information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors will increasingly adopt similar tactics of deploying information warfare operations against the West.
(6) Technological advances, including artificial intelligence, will only make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media platforms.

(7) Because these information warfare operations are deployed within and across private social media platforms, the companies that own these platforms have a responsibility to detect and remove foreign adversary networks operating clandestinely on their platforms.

(8) The social media companies are inherently technologically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(9) Independent analyses confirmed Kremlin-linked threat networks, based on data provided by several social media companies to the Select Committee on Intelligence of the Senate, thereby demonstrating that it is possible to discern both broad patterns of cross-platform information warfare oper-
ations and specific fraudulent behavior on social media platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasized the importance of these independent analyses to the planning and conduct of military cyber operations to frustrate Kremlin-linked information warfare operations against the 2018 mid-term elections. General Nakasone stated that the reports “were very, very helpful in terms of being able to understand exactly what our adversary was trying to do to build dissent within our nation.”

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will help counter ongoing information warfare operations against the United States, its allies, and its partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United
States and will build public understanding of the scale and scope of these foreign threats to our democracy, since exposure is one of the most effective means to build resilience.

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

(1) the social media companies should cooperate among themselves and with independent organizations and researchers on a sustained and regular basis to share and analyze data and indicators relevant to foreign information warfare operations within and across their platforms in order to detect and counter foreign information warfare operations that threaten the national security of the United States and its allies and partners;

(2) these analytic efforts should be organized in such a fashion as to meet the highest standards of ethics, confidentiality, and privacy protection of the people of the United States;

(3) these analytic efforts should be undertaken as soon as possible to facilitate countering ongoing Kremlin, Kremlin-linked, and other foreign information warfare operations and to aid in preparations for the United States presidential and congressional elections in 2020 and beyond;
(4) the structure and operations of social media companies make them well positioned to address foreign adversary threat networks within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation; and

(5) if the social media industry fails to take sufficient action to address foreign adversary threat networks operating within or across their platforms, Congress would have to consider additional safeguards for ensuring that this threat is effectively mitigated.

(c) Authority to Facilitate Establishment of Social Media Data Analysis Center.—

(1) Authority.—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) Functions.—The functions described in this paragraph are the following:

(A) Acting as a convening and sponsoring authority for cooperative social media data
analysis of foreign threat networks involving social media companies and third-party experts, nongovernmental organizations, data journalists, federally funded research and development centers, and academic researchers.

(B) Facilitating analysis within and across the individual social media platforms for the purpose of detecting, exposing, and countering clandestine foreign influence operations and related unlawful activities that fund or subsidize such operations.

(C) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat analysis, and working with the Office of the Director of National Intelligence as appropriate.

(D) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities of the Center, and inviting entities that fit the criteria to join.

(E) Determining jointly with the social media companies what data and metadata related to indicators of foreign adversary threat
networks from their platforms and business operations will be made available for access and analysis.

(F) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

(G) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(H) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(I) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national se-
security from, or violations of the law involving, foreign activities on social media platforms.

(J) Developing a searchable, public archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats and facilitate future examination consistent with privacy protections.

(d) REPORTING AND NOTIFICATIONS.—If the Director of National Intelligence chooses to use funds under subsection (c)(1) to facilitate the establishment of the Center, the Director of the Center shall—

(1) not later than March 1, 2020, submit to Congress a report on—

(A) the estimated funding needs of the Center for fiscal year 2021 and for subsequent years;

(B) such statutory protections from liability as the Director considers necessary for the Center, participating social media companies, and participating third-party analytical participants;

(C) such statutory penalties as the Director considers necessary to ensure against misuse of data by researchers; and
(D) such changes to the Center’s mission to fully capture broader unlawful activities that intersect with, complement, or support information warfare tactics; and

(2) not less frequently than once each year, submit to the Director of National Intelligence, the Secretary of Defense, and the appropriate congressional committees a report—

(A) that assesses—

(i) degree of cooperation and commitment from the social media companies to the mission of the Center; and

(ii) effectiveness of the Center in detecting and removing clandestine foreign information warfare operations from social media platforms; and

(B) includes such recommendations for legislative or administrative action as the Center considers appropriate to carry out the functions of the Center.

(e) PERIODIC REPORTING TO THE PUBLIC.—The Director of the Center shall—

(1) once each quarter, make available to the public a report on key trends in foreign influence and disinformation operations, including any threats
to campaigns and elections, to inform the public of the United States; and

(2) as the Director considers necessary, provide more timely assessments relating to ongoing disinformation campaigns.

(f) FUNDING.—Of the amounts appropriated or otherwise made available to the National Intelligence Program (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in fiscal year 2020 and 2021, the Director of National Intelligence may use up to $30,000,000 to carry out this section.

(g) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on the Judiciary of the Senate;

(5) the Select Committee on Intelligence of the Senate;
(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Homeland Security of the House of Representatives;

(8) the Committee on Foreign Affairs of the House of Representatives;

(9) the Committee on the Judiciary of the House of Representatives; and

(10) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 9405. OVERSIGHT OF FOREIGN INFLUENCE IN ACADEMIA.

(a) DEFINITIONS.—In this section:

(1) COVERED INSTITUTION OF HIGHER EDUCATION.—The term “covered institution of higher education” means an institution described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.

(2) SENSITIVE RESEARCH SUBJECT.—The term “sensitive research subject” means a subject of research that is carried out at a covered institution of higher education that receives funds that were appropriated for—

(A) the National Intelligence Program; or
(B) any Federal agency the Director of
National Intelligence deems appropriate.

(b) REPORT REQUIRED.—Not later than 180 days
after the date of the enactment of this Act and not less
frequently than once each year thereafter, the Director of
National Intelligence, in consultation with such elements
of the intelligence community as the Director considers
appropriate and consistent with the privacy protections af-
forded to United States persons, shall submit to congres-
sional intelligence committees a report on risks to sensitive
research subjects posed by foreign entities in order to pro-
vide Congress and covered institutions of higher education
with more complete information on these risks and to help
ensure academic freedom.

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

(1) A list of sensitive research subjects that
could affect national security.

(2) A list of foreign entities, including govern-
ments, corporations, nonprofit organizations and for-
profit organizations, and any subsidiary or affiliate
of such an entity, that the Director determines pose
a counterintelligence, espionage (including economic
espionage), or other national security threats with
respect to sensitive research subjects.
(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) CONGRESSIONAL NOTIFICATIONS REQUIRED.—Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

SEC. 9406. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON FIFTH-GENERATION WIRELESS NETWORK TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—
(1) the threat to United States national security posed by the global and regional adoption of fifth-generation (5G) wireless network technology built by foreign companies; and

(2) the effect of possible efforts to mitigate the threat.

(b) CONTENTS.—The report required by subsection (a) shall include:

(1) The timeline and scale of global and regional adoption of foreign fifth-generation wireless network technology.

(2) The implications of such global and regional adoption on the cyber and espionage threat to the United States and United States interests as well as to United States cyber and collection capabilities.

(3) The effect of possible mitigation efforts, including:

(A) United States Government policy promoting the use of strong, end-to-end encryption for data transmitted over fifth-generation wireless networks.

(B) United States Government policy promoting or funding free, open-source implementation of fifth-generation wireless network technology.
(C) United States Government subsidies or incentives that could be used to promote the adoption of secure fifth-generation wireless network technology developed by companies of the United States or companies of allies of the United States.

(D) United States Government strategy to reduce foreign influence and political pressure in international standard-setting bodies.

(c) Form.—The report submitted under subsection (a) shall be submitted in unclassified form to the greatest extent practicable, but may include a classified appendix if necessary.

SEC. 9407. ANNUAL REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON CYBERSECURITY AND SURVEILLANCE THREATS TO CONGRESS.

(a) Annual Report Required.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Comptroller General of the United States shall submit to the congressional intelligence committees a report on cybersecurity and surveillance threats to Congress.

(b) Statistics.—Each report submitted under subsection (a) shall include statistics on cyber attacks and other incidents of espionage or surveillance targeted
against Senators or the immediate families or staff of the Senators, in which the nonpublic communications and other private information of such targeted individuals were lost, stolen, or otherwise subject to unauthorized access by criminals or a foreign government.

(c) Consultation.—In preparing a report to be submitted under subsection (a), the Comptroller General shall consult with the Director of National Intelligence, the Secretary of Homeland Security, and the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 9408. DIRECTOR OF NATIONAL INTELLIGENCE ASSESSMENT OF FOREIGN INTERFERENCE IN ELECTIONS.

(a) Assessments Required.—Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of such other executive departments and agencies as the Director considers appropriate, shall—

(1) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election; and

(2) transmit the findings of the Director with respect to the assessment conducted under para-
(A) The President.
(B) The Secretary of State.
(C) The Secretary of the Treasury.
(D) The Secretary of Defense.
(E) The Attorney General.
(F) The Secretary of Homeland Security.
(G) Congress.

(b) ELEMENTS.—An assessment conducted under subsection (a)(1), with respect to an act described in such subsection, shall identify, to the maximum extent ascertainable, the following:

(1) The nature of any foreign interference and any methods employed to execute the act.
(2) The persons involved.
(3) The foreign government or governments that authorized, directed, sponsored, or supported the act.

(c) PUBLICATION.—In a case in which the Director conducts an assessment under subsection (a)(1) with respect to an election, the Director shall, as soon as practicable after the date of the conclusion of such election and not later than 60 days after the date of such conclu-
sion, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under subsection (a)(2).

SEC. 9409. STUDY ON FEASIBILITY AND ADVISABILITY OF ESTABLISHING GEOSPATIAL-INTELLIGENCE MUSEUM AND LEARNING CENTER.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall complete a study on the feasibility and advisability of establishing a Geospatial-Intelligence Museum and learning center.

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

(1) Identifying the costs, opportunities, and challenges of establishing the museum and learning center as described in such subsection.

(2) Developing recommendations concerning such establishment.

(3) Identifying and reviewing lessons learned from the establishment of the Cyber Center for Education and Innovation-Home of the National Cryptologic Museum under section 7781(a) of title 10, United States Code.
(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on the findings of the Director with respect to the study completed under subsection (a).

SEC. 9410. REPORT ON DEATH OF JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the death of Jamal Khashoggi, consistent with protecting sources and methods. Such report shall include identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi.

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

DIVISION G—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

SEC. 10001. SHORT TITLE.

This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”.

†S 1790 ES18
SEC. 10002. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

TITLE CI—INTELLIGENCE ACTIVITIES

SEC. 10101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2019.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.


(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


(b) Fiscal Year 2018.—Funds that were appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the elements of the United States set forth in subsection (a) are hereby authorized.

SEC. 10102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts.—The amounts authorized to be appropriated under section 10101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 10101, are those
specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) Availability of Classified Schedule of Authorizations.—

(1) Availability.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) Distribution by the President.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) Limits on disclosure.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.
SEC. 10103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2019 the sum of $522,424,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2019 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 10102(a).

TITLE CII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 10201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2019.

SEC. 10202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) COMPUTATION OF ANNUITIES.—
(1) In general.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2031) is amended—

(A) in subsection (a)(3)(B), by striking the period at the end and inserting “, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.”;

(B) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(C) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (g)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (j), (k), and (l) as subsections (i), (j), (k), (l), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(h) Conditional Election of Insurable Interest Survivor Annuity by Participants Married at the Time of Retirement.—

“(1) Authority to Make Designation.—

Subject to the rights of former spouses under sub-
section (b) and section 222, at the time of retire-
ment a married participant found by the Director to
be in good health may elect to receive an annuity re-
duced in accordance with subsection (f)(1)(B) and
designate in writing an individual having an insur-
able interest in the participant to receive an annuity
under the system after the participant’s death, ex-
cept that any such election to provide an insurable
interest survivor annuity to the participant’s spouse
shall only be effective if the participant’s spouse
waives the spousal right to a survivor annuity under
this Act. The amount of the annuity shall be equal
to 55 percent of the participant’s reduced annuity.

“(2) REDUCTION IN PARTICIPANT’S ANNUITY.—
The annuity payable to the participant making such
election shall be reduced by 10 percent of an annuity
computed under subsection (a) and by an additional
5 percent for each full 5 years the designated indi-
vidual is younger than the participant. The total re-
duction under this subparagraph may not exceed 40
percent.

“(3) COMMENCEMENT OF SURVIVOR ANNU-
ITY.—The annuity payable to the designated indi-
vidual shall begin on the day after the retired partic-
ipant dies and terminate on the last day of the 
month before the designated individual dies.

“(4) Recomputation of participant’s an-
nuity on death of designated individual.—An 
annuity that is reduced under this subsection shall, 
effective the first day of the month following the 
death of the designated individual, be recomputed 
and paid as if the annuity had not been so re-
duced.”.

(2) Conforming amendments.—

(A) Central Intelligence Agency re-
tirement act.—The Central Intelligence 
Agency Retirement Act (50 U.S.C. 2001 et 
seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 
2052(b)(1)), by striking “221(h),” and in-
serting “221(i),”; and

(ii) in section 252(h)(4) (50 U.S.C. 
2082(h)(4)), by striking “221(k)” and in-
serting “221(l)”.

(B) Central Intelligence Agency act 
of 1949.—Subsection (a) of section 14 of the 
Central Intelligence Agency Act of 1949 (50 
U.S.C. 3514(a)) is amended by striking
“221(h)(2), 221(i), 221(l),” and inserting
“221(i)(2), 221(j), 221(m),”.

(b) Annuities for Former Spouses.—Subparagraph (B) of section 222(b)(5) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(5)(B)) is amended by striking “one year” and inserting “two years”.

(c) Prior Service Credit.—Subparagraph (A) of section 252(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(b)(3)(A)) is amended by striking “October 1, 1990” both places that term appears and inserting “March 31, 1991”.

(d) Reemployment Compensation.—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2113) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) Part-Time Reemployed Annuitants.—The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(l) of title 5, United States Code.”.

(e) Effective Date and Application.—The amendments made by subsection (a)(1)(A) and subsection...
(c) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

TITLE CIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 10301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 10302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.
SEC. 10303. MODIFICATION OF SPECIAL PAY AUTHORITY

FOR SCIENCE, TECHNOLOGY, ENGINEERING,

OR MATHEMATICS POSITIONS AND ADDITION

OF SPECIAL PAY AUTHORITY FOR CYBER PO-

SITIONS.

Section 113B of the National Security Act of 1947
(50 U.S.C. 3049a) is amended—

(1) by amending subsection (a) to read as fol-

lows:

“(a) SPECIAL RATES OF PAY FOR POSITIONS RE-

QUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGI-

NEERING, OR MATHEMATICS.—

“(1) IN GENERAL.—Notwithstanding part III
of title 5, United States Code, the head of each ele-
ment of the intelligence community may, for 1 or
more categories of positions in such element that re-
quire expertise in science, technology, engineering,
or mathematics—

“(A) establish higher minimum rates of
pay; and

“(B) make corresponding increases in all
rates of pay of the pay range for each grade or
level, subject to subsection (b) or (c), as appli-
cable.

“(2) TREATMENT.—The special rate supple-
ments resulting from the establishment of higher
rates under paragraph (1) shall be basic pay for the
same or similar purposes as those specified in sec-
tion 5305(j) of title 5, United States Code.’’;
(2) by redesignating subsections (b) through (f)
as subsections (e) through (g), respectively;
(3) by inserting after subsection (a) the fol-
lowing:
“(b) Special Rates of Pay for Cyber Posi-
tions.—
“(1) In General.—Notwithstanding subsection
(c), the Director of the National Security Agency
may establish a special rate of pay—
“(A) not to exceed the rate of basic pay
payable for level II of the Executive Schedule
under section 5313 of title 5, United States
Code, if the Director certifies to the Under Sec-
retary of Defense for Intelligence, in consulta-
tion with the Under Secretary of Defense for
Personnel and Readiness, that the rate of pay
is for positions that perform functions that exe-
cute the cyber mission of the Agency; or
“(B) not to exceed the rate of basic pay
payable for the Vice President of the United
States under section 104 of title 3, United
States Code, if the Director certifies to the Sec-
Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

“(2) Pay limitation.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code, excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) shall also be counted as part of aggregate compensation; and

“(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

“(3) Limitation on number of recipients.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.
“(4) LIMITATION ON USE AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147).”;

(4) in subsection (e), as redesignated by paragraph (2), by striking “A minimum” and inserting “Except as provided in subsection (b), a minimum”;

(5) in subsection (d), as redesignated by paragraph (2), by inserting “or (b)” after “by subsection (a)”;

(6) in subsection (g), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017” and inserting “Not later than 90 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”; and
(B) in paragraph (2)(A), by inserting “or (b)” after “subsection (a)”.

SEC. 10304. MODIFICATION OF APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by striking “President” and inserting “Director”.

SEC. 10305. DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF PLACEMENT OF POSITIONS WITHIN THE INTELLIGENCE COMMUNITY ON THE EXECUTIVE SCHEDULE.

(a) Review.—The Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall conduct a review of positions within the intelligence community regarding the placement of such positions on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. In carrying out such review, the Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall determine—

(1) the standards under which such review will be conducted;

(2) which positions should or should not be on the Executive Schedule; and
(3) for those positions that should be on the Executive Schedule, the level of the Executive Schedule at which such positions should be placed.

(b) REPORT.—Not later than 60 days after the date on which the review under subsection (a) is completed, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives an unredacted report describing the standards by which the review was conducted and the outcome of the review.

SEC. 10306. SUPPLY CHAIN AND COUNTERINTELLIGENCE RISK MANAGEMENT TASK FORCE.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.
(b) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) MEMBERS.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

   (1) a representative of the Defense Security Service of the Department of Defense;

   (2) a representative of the General Services Administration;

   (3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;

   (4) a representative of the Department of Homeland Security;

   (5) a representative of the Federal Bureau of Investigation;

   (6) the Director of the National Counterintelligence and Security Center; and

   (7) any other members the Director of National Intelligence determines appropriate.
(d) Security Clearances.—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) Annual Report.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

SEC. 10307. CONSIDERATION OF ADVERSARIAL TELECOMMUNICATIONS AND CYBERSECURITY INFRASTRUCTURE WHEN SHARING INTELLIGENCE WITH FOREIGN GOVERNMENTS AND ENTITIES.

Whenever the head of an element of the intelligence community enters into an intelligence sharing agreement with a foreign government or any other foreign entity, the head of the element shall consider the pervasiveness of telecommunications and cybersecurity infrastructure, equipment, and services provided by adversaries of the United States, particularly China and Russia, or entities
of such adversaries in the country or region of the foreign
government or other foreign entity entering into the agree-
ment.

SEC. 10308. CYBER PROTECTION SUPPORT FOR THE PER-
SONNEL OF THE INTELLIGENCE COMMUNITY
IN POSITIONS HIGHLY VULNERABLE TO
CYBER ATTACK.

(a) DEFINITIONS.—In this section:

(1) PERSONAL ACCOUNTS.—The term “personal
accounts” means accounts for online and tele-
communications services, including telephone, resi-
dential Internet access, email, text and multimedia
messaging, cloud computing, social media, health
care, and financial services, used by personnel of the
intelligence community outside of the scope of their
employment with elements of the intelligence com-

(2) PERSONAL TECHNOLOGY DEVICES.—The
term “personal technology devices” means tech-
ology devices used by personnel of the intelligence
community outside of the scope of their employment
with elements of the intelligence community, includ-
ing networks to which such devices connect.

(b) AUTHORITY TO PROVIDE CYBER PROTECTION
SUPPORT.—
(1) **IN GENERAL.**—Subject to a determination by the Director of National Intelligence, the Director may provide cyber protection support for the personal technology devices and personal accounts of the personnel described in paragraph (2).

(2) **AT-RISK PERSONNEL.**—The personnel described in this paragraph are personnel of the intelligence community—

(A) who the Director determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the intelligence community; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(c) **NATURE OF CYBER PROTECTION SUPPORT.**—Subject to the availability of resources, the cyber protection support provided to personnel under subsection (b) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(d) **LIMITATION ON SUPPORT.**—Nothing in this section shall be construed—
(1) to encourage personnel of the intelligence community to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior intelligence community personnel using personal devices, networks, and personal accounts in an official capacity.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the provision of cyber protection support under subsection (b). The report shall include—

(1) a description of the methodology used to make the determination under subsection (b)(2); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (b).

SEC. 10309. MODIFICATION OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLY-CHAIN RISK.

(a) MODIFICATION OF EFFECTIVE DATE.—Subsection (f) of section 309 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 50 U.S.C. 3329 note) is amended by striking “the date that is 180 days after”.
(b) REPEAL OF SUNSET.—Such section is amended by striking subsection (g).

(c) REPORTS.—Such section, as amended by subsection (b), is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) ANNUAL REPORTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019 and not less frequently than once each calendar year thereafter, the Director of National Intelligence shall, in consultation with each head of a covered agency, submit to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), a report that details the determinations and notifications made under subsection (c) during the most recently completed calendar year.

“(2) INITIAL REPORT.—The first report submitted under paragraph (1) shall detail all the deter-
minations and notifications made under subsection (c) before the date of the submittal of the report.”.

SEC. 10310. LIMITATIONS ON DETERMINATIONS REGARDING CERTAIN SECURITY CLASSIFICATIONS.

(a) Prohibition.—An officer of an element of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision with respect to information related to such officer’s nomination.

(b) Classification Determinations.—

(1) In general.—Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or another officer who reports directly to such officer, a classification decision with respect to information relating to the officer shall be made by the Director of National Intelligence.

(2) Nominations of Director of National Intelligence.—In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.
(c) Reports.—Whenever the Director or the Principal Deputy Director makes a decision under subsection (b), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

SEC. 10311. JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) Meetings.—Section 101A(d) of the National Security Act of 1947 (50 U.S.C. 3022(d)) is amended—

(1) by striking “regular”; and

(2) by inserting “as the Director considers appropriate” after “Council”.

(b) Report on Function and Utility of the Joint Intelligence Community Council.—

(1) In general.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Executive Office of the President and members of the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and utility of the Joint Intelligence Community Council.

(2) Contents.—The report required by paragraph (1) shall include the following:
(A) The number of physical or virtual meetings held by the Council per year since the Council’s inception.

(B) A description of the effect and accomplishments of the Council.

(C) An explanation of the unique role of the Council relative to other entities, including with respect to the National Security Council and the Executive Committee of the intelligence community.

(D) Recommendations for the future role and operation of the Council.

(E) Such other matters relating to the function and utility of the Council as the Director considers appropriate.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 10312. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

(a) DEFINITIONS.—In this section:

(1) CORE SERVICE.—The term “core service” means a capability that is available to multiple elements of the intelligence community and required
for consistent operation of the intelligence community information technology environment.

(2) **INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.**—The term “intelligence community information technology environment” means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classification domains.

(b) **ROLES AND RESPONSIBILITIES.**—

(1) **DIRECTOR OF NATIONAL INTELLIGENCE.**—

The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of the intelligence community information technology environment, including each of the following:

(A) Ensuring compliance with all applicable environment rules and regulations of such environment.

(B) Ensuring measurable performance goals exist for such environment.

(C) Documenting standards and practices of such environment.

(D) Acting as an arbiter among elements of the intelligence community related to any
disagreements arising out of the implementation of such environment.

(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of such environment.

(2) Core Service Providers.—Providers of core services shall be responsible for—

(A) providing core services, in coordination with the Director of National Intelligence; and

(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) Use of Core Services.—

(A) In General.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.

(B) Exception.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a com-
pelling financial or mission need for such exception.

(e) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment to be responsible for—

(1) management, financial control, and integration of such environment;

(2) overseeing the performance of each core service, including establishing measurable service requirements and schedules;

(3) to the degree feasible, ensuring testing of each core service of such environment, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and

(4) coordinate transition or restructuring efforts of such environment, including phaseout of legacy systems.

(d) SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security
plan for the intelligence community information technology environment.

(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:

(1) A description of the minimum required and desired core service requirements, including—
   (A) key performance parameters; and
   (B) an assessment of current, measured performance.

(2) implementation milestones for the intelligence community information technology environment, including each of the following:

   (A) A schedule for expected deliveries of core service capabilities during each of the following phases:

   (i) Concept refinement and technology maturity demonstration.

   (ii) Development, integration, and demonstration.

   (iii) Production, deployment, and sustainment.
(iv) System retirement.

(B) Dependencies of such core service cap-
pabilities.

(C) Plans for the transition or restruc-
turing necessary to incorporate core service ca-
pabilities.

(D) A description of any legacy systems
and discontinued capabilities to be phased out.

(3) Such other matters as the Director deter-
mines appropriate.

(f) BUSINESS PLAN.—Not later than 180 days after
the date of the enactment of this Act, and during each
of the second and fourth fiscal quarters thereafter, the Di-
rector of National Intelligence shall submit to the congres-
sional intelligence committees a business plan that in-
cludes each of the following:

(1) A systematic approach to identify core serv-
ice funding requests for the intelligence community
information technology environment within the pro-
posed budget, including multiyear plans to imple-
ment the long-term roadmap required by subsection
(e).

(2) A uniform approach by which each element
of the intelligence community shall identify the cost
of legacy information technology or alternative capa-
bilities where services of the intelligence community
information technology environment will also be
available.

(3) A uniform effort by which each element of
the intelligence community shall identify transition
and restructuring costs for new, existing, and retir-
ing services of the intelligence community informa-
tion technology environment, as well as services of
such environment that have changed designations as
a core service.

(g) QUARTERLY PRESENTATIONS.—Beginning not
later than 180 days after the date of the enactment of
this Act, the Director of National Intelligence shall provide
to the congressional intelligence committees quarterly up-
dates regarding ongoing implementation of the intelligence
community information technology environment as com-
pared to the requirements in the most recently submitted
security plan required by subsection (d), long-term road-
map required by subsection (e), and business plan re-
quired by subsection (f).

(h) ADDITIONAL NOTIFICATIONS.—The Director of
National Intelligence shall provide timely notification to
the congressional intelligence committees regarding any
policy changes related to or affecting the intelligence com-
munity information technology environment, new initia-
atives or strategies related to or impacting such environ-
ment, and changes or deficiencies in the execution of the
security plan required by subsection (d), long-term road-
map required by subsection (e), and business plan re-
quired by subsection (f)

(i) SUNSET.—The section shall have no effect on or
after September 30, 2024.

SEC. 10313. REPORT ON DEVELOPMENT OF SECURE MO-
BILE VOICE SOLUTION FOR INTELLIGENCE
COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Director of National
Intelligence, in coordination with the Director of the Cen-
tral Intelligence Agency and the Director of the National
Security Agency, shall submit to the congressional intel-
ligence committees a classified report on the feasibility,
desirability, cost, and required schedule associated with
the implementation of a secure mobile voice solution for
the intelligence community.

(b) CONTENTS.—The report required by subsection
(a) shall include, at a minimum, the following:

(1) The benefits and disadvantages of a secure
mobile voice solution.

(2) Whether the intelligence community could
leverage commercially available technology for classi-
fied voice communications that operates on commercial mobile networks in a secure manner and identifying the accompanying security risks to such networks.

(3) A description of any policies or community guidance that would be necessary to govern the potential solution, such as a process for determining the appropriate use of a secure mobile telephone and any limitations associated with such use.

SEC. 10314. POLICY ON MINIMUM INSIDER THREAT STANDARDS.

(a) POLICY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy for minimum insider threat standards that is consistent with the National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.

(b) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall implement the policy established under subsection (a).

SEC. 10315. SUBMISSION OF INTELLIGENCE COMMUNITY POLICIES.

(a) DEFINITIONS.—In this section:
(1) **Electronic Repository.**—The term “electronic repository” means the electronic distribution mechanism, in use as of the date of the enactment of this Act, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

(2) **Policy.**—The term “policy”, with respect to the intelligence community, includes unclassified or classified—

(A) directives, policy guidance, and policy memoranda of the intelligence community;

(B) executive correspondence of the Director of National Intelligence; and

(C) any equivalent successor policy instruments.

(b) **Submission of Policies.**—

(1) **Current Policy.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all nonpublicly available policies issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.
(2) Continuous updates.—Not later than 15 days after the date on which the Director of National Intelligence issues, modifies, or rescinds a policy of the intelligence community, the Director shall—

(A) notify the congressional intelligence committees of such addition, modification, or removal; and

(B) update the electronic repository with respect to such addition, modification, or removal.

SEC. 10316. EXPANSION OF INTELLIGENCE COMMUNITY RECRUITMENT EFFORTS.

In order to further increase the diversity of the intelligence community workforce, not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with heads of elements of the Intelligence Community, shall create, implement, and submit to the congressional intelligence committees a written plan to ensure that rural and underrepresented regions are more fully and consistently represented in such elements’ employment recruitment efforts. Upon receipt of the plan, the congressional committees shall have 60 days to submit comments to the Director of National Intelligence before such plan shall be implemented.
TITLE CIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY
Subtitle A—Office of the Director of National Intelligence

SEC. 10401. AUTHORITY FOR PROTECTION OF CURRENT AND FORMER EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;” and inserting “current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate;”.

SEC. 10402. DESIGNATION OF THE PROGRAM MANAGER-INFORMATION SHARING ENVIRONMENT.

(a) INFORMATION SHARING ENVIRONMENT.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)) is amended—

(1) in paragraph (1), by striking “President” and inserting “Director of National Intelligence”;
(2) in paragraph (2), by striking “President” both places that term appears and inserting “Director of National Intelligence”.

(b) PROGRAM MANAGER.—Section 1016(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)(1)) is amended by striking “The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).” and inserting “Beginning on the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019, each individual designated as the program manager shall be appointed by the Director of National Intelligence.”.

SEC. 10403. TECHNICAL MODIFICATION TO THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security Center.”.

SEC. 10404. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103I(a) of the National Security Act of 1947 (50 U.S.C. 3034(a)) is amended by adding at the end the
SEC. 10405. CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by adding at the end the following new sentence: “The Chief Information Officer shall report directly to the Director of National Intelligence.”.

Subtitle B—Central Intelligence Agency

SEC. 10411. CENTRAL INTELLIGENCE AGENCY SUBSISTENCE FOR PERSONNEL ASSIGNED TO AUSTERE LOCATIONS.

Subsection (a) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506) is amended—

(1) in paragraph (1), by striking “(50 U.S.C. 403–4a).”, and inserting “(50 U.S.C. 403–4a),”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph (8):
“(8) Upon the approval of the Director, provide, during any fiscal year, with or without reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.”.

SEC. 10412. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.

Subsection (a) of section 15 of the Central Intelligence Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in the subsection heading, by striking “Policemen” and inserting “Police Officers”; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking “500 feet;” and inserting “500 yards;”; and

(B) in subparagraph (D), by striking “500 feet.” and inserting “500 yards.”.

SEC. 10413. REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) Repeal of Foreign Language Proficiency Requirement.—Section 104A of the National Security Act of 1947 (50 U.S.C. 3036) is amended by striking subsection (g).
(b) Conforming Repeal of Report Requirement.—Section 611 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487) is amended by striking subsection (c).

Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy

SEC. 10421. CONSOLIDATION OF DEPARTMENT OF ENERGY OFFICES OF INTELLIGENCE AND COUNTERINTELLIGENCE.

(a) In General.—Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b) is amended to read as follows:

"OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

"SEC. 215. (a) Definitions.—In this section, the terms ‘intelligence community’ and ‘National Intelligence Program’ have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

"(b) In General.—There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

"(c) Director.—(1) The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the
Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

“(d) Duties.—(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

“(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.”.

(b) Conforming Repeal.—Section 216 of the Department of Energy Organization Act (42 U.S.C. 7144c) is hereby repealed.

(c) Clerical Amendment.—The table of contents at the beginning of the Department of Energy Organization Act is amended by striking the items relating to sections 215 and 216 and inserting the following new item:

“215. Office of Intelligence and Counterintelligence.”.
SEC. 10422. REPEAL OF DEPARTMENT OF ENERGY INTELLIGENCE EXECUTIVE COMMITTEE AND BUDGET REPORTING REQUIREMENT.

Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

(1) by striking “(a) DUTY OF SECRETARY.—”;

and

(2) by striking subsections (b) and (c).

Subtitle D—Other Elements

SEC. 10431. PLAN FOR DESIGNATION OF COUNTERINTELLIGENCE COMPONENT OF DEFENSE SECURITY SERVICE AS AN ELEMENT OF INTELLIGENCE COMMUNITY.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Under Secretary of Defense for Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a plan to designate the counterintelligence component of the Defense Security Service of the Department of Defense as an element of the intelligence community by not later than January 1, 2019. Such plan shall—
(1) address the implications of such designation on the authorities, governance, personnel, resources, information technology, collection, analytic products, information sharing, and business processes of the Defense Security Service and the intelligence community; and

(2) not address the personnel security functions of the Defense Security Service.

SEC. 10432. NOTICE NOT REQUIRED FOR PRIVATE ENTITIES.

Section 3553 of title 44, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

“(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to provide notice to any private entity before the Secretary issues a binding operational directive under subsection (b)(2).”.

SEC. 10433. FRAMEWORK FOR ROLES, MISSIONS, AND FUNCTIONS OF DEFENSE INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Director of National Intelligence and the Secretary of Defense shall jointly establish a framework to ensure the appropriate balance of re-
sources for the roles, missions, and functions of the Defense Intelligence Agency in its capacity as an element of the intelligence community and as a combat support agency. The framework shall include supporting processes to provide for the consistent and regular reevaluation of the responsibilities and resources of the Defense Intelligence Agency to prevent imbalanced priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) Matters for Inclusion.—The framework required under subsection (a) shall include each of the following:

(1) A lexicon providing for consistent definitions of relevant terms used by both the intelligence community and the Department of Defense, including each of the following:

(A) Defense intelligence enterprise.
(B) Enterprise manager.
(C) Executive agent.
(D) Function.
(E) Functional manager.
(F) Mission.
(G) Mission manager.
(H) Responsibility.
(I) Role.
(J) Service of common concern.

(2) An assessment of the necessity of maintaining separate designations for the intelligence community and the Department of Defense for intelligence functional or enterprise management constructs.

(3) A repeatable process for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently performed or to be performed in the future by the Defense Intelligence Agency, which includes each of the following:

(A) A justification for the addition, transfer, or elimination of a mission, role, or function.

(B) The identification of which, if any, element of the Federal Government performs the considered mission, role, or function.

(C) In the case of any new mission, role, or function—

(i) an assessment of the most appropriate agency or element to perform such mission, role, or function, taking into account the resource profiles, scope of responsibilities, primary customers, and ex-
isting infrastructure necessary to support
such mission, role, or function; and

(ii) a determination of the appropriate
resource profile and an identification of the
projected resources needed and the pro-
posed source of such resources over the fu-
ture-years defense program, to be provided
in writing to any elements of the intel-
ligence community or the Department of
Defense affected by the assumption, trans-
fer, or elimination of any mission, role, or
function.

(D) In the case of any mission, role, or
function proposed to be assumed, transferred,
or eliminated, an assessment, which shall be
completed jointly by the heads of each element
affected by such assumption, transfer, or elimi-
nation, of the risks that would be assumed by
the intelligence community and the Department
if such mission, role, or function is assumed,
transferred, or eliminated.

(E) A description of how determinations
are made regarding the funding of programs
and activities under the National Intelligence
Program and the Military Intelligence Program, including—

(i) which programs or activities are funded under each such Program;

(ii) which programs or activities should be jointly funded under both such Programs and how determinations are made with respect to funding allocations for such programs and activities; and

(iii) the thresholds and process for changing a program or activity from being funded under one such Program to being funded under the other such Program.

SEC. 10434. ESTABLISHMENT OF ADVISORY BOARD FOR NA-
TIONAL RECONNAISSANCE OFFICE.

(a) Establishment.—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by adding at the end the following new subsection:

“(d) Advisory Board.—

“(1) Establishment.—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the ‘Board’).

“(2) Duties.—The Board shall—

“(A) study matters relating to the mission of the National Reconnaissance Office, includ-
ing with respect to promoting innovation, com-
petition, and resilience in space, overhead re-
connaissance, acquisition, and other matters; 
and
“(B) advise and report directly to the Di-
rector with respect to such matters.
“(3) MEMBERS.—
“(A) NUMBER AND APPOINTMENT.—
“(i) IN GENERAL.—The Board shall
be composed of 5 members appointed by
the Director from among individuals with
demonstrated academic, government, busi-
ness, or other expertise relevant to the mis-
sion and functions of the National Recon-
naissance Office.
“(ii) NOTIFICATION.—Not later than
30 days after the date on which the Direc-
tor appoints a member to the Board, the
Director shall notify the congressional in-
telligence committees and the congressional
defense committees (as defined in section
101(a) of title 10, United States Code) of
such appointment.
“(B) TERMS.—Each member shall be ap-
pointed for a term of 2 years. Except as pro-
vided by subparagraph (C), a member may not
serve more than 3 terms.

“(C) VACANCY.—Any member appointed to
fill a vacancy occurring before the expiration of
the term for which the member’s predecessor
was appointed shall be appointed only for the
remainder of that term. A member may serve
after the expiration of that member’s term until
a successor has taken office.

“(D) CHAIR.—The Board shall have a
Chair, who shall be appointed by the Director
from among the members.

“(E) TRAVEL EXPENSES.—Each member
shall receive travel expenses, including per diem
in lieu of subsistence, in accordance with appli-
cable provisions under subchapter I of chapter
57 of title 5, United States Code.

“(F) EXECUTIVE SECRETARY.—The Direc-
tor may appoint an executive secretary, who
shall be an employee of the National Reconnais-
sance Office, to support the Board.

“(4) MEETINGS.—The Board shall meet not
less than quarterly, but may meet more frequently
at the call of the Director.
“(5) Reports.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities and significant findings of the Board during the preceding year.

“(6) Nonapplicability of Certain Requirements.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

“(7) Termination.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.”.

(b) Initial Appointments.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall appoint the initial 5 members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as added by subsection (a).

SEC. 10435. COLLOCATION OF CERTAIN DEPARTMENT OF
HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.

(a) Identification of Opportunities for Collocation.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall identify, in consultation with the Commissioner of U.S. Customs and
Border Protection, the Administrator of the Transportation Security Administration, the Director of U.S. Immigration and Customs Enforcement, and the heads of such other elements of the Department of Homeland Security as the Under Secretary considers appropriate, opportunities for collocation of officers of the Office of Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

(b) PLAN FOR COLLOCATION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional intelligence committees a report that includes a plan for collocation as described in subsection (a).

TITLE CV—ELECTION MATTERS

SEC. 10501. REPORT ON CYBER ATTACKS BY FOREIGN GOVERNMENTS AGAINST UNITED STATES ELECTION INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Foreign Relations of the Senate; and

(E) the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(3) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Anal-
ysis shall submit to congressional leadership and the ap-
propriate congressional committees a report on cyber at-
tacks and attempted cyber attacks by foreign governments
on United States election infrastructure in States and lo-
calities in connection with the 2016 Presidential election
in the United States and such cyber attacks or attempted
cyber attacks as the Under Secretary anticipates against
such infrastructure. Such report shall identify the States
and localities affected and shall include cyber attacks and
attempted cyber attacks against voter registration data-
bases, voting machines, voting-related computer networks,
and the networks of Secretaries of State and other election
officials of the various States.

(c) Form.—The report submitted under subsection
(b) shall be submitted in unclassified form, but may in-
clude a classified annex.

SEC. 10502. REVIEW OF INTELLIGENCE COMMUNITY’S POS-
TURE TO COLLECT AGAINST AND ANALYZE
RUSSIAN EFFORTS TO INFLUENCE THE PRES-
IDENTIAL ELECTION.

(a) Review Required.—Not later than 1 year after
the date of the enactment of this Act, the Director of Na-
tional Intelligence shall—

(1) complete an after action review of the pos-
ture of the intelligence community to collect against
and analyze efforts of the Government of Russia to interfere in the 2016 Presidential election in the United States; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to such review.

(b) ELEMENTS.—The review required by subsection (a) shall include, with respect to the posture and efforts described in paragraph (1) of such subsection, the following:

(1) An assessment of whether the resources of the intelligence community were properly aligned to detect and respond to the efforts described in subsection (a)(1).

(2) An assessment of the information sharing that occurred within elements of the intelligence community.

(3) An assessment of the information sharing that occurred between elements of the intelligence community.

(4) An assessment of applicable authorities necessary to collect on any such efforts and any deficiencies in those authorities.

(5) A review of the use of open source material to inform analysis and warning of such efforts.
(6) A review of the use of alternative and predictive analysis.

c) Form of report. — The report required by subsection (a)(2) shall be submitted to the congressional intelligence committees in a classified form.

SEC. 10503. ASSESSMENT OF FOREIGN INTELLIGENCE THREATS TO FEDERAL ELECTIONS.

(a) Definitions. — In this section:

(1) Appropriate congressional committees. — The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(2) Congressional leadership. — The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.
(3) Security vulnerability.—The term “security vulnerability” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(b) In general.—The Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the heads of other relevant elements of the intelligence community, shall—

(1) commence not later than 1 year before any regularly scheduled Federal election occurring after December 31, 2018, and complete not later than 180 days before such election, an assessment of security vulnerabilities of State election systems; and

(2) not later than 180 days before any regularly scheduled Federal election occurring after December 31, 2018, submit a report on such security vulnerabilities and an assessment of foreign intelligence threats to the election to—

(A) congressional leadership; and

(B) the appropriate congressional committees.
(c) Update.—Not later than 90 days before any regularly scheduled Federal election occurring after December 31, 2018, the Director of National Intelligence shall—

(1) update the assessment of foreign intelligence threats to that election; and

(2) submit the updated assessment to—

(A) congressional leadership; and

(B) the appropriate congressional committees.

SEC. 10504. STRATEGY FOR COUNTERING RUSSIAN CYBER THREATS TO UNITED STATES ELECTIONS.

(a) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(4) The Committee on Foreign Relations of the Senate.

(5) The Committee on Foreign Affairs of the House of Representatives.
(b) **Requirement for a Strategy.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Defense, and the Secretary of the Treasury, shall develop a whole-of-government strategy for countering the threat of Russian cyber attacks and attempted cyber attacks against electoral systems and processes in the United States, including Federal, State, and local election systems, voter registration databases, voting tabulation equipment, and equipment and processes for the secure transmission of election results.

(c) **Elements of the Strategy.**—The strategy required by subsection (b) shall include the following elements:

1. A whole-of-government approach to protecting United States electoral systems and processes that includes the agencies and departments indicated in subsection (b) as well as any other agencies and departments of the United States, as determined appropriate by the Director of National Intelligence and the Secretary of Homeland Security.
(2) Input solicited from Secretaries of State of the various States and the chief election officials of the States.

(3) Technical security measures, including auditable paper trails for voting machines, securing wireless and Internet connections, and other technical safeguards.

(4) Detection of cyber threats, including attacks and attempted attacks by Russian government or nongovernment cyber threat actors.

(5) Improvements in the identification and attribution of Russian government or nongovernment cyber threat actors.

(6) Deterrence, including actions and measures that could or should be undertaken against or communicated to the Government of Russia or other entities to deter attacks against, or interference with, United States election systems and processes.

(7) Improvements in Federal Government communications with State and local election officials.

(8) Public education and communication efforts.

(9) Benchmarks and milestones to enable the measurement of concrete steps taken and progress made in the implementation of the strategy.
(d) Congressional Briefing.—Not later than 90
days after the date of the enactment of this Act, the Direc-
tor of National Intelligence and the Secretary of Home-
land Security shall jointly brief the appropriate congress-
sional committees on the strategy developed under sub-
section (b).

SEC. 10505. ASSESSMENT OF SIGNIFICANT RUSSIAN INFLU-
ENCE CAMPAIGNS DIRECTED AT FOREIGN
ELECTIONS AND REFERENDA.

(a) Russian Influence Campaign Defined.—In
this section, the term “Russian influence campaign”
means any effort, covert or overt, and by any means, at-
tributable to the Russian Federation directed at an elec-
tion, referendum, or similar process in a country other
than the Russian Federation or the United States.

(b) Assessment Required.—Not later than 60
days after the date of the enactment of this Act, the Direc-
tor of National Intelligence shall submit to the congress-
sional intelligence committees a report containing an ana-
lytical assessment of the most significant Russian influ-
ence campaigns, if any, conducted during the 3-year pe-
riod preceding the date of the enactment of this Act, as
well as the most significant current or planned such Rus-
sian influence campaigns, if any. Such assessment shall
include—
(1) a summary of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, are being conducted, or likely will be conducted, as appropriate, and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

(c) FORM.—The report required by subsection (b) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

SEC. 10506. FOREIGN COUNTERINTELLIGENCE AND CYBER-SECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.

(a) REPORTS REQUIRED.—
(1) **IN GENERAL.**—As provided in paragraph (2), for each Federal election, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an Internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such report shall include, consistent with the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in seeking to counter such threats.

(C) An identification of any publicly available resources, including United States Government resources, for countering such threats.

(2) **SCHEDULE FOR SUBMITTAL.**—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding an election held for the office of Senator or Mem-
ber of the House of Representatives during 2018, not later than the date that is 60 days after the date of the enactment of this Act.

(B) In the case of a report regarding an election for a Federal office during any subsequent year, not later than the date that is 1 year before the date of the election.

(3) Information to be included.—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(b) Treatment of campaigns subject to heightened threats.—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.
SEC. 10507. INFORMATION SHARING WITH STATE ELECTION OFFICIALS.

(a) State Defined.—In this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) Security Clearances.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall support the Under Secretary of Homeland Security for Intelligence and Analysis, and any other official of the Department of Homeland Security designated by the Secretary of Homeland Security, in sponsoring a security clearance up to the top secret level for each eligible chief election official of a State or the District of Columbia, and additional eligible designees of such election official as appropriate, at the time that such election official assumes such position.

(2) Interim Clearances.—Consistent with applicable policies and directives, the Director of National Intelligence may issue interim clearances, for a period to be determined by the Director, to a chief election official as described in paragraph (1) and up to 1 designee of such official under such paragraph.

(c) Information Sharing.—
(1) IN GENERAL.—The Director of National Intelligence shall assist the Under Secretary of Homeland Security for Intelligence and Analysis and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) with sharing any appropriate classified information related to threats to election systems and to the integrity of the election process with chief election officials and such designees who have received a security clearance under subsection (b).

(2) COORDINATION.—The Under Secretary of Homeland Security for Intelligence and Analysis shall coordinate with the Director of National Intelligence and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) to facilitate the sharing of information to the affected Secretaries of State or States.
SEC. 10508. NOTIFICATION OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS DIRECTED AT ELECTIONS FOR FEDERAL OFFICES.

(a) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES CAMPAIGN.—The term “active measures campaign” means a foreign semi-covert or covert intelligence operation.

(2) CANDIDATE, ELECTION, AND POLITICAL PARTY.—The terms “candidate”, “election”, and “political party” have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(3) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(4) CYBER INTRUSION.—The term “cyber intrusion” means an electronic occurrence that actually or imminently jeopardizes, without lawful authority, electronic election infrastructure, or the in-
tegrity, confidentiality, or availability of information within such infrastructure.

(5) **Electronic election infrastructure.**—The term “electronic election infrastructure” means an electronic information system of any of the following that is related to an election for Federal office:

(A) The Federal Government.

(B) A State or local government.

(C) A political party.

(D) The election campaign of a candidate.

(6) **Federal office.**—The term “Federal office” has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(7) **High confidence.**—The term “high confidence”, with respect to a determination, means that the determination is based on high-quality information from multiple sources.

(8) **Moderate confidence.**—The term “moderate confidence”, with respect to a determination, means that a determination is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.
(9) Other appropriate congressional committees.—The term “other appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(b) Determinations of significant foreign cyber intrusions and active measures campaigns.—The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly carry out subsection (c) if such Directors and the Secretary jointly determine—

(1) that on or after the date of the enactment of this Act, a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has occurred or is occurring; and

(2) with moderate or high confidence, that such intrusion or campaign can be attributed to a foreign
state or to a foreign nonstate person, group, or other entity.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 14 days after making a determination under subsection (b), the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly provide a briefing to the congressional leadership, the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

(A) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(B) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(C) The desirability and feasibility of the public release of information about the cyber intrusion or active measures campaign.
(D) Any other information such Directors
and the Secretary jointly determine appropriate.

(2) **Electronic election infrastructure**

**briefings.**—With respect to a significant foreign
cyber intrusion covered by a determination under
subsection (b), the Secretary of Homeland Security,
in consultation with the Director of National Intel-
ligence and the Director of the Federal Bureau of
Investigation, shall offer to the owner or operator of
any electronic election infrastructure directly af-
fected by such intrusion, a briefing on such intru-
sion, including steps that may be taken to mitigate
such intrusion. Such briefing may be classified and
made available only to individuals with appropriate
security clearances.

(3) **Protection of sources and methods.**—This subsection shall be carried out in a man-
ner that is consistent with the protection of sources
and methods.

**SEC. 10509. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTION SECURITY MAT-
TERS.**

(a) **In general.**—The Director of National Intel-
ligence shall designate a national counterintelligence officer within the National Counterintelligence and Security
Center to lead, manage, and coordinate counterintelligence matters relating to election security.

(b) ADDITIONAL RESPONSIBILITIES.—The person designated under subsection (a) shall also lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

(1) The Federal Government election security supply chain.

(2) Election voting systems and software.

(3) Voter registration databases.

(4) Critical infrastructure related to elections.

(5) Such other Government goods and services as the Director of National Intelligence considers appropriate.

TITLE CVI—SECURITY CLEARANCES

SEC. 10601. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;
(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Homeland Security of the House of Representatives; and

(H) the Committee on Oversight and Reform of the House of Representatives.

(2) **Appropriate Industry Partners.**—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program)) that is participating in the National Industrial Security Program established by such Executive Order.

(3) **Continuous Vetting.**—The term “continuous vetting” has the meaning given such term in Executive Order 13467 (50 U.S.C. 3161 note; relat-
ing to reforming processes related to suitability for
government employment, fitness for contractor em-
ployees, and eligibility for access to classified na-
tional security information).

(4) COUNCIL.—The term “Council” means the
Security, Suitability, and Credentialing Performance
Accountability Council established pursuant to such
Executive Order, or any successor entity.

(5) SECURITY EXECUTIVE AGENT.—The term
“Security Executive Agent” means the officer serv-
ing as the Security Executive Agent pursuant to sec-
tion 803 of the National Security Act of 1947, as
added by section 10605.

(6) SUITABILITY AND CREDENTIALING EXECU-
TIVE AGENT.—The term “Suitability and
Credentialing Executive Agent” means the Director
of the Office of Personnel Management acting as the
Suitability and Credentialing Executive Agent in ac-
cordance with Executive Order 13467 (50 U.S.C.
3161 note; relating to reforming processes related to
suitability for government employment, fitness for
contractor employees, and eligibility for access to
classified national security information), or any suc-
cessor entity.
SEC. 10602. REPORTS AND PLANS RELATING TO SECURITY CLEARANCES AND BACKGROUND INVESTIGATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for security clearance, suitability and fitness for employment, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

(b) ACCOUNTABILITY PLANS AND REPORTS.—
(1) PLANS.—Not later than 90 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners the following:

(A) A plan, with milestones, to reduce the background investigation inventory to 200,000, or an otherwise sustainable steady-level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.

(B) A plan to consolidate the conduct of background investigations associated with the processing for security clearances in the most effective and efficient manner between the National Background Investigation Bureau and the Defense Security Service, or a successor organization. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.

(2) REPORT ON THE FUTURE OF PERSONNEL SECURITY.—
(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report on the future of personnel security to reflect changes in threats, the workforce, and technology.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous evaluation, insider threat programs, and human resources data.
(vi) Recommendations on interagency governance.

(3) Plan for implementation.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to implement the report’s framework and recommendations submitted under paragraph (2)(A).

(4) Congressional notifications.—Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous evaluation, or other national policy regarding personnel security.

SEC. 10603. IMPROVING THE PROCESS FOR SECURITY CLEARANCES.

(a) Reviews.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees
and make available to appropriate industry partners a report that includes the following:

(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Federal Investigative Standards prescribed by the Office of Personnel Management and the Office of the Director of National Intelligence appropriately supports the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”). Such review shall include identification of whether any such information currently collected is unnecessary to support the adjudicative guidelines.

(2) An assessment of whether such Questionnaire, Standards, and guidelines should be revised to account for the prospect of a holder of a security clearance becoming an insider threat.

(3) Recommendations to improve the background investigation process by—

(A) simplifying the Questionnaire for National Security Positions (Standard Form 86) and increasing customer support to applicants completing such Questionnaire;
(B) using remote techniques and centralized locations to support or replace field investigation work;

(C) using secure and reliable digitization of information obtained during the clearance process;

(D) building the capacity of the background investigation labor sector; and

(E) replacing periodic reinvestigations with continuous evaluation techniques in all appropriate circumstances.

(b) **Policy, Strategy, and Implementation.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the members of the Council, establish the following:

(1) A policy and implementation plan for the issuance of interim security clearances.

(2) A policy and implementation plan to ensure contractors are treated consistently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address—
(A) prioritization of processing security clearances based on the mission the contractors will be performing;

(B) standardization in the forms that agencies issue to initiate the process for a security clearance;

(C) digitization of background investigation-related forms;

(D) use of the polygraph;

(E) the application of the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”);

(F) reciprocal recognition of clearances across agencies and departments of the United States, regardless of status of periodic reinvestigation;

(G) tracking of clearance files as individuals move from employment with an agency or department of the United States to employment in the private sector;

(H) collection of timelines for movement of contractors across agencies and departments;

(I) reporting on security incidents and job performance, consistent with section 552a of
title 5, United States Code (commonly known as the “Privacy Act of 1974”), that may affect the ability to hold a security clearance;

(J) any recommended changes to the Federal Acquisition Regulations (FAR) necessary to ensure that information affecting contractor clearances or suitability is appropriately and expeditiously shared between and among agencies and contractors; and

(K) portability of contractor security clearances between or among contracts at the same agency and between or among contracts at different agencies that require the same level of clearance.

(3) A strategy and implementation plan that—

(A) provides for periodic reinvestigations as part of a security clearance determination only on an as-needed, risk-based basis;

(B) includes actions to assess the extent to which automated records checks and other continuous evaluation methods may be used to expedite or focus reinvestigations; and

(C) provides an exception for certain populations if the Security Executive Agent—
(i) determines such populations require reinvestigations at regular intervals; and
(ii) provides written justification to the appropriate congressional committees for any such determination.

(4) A policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks generated pursuant to a security clearance applicant’s employment with a prior employer.

(5) A policy for the use of certain background materials on individuals collected by the private sector for background investigation purposes.

(6) Uniform standards for agency continuous evaluation programs to ensure quality and reciprocity in accepting enrollment in a continuous vetting program as a substitute for a periodic investigation for continued access to classified information.

SEC. 10604. GOALS FOR PROMPTNESS OF DETERMINATIONS REGARDING SECURITY CLEARANCES.

(a) Reciprocity Defined.—In this section, the term “reciprocity” means reciprocal recognition by Fed-
eral departments and agencies of eligibility for access to
classified information.

(b) IN GENERAL.—The Council shall reform the se-
curity clearance process with the objective that, by Decem-
ber 31, 2021, 90 percent of all determinations, other than
determinations regarding populations identified under sec-
tion 10603(b)(3)(C), regarding—

(1) security clearances—

(A) at the secret level are issued in 30
days or fewer; and

(B) at the top secret level are issued in 90
days or fewer; and

(2) reciprocity of security clearances at the
same level are recognized in 2 weeks or fewer.

(c) CERTAIN REINVESTIGATIONS.—The Council shall
reform the security clearance process with the goal that
by December 31, 2021, reinvestigation on a set periodicity
is not required for more than 10 percent of the population
that holds a security clearance.

(d) EQUIVALENT METRICS.—

(1) IN GENERAL.—If the Council develops a set
of performance metrics that it certifies to the appro-
priate congressional committees should achieve sub-
stantially equivalent outcomes as those outlined in
subsections (b) and (c), the Council may use those
metrics for purposes of compliance within this provision.

(2) NOTICE.—If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, not later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(e) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to carry out this section. Such plan shall include recommended interim milestones for the goals set forth in subsections (b) and (c) for 2019, 2020, and 2021.

SEC. 10605. SECURITY EXECUTIVE AGENT.

(a) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) by redesignating sections 803 and 804 as sections 804 and 805, respectively; and

(2) by inserting after section 802 the following:

"SEC. 803. SECURITY EXECUTIVE AGENT.

"(a) IN GENERAL.—The Director of National Intelligence, or such other officer of the United States as the
President may designate, shall serve as the Security Executive Agent for all departments and agencies of the United States.

“(b) DUTIES.—The duties of the Security Executive Agent are as follows:

“(1) To direct the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position made by any Federal agency.

“(2) To review the national security background investigation and adjudication programs of Federal agencies to determine whether such programs are being implemented in accordance with this section.

“(3) To develop and issue uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations, polygraphs, and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position.

“(4) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to conduct investigations of persons who are proposed for access to classified infor-
mation or for eligibility to hold a sensitive position
to ascertain whether such persons satisfy the criteria
for obtaining and retaining access to classified infor-
information or eligibility to hold a sensitive position, as
applicable.

“(5) Unless otherwise designated by law, to
serve as the final authority to designate a Federal
agency or agencies to determine eligibility for access
to classified information or eligibility to hold a sen-
sitive position in accordance with Executive Order
12968 (50 U.S.C. 3161 note; relating to access to
classified information).

“(6) To ensure reciprocal recognition of eligi-
bility for access to classified information or eligibility
to hold a sensitive position among Federal agencies,
including acting as the final authority to arbitrate
and resolve disputes among such agencies involving
the reciprocity of investigations and adjudications of
eligibility.

“(7) To execute all other duties assigned to the
Security Executive Agent by law.

“(c) AUTHORITIES.—The Security Executive Agent
shall—

“(1) issue guidelines and instructions to the
heads of Federal agencies to ensure appropriate uni-
formity, centralization, efficiency, effectiveness, timeliness, and security in processes relating to determinations by such agencies of eligibility for access to classified information or eligibility to hold a sensitive position, including such matters as investigations, polygraphs, adjudications, and reciprocity;

“(2) have the authority to grant exceptions to, or waivers of, national security investigative requirements, including issuing implementing or clarifying guidance, as necessary;

“(3) have the authority to assign, in whole or in part, to the head of any Federal agency (solely or jointly) any of the duties of the Security Executive Agent described in subsection (b) or the authorities described in paragraphs (1) and (2), provided that the exercise of such assigned duties or authorities is subject to the oversight of the Security Executive Agent, including such terms and conditions (including approval by the Security Executive Agent) as the Security Executive Agent determines appropriate; and

“(4) define and set standards for continuous evaluation for continued access to classified information and for eligibility to hold a sensitive position.”
(b) **REPORT ON RECOMMENDATIONS FOR REVISING AUTHORITIES.**—Not later than 30 days after the date on which the Chairman of the Council submits to the appropriate congressional committees the report required by section 602(b)(2)(A), the Chairman shall submit to the appropriate congressional committees such recommendations as the Chairman may have for revising the authorities of the Security Executive Agent.

(c) **CONFORMING AMENDMENT.**—Section 103H(j)(4)(A) of such Act (50 U.S.C. 3033(j)(4)(A)) is amended by striking “in section 804” and inserting “in section 805”.

(d) **CLERICAL AMENDMENT.**—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3002) is amended by striking the items relating to sections 803 and 804 and inserting the following:

“Sec. 803. Security Executive Agent.
See. 804. Exceptions.
See. 805. Definitions.”

**SEC. 10606. REPORT ON UNIFIED, SIMPLIFIED, GOVERNMENTWIDE STANDARDS FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.**

Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and
make available to appropriate industry partners a report regarding the advisability and the risks, benefits, and costs to the Government and to industry of consolidating to not more than 3 tiers for positions of trust and security clearances.

SEC. 10607. REPORT ON CLEARANCE IN PERSON CONCEPT.

(a) Sense of Congress.—It is the sense of Congress that to reflect the greater mobility of the modern workforce, alternative methodologies merit analysis to allow greater flexibility for individuals moving in and out of positions that require access to classified information, while still preserving security.

(b) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that describes the requirements, feasibility, and advisability of implementing a clearance in person concept described in subsection (c).

(c) Clearance in Person Concept.—The clearance in person concept—

(1) permits an individual who once held a security clearance to maintain his or her eligibility for access to classified information, networks, and facilities for up to 3 years after the individual’s eligibility
for access to classified information would otherwise lapse; and

(2) recognizes, unless otherwise directed by the Security Executive Agent, an individual’s security clearance and background investigation as current, regardless of employment status, contingent on enrollment in a continuous vetting program.

(d) CONTENTS.—The report required under subsection (b) shall address—

(1) requirements for an individual to voluntarily remain in a continuous evaluation program validated by the Security Executive Agent even if the individual is not in a position requiring access to classified information;

(2) appropriate safeguards for privacy;

(3) advantages to government and industry;

(4) the costs and savings associated with implementation;

(5) the risks of such implementation, including security and counterintelligence risks;

(6) an appropriate funding model; and

(7) fairness to small companies and independent contractors.
SEC. 10608. BUDGET REQUEST DOCUMENTATION ON FUNDING FOR BACKGROUND INVESTIGATIONS.

(a) In General.—As part of the fiscal year 2020 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include exhibits that identify the resources expended by each agency during the prior fiscal year for processing background investigations and continuous evaluation programs, disaggregated by tier and whether the individual was a Government employee or contractor.

(b) Contents.—Each exhibit submitted under subsection (a) shall include details on—

(1) the costs of background investigations or reinvestigations;

(2) the costs associated with background investigations for Government or contract personnel;

(3) costs associated with continuous evaluation initiatives monitoring for each person for whom a background investigation or reinvestigation was conducted, other than costs associated with adjudication;

(4) the average per person cost for each type of background investigation; and

(5) a summary of transfers and reprogrammings that were executed in the previous year to support the processing of security clearances.
SEC. 10609. REPORTS ON RECIPROCITY FOR SECURITY CLEARANCES INSIDE OF DEPARTMENTS AND AGENCIES.

(a) Reciprocally Recognized Defined.—In this section, the term “reciprocally recognized” means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) Reports to Security Executive Agent.—The head of each Federal department or agency shall submit an annual report to the Security Executive Agent that—

(1) identifies the number of individuals whose security clearances take more than 2 weeks to be reciprocally recognized after such individuals move to another part of such department or agency; and

(2) breaks out the information described in paragraph (1) by type of clearance and the reasons for any delays.

(c) Annual Report.—Not less frequently than once each year, the Security Executive Agent shall submit to the appropriate congressional committees and make available to industry partners an annual report that summarizes the information received pursuant to subsection (b) during the period covered by such report.
SEC. 10610. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.

Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by adding “and” at the end;

(B) in subparagraph (B)(ii), by striking “;” and inserting a period; and

(C) by striking subparagraph (C);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) INTELLIGENCE COMMUNITY REPORTS.—(1)(A)

Not later than March 1 of each year, the Director of National Intelligence shall submit a report to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives regarding the security clearances processed by each element of the intelligence community during the preceding fiscal year.

“(B) The Director shall submit to the Committee on Armed Services of the Senate and the Committee on
Armed Services of the House of Representatives such portions of the report submitted under subparagraph (A) as the Director determines address elements of the intelligence community that are within the Department of Defense.

“(C) Each report submitted under this paragraph shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element.

“(2) Each report submitted under paragraph (1)(A) shall include, for each element of the intelligence community for the fiscal year covered by the report, the following:

“(A) The total number of initial security clearance background investigations sponsored for new applicants.

“(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

“(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

“(i) the total number of such adjudications that were adjudicated favorably and granted access to classified information; and
“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

“(i) the total number of such adjudications that were adjudicated favorably; and

“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending, categorized as follows:

“(i) For 180 days or shorter.

“(ii) For longer than 180 days, but shorter than 12 months.

“(iii) For 12 months or longer, but shorter than 18 months.
“(iv) For 18 months or longer, but shorter than 24 months.

“(v) For 24 months or longer.

“(F) For any security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

“(i) an explanation of the causes for the delays incurred during the period covered by the report; and

“(ii) the number of such delays involving a polygraph requirement.

“(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

“(H) The percentage of security clearance investigations that resulted in incomplete information.

“(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

“(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”; and
(4) in subsection (e), as redesignated, by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (b)”.

SEC. 10611. PERIODIC REPORT ON POSITIONS IN THE INTELLIGENCE COMMUNITY THAT CAN BE CONDUCTED WITHOUT ACCESS TO CLASSIFIED INFORMATION, NETWORKS, OR FACILITIES.

Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report that reviews the intelligence community for which positions can be conducted without access to classified information, networks, or facilities, or may only require a security clearance at the secret level.

SEC. 10612. INFORMATION SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

(a) Program Required.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall establish and implement a program to share between and among agencies of the Federal Government and industry...
partners of the Federal Government relevant back-
ground information regarding individuals applying
for and currently occupying national security posi-
tions and positions of trust, in order to ensure the
Federal Government maintains a trusted workforce.

(2) DESIGNATION.—The program established
under paragraph (1) shall be known as the “Trusted
Information Provider Program” (in this section re-
ferred to as the “Program”).

(b) PRIVACY SAFEGUARDS.—The Security Executive
Agent and the Suitability and Credentialing Executive
Agent shall ensure that the Program includes such safe-
guards for privacy as the Security Executive Agent and
the Suitability and Credentialing Executive Agent consider
appropriate.

(c) PROVISION OF INFORMATION TO THE FEDERAL
GOVERNMENT.—The Program shall include requirements
that enable investigative service providers and agencies of
the Federal Government to leverage certain pre-employ-
ment information gathered during the employment or mili-
tary recruiting process, and other relevant security or
human resources information obtained during employment
with or for the Federal Government, that satisfy Federal
investigative standards, while safeguarding personnel pri-
vacy.
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(d) INFORMATION AND RECORDS.—The information and records considered under the Program shall include the following:

(1) Date and place of birth.

(2) Citizenship or immigration and naturalization information.

(3) Education records.

(4) Employment records.

(5) Employment or social references.

(6) Military service records.

(7) State and local law enforcement checks.

(8) Criminal history checks.

(9) Financial records or information.

(10) Foreign travel, relatives, or associations.

(11) Social media checks.

(12) Such other information or records as may be relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make
available to appropriate industry partners a plan for
the implementation of the Program.

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

(A) Mechanisms that address privacy, na-
tional security, suitability or fitness,
credentialing, and human resources or military
recruitment processes.

(B) Such recommendations for legislative
or administrative action as the Security Execu-
tive Agent and the Suitability and Credentialing
Executive Agent consider appropriate to carry
out or improve the Program.

(f) PLAN FOR PILOT PROGRAM ON TWO-WAY INFOR-
MATION SHARING.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Se-
curity Executive Agent and the Suitability and
Credentialing Executive Agent shall jointly submit to
the appropriate congressional committees and make
available to appropriate industry partners a plan for
the implementation of a pilot program to assess the
feasibility and advisability of expanding the Program
to include the sharing of information held by the
Federal Government related to contract personnel
with the security office of the employers of those contractor personnel.

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

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

(g) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a review of the plans submitted under subsections (e)(1) and (f)(1) and utility and effectiveness of the programs described in such plans.
SEC. 10613. REPORT ON PROTECTIONS FOR CONFIDENTIALITY OF WHISTLEBLOWER-RELATED COMMUNICATIONS.

Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the Inspector General of the Intelligence Community, submit to the appropriate congressional committees a report detailing the controls employed by the intelligence community to ensure that continuous vetting programs, including those involving user activity monitoring, protect the confidentiality of whistleblower-related communications.

TITLE CVII—REPORTS AND OTHER MATTERS
Subtitle A—Matters Relating to Russia and Other Foreign Powers
SEC. 10701. LIMITATION RELATING TO ESTABLISHMENT OR SUPPORT OF CYBERSECURITY UNIT WITH THE RUSSIAN FEDERATION.

(a) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION.—

(1) IN GENERAL.—No amount may be expended by the Federal Government, other than the Department of Defense, to enter into or implement any bilateral agreement between the United States and the Russian Federation regarding cybersecurity, including the establishment or support of any cybersecurity unit, unless, at least 30 days prior to the conclusion of any such agreement, the Director of National Intelligence submits to the appropriate congressional committees a report on such agreement that includes the elements required by subsection (c).

(2) DEPARTMENT OF DEFENSE AGREEMENTS.—Any agreement between the Department of Defense and the Russian Federation regarding cybersecurity shall be conducted in accordance with section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).
(c) **ELEMENTS.**—If the Director submits a report under subsection (b) with respect to an agreement, such report shall include a description of each of the following:

1. The purpose of the agreement.
2. The nature of any intelligence to be shared pursuant to the agreement.
3. The expected value to national security resulting from the implementation of the agreement.
4. Such counterintelligence concerns associated with the agreement as the Director may have and such measures as the Director expects to be taken to mitigate such concerns.

(d) **RULE OF CONSTRUCTION.**—This section shall not be construed to affect any existing authority of the Director of National Intelligence, the Director of the Central Intelligence Agency, or another head of an element of the intelligence community, to share or receive foreign intelligence on a case-by-case basis.

**SEC. 10702. REPORT ON RETURNING RUSSIAN COMPOUNDS.**

(a) **COVERED COMPOUNDS DEFINED.**—In this section, the term “covered compounds” means the real property in New York, the real property in Maryland, and the real property in San Francisco, California, that were under the control of the Government of Russia in 2016 and were removed from such control in response to various
transgressions by the Government of Russia, including the
interference by the Government of Russia in the 2016
election in the United States.

(b) REQUIREMENT FOR REPORT.—Not later than
180 days after the date of the enactment of this Act, the
Director of National Intelligence shall submit to the con-
gressional intelligence committees, and the Committee on
Foreign Relations of the Senate and the Committee on
Foreign Affairs of the House of Representatives (only with
respect to the unclassified report), a report on the intel-
ligence risks of returning the covered compounds to Rus-
sian control.

(c) FORM OF REPORT.—The report required by this
section shall be submitted in classified and unclassified
forms.

SEC. 10703. ASSESSMENT OF THREAT FINANCE RELATING
TO RUSSIA.

(a) THREAT FINANCE DEFINED.—In this section,
the term “threat finance” means—

(1) the financing of cyber operations, global in-
fluence campaigns, intelligence service activities, pro-
iferation, terrorism, or transnational crime and
drug organizations;
(2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;

(3) sanctions evasion; and

(4) other forms of threat finance activity domestically or internationally, as defined by the President.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees a report containing an assessment of Russian threat finance. The assessment shall be based on intelligence from all sources, including from the Office of Terrorism and Financial Intelligence of the Department of the Treasury.

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

(1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the behest of—

(A) officials of the Government of Russia;
(B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;

(C) Russian nationals subject to sanctions under any other provision of law; or

(D) Russian oligarchs or organized criminals.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.

(3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia.

(4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.

(5) An identification of any resource and collection gaps.

(6) An identification of—
(A) entry points of money laundering by Russian and associated entities into the United States;
(B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have been or could be exploited in connection with Russian threat finance activities; and
(C) the counterintelligence threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.
(7) Any other matters the Director determines appropriate.
(d) FORM OF REPORT.—The report required under subsection (b) may be submitted in classified form.

SEC. 10704. NOTIFICATION OF AN ACTIVE MEASURES CAMPAIGN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the congressional intelligence committees;
(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
(C) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:
(A) The majority leader of the Senate.
(B) The minority leader of the Senate.
(C) The Speaker of the House of Representatives.
(D) The minority leader of the House of Representatives.

(b) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the Chairman and Vice Chairman or Ranking Member of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines there is credible information that a foreign power has, is,
or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.

(c) CONTENT OF NOTIFICATION.—Each notification required by subsection (b) shall include information concerning actions taken by the United States to expose or halt an attempt referred to in subsection (b).

SEC. 10705. NOTIFICATION OF TRAVEL BY ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES.

In carrying out the advance notification requirements set out in section 502 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 131 Stat. 825; 22 U.S.C. 254a note), the Secretary of State shall—

(1) ensure that the Russian Federation provides notification to the Secretary of State at least 2 business days in advance of all travel that is subject to such requirements by accredited diplomatic and consular personnel of the Russian Federation in the United States, and take necessary action to secure full compliance by Russian personnel and address any noncompliance; and
(2) provide notice of travel described in paragraph (1) to the Director of National Intelligence and the Director of the Federal Bureau of Investigation within 1 hour of receiving notice of such travel.

SEC. 10706. REPORT ON OUTREACH STRATEGY ADDRESSING THREATS FROM UNITED STATES ADVARIES TO THE UNITED STATES TECHNOLOGY SECTOR.

(a) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Armed Services, Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing outreach by the intelligence community and the Defense Intelligence Enterprise to United States industrial, commercial, scientific,
technical, and academic communities on matters relating
to the efforts of adversaries of the United States to ac-
quire critical United States technology, intellectual prop-
erty, and research and development information.

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

(1) A review of the current outreach efforts of
the intelligence community and the Defense Intel-
ligence Enterprise described in subsection (b), in-
cluding the type of information conveyed in the out-
reach.

(2) A determination of the appropriate element
of the intelligence community to lead such outreach
efforts.

(3) An assessment of potential methods for im-
proving the effectiveness of such outreach, including
an assessment of the following:

(A) Those critical technologies, infrastruc-
ture, or related supply chains that are at risk
from the efforts of adversaries described in sub-
section (b).

(B) The necessity and advisability of
granting security clearances to company or
community leadership, when necessary and ap-
propriate, to allow for tailored classified briefings on specific targeted threats.

(C) The advisability of partnering with entities of the Federal Government that are not elements of the intelligence community and relevant regulatory and industry groups described in subsection (b), to convey key messages across sectors targeted by United States adversaries.

(D) Strategies to assist affected elements of the communities described in subparagraph (C) in mitigating, deterring, and protecting against the broad range of threats from the efforts of adversaries described in subsection (b), with focus on producing information that enables private entities to justify business decisions related to national security concerns.

(E) The advisability of the establishment of a United States Government-wide task force to coordinate outreach and activities to combat the threats from efforts of adversaries described in subsection (b).

(F) Such other matters as the Director of National Intelligence may consider necessary.

(d) CONSULTATION ENCOURAGED.—In preparing the report required by subsection (b), the Director is encour-
aged to consult with other government agencies, think
tanks, academia, representatives of the financial industry,
or such other entities as the Director considers appro-
priate.

(e) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 10707. REPORT ON IRANIAN SUPPORT OF PROXY FORCES IN SYRIA AND LEBANON.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CON-
gress.—The term “appropriate committees of Con-
gress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Perma-

(2) ARMS OR RELATED MATERIAL.—The term “arms or related material” means—

(A) nuclear, biological, chemical, or radio-

logical weapons or materials or components of such weapons;
(B) ballistic or cruise missile weapons or materials or components of such weapons;

(C) destabilizing numbers and types of advanced conventional weapons;

(D) defense articles or defense services, as those terms are defined in paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act (22 U.S.C. 2794);

(E) defense information, as that term is defined in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403); or

(F) items designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on Iranian support of proxy forces in Syria and Lebanon and the threat posed to Israel, other United States regional allies, and other specified interests of the United States as a result of such support.

(c) MATTERS FOR INCLUSION.—The report required under subsection (b) shall include information relating to
the following matters with respect to both the strategic
and tactical implications for the United States and its al-
lies:

(1) A description of arms or related materiel
transferred by Iran to Hizballah since March 2011,
including the number of such arms or related mate-
riel and whether such transfer was by land, sea, or
air, as well as financial and additional technological
capabilities transferred by Iran to Hizballah.

(2) A description of Iranian and Iranian-con-
trolled personnel, including Hizballah, Shiite mili-
tias, and Iran’s Revolutionary Guard Corps forces,
operating within Syria, including the number and
geographic distribution of such personnel operating
within 30 kilometers of the Israeli borders with
Syria and Lebanon.

(3) An assessment of Hizballah’s operational
lessons learned based on its recent experiences in
Syria.

(4) A description of any rocket-producing facili-
ties in Lebanon for nonstate actors, including whether
such facilities were assessed to be built at the di-
rection of Hizballah leadership, Iranian leadership,
or in consultation between Iranian leadership and
Hizballah leadership.
(5) An analysis of the foreign and domestic supply chains that significantly facilitate, support, or otherwise aid Hizballah’s acquisition or development of missile production facilities, including the geographic distribution of such foreign and domestic supply chains.

(6) An assessment of the provision of goods, services, or technology transferred by Iran or its affiliates to Hizballah to indigenously manufacture or otherwise produce missiles.

(7) An identification of foreign persons that are based on credible information, facilitating the transfer of significant financial support or arms or related materiel to Hizballah.

(8) A description of the threat posed to Israel and other United States allies in the Middle East by the transfer of arms or related material or other support offered to Hizballah and other proxies from Iran.

(d) FORM OF REPORT.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.
SEC. 10708. ANNUAL REPORT ON IRANIAN EXPENDITURES SUPPORTING FOREIGN MILITARY AND TERRORIST ACTIVITIES.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to Congress a report describing Iranian expenditures in the previous calendar year on military and terrorist activities outside the country, including each of the following:

(1) The amount spent in such calendar year on activities by the Islamic Revolutionary Guard Corps, including activities providing support for—

(A) Hizballah;

(B) Houthi rebels in Yemen;

(C) Hamas;

(D) proxy forces in Iraq and Syria; or

(E) any other entity or country the Director determines to be relevant.

(2) The amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
SEC. 10709. EXPANSION OF SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES AND REPORT ON ESTABLISHMENT OF FOREIGN MALIGN INFLUENCE CENTER.

(a) SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES.—

(1) IN GENERAL.—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 50 U.S.C. 3001 note) is amended—

(A) in subsections (a) through (h)—

(i) by inserting ″, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state″ after ″Russian Federation″ each place it appears; and

(ii) by inserting ″, China, Iran, North Korea, or other nation state″ after ″Russia″ each place it appears; and

(B) in the section heading, by inserting ″,

THE PEOPLE’S REPUBLIC OF CHINA, THE ISLAMIC REPUBLIC OF IRAN, THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA, OR OTHER NATION STATE″ after ″RUSSIAN FEDERATION″.

†S 1790 ES18
(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 501 and inserting the following new item:

"Sec. 501. Committee to counter active measures by the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, and other nation states to exert covert influence over peoples and governments.",

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with such elements of the intelligence community as the Director considers relevant, shall submit to the congressional intelligence committees a report on the feasibility and advisability of establishing a center, to be known as the "Foreign Malign Influence Response Center", that—

(A) is comprised of analysts from all appropriate elements of the intelligence community, including elements with related diplomatic and law enforcement functions;

(B) has access to all intelligence and other reporting acquired by the United States Government on foreign efforts to influence, through overt and covert malign activities, United States political processes and elections;
(C) provides comprehensive assessment, and indications and warning, of such activities; and

(D) provides for enhanced dissemination of such assessment to United States policy makers.

(2) CONTENTS.—The Report required by paragraph (1) shall include the following:

(A) A discussion of the desirability of the establishment of such center and any barriers to such establishment.

(B) Such recommendations and other matters as the Director considers appropriate.

Subtitle B—Reports

SEC. 10711. TECHNICAL CORRECTION TO INSPECTOR GENERAL STUDY.

Section 11001(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking “AUDIT” and inserting “REVIEW”;

(2) in paragraph (1), by striking “audit” and inserting “review”; and

(3) in paragraph (2), by striking “audit” and inserting “review”.

†S 1790 ES1S
SEC. 10712. REPORTS ON AUTHORITIES OF THE CHIEF INTELLIGENCE OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(2) HOMELAND SECURITY INTELLIGENCE ENTERPRISE.—The term “Homeland Security Intelligence Enterprise” has the meaning given such term in Department of Homeland Security Instruction Number 264–01–001, or successor authority.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Under Secretary of Homeland Security for Intelligence and Analysis, shall submit to the appropriate committees of Congress a report on the authorities of the Under Secretary.

(c) ELEMENTS.—The report required by subsection (b) shall include each of the following:
(1) An analysis of whether the Under Secretary has the legal and policy authority necessary to organize and lead the Homeland Security Intelligence Enterprise, with respect to intelligence, and, if not, a description of—

(A) the obstacles to exercising the authorities of the Chief Intelligence Officer of the Department and the Homeland Security Intelligence Council, of which the Chief Intelligence Officer is the chair; and

(B) the legal and policy changes necessary to effectively coordinate, organize, and lead intelligence activities of the Department of Homeland Security.

(2) A description of the actions that the Secretary has taken to address the inability of the Under Secretary to require components of the Department, other than the Office of Intelligence and Analysis of the Department to—

(A) coordinate intelligence programs; and

(B) integrate and standardize intelligence products produced by such other components.

SEC. 10713. REPORT ON CYBER EXCHANGE PROGRAM.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Director of National In-
Intelligence shall submit to the congressional intelligence committees a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—

(1) an employee of an element of the intelligence community with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to a private technology company that has elected to receive the detailee; and

(2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to an element of the intelligence community that has elected to receive the detailee.

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

(1) An assessment of the feasibility of establishing the exchange program described in such subsection.

(2) Identification of any challenges in establishing the exchange program.
(3) An evaluation of the benefits to the intelligence community that would result from the exchange program.

SEC. 10714. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.

(a) Review of Whistleblower Matters.—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the National Reconnaissance Office, shall conduct a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.

(b) Objective of Review.—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters to appropriate inspectors general and to the congressional intelligence committees, and the fair and expeditious investigation and resolution of such matters.

(c) Conduct of Review.—The Inspector General of the Intelligence Community shall take such measures as
the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of intelligence community whistleblower matters to inspectors general and to the congressional intelligence committees and the fair and expeditious investigation and resolution of such matters.

SEC. 10715. REPORT ON ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks asso-
associated with potential foreign investments into the United States.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the current process for the provision of the analytic materials described in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and

(3) recommendations to improve such process.

SEC. 10716. REPORT ON SURVEILLANCE BY FOREIGN GOVERNMENTS AGAINST UNITED STATES TELECOMMUNICATIONS NETWORKS.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate.
(3) The Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security, submit to the appropriate congressional committees a report describing—

(1) any attempts known to the intelligence community by foreign governments to exploit cybersecurity vulnerabilities in United States telecommunications networks (including Signaling System No. 7) to target for surveillance United States persons, including employees of the Federal Government; and

(2) any actions, as of the date of the enactment of this Act, taken by the intelligence community to protect agencies and personnel of the United States Government from surveillance conducted by foreign governments.
SEC. 10717. BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.

(a) INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.—

(1) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish an intelligence community interagency working group to prepare the biennial reports required by subsection (b).

(2) CHAIRPERSON.—The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(3) MEMBERSHIP.—Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Home-
land Security of the House of Representatives a report on foreign investment risks prepared by the interagency working group established under subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include identification, analysis, and explanation of the following:

(A) Any current or projected major threats to the national security of the United States with respect to foreign investment.

(B) Any strategy used by a foreign country that such interagency working group has identified to be a country of special concern to use foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

(C) Any economic espionage efforts directed at the United States by a foreign country, particularly such a country of special concern.
SEC. 10718. MODIFICATION OF CERTAIN REPORTING REQUIREMENT ON TRAVEL OF FOREIGN DIPLOMATS.

Section 502(d)(2) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31) is amended by striking “the number” and inserting “a best estimate”.

SEC. 10719. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

“SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

“(a) Definitions.—In this section:

“(1) Covered official.—The term ‘covered official’ means—

“(A) the heads of each element of the intelligence community; and

“(B) the inspectors general with oversight responsibility for an element of the intelligence community.

“(2) Investigation.—The term ‘investigation’ means any inquiry, whether formal or informal, into
the existence of an unauthorized public disclosure of classified information.

“(3) Unauthorized disclosure of classified information.—The term ‘unauthorized disclosure of classified information’ means any unauthorized disclosure of classified information to any recipient.

“(4) Unauthorized public disclosure of classified information.—The term ‘unauthorized public disclosure of classified information’ means the unauthorized disclosure of classified information to a journalist or media organization.

“(b) Intelligence Community Reporting.—

“(1) In general.—Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

“(2) Elements.—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

“(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.
“(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

“(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

“(e) DEPARTMENT OF JUSTICE REPORTING.—

“(1) IN GENERAL.—Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.
“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

“(A) The date the referral was received.

“(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

“(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

“(D) A statement indicating whether an open criminal investigation related to the referral is active.

“(E) A statement indicating whether any criminal charges have been filed related to the referral.

“(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

“(d) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.”.
(b) Clerical Amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Semiannual reports on investigations of unauthorized disclosures of classified information.”.

SEC. 10720. CONGRESSIONAL NOTIFICATION OF DESIGNATION OF COVERED INTELLIGENCE OFFICER AS PERSONA NON GRATA.

(a) Covered Intelligence Officer Defined.—In this section, the term “covered intelligence officer” means—

(1) a United States intelligence officer serving in a post in a foreign country; or

(2) a known or suspected foreign intelligence officer serving in a United States post.

(b) Requirement for Reports.—Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

(1) the date of the designation;
(2) the basis for the designation; and
(3) a justification for the expulsion.

SEC. 10721. REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS OF FEDERAL GOVERNMENT.

(a) DEFINITIONS.—In this section:


(2) VULNERABILITIES EQUITIES PROCESS.—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) VULNERABILITY.—The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) REPORTS ON PROCESS AND CRITERIA UNDER VULNERABILITIES EQUITIES POLICY AND PROCESS.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

(i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and

(ii) the process used by such element to make such determination; and

(B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) CHANGES TO PROCESS OR CRITERIA.—Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under
the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

(3) Form of reports.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) Annual reports.—

(1) In general.—Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as de-
scribed in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) UNCLASSIFIED INFORMATION.—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) NON-DUPLICATION.—The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.
SEC. 10722. INSPECTORS GENERAL REPORTS ON CLASSIFICATION.

(a) Reports Required.—Not later than October 1, 2019, each Inspector General listed in subsection (b) shall submit to the congressional intelligence committees a report that includes, with respect to the department or agency of the Inspector General, analyses of the following:

(1) The accuracy of the application of classification and handling markers on a representative sample of finished reports, including such reports that are compartmented.

(2) Compliance with declassification procedures.

(3) The effectiveness of processes for identifying topics of public or historical importance that merit prioritization for a declassification review.

(b) Inspectors General Listed.—The Inspectors General listed in this subsection are as follows:

(1) The Inspector General of the Intelligence Community.

(2) The Inspector General of the Central Intelligence Agency.

(3) The Inspector General of the National Security Agency.

(5) The Inspector General of the National Reconnaissance Office.

(6) The Inspector General of the National Geospatial-Intelligence Agency.

**SEC. 10723. REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS AND BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.**

(a) **REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS.**—

(1) **REPORTS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the implications of water insecurity on the national security interest of the United States, including consideration of social, economic, agricultural, and environmental factors.

(2) **ASSESSMENT SCOPE AND FOCUS.**—Each report submitted under paragraph (1) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—
(A) of strategic, economic, or humanitarian interest to the United States—

(i) that are, as of the date of the report, at the greatest risk of instability, conflict, human insecurity, or mass displacement; or

(ii) where challenges relating to water insecurity are likely to emerge and become significant during the 5-year or the 20-year period beginning on the date of the report; and

(B) where challenges relating to water insecurity are likely to imperil the national security interests of the United States or allies of the United States.

(3) CONSULTATION.—In researching a report required by paragraph (1), the Director shall consult with—

(A) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and

(B) such additional Federal agencies and persons in the private sector as the Director considers appropriate.
(4) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the appropriate congressional committees a briefing on the anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and
pandemics, and their implications on the national se-
curity of the United States.

(3) CONTENT.—The briefing under paragraph
(2) shall include an assessment of—

(A) the economic, social, political, and se-
curity risks, costs, and impacts of emerging in-
fecious diseases on the United States and the
international political and economic system;

(B) the economic, social, political, and se-
curity risks, costs, and impacts of a major
transnational pandemic on the United States
and the international political and economic
system; and

(C) contributing trends and factors to the
matters assessed under subparagraphs (A) and
(B).

(4) EXAMINATION OF RESPONSE CAPACITY.—In
examining the risks, costs, and impacts of emerging
infectious disease and a possible transnational pan-
demic under paragraph (3), the Director of National
Intelligence shall also examine in the briefing under
paragraph (2) the response capacity within affected
countries and the international system. In consid-
ering response capacity, the Director shall include—
(A) the ability of affected nations to effectively detect and manage emerging infectious diseases and a possible transnational pandemic;

(B) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

(C) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

(5) FORM.—The briefing under paragraph (2) may be classified.

SEC. 10724. ANNUAL REPORT ON MEMORANDA OF UNDERSTANDING BETWEEN ELEMENTS OF INTELLIGENCE COMMUNITY AND OTHER ENTITIES OF THE UNITED STATES GOVERNMENT REGARDING SIGNIFICANT OPERATIONAL ACTIVITIES OR POLICY.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2017 (50 U.S.C. 3313) is amended—

(1) by redesignating subsection (b) as subsection (e); and
(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recently completed fiscal year between or among such element and any other entity of the United States Government.

“(b) PROVISION OF DOCUMENTS.—Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.”.
SEC. 10725. STUDY ON THE FEASIBILITY OF ENCRYPTING UNCLASSIFIED WIRELINE AND WIRELESS TELEPHONE CALLS.

(a) Study Required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a study on the feasibility of encrypting unclassified wireline and wireless telephone calls between personnel in the intelligence community.

(b) Report.—Not later than 90 days after the date on which the Director completes the study required by subsection (a), the Director shall submit to the congressional intelligence committees a report on the Director’s findings with respect to such study.

SEC. 10726. MODIFICATION OF REQUIREMENT FOR ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.

(a) Expansion of Period of Report.—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by inserting “and the preceding 5 fiscal years” after “fiscal year”.

(b) Clarification on Disaggregation of Data.—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking “disaggregated data by category of covered person from each element of the intelligence community” and inserting “data,
disaggregated by category of covered person and by element of the intelligence community,”.

SEC. 10727. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RELATED PROGRAMS.

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

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence com-
munity and publicly promoted by each element of
the intelligence community to both current employ-
ees of the element as well as to prospective employ-
ees of the element.

(b) REPORT ON POTENTIAL INTELLIGENCE COMMU-
NITY-WIDE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Di-
rector of National Intelligence, in cooperation with
the heads of the elements of the intelligence commu-
nity and the heads of any other appropriate depart-
ment or agency of the Federal Government, shall
submit to the congressional intelligence committees a
report on potentially establishing and carrying out
an intelligence community-wide program for student
loan repayment, student loan forgiveness, financial
counseling, and related matters, as described in sub-
section (a).

(2) MATTERS INCLUDED.—The report under
paragraph (1) shall include, at a minimum, the fol-
lowering:

(A) A description of the financial resources
that the elements of the intelligence community
would require to establish and initially carry
out the program specified in paragraph (1).
(B) A description of the practical steps to establish and carry out such a program.

(C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.

(c) **Annual Reports on Established Programs.**—

(1) **Covered Programs Defined.**—In this subsection, the term “covered programs” means any loan repayment program, loan forgiveness program, financial counseling program, or similar program, established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or any other provision of law that may be administered or used by an element of the intelligence community.

(2) **Annual Reports Required.**—Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the covered programs. Each such report shall include, with respect to the period covered by the report, the following:

(A) The number of personnel from each element of the intelligence community who used each covered program.
(B) The total amount of funds each element expended for each such program.

(C) A description of the efforts made by each element to promote each covered program pursuant to both the personnel of the element of the intelligence community and to prospective personnel.

SEC. 10728. REPEAL OF CERTAIN REPORTING REQUIREMENTS.


(b) Interagency Threat Assessment and Coordination Group.—Section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (i) as subsections (e) through (h), respectively; and

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

(A) in paragraph (8), by striking “; and” and inserting a period; and

(B) by striking paragraph (9).

(1) by striking subsection (g); and

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

SEC. 10729. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Senior Executive Service Position Defined.—In this section, the term “Senior Executive Service position” has the meaning given that term in section 3132(a)(2) of title 5, United States Code, and includes any position above the GS–15, step 10, level of the General Schedule under section 5332 of such title.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.

(c) Matters Included.—The report under subsection (b) shall include the following:
(1) The number of required Senior Executive Service positions for the Office of the Director of National Intelligence.

(2) Whether such requirements are reasonably based on the mission of the Office.

(3) A discussion of how the number of the Senior Executive Service positions in the Office compare to the number of senior positions at comparable organizations.

(d) COOPERATION.—The Director of National Intelligence shall provide to the Inspector General of the Intelligence Community any information requested by the Inspector General of the Intelligence Community that is necessary to carry out this section by not later than 14 calendar days after the date on which the Inspector General of the Intelligence Community makes such request.

SEC. 10730. BRIEFING ON FEDERAL BUREAU OF INVESTIGATION OFFERING PERMANENT RESIDENCE TO SOURCES AND COOPERATORS.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an inducement to assisting the Bureau, permanent residence within the United States to
foreign individuals who are sources or cooperators in counterintelligence or other national security-related investigations. The briefing shall address the following:

(1) The extent to which the Bureau may make such offers, whether independently or in conjunction with other agencies and departments of the United States Government, including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (50 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) An overview of the policies and operational practices of the Bureau with respect to making such offers.

(3) The sufficiency of such policies and practices with respect to inducing individuals to cooperate with, serve as sources for such investigations, or both.

(4) Whether the Director recommends any legislative actions to improve such policies and practices, particularly with respect to the counterintelligence efforts of the Bureau.
SEC. 10731. INTELLIGENCE ASSESSMENT OF NORTH KOREA

REVENUE SOURCES.

(a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of State for Intelligence and Research and the Assistant Secretary of the Treasury for Intelligence and Analysis, shall produce an intelligence assessment of the revenue sources of the North Korean regime. Such assessment shall include revenue from the following sources:

(1) Trade in coal, iron, and iron ore.

(2) The provision of fishing rights to North Korean territorial waters.

(3) Trade in gold, titanium ore, vanadium ore, copper, silver, nickel, zinc, or rare earth minerals, and other stores of value.

(4) Trade in textiles.

(5) Sales of conventional defense articles and services.

(6) Sales of controlled goods, ballistic missiles, and other associated items.

(7) Other types of manufacturing for export, as the Director of National Intelligence considers appropriate.
(8) The exportation of workers from North Korea in a manner intended to generate significant revenue, directly or indirectly, for use by the government of North Korea.

(9) The provision of nonhumanitarian goods (such as food, medicine, and medical devices) and services by other countries.

(10) The provision of services, including banking and other support, including by entities located in the Russian Federation, China, and Iran.

(11) Online commercial activities of the Government of North Korea, including online gambling.

(12) Criminal activities, including cyber-enabled crime and counterfeit goods.

(b) ELEMENTS.—The assessment required under subsection (a) shall include an identification of each of the following:

(1) The sources of North Korea’s funding.

(2) Financial and non-financial networks, including supply chain management, transportation, and facilitation, through which North Korea accesses the United States and international financial systems and repatriates and exports capital, goods, and services; and
(3) the global financial institutions, money serv-
tices business, and payment systems that assist
North Korea with financial transactions.

(c) SUBMITTAL TO CONGRESS.—Upon completion of
the assessment required under subsection (a), the Director
of National Intelligence shall submit to the congressional
intelligence committees a copy of such assessment.

SEC. 10732. REPORT ON POSSIBLE EXPLOITATION OF VIRTU-
TUAL CURRENCIES BY TERRORIST ACTORS.

(a) SHORT TITLE.—This section may be cited as the
“Stop Terrorist Use of Virtual Currencies Act”.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Director of National In-
telligence, in consultation with the Secretary of the Treas-
ury, shall submit to Congress a report on the possible ex-
ploration of virtual currencies by terrorist actors. Such
report shall include the following elements:

(1) An assessment of the means and methods
by which international terrorist organizations and
State sponsors of terrorism use virtual currencies.

(2) An assessment of the use by terrorist orga-
nizations and State sponsors of terrorism of virtual
currencies compared to the use by such organiza-
tions and States of other forms of financing to sup-
port operations, including an assessment of the col-
lection posture of the intelligence community on the
use of virtual currencies by such organizations and
States.

(3) A description of any existing legal impedi-
ments that inhibit or prevent the intelligence com-
community from collecting information on or helping
prevent the use of virtual currencies by international
terrorist organizations and State sponsors of ter-
rorism and an identification of any gaps in existing
law that could be exploited for illicit funding by such
organizations and States.

(c) FORM OF REPORT.—The report required by sub-
section (b) shall be submitted in unclassified form, but
may include a classified annex.

Subtitle C—Other Matters

SEC. 10741. PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 710(b) of the Public Interest Declassification
is amended by striking “December 31, 2018” and insert-
ing “December 31, 2028”.

SEC. 10742. SECURING ENERGY INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriae congressional com-
mittees” means—
(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) INDUSTRIAL CONTROL SYSTEM.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control
systems, and programmable logic or embedded controllers.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) PROGRAM.—The term “Program” means the pilot program established under subsection (b).

(7) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Energy.

(8) SECURITY VULNERABILITY.—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(b) PILOT PROGRAM FOR SECURING ENERGY INFRASTRUCTURE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and
(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

(A) analog and nondigital control systems;
(B) purpose-built control systems; and
(C) physical controls.

(e) Working Group to Evaluate Program Standards and Develop Strategy.—

(1) Establishment.—The Secretary shall establish a working group—

(A) to evaluate the technology and standards used in the Program under subsection (b)(2); and

(B) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(2) Membership.—The working group established under paragraph (1) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:
(A) The Department of Energy.

(B) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

(C)(i) The Department of Homeland Security; or

(ii) the Industrial Control Systems Cyber Emergency Response Team.


(E) The Nuclear Regulatory Commission.

(F)(i) The Office of the Director of National Intelligence; or

(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(G)(i) The Department of Defense; or

(ii) the Assistant Secretary of Defense for Homeland Security and America’s Security Affairs.

(H) A State or regional energy agency.

(I) A national research body or academic institution.

(J) The National Laboratories.

(d) REPORTS ON THE PROGRAM.—
(1) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees an interim report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(2) FINAL REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(e) EXEMPTION FROM DISCLOSURE.—Information shared by or with the Federal Government or a State, Tribal, or local government under this section—
(1) shall be deemed to be voluntarily shared information;

(2) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

(3) shall be withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, and any provision of any State, Tribal, or local law requiring the disclosure of information or records.

(f) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b)—

(A) shall not lie or be maintained in any court; and

(B) shall be promptly dismissed by the applicable court.

(2) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not
engaging in the voluntary activities authorized under subsection (b).

(g) **No New Regulatory Authority for Federal Agencies.**—Nothing in this section authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

(h) **Authorization of Appropriations.**—

(1) **Pilot Program.**—There is authorized to be appropriated $10,000,000 to carry out subsection (b).

(2) **Working Group and Report.**—There is authorized to be appropriated $1,500,000 to carry out subsections (c) and (d).

(3) **Availability.**—Amounts made available under paragraphs (1) and (2) shall remain available until expended.

**SEC. 10743. BUG BOUNTY PROGRAMS.**

(a) **Definitions.**—In this section:

(1) **Appropriate Committees of Congress.**—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;
(B) the Committee on Armed Services and
the Committee on Homeland Security and Gov-
ernmental Affairs of the Senate; and

(C) the Committee on Armed Services and
the Committee on Homeland Security of the
House of Representatives.

(2) BUG BOUNTY PROGRAM.—The term “bug
bounty program” means a program under which an
approved computer security specialist or security re-
searcher is temporarily authorized to identify and re-
port vulnerabilities within the information system of
an agency or department of the United States in ex-
change for compensation.

(3) INFORMATION SYSTEM.—The term “infor-
mation system” has the meaning given that term in
section 3502 of title 44, United States Code.

(b) BUG BOUNTY PROGRAM PLAN.—

(1) REQUIREMENT.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Homeland Security, in consultation with
the Secretary of Defense, shall submit to appro-
priate committees of Congress a strategic plan for
appropriate agencies and departments of the United
States to implement bug bounty programs.
(2) CONTENTS.—The plan required by paragraph (1) shall include—

(A) an assessment of—

(i) the “Hack the Pentagon” pilot program carried out by the Department of Defense in 2016 and subsequent bug bounty programs in identifying and reporting vulnerabilities within the information systems of the Department of Defense; and

(ii) private sector bug bounty programs, including such programs implemented by leading technology companies in the United States; and

(B) recommendations on the feasibility of initiating bug bounty programs at appropriate agencies and departments of the United States.

SEC. 10744. MODIFICATION OF AUTHORITIES RELATING TO THE NATIONAL INTELLIGENCE UNIVERSITY.

(a) CIVILIAN FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.—

(1) IN GENERAL.—Section 1595(c) of title 10, United States Code, is amended by adding at the end the following:

“(5) The National Intelligence University.”.
(2) Compensation Plan.—The Secretary of Defense shall provide each person employed as a full-time professor, instructor, or lecturer at the National Intelligence University on the date of the enactment of this Act an opportunity to elect to be paid under the compensation plan in effect on the day before the date of the enactment of this Act (with no reduction in pay) or under the authority of section 1595 of title 10, United States Code, as amended by paragraph (1).

(b) Acceptance of Faculty Research Grants.—Section 2161 of such title is amended by adding at the end the following:

"(d) Acceptance of Faculty Research Grants.—The Secretary of Defense may authorize the President of the National Intelligence University to accept qualifying research grants in the same manner and to the same degree as the President of the National Defense University under section 2165(e) of this title."

(c) Pilot Program on Admission of Private Sector Civilians to Receive Instruction.—

(1) Pilot Program Required.—

(A) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence
carrying out a pilot program to assess the feasibility and advisability of permitting eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Intelligence University.

(B) DURATION.—The Secretary shall carry out the pilot program during the 3-year period beginning on the date of the commencement of the pilot program.

(C) EXISTING PROGRAM.—The Secretary shall carry out the pilot program in a manner that is consistent with section 2167 of title 10, United States Code.

(D) NUMBER OF PARTICIPANTS.—No more than the equivalent of 35 full-time student positions may be filled at any one time by private sector employees enrolled under the pilot program.

(E) DIPLOMAS AND DEGREES.—Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2161 of title 10, United States Code.
(2) Eligible private sector employees.—

(A) In general.—For purposes of this subsection, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense, the intelligence community, or other Government departments or agencies significant and substantial intelligence or defense-related systems, products, or services or whose work product is relevant to national security policy or strategy.

(B) Limitation.—Under this subsection, a private sector employee admitted for instruction at the National Intelligence University remains eligible for such instruction only so long as that person remains employed by the same firm, holds appropriate security clearances, and complies with any other applicable security protocols.

(3) Annual certification by Secretary of Defense.—Under the pilot program, private sector employees may receive instruction at the National Intelligence University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the
Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further the national security interests of the United States.

(4) PILOT PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

(A) the curriculum in which private sector employees may be enrolled under the pilot program is not readily available through other schools and concentrates on national security-relevant issues; and

(B) the course offerings at the National Intelligence University are determined by the needs of the Department of Defense and the intelligence community.

(5) TUITION.—The President of the National Intelligence University shall charge students enrolled under the pilot program a rate that—

(A) is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs; and

(B) considers the value to the school and course of the private sector student.
(6) **Standards of Conduct.**—While receiving instruction at the National Intelligence University, students enrolled under the pilot program, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

(7) **Use of Funds.**—

(A) **In General.**—Amounts received by the National Intelligence University for instruction of students enrolled under the pilot program shall be retained by the university to defray the costs of such instruction.

(B) **Records.**—The source, and the disposition, of such funds shall be specifically identified in records of the university.

(8) **Reports.**—

(A) **Annual Reports.**—Each academic year in which the pilot program is carried out, the Secretary shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the number of eligible
private sector employees participating in the
pilot program.

(B) Final report.—Not later than 90
days after the date of the conclusion of the pilot
program, the Secretary shall submit to the con-
gressional intelligence committees, the Com-
mittee on Armed Services of the Senate, and
the Committee on Armed Services of the House
of Representatives a report on the findings of
the Secretary with respect to the pilot program.
Such report shall include—

(i) the findings of the Secretary with
respect to the feasibility and advisability
of permitting eligible private sector em-
ployees who work in organizations relevant
to national security to receive instruction
at the National Intelligence University;
and

(ii) a recommendation as to whether
the pilot program should be extended.

SEC. 10745. TECHNICAL AND CLERICAL AMENDMENTS TO
THE NATIONAL SECURITY ACT OF 1947.

(a) Table of Contents.—The table of contents at
the beginning of the National Security Act of 1947 (50
U.S.C. 3001 et seq.) is amended—
(1) by inserting after the item relating to section 2 the following new item:

"Sec. 3. Definitions."

(2) by striking the item relating to section 107;

(3) by striking the item relating to section 113B and inserting the following new item:

"Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions."

(4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214; and

(5) by inserting after the item relating to section 311 the following new item:

"Sec. 312. Repealing and saving provisions."

(b) Other Technical Corrections.—Such Act is further amended—

(1) in section 102A—

(A) in subparagraph (G) of paragraph (1) of subsection (g), by moving the margins of such subparagraph 2 ems to the left; and

(B) in paragraph (3) of subsection (v), by moving the margins of such paragraph 2 ems to the left;

(2) in section 106—

(A) by inserting "SEC. 106" before "(a)"; and
(B) in subparagraph (I) of paragraph (2) of subsection (b), by moving the margins of such subparagraph 2 ems to the left;

(3) by striking section 107;

(4) in section 108(e), by striking “in both a classified and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”;

(5) in section 112(c)(1), by striking “section 103(c)(7)” and inserting “section 102A(i)”;

(6) by amending section 201 to read as follows:

“SEC. 201. DEPARTMENT OF DEFENSE.

“Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.”;

(7) in section 205, by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(8) in section 206, by striking “(a)”;

(9) in section 207, by striking “(c)”;

(10) in section 308(a), by striking “this Act” and inserting “sections 2, 101, 102, 103, and 303 of this Act”;

(11) by redesignating section 411 as section 312;
(12) in section 503—

(A) in paragraph (5) of subsection (c)—

(i) by moving the margins of such paragraph 2 ems to the left; and

(ii) by moving the margins of sub-paragraph (B) of such paragraph 2 ems to the left; and

(B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the left; and

(13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.

SEC. 10746. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.—Section 3233(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—

(1) by striking “Administration” and inserting “Department”; and

(2) by inserting “Intelligence and” after “the Office of”.

(b) ATOMIC ENERGY DEFENSE ACT.—Section 4524(b)(2) of the Atomic Energy Defense Act (50 U.S.C.
1723

2674(b)(2)) is amended by inserting “Intelligence and”
2 after “The Director of”.
3
4 (c) NATIONAL SECURITY ACT OF 1947.—Paragraph
5 (2) of section 106(b) of the National Security Act of 1947
6 (50 U.S.C. 3041(b)(2)) is amended—
7
8 (1) in subparagraph (E), by inserting “and
9 Counterintelligence” after “Office of Intelligence”;
10 (2) by striking subparagraph (F);
11 (3) by redesignating subparagraphs (G), (H),
12 and (I) as subparagraphs (F), (G), and (H), respec-
13 tively; and
14 (4) in subparagraph (H), as so redesignated, by
15 realigning the margin of such subparagraph 2 ems
16 to the left.

SEC. 10747. SENSE OF CONGRESS ON NOTIFICATION OF
17 CERTAIN DISCLOSURES OF CLASSIFIED IN-
18 FORMATION.
19
20 (a) DEFINITIONS.—In this section:
21
22 (1) ADVERSARY FOREIGN GOVERNMENT.—The
term “adversary foreign government” means the
government of any of the following foreign countries:
23 (A) North Korea.
24 (B) Iran.
25 (C) China.
26 (D) Russia.
(E) Cuba.

(2) COVERED CLASSIFIED INFORMATION.—The term “covered classified information” means classified information that was—

(A) collected by an element of the intelligence community; or

(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(3) ESTABLISHED INTELLIGENCE CHANNELS.—The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(4) INDIVIDUAL IN THE EXECUTIVE BRANCH.—The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

(A) occupying a position specified in article II of the Constitution;

(B) appointed to a position by an individual described in subparagraph (A); or
(C) serving in the civil service or the Senior Executive Service (or similar service for senior executives of particular departments or agencies).

(b) FINDINGS.—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities * * * which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3092), together with other intelligence community authorities, obligates an element of the intelligence community to submit to the congressional intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of
an adversary foreign government using methods
other than established intelligence channels; and

(2) each such notification should include—

(A) the date and place of the disclosure of
classified information covered by the notification;

(B) a description of such classified information;

(C) identification of the individual who
made such disclosure and the individual to
whom such disclosure was made; and

(D) a summary of the circumstances of
such disclosure.

SEC. 10748. SENSE OF CONGRESS ON CONSIDERATION OF
ESPIONAGE ACTIVITIES WHEN CONSIDERING
WHETHER OR NOT TO PROVIDE VISAS TO
FOREIGN INDIVIDUALS TO BE ACCREDITED
TO A UNITED NATIONS MISSION IN THE
UNITED STATES.

It is the sense of the Congress that the Secretary of
State, in considering whether or not to provide a visa to
a foreign individual to be accredited to a United Nations
mission in the United States, should consider—

(1) known and suspected intelligence activities,

espionage activities, including activities constituting
precursors to espionage, carried out by the individual against the United States, foreign allies of the United States, or foreign partners of the United States; and

(2) the status of an individual as a known or suspected intelligence officer for a foreign adversary.

SEC. 10749. SENSE OF CONGRESS ON WIKILEAKS.

It is the sense of Congress that WikiLeaks and the senior leadership of WikiLeaks resemble a nonstate hostile intelligence service often abetted by state actors and should be treated as such a service by the United States.

Passed the Senate June 27, 2019.

Attest:

Secretary.
AN ACT

To authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and for other purposes.

116th CONGRESS
1ST SESSION
S. 1790

AN ACT